AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

9-24-93
Vol. 58 No. 184

federal register

Friday
September 24, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

9-24-93
Vol. 58 No. 184
Pages 49901-50242

federal register

Friday
September 24, 1993

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

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

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

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

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

(two briefings)

WHEN: October 19 at 9:00 am and 1:30 pm

WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 58, No. 184

Friday, September 24, 1993

Agency for Toxic Substances and Disease Registry
NOTICES
Hazardous substances releases and facilities; public health assessments and effects:
Quarterly listing, 50006

Agricultural Research Service
NOTICES
Inventions, Government-owned; availability for licensing, 49965

Agriculture Department
See Agricultural Research Service
See Forest Service
See Soil Conservation Service

Air Force Department
PROPOSED RULES
Aircraft:
U.S. Air Force airfields; civil aircraft use; policies, responsibilities, and procedures, 49951

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
Lake Wisconsin, WI, 49949

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Commerce Department
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind o Severely Disabled
NOTICES
Procurement list; additions and deletions, 49980, 49981

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 50085

Customs Service
RULES
Organization and functions; field organization, ports of entry, etc.:
Lehigh Valley, PA, 49922
NOTICES
Commercial gauger:
Approval—
Sanson Marine, Inc., 50082
Trade name recordation applications:
Redco Sales Co., 50082

Defense Department
See Air Force Department
PROPOSED RULES
Acquisition regulations:
Contractor accounting controls, 49958
Contractor insurance/pension review, 49960

Drug Enforcement Administration
RULES
Schedules of controlled substances:
Exempt anabolic steroid products, 49923

Education Department
RULES
Postsecondary education:
School, college, and university partnerships program, 50166
NOTICES
Agency information collection activities under OMB review, 49981
Grants and cooperative agreements; availability, etc.:
Direct grants programs and fellowship programs, 50138
Individuals with most severe disabilities; supported employment services and technical assistance projects and demonstrations, 49982
National assessment of educational progress data reporting program, 50134, 50135
Strengthening institutions and endowment challenge programs, 50220

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 50052

Energy Department
See Federal Energy Regulatory Commission
See Western Area Power Administration
NOTICES
Grant and cooperative agreement awards:
Aluminium Co. of America, 49983
Southwest Research Institute, 49984

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
Oregon, 49931
Hazardous waste program authorizations:
Alabama, 49932
PROPOSED RULES
Air programs:
Acid rain program—
Sulfur dioxide combustion sources; allowance market participation; opt-in rule, 50088
Air quality implementation plans; approval and promulgation; various States:
Minnesota, 49952
Air quality implementation plans; approval and promulgation; various States; and air quality planning purposes; designation of areas:
Minnesota, 49956
Ohio, 49954
NOTICES
Agency information collection activities under OMB review, 49994, 49995

Environmental statements; availability, etc.:
Agency statements—
Comment availability, 49995
Weekly receipts, 49996
Water pollution control:
National pollutant discharge elimination system; State programs—
Puerto Rico, 49996

Executive Office of the President
See Management and Budget Office
See Presidential Documents
See Trade Representative, Office of United States

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 50085

Federal Aviation Administration
RULES
Airworthiness directives:
Aerostar International, Inc., 49917
Practice and procedure:
Investigative and enforcement procedures; civil penalty actions; separation of functions, 50240
PROPOSED RULES
Airworthiness directives:
Cessna, 49943
General Electric Co., 49944
McDonnell Douglas, 49946
NOTICES
Airport noise compatibility program:
Glynco Jetport, GA, 50068
Reno Cannon International Airport, NV, 50069
Environmental statements; availability, etc.:
Provincetown Municipal Airport, MA; airport master plan improvements, 50070
Meetings:
Research, Engineering, and Development Advisory Committee, 50071
RTCA, Inc., 50071, 50072
Passenger facility charges; applications, etc.:
Walla Walla Regional Airport, WA, et al., 50072

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 50085

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Illinois, 50004
Missouri, 50004

Federal Energy Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Alabama Power Co., 49984
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Land Management Bureau, 49984
Applications, hearings, determinations, etc.:
ANR Pipeline Co. et al., 49985
Arkla Energy Resources Co., 49985
Eastern Shore Natural Gas Co., 49985
Natural Gas Pipeline Co. of America et al., 49986
Northwest Pipeline Corp., 49986, 49988
Pacific Gas Transmission Co., 49990
Tennessee Gas Pipeline Co., 49991
Texas Eastern Transmission Corp., 49991
Transwestern Pipeline Co., 49992
Tuscarora Gas Transmission Co., 49992
Williams Natural Gas Co., 49993

Federal Highway Administration
NOTICES
Meetings:
Commercial motor vehicles maintenance and inspection; standardized diagnostic device feasibility, 50081

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Central Bancshares of the South, Inc., 50004
Kuehl, Donald E., et al., 50005
Peoples Holding Co., 50005
Signal Bancshares, Inc., 50005
Southern National Corp. et al., 50005

Fish and Wildlife Service
RULES
Endangered and threatened species:
Louisiana pearlshell, 49935
Migratory bird hunting:
Federal Indian reservations and ceded lands, 50211
Seasons, limits, and shooting hours; establishment, etc., 50188
Correction, 50211
PROPOSED RULES
Endangered and threatened species:
Ortegon, etc. (Puerto Rican trees), 49960

Food and Drug Administration
NOTICES
Meetings:
Advisory committees, panels, etc., 50007

Forest Service
NOTICES
Environmental statements; availability, etc.:
Rocky Mountain Region; nursery pest management, 49965

Government Printing Office
NOTICES
Meetings:
Depository Library Council, 50006

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Care Financing Administration
See Health Resources and Services Administration
See National Institutes of Health
See Public Health Service

Health Care Financing Administration
RULES
Medicare:
Essential access community and rural primary care hospitals
Correction, 49934

Health Resources and Services Administration
See Public Health Service

NOTICES
Meetings; advisory committees:
October, 50008

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 50010

Immigration and Naturalization Service
RULES
Immigration:
Administrative naturalization, 49905
Nonimmigrant classes:
Deportability grounds and procedures; CFR correction, 49905

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See National Park Service
See Reclamation Bureau
See Surface Mining Reclamation and Enforcement Office

International Trade Commission
NOTICES
Import investigations:
Softwood lumber from Canada, 50051
Meetings; Sunshine Act, 50086

Interstate Commerce Commission
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 50051
Railroad operation, acquisition, construction, etc.:
Honey Creek Railroads, Inc., 50052

Justice Department
See Drug Enforcement Administration
See Immigration and Naturalization Service
NOTICES
Agency information collection activities under OMB review, 50052

Labor Department
See Employment Standards Administration
See Mine Safety and Health Administration

Land Management Bureau
NOTICES
Coal leases, exploration licenses, etc.:
Colorado, 50046
Environmental statements; availability, etc.:
Cajon Pipeline Project, CA, 50046
San Bernardino County, CA; indemnity selection and low-level radioactive waste facility, 50047
Realty actions; sales, leases, etc.:
Colorado, 50047
Utah, 50048
Wyoming; correction, 50048

Management and Budget Office
NOTICES
Federal financial reporting concepts statement; objectives; document availability, 50059

Minerals Management Service
RULES
Outer Continental Shelf; oil, gas, and sulphur operations:
Drilling and production; reporting and recordkeeping requirements, 49924

Mine Safety and Health Administration
NOTICES
Safety standard petitions:
Philippi Development, Inc., et al., 50054

National Aeronautics and Space Administration
NOTICES
Meetings:
Minority Business Resource Advisory Committee, 50057

National Archives and Records Administration
NOTICES
Senior Executive Service:
Performance Review Board; membership, 50057

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Literature Advisory Panel, 50057, 50058
Museum Advisory Panel, 50058, 50059

National Institutes of Health
NOTICES
Meetings:
National Institute on Aging, 50009

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Northeast multispecies, 49940
Pacific Coast groundfish, 49941
Summer flounder, 49937
NOTICES
Fishery conservation and management:
Highly migratory species; management process, 49966

National Park Service
NOTICES
Boundary establishment, descriptions, etc.:
New Jersey Coastal Heritage Trail Route, NJ, 50049
Meetings:
Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 50050
Mississippi River Coordinating Commission, 50050
Underground Railroad Advisory Committee, 50051

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Personnel Management Office
NOTICES
Agency information collection activities under OMB review, 50059

Presidential Documents
PROCLAMATIONS
Special observances:
Black Colleges and Universities Week, National (Proc. 6594), 49901

Farm Safety and Health Week, National (Proc. 6595), 49903

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Committees; establishment, renewal, termination, etc.:
National Vaccine Advisory Committee, 50009
Grant and cooperative agreement awards:
Howard University, 50009

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
Columbia Basin Project, WA, 50048

Research and Special Programs Administration
RULES
Hazardous materials:
Performance-oriented packaging standards—
Miscellaneous amendments, 50224

Securities and Exchange Commission
RULES
Investment companies:
Boards of directors; annual review requirements revision, 49919
NOTICES
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 50061
Philadelphia Stock Exchange, Inc., 50062
Applications, hearings, determinations, etc.:
Future Communications, Inc., 50063
Lehman Brothers Inc., 50063
Public utility holding company filings, 50065
Total Growth Trust, Treasuries and Growth Stock Series I, 50068

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Little Kentucky River Watershed, KY, 49966

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Virginia, 49928
PROPOSED RULES
Initial and permanent regulatory programs:
Underground mining activities—
Permit application requirements and performance standards, 50174

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
Annual review (1992); country practice reviews; hearings, 50060
Russia, Ukraine, Azerbaijan, and Tajikistan:
Primary aluminum production activities, 50061

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Research and Special Programs Administration

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Customs Service
NOTICES
Agency information collection activities under OMB review, 50081, 50082

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Secondary school exchange initiative; two-way academic exchange with the newly independent states (NIS), 50083

Western Area Power Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Integrated resource planning mutual assistance program, 49993

Separate Parts In This Issue

Part II
Environmental Protection Agency, 50088

Part III
Education Department, 50134

Part IV
Education Department, 50138

Part V
Education Department, 50166

Part VI
Interior Department, Surface Mining and Reclamation and Enforcement Office, 50174

Part VII
Interior Department, Fish and Wildlife Service, 50188

Part VIII
Education Department, 50220

Part IX
Transportation Department, Research and Special Programs Administration, 50224

Part X
Transportation Department, Federal Aviation Administration, 50240

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

6594.....49901
6595.....49903

8 CFR

214.....49905
292.....49905
299.....49905
310.....49905
312.....49905
313.....49905
316.....49905
322.....49905
329.....49905
334.....49905
335.....49905
336.....49905
337.....49905
338.....49905
339.....49905
343b.....49905
499.....49905

14 CFR

13.....50240
39.....49917

Proposed Rules:

39 (3 documents).....49943, 49944, 49946

17 CFR

270.....49919

19 CFR

101.....49922
122.....49922

21 CFR

1308.....49923

27 CFR

Proposed Rules:

9.....49949

30 CFR

250.....49924
946.....49928

Proposed Rules:

701.....50174
784.....50174
817.....50174

32 CFR

Proposed Rules:

855.....49951

34 CFR

610.....50166

40 CFR

81.....49931
271.....49932

Proposed Rules:

52 (3 documents).....49952, 49954, 49956
72.....50088
73.....50088
74.....50088
75.....50088
78.....50088
81.....49956

42 CFR

485.....49934

48 CFR

Proposed Rules:

209.....49958
242 (2 documents).....49958, 49960
252.....49958
253.....49958

49 CFR

171.....50224
172.....50224
173.....50224
174.....50224
177.....50224
178.....50224
179.....50224

50 CFR

17.....49935
20 (3 documents).....50188, 50211
625.....49937
651.....49940
663.....49941

Proposed Rules:

17.....49960

Federal Register
Vol. 58, No. 184
Friday, September 24, 1993

Presidential Documents

Title 3—

The President

Proclamation 6594 of September 21, 1993

National Historically Black Colleges and Universities Week, 1993

By the President of the United States of America

A Proclamation

Our Nation's historically Black colleges and universities have long been a beacon of hope, a door to advancement, and a source of pride for African Americans. Founded upon a commitment to equal opportunity and academic excellence, these distinguished institutions have enabled thousands of people to receive a quality education and to pursue distinguished careers in fields such as education, law, medicine, business, the arts, engineering, and the military.

Historically Black colleges and universities once offered African Americans their best, and often only, opportunities for higher education. Fortunately, the courts have now struck down legal barriers that forced the creation of separate schools for African Americans. Yet historically Black colleges and universities continue to play a vital role by adding to the diversity and caliber of the Nation's higher education system. Furthermore, these institutions remind all Americans of our obligation to uphold the principles of justice and equality enshrined in our Constitution.

By an Executive order issued on April 28, 1989, the President's Board of Advisors on Historically Black Colleges and Universities was established to advise the President and the Secretary of Education on strengthening these valued institutions. The Executive order directed Federal agencies to devise ways to increase the ability of historically Black colleges and universities to participate in Federally funded programs. It also underscored the importance of increasing private sector support for these schools through such devices and activities as matching funds programs, management assistance, technical development, and curriculum planning.

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 recognition of the rich heritage and prominent role in our country of historically Black colleges and universities, and of the many contributions these institutions and their graduates have made to our society, do hereby proclaim the period beginning September 19, 1993, and ending September 25, 1993, as National Historically Black Colleges and Universities Week. I call upon all Americans to observe this week with appropriate programs, ceremonies, and activities as an expression of their support for these important educational institutions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

[FR Doc. 93-23636
Filed 9-22-93; 2:49 pm]
Billing code 3195-01-P

Presidential Documents

Proclamation 6595 of September 21, 1993

National Farm Safety and Health Week, 1993

By the President of the United States of America

A Proclamation

The men and women who toil in America's agricultural sector endure many challenges and hardships in bringing to market their diverse and high quality foods and grains. This dedication to efficient production contributes significantly to the competitiveness of our Nation. Because we benefit from the bountiful harvests of these farmers and ranchers, it is fitting and appropriate that we observe National Farm Safety and Health Week to promote public awareness of the need for and the importance of agricultural worker health and safety.

For decades, much has been accomplished through initiatives aimed at providing a safer environment for farmers, ranchers, and farm workers. Significant engineering advances have provided guards, shields, and protective equipment, which reduce the hazards and risks associated with agriculture. Educators and concerned organizations have increased knowledge and changed attitudes and behaviors relating to safe work practices in the agricultural sector. However, there is still much to be accomplished.

The arena of agricultural worker health presents many challenges. Long hours, the pressures associated with growing crops and raising livestock, and the vagaries of weather contribute to the creation of stressful situations to both body and mind. For example, agricultural workers have been shown to be particularly susceptible to skin problems, most notably skin cancer, due to exposure to the sun. Prolonged periods of loud noise are contributing to higher than normal levels of permanent hearing loss among farmers and ranchers. Constant exposure to hazardous chemicals may also predispose workers to health problems. While farming and ranching offer their practitioners many great returns, it should be recognized that agricultural professions are among the most dangerous.

The next generation of farmers and ranchers is at special risk. Children are routinely exposed to powerful, complex farm equipment. Some chemicals and some work hazards such as dusts and flowing grain may detrimentally affect the health and safety of children. Their maturity and development must always be considered with regard to agricultural work. During National Farm Safety and Health Week, all of our Nation's citizens should resolve to make health and safety initiatives an integral part of America's great farming traditions.

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, do hereby proclaim the week of September 19–25, 1993, as "National Farm Safety and Health Week." I urge all citizens of our great Nation to make the enhancement of farmer, rancher and farm worker health of utmost priority. I call upon the agencies, organizations and businesses which serve production agriculture to strengthen their commitment to agricultural safety and health programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William J. Clinton

[FR Doc. 93–23637
Filed 9–22–93; 2:50 pm]
Billing code 3195–01–P

Rules and Regulations

Federal Register
Vol. 58, No. 184
Friday, September 24, 1993

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

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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Revision of grounds for deportation; conforming regulations

CFR Correction

In Title 8 of the Code of Federal Regulations, revised as of January 1, 1993, make the following correction:

On page 183, in § 214.2, in paragraph (a)(10), in the last sentence, the reference to section 241(a)(9)(A) should be corrected to read "section 241(a)(1)(C)(i)".

[FR Doc. 93-99999 Filed 9-23-93;8:45am]
BILLING CODE 1505-01-D

8 CFR Parts 292, 299, 310, 312, 313, 316, 322, 329, 334, 335, 336, 337, 338, 339, 343b, and 499

[INS No. 1435–92: AG Order No. 1791–93]

RIN 1115–AC58

Administrative Naturalization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Immigration and Naturalization Service (the Service) published an interim rule in the Federal Register to implement title IV of the Immigration Act of 1990 (IMMACT). Title IV of IMMACT conferred upon the Attorney General, as of October 1, 1991, the exclusive responsibility for making final determinations on applications for naturalization. On December 12, 1991, the President signed additional legislation entitled the "Miscellaneous and Technical Immigration and Naturalization Amendments of 1991" (the technical amendments). These amendments significantly alter the IMMACT provisions governing the role of the judiciary in the conduct of the administrative naturalization process.

This interim rule implements the changes required by the technical amendments as well as those made in response to the public comments on the October 7, 1991, interim rule. This rule is necessary to provide for administration of the oath of allegiance to applicants for naturalization, thereby completing the naturalization process.

DATES: This interim rule is effective September 24, 1993. Written comments must be submitted no later than November 8, 1993.

ADDRESSES: Please submit written comments in triplicate to the Records Systems Division, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, room 5307, 425 I Street NW., Washington, DC 20536. Please include INS Number 1435–92 on your correspondence to ensure proper handling.

FOR FURTHER INFORMATION CONTACT: Stella Jarina, Chief, Naturalization and Special Projects Branch, Adjudications Division, Immigration and Naturalization Service, room 7228, 425 I Street NW., Washington, DC 20536, telephone: (202) 514–5014.

SUPPLEMENTARY INFORMATION: This modification to the interim rule on administrative naturalization published on October 7, 1991, at 56 FR 50475 is being published as an interim rule in order to implement the changes required by the enactment of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. L. 102–232) as those amendments were effective January 11, 1992. In addition, the Immigration and Naturalization Service is implementing those changes brought about as a result of the public comments on the previously published interim rule. Comments are solicited and will be considered for possible modification of this rule.

Changes Required by New Legislation

The amendments of Public Law 102–232 address three areas which have an impact on the administrative naturalization procedure. First, the amendments provide that a federal or state court exercising naturalization jurisdiction may elect to exercise exclusive jurisdiction to administer the oath of allegiance in oath administration ceremonies to applicants for naturalization under certain circumstances. During the 45-day period commencing on the date on which the Service certifies to a qualified federal district court that an applicant for naturalization residing in that district is eligible for naturalization, the court has exclusive authority to administer the oath of allegiance. If the court is unable to provide for the administration of the oath of allegiance in that time period, the applicant has the choice of whether to complete the naturalization process with the Service in an administrative ceremony, or whether to have the oath administered in a judicial ceremony.

In order to accommodate these changes, 8 CFR 310.3 has been revised to provide a mechanism whereby a court will notify the Service of the court's election to exercise exclusive jurisdiction and will routinely advise the Service of available court ceremonies. In view of the statutory requirement that the Service be able to schedule applicants for ceremonies up to 45 days from certification, a minimum of 60 days advance notification of ceremony dates by the court is provided so that the Service may adequately administer the scheduling process. Paragraphs (a) and (b) of the revised section are essentially unchanged from the previously published rule, except it is reformatted to include the clarification of when an applicant may elect the manner in which the oath is administered. A new § 337.7 has been added to provide that prompt and proper advice will be given to the applicant regarding his or her options as to the administration of the oath of allegiance. Section 337.8 has been revised in its entirety to provide a means for the Service to make a timely certification to the court of an applicant's eligibility to take the oath of allegiance.

The second important issue clarified by the amendments concerns the preparation and delivery of the certificate of naturalization. A Judicial Conference resolution adopted in September, 1991, provided that any person seeking United States citizenship who elects a federal court as the site of the administration of the oath of allegiance should be provided with a certificate of naturalization at the time

of oath-taking. The amendments require the Attorney General to promptly prepare a certificate of naturalization for each applicant approved for citizenship, and to transmit that certificate promptly to the court which has jurisdiction to administer the oath. The amendments further provide that the clerk of court shall deliver the certificate of naturalization to each person administered the oath of allegiance by the court at the time the oath is administered. The amendments thus create a statutory requirement that the certificate of naturalization be delivered to the applicant at the time of the administration of the oath, whether it be an administrative or a judicial ceremony. In conjunction with this statutory requirement, the amendments strike from the language of the 1990 Act that section that required the clerk of court to issue a separate document evidencing the administration of the oath in a judicial ceremony (section 339(a)(1); 8 U.S.C. 1450). The basis for this requirement was that the 1990 Act did not require the Attorney General to provide a court with naturalization certificates at the time of the ceremony; therefore, documentary evidence that the oath, in fact, was administered had to be created. By requiring the delivery of the certificate at the time of the ceremony, the rationale for this separate document is nullified and duplicate paperwork is eliminated.

The revisions to § 338.1 provide for the transmission of the certificate of naturalization to the court prior to the oath ceremony, and issuance of the certificates at the hearing by the court. In addition, those revisions strike any reference to the "document evidencing the oath of allegiance." The revisions to §§ 339.1 and 339.2 likewise strike any reference to the court's responsibility to prepare the document. The amended § 339.2 also provides a mechanism for the court to account for the certificates of naturalization issued to the new citizens and the return of voided certificates to the Service.

The third issue addressed in the amendments concerns the means by which an applicant facing exigent circumstances can be administered the oath of allegiance without having to wait until the date of the next public ceremony. The new language allows the court the discretion to consider special circumstances in determining whether to administer the oath immediately in a private judicial ceremony, or to refer the individual to the Attorney General for immediate administrative naturalization. Section 337.3 was revised to accommodate this provision, providing a mechanism for the applicant to request such expedition through the Service and a means for the court to have the facts available when reaching a decision. This section also provides a means for the court to transmit to the Service its decision in those cases requiring Service action.

The technical amendments also include amendments in two other areas that are not being addressed in the current rule. The first, dealing with fiscal provisions, provides for certain reimbursements to the courts for costs associated with the administration of the oath of allegiance. It has been determined that formal rule making is not necessary to implement this provision.

The second amendment to section 408(a)(2)(B) of IMMACT involved the provision through which a petitioner under the prior statute could withdraw his or her petition and be treated under the new administrative provisions. However, the amendment did not accomplish what was intended. The amendment allowed for a petition still pending on January 1, 1992, to be withdrawn without first obtaining individual authorization from the Attorney General, provided that the petition is withdrawn no later than 3 months after the effective date of the administrative naturalization amendments, October 1, 1991. As a result, petitioners could take advantage of this statutory provision only on January 1, 1992. As the time allowed for withdrawal has already passed, no provision is being made in the current rule.

Comments on the Interim Rule Published on October 7, 1991

In response to the request for comments contained in the interim rule published on October 7, 1991, the Service received comments from 33 individuals, members of the bar, voluntary organizations, and state agencies. These comments covered 47 specific areas of the rule. The discussion that follows summarizes the issues raised in the comments, provides the Service's position on these issues, and explains the revisions adopted.

Most of the commenters focused on the educational requirements for naturalization in 8 CFR part 312. Numerous commenters noted that there was an incorrect citation in § 312.2(b)(1)(ii). This citation has been corrected to refer to § 312.1(a). One commenter desired clarification that the Service would administer the government and history test orally, as it has been done in the past, rather than in writing. This clarification is now contained in § 312.2(b)(1).

Many of the commenters stated that § 312.3(a) as it relates to the Service's ability to reject an applicant's passage of a standardized citizenship test was too vague, as it only required the Service to "believe" the test results were obtained by fraud. This has been changed to require "reasonable cause to believe," a more specific standard. Commenters also requested that it be stipulated that the applicant be given written notice of the rejection of test results. The section has been amended to include a requirement that the officer document the reason for rejection. However, it is not necessary to include here a requirement that the applicant be given written notice of the reasons for rejection, as has been requested by some commenters, as a requirement of written notice of continuance of the application is contained in the revision to § 335.3(b). One commenter requested clarification of when the evidence of passage of the test must be submitted and of what that evidence will consist. These issues have been clarified in new § 312.3(a)(2). However, the exact nature of the evidence will depend upon the test provider. Another commenter suggested that § 312.3 be made clearer as it relates to a person who fails a standardized test. While it was stated in the original rule as part of the reorganization of § 312.3(a) that an applicant is not prejudiced by the failure of a test, a new paragraph (a)(4) has been set out to clearly state this fact. It should also be noted that the test provider, as provided in the Notice of Program relating to the approval of standardized tests published on June 28, 1991, at 56 FR 29714, will not provide the Service with the identity of any person failing a standardized test.

Many commenters requested that § 312.4, regarding the selection and use of interpreters, be expanded to provide that if the Service should disqualify an interpreter, the Service, in addition to providing its own interpreter, would do so in a timely manner and would provide the applicant with reasons in writing for the disqualification. This has been provided for in an amendment to § 312.4, which now requires that the new interpreter be provided in a timely manner so as not to delay unduly the adjudication of the application. In addition, the Service must make a written record of the reason for disqualification. It is unnecessary to provide a separate requirement for notice to the applicant, as this is addressed in § 335.3(b), as noted above.

Many of the commenters expressed concern that it was not clear in the regulation that the reexamination on the educational and literacy requirements

pursuant to § 312.5 would be without additional fee. Section 312.5(a) has been revised to indicate that the reexamination would take place during the pendency of the application. Since the fee is for the adjudication of the application, and not for individual steps, this should clarify that there is no additional fee for the second examination. The commenters also suggested that the applicant be afforded another opportunity to take the examination if the applicant can demonstrate good cause for failure to appear for the second examination or for failure to notify the Service that he or she would be unable to appear. Paragraph (b) of § 312.5 has been amended to reflect this suggestion.

Several commenters questioned the appropriateness and legality of the bar to subversives and members or affiliates of subversive organizations under § 313.2(d). The commenters stated that the definition of "subversive" under § 313.1 is legally improper because it incorporates grounds not set forth in section 313 of the Immigration and Nationality Act of 1952 (Act), namely, the advocacy, teaching, or engaging in terrorist activities as defined in section 212(a)(3)(B) (ii) and (iii) of the Act. The Service has amended the definition of "subversive" to include the sixth ground, relating to terrorist activities. However, the Service disagrees with the further suggestion of these comments that it is improper to employ the term "subversive" to define a category of persons prohibited from naturalization. As these comments acknowledged, the definition of subversive in the interim rule, apart from the terrorist ground, merely incorporated statutory grounds set forth in sections 313(a) (4) and (5) of the Act.

One commenter suggested that 8 CFR part 316 did not clearly state the requirements that an applicant's residence in the United States be continuous. As originally written, the rule referred in places to the abandonment of residence for naturalization purposes. The commenter stated that this language could be confused with the concept of abandonment of lawful permanent residence status for immigration purposes. He suggested that the phrase "disruption of the continuity of the residence" be used instead. The Service has revised § 316.5(c)(1)(i) to adopt that change.

One commenter questioned why, in § 316.10, a separate provision was listed to bar murderers from naturalization when the definition of a person lacking good moral character at section 101(f) of the Act was changed to IMMACT from a convicted murderer to a person convicted of an aggravated felony. The separate provision for a person convicted of murder has been maintained, since a conviction for murder at any time is a bar, but a conviction for any other aggravated felony is a bar only if the conviction takes places on or after November 29, 1990. The specific date requirement had not been placed in the original regulation, as it has been anticipated that the technical amendments might alter the dates involved. However, this alteration did not take place. Instead, the conviction cut-off date provision was clarified in the technical amendments, and § 316.10(b)(1) has been amended to indicate that a conviction for an aggravated felony is only a permanent bar if the conviction, other than for murder, takes place on or after November 29, 1990. It should be noted as well that a conviction for an aggravated felony within the statutory period would generally bring about the bar of § 316.10(b)(2).

One commenter stated that in 8 CFR part 322, regarding the naturalization of a child of a United States citizen parent, the regulation did not include the exemption for a child from the physical presence requirements. While § 322.2(a)(4)(i) provides that a child is exempt from the physical presence requirements of § 316.2(a)(4), it does not speak to the exemption from § 316.2(a)(5) regarding three months' residence within the state or Service district. Therefore, § 322.2(a)(4)(i) has been amended to include that exemption.

Many commenters said they were confused regarding when the oath or affirmation of the application as provided in § 334.3 would be executed. Since this oath or affirmation, in fact, takes place at the time of the examination on the application, this section has been removed and the information contained in it is now placed in revised § 335.2(d), relating to the conduct of the examination.

Many commenters requested that § 334.4 be amended to require that an alternative site be designated once it is determined that the applicant is unable to appear. The third sentence of that section has been amended to require the district director to designate an alternative site. In addition, the section has been amended to remove any reference to the oath ceremony and appearance in court as these issues are now covered in § 337.3. The commenters also requested that a provision be added to specify that the same appeal rights apply to persons interviewed outside the Service offices as to those interviewed at the Service offices. This provision has been determined to be unnecessary as this section only addresses where an interview may take place. It does not permit any other deviation from what must be addressed in the interview or the decision to be reached as a result of that interview.

One commenter requested changes in § 335.2(a) regarding representation by attorneys or other representatives during the examination on the application. The commenter questioned how an attorney could assist his or her client to examine witnesses or challenge prejudicial evidence if the attorney is only able to observe the examination. The Service did not intend to limit the rights of the applicant. The differing rules of representation were a holdover from the prior statute where any applicant was subject to a preliminary investigation, where limited representation was allowed, and to a preliminary examination and final hearing, where full representation was allowed. As an applicant is now only subject to one examination, the rights to representation have been expanded to be consistent with all other adjudications. This also resulted in a need to strike from 8 CFR part 292 any reference to differing rules for naturalization cases.

One commenter requested clarification in § 335.2(c) that the refusal of the examining officer to issue a subpoena at the request of the applicant must be documented in the record and that all witnesses must testify under oath or affirmation. The introductory text of § 335.2(c) has been amended to include the oath requirement and a new sentence added to paragraph (c)(1) to provide for the documentation of the refusal to issue a subpoena.

Many commenters requested that § 335.3(b) stipulate that the applicant must be informed in writing of the reason for continuance of an application. While it has been common practice for applicants to be given a written notice of evidence to be submitted, this procedure has been formalized by amending § 335.3(b) to include the requirement of a written notice to the applicant.

One commenter requested that § 335.5, regarding a Service motion to reopen an approved application prior to the administration of the oath of allegiance, be clarified. The commenter requested that the motion to reopen be in writing and cite the specific information received. While a Service motion to reopen must be served in writing, § 335.5 has been clarified to specify that the motion to reopen must

be served in writing and that it must cite the specific information to be overcome.

Regarding the transfer of application provisions in § 335.9(a), many commenters requested that the rule stipulate that an applicant be informed in writing within 15 days of a denial of the reason(s) for the denial of a transfer request. The Service cannot realistically guarantee the issuance of a written notice within 15 days of such denial and this time period is not included in the final rule. However, a new provision has been added that provides that the reason(s) for the denial of transfer will be addressed in any denial notice issued relative to the transfer application.

The 30-day time limitation for the filing of a request for a hearing on a denial (§ 336.2) was an item of concern for many commenters, who desired that there be a specific exemption for good cause for failure to file a timely submission. A new paragraph (c) has been added to § 336.2 to deal with the issue of untimely and improperly-filed requests for hearing. While not explicitly allowing for late filing, the provision, which mirrors the provision of § 103.3(a)(2) for cases appealable to the Administrative Appeals Unit, does provide that a late filing may be treated as a motion to reopen.

One commenter requested a clarification in § 336.2(b) that the reviewing officer would have the authority to accept any relevant testimony that the applicant seeks to provide. Section 336.2(b) has been reworded to include this clarification.

Many commenters requested a provision whereby an applicant who had elected to have the oath administered in a court conducted ceremony would be permitted to change his or her election. This issue is now addressed in § 337.8(f).

Many commenters requested that the regulations provide that all certificates of naturalization be issued at the time of the oath administration ceremony, regardless of whether the ceremony was conducted by a court or the Service. This was provided for in the technical amendments of Public Law 102–232 and is now clarified in § 338.1.

Regarding the fee provisions of § 103.7, commenters, though pleased that the fee on the N–400 had not been raised, stated that the fee on the review request, Form N–336, was too high. One commenter also felt that the fee on the application for a declaration of intent, Form N–300, was not sufficiently justified, stating that it was a new form. However, the $110.00 fee on the N–336 review request is consistent with the fees for all other appeals from decisions rendered by the Service, whether the appeal is heard by the Administrative Appeals Unit or the Board of Immigration Appeals. As naturalization decision review proceedings are similar to those processes, it is realistic to charge a similar fee. With respect to the comment on form N–300, the fee on that form is not a new fee. Rather, the fee was transferred from the previous Declaration of Intention, Form N–315, which is now obsolete. The Declaration of Intention is now part of the Application for a Declaration of Intention.

Many commenters requested that the Service include in § 310.4 a requirement that the Service notify all petitioners of the ability to withdraw the petition from judicial naturalization and be processed under administrative naturalization. While this may be a commendable idea, and is being done in some district offices under specific circumstances, it would not be an efficient use of Service resources to do so in every case. In most cases, the most expeditious manner of processing the older petitions is through the courts.

Many commenters stated that § 310.5 ("Judicial Review") requires the Service to make a determination at the interview and, if a decision is not made, to inform the applicant of the reason for the delay. This is not the intent of the regulation. The Service by statute is permitted up to 120 days to make a decision on the application. If further action is required by the applicant, he or she will be notified in writing of the required action (§ 335.3). There is no need for the Service to advise the applicant in writing of further required action by the Service and such a requirement would put an unnecessary burden on the Service, further delaying the adjudication of the application. The commenters also stated that § 310.5 should contain a requirement for the Service to take immediate action when a court remands a case to the Service. Such a requirement is unnecessary in the regulation as the Service is bound to obey the court's instruction.

One commenter questioned the ability of the courts under § 310.5 to conduct reviews of denials pursuant to section 310(c) of the Act, and reviews resulting from the speedy action provisions of 336(b) of the Act, without having subject matter jurisdiction to grant the application itself. Such authority was given to the courts by sections 401(a) and 407(d)(14), respectively, of IMMACT. In general, the courts will conduct a review of the case and then remand to the Service with appropriate instructions. The Service is not at liberty to speculate as to what those instructions would be. This commenter also requested that the Service impose a requirement that all interviews be conducted within a specific time frame after submission of the application, similar to the time frame which exists for adjudication after the examination. The 120-day limit was imposed by the statute to ensure that once the Service began processing a case, it would be processed to conclusion as quickly as possible. The Service, due to resource limitations, is not in a position to also meet a deadline for interviews in all cases. The most the Service can assure is that all cases will be dealt with in chronological order based on date of receipt of the application.

Many commenters requested that the Service provide more exemptions from the literacy and educational requirements of § 312.1(b). Specifically, the commenters requested that persons be exempted from literacy due to advanced age and developmental disabilities, as these persons were exempted from the literacy requirements of the Legalization program (section 245A of the Act). The requirements for and exemptions from the literacy and knowledge provisions of both section 312 of the Act and of the Legalization program are imposed by statute. IMMACT expanded the exemption from the literacy requirement to include persons over 55 years of age with 15 years of lawful permanent residence. It is clear, therefore, that Congress did not intend to expand the exemption further at this time, and the Service is not at liberty to create new exemptions.

One commenter apparently misunderstood § 312.2(b)(1)(ii) as it relates to the examination in the English language. The commenter was under the impression that this section required the use of technical or complex questions to determine if the applicant is capable of understanding English; when, in fact, the section permits the use of the applicant's native language when dealing with technical and complex issues if the applicant has met the ordinary usage standard.

Relative to the government and history examination of § 312.2(b)(2), many commenters wished to have the phrase "current officeholders" changed to "certain officeholders" and limited to major officeholders. While the Service understands the reasoning behind this request, "certain officeholders" would be even more ambiguous than "current officeholders", and the subsequent issue of what is a major officeholder could be a ground for even more contention. One commenter requested that the Service institute a standard list of questions from which each applicant would be

asked ten questions while other commenters wished an assurance that the Service only ask enough questions to establish rudimentary knowledge of the government and history of the United States. The requirement of a standard list of questions would prevent the Service from taking into account an applicant's overall background to assist the applicant in qualifying for naturalization, and would also allow the substitution of "test-taking" skills for even a rudimentary knowledge of government and history.

Many commenters requested a change in the length of validity of the standardized test offered by outside entities, some requesting that the validity period be lengthened to 2 years, some to 5 years. This is an issue that has been reviewed at length by the Service. In order to ensure that the applicant has a knowledge of history and government at the time of the naturalization, the Service has determined that 1 year prior to the submission of the application is the greatest length of time that can be considered, bearing in mind that anywhere from 3 to 12 months may pass before the applicant is examined on the application after the submission of the application. Two commenters asked that the Service ensure that there will be enough test providers to permit access to a test by everyone. While the Service is committed to approving as many test providers as may qualify, the Service is not in a position to mandate any private entity to provide this test. This is a program that must rely on the willingness of private or non-profit entities.

Many commenters felt that §§ 313.3(b)(5) and 313.3(d) are contradictory as they relate to the "essentials of living," in that in §§ 313.3(d)(1)(i) there is a more detailed listing of examples of essentials of living than in other paragraphs of § 313.3. The listing in § 313.3(d)(1)(i) is for clarification only and is not intended to be a comprehensive definition of the term.

Part 315 relates to persons who have been exempted from military service on the ground of alienage and who are thereby ineligible for naturalization. One commenter wished to have included in the exceptions to ineligibility persons who obtained an alienage exemption and then later enlisted in the armed forces. The commenter felt that it is unfair not to include an exception for such persons in § 315.2(b), especially since there is an exception for those who are inducted into the Armed Services after being granted an exemption. However, this is not an area where the Service has discretion. The statute is specific as to who is barred from naturalization on these grounds, and the exceptions listed in § 315.2(b) are based either on a strict reading of the statute or upon the Supreme Court's ruling in *Astrup* v. *Immigration and Naturalization Service*, 402 U.S. 509 (1971).

One commenter suggested that § 316.2 be amended to incorporate the specific standard of proof upon an applicant for naturalization as established by judicial precedent, namely, preponderance of the evidence. The Service agrees and has changed that section accordingly.

One commenter stated that the bar to naturalization of § 316.10(b)(3)(ii) relating to an extramarital affair that destroys an existing marriage is "obviously anachronistic." The commenter felt that this act is not nearly as grievous as commercialized vice or serious criminal acts. The retention of the extramarital affair provision is not an arbitrary decision by the Service as this provision is based upon applicable judicial precedents and legislative history. *Wadman* v. *INS*, 329 F.2d 812 (9th Cir. 1964); H.R. Rep. No. 97–264, 97th Cong., 1st Sess., pt. 3, at 2577 (1981). It does not follow that for an action to be indicative of a lack of good moral character, the action must be comparable to commercialized vice or criminal acts. In fact, the definition governing the "good moral character" criterion, set forth at 8 U.S.C. 1101(f), has intentionally been left open-ended.

One commenter asserted that the provision of § 319.1(b)(2)(ii), which requires that an applicant who is applying for naturalization based upon marriage to a United States citizen establish that there has been no separation from the spouse during the 3 years preceding the application, is irrelevant, as the commenter states that the only issue that may be addressed is whether or not the applicant's marriage to the United States citizen was valid at its inception. There is a difference between the requirements for obtaining an immigrant visa based upon marriage to a citizen spouse and the requirements for naturalization under the special provisions of section 319 of the Act. The statute specifically requires marital union between the applicant and the citizen spouse for the full 3 years preceding the application and between the application and naturalization. Marital union, by court interpretation, has been held not to include persons who are separated for other than involuntary reasons as specified in § 319.1(b)(2)(ii)(C).

One commenter stated that the Service had erroneously included the period of service for the 1983 Grenada Campaign in the provisions of § 329.2 for persons who may be naturalized based upon active service in the Armed Forces of the United States during periods of hostilities specified by the President. In *Matter of Reyes*, 910 F.2d 611 (9th Cir. 1990), the United States Court of Appeals for the Ninth Circuit held that Executive Order No. 12582, designating service in the Grenada Campaign as a basis for naturalization under 8 U.S.C. 1440(a), was invalid because it limited its coverage to individuals who had served in designated areas rather than covering all those who had served during the designated period. The Court further held that there was no basis for severing the provision of the Executive Order that contained the geographical limitations and therefore the Executive Order had to be invalidated in its entirety. In light of these considerations, the Service is removing the provisions of § 329.2(a)(5) that establish the eligibility for naturalization of those who served in designated areas during the Grenada Campaign.

One group of commenters requested that the Service provide instructional materials on United States government and history at all Service offices. The relevant Service textbooks are available to all persons for purchase through the Government Printing Office, and through adult education classes in certain public school systems. While the Service is endeavoring to provide various other instructional materials, the availability of those materials is not within the scope of the rule at issue.

Several commenters felt that § 334.11, relating to the application for a declaration of intention, was completely unnecessary. These commenters were under the impression that the only reason for a declaration of intention was for an alien to be able to file suit under the anti-discrimination provisions of the Immigration Reform and Control Act of 1986. These commenters are correct that the requirement that a declaration of intention be on file in order to initiate an anti-discrimination suit was repealed by IMMACT. However, the declaration of intention has existed since the 1800's. While at one time it was a required precursor to naturalization, it is now mainly used by lawful permanent residents to comply with various state laws related to professional licensure or purchase of real estate. It is quite clear that Congress intended to leave in place the provision for the declaration as this provision (section 334(g) of the Act) was amended by IMMACT.

One commenter requested a clarification of § 335.2(d) so that an applicant may object to a correction

made by the examiner on the application at the time of signing the jurat on the application. Such a provision is not required in the regulation because the jurat on the application specifically states that the corrections are made at the request of the applicant.

One commenter requested that § 336.1 be amended to require service of all notices on both the applicant and his or her legal representative. The Service feels that a separate stipulation in this section is unnecessary because the legal representative is appearing pursuant to 8 CFR part 292, which explicitly requires service on the legal representative where the applicant has such a representative.

Many commenters requested that § 336.9(b) be expanded to allow for an exemption to the 120-day deadline for filing a petition for review with the district court for "good cause." Failure to file a petition for review of a denial of an application does not prejudice the applicant in the filing of a new application for naturalization. In fact, an applicant may file as many applications as he or she desires.

Some commenters expressed a desire to comment on the content of the Model Plan for Service-conducted oath administration ceremonies. The Model Plan is not being included in the regulations as it does not affect an applicant's eligibility for naturalization but rather the internal operations of the Service.

Service-Initiated Changes

The Service's own review of the published regulation revealed several errors or areas that needed further clarification.

In § 322.2, an error was discovered in the definition of "child" that, if left as is, would have required that all adopted children be in the legal custody of the adopting parent(s) at the time of the adoption. This requirement is not consistent with either the statute or prior judicial decisions. Section 322.2 has been amended to require only that the child be adopted while the child is under the age of 16, and that the adopted child be in the legal and physical custody of the adoptive parents at the time of the application for naturalization and the naturalization.

In § 334.11, relative to the declaration of intention to become a citizen, it was noted that the regulation only provided for the approval of the application. While it is rare that a Form N–300 is denied, as the only grounds for denial are that the applicant is not a lawful permanent resident alien or is under 18 years of age, it does occur that an N–300 must be denied. Therefore, § 334.11 has been revised, with the existing section divided into two paragraphs: Paragraph (a) dealing with the submission of the application and paragraph (b) dealing with its approval. New material controlling the denial of an application has been placed in paragraph (c). This paragraph provides that the applicant shall be notified in writing of the reasons for the denial and that there shall be no appeal from the decision of the Service.

It was not an uncommon occurrence under the prior statute that persons who were scheduled to appear for final hearings on petitions for naturalization would fail to do so, even though the application was to be recommended to be granted. In the past, this was resolved by notifying the petitioner after repeated absences that the recommendation to the court would then be to deny if he or she failed to appear at the final hearing. However, under the current statute and regulations, there is no similar provision to dispose of the approved application if the applicant fails to appear for the oath administration ceremony. Therefore, the Service has added a new § 337.10, which enables the Service to reopen the application on its own motion and deny it for lack of prosecution.

In 8 CFR part 343b, Special Certificate of Naturalization for Recognition by a Foreign State, one reference to the obsolete Form N–577 was not changed to the revised Form N–565 in the published rule. This correction has now been made.

Finally, this rule amends the listing of forms contained in 8 CFR 299.5 and 499.1.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d)(3). The reasons and the necessity for the immediate implementation of this interim rule are as follows: Section 408(b) of IMMACT specifically authorizes the Attorney General to promulgate regulations on an interim basis to implement, in a timely manner, changes made to the Administrative Naturalization provisions of the Act by title IV of IMMACT. The Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. L. 102–232), which further amended the Administrative Naturalization provisions of IMMACT, were effective on January 11, 1992. Unless this regulation is issued as an interim rule, binding procedures to implement newly enacted naturalization provisions will be delayed and the Service will be forced to delay the administration of the oath of allegiance to qualified applicants, effectively depriving them of United States citizenship during the period of such delay. Accordingly, publication of this rulemaking on an interim basis is necessary in order to ensure efficient operation of the naturalization process.

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. Clearance numbers for these collections are contained in 8 CFR 299.5, Display of Control Numbers.

List of Subjects

8 CFR Part 292

Administrative practice and procedure, Hearing and appeal Procedures, Immigration.

8 CFR Part 299

Citizenship and naturalization, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 310

Citizenship and naturalization, Courts.

8 CFR Part 312

Citizenship and naturalization, Education.

8 CFR Part 313

Citizenship and naturalization.

8 CFR Part 316

Citizenship and naturalization, International organizations, Reporting and recordkeeping requirements.

8 CFR Part 322

Citizenship and naturalization, Infants and children, Reporting and recordkeeping requirements.

8 CFR Part 329

Citizenship and naturalization, Military personnel, Reporting and recordkeeping requirements, Veterans.

8 CFR Part 334

Administrative practice and procedure, Citizenship and

naturalization, Courts, Reporting and recordkeeping requirements.

8 CFR Part 335

Administrative practice and procedure, Authority delegations (Government agencies), Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 336

Citizenship and naturalization, Courts, Hearing and appeal procedures, Reporting and recordkeeping requirements.

8 CFR Part 337

Citizenship and naturalization.

8 CFR Part 338

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 339

Citizenship and naturalization, Courts, Reporting and recordkeeping requirements.

8 CFR Part 343b

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 499

Citizenship and naturalization, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 292—REPRESENTATION AND APPEARANCES

1. The authority citation for part 292 continues to read as follows:

Authority: 8 U.S.C. 1103, 1252b, 1362.

2. Section 292.5(b) is amended by revising the first sentence to read as follows:

§ 292.5 Service upon and action by attorney or representative of record.

* * * * *

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

* * *

PART 299—IMMIGRATION FORMS

3. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

§ 299.5 [Amended]

4. Section 299.5 is amended by revising the entry for Form N–565 to read as follows:

§ 299.5 Display of control numbers.

* * * * *

INS form No.	INS form title	Currently assigned OMB control No.
*	*	*
N–565	Application to Replace a Naturalization/Citizenship Certificate	1115–0015
*	*	*

PART 310—NATURALIZATION AUTHORITY

5. The authority citation for part 310 continues to read as follows:

Authority: 8 U.S.C. 1103, 1421, 1443, 1447, 1448; 8 CFR 2.1.

6. Section 310.3 is revised to read as follows:

§ 310.3 Administration of the oath of allegiance.

(a) An applicant for naturalization may elect, at the time of filing of, or at the examination on, the application, to have the oath of allegiance and renunciation under section 337(a) of the Act administered in a public ceremony conducted by the Service or by any court described in section 310(b) of the Act, subject to section 310(b)(1)(B) of the Act.

(b) The jurisdiction of all such courts specified to administer the oath of allegiance shall extend only to those persons who are resident within the respective jurisdictional limits of such courts, except as otherwise provided in section 316(f)(2) of the Act. Persons who temporarily reside within the jurisdictional limits of a court in order to pursue an application properly filed pursuant to section 319(b), 322(c), 328(a), or 329 of the Act or section 405 of the Immigration Act of 1990 are not subject to the exclusive jurisdiction provisions of section 310(b)(1)(B) of the Act.

(c)(1) A court that wishes to exercise exclusive jurisdiction to administer the oath of allegiance for the 45-day period specified in section 310(b)(1)(B) of the Act shall notify, in writing, the district director of the Service office having jurisdiction over the place in which the court is located, of the court's intent to exercise such exclusive jurisdiction.

(2) At least 60 days prior to the holding of any oath administration ceremony referred to in § 337.8 of this chapter, the clerk of court shall give written notice to the appropriate district director of the time, date, and place of such ceremony and of the number of persons who may be accommodated.

(d) A court that has notified the Service pursuant to paragraph (c)(1) of this section shall have exclusive authority to administer the oath of allegiance to persons residing within its jurisdiction for a period of 45 days beginning on the date that the Service notifies the clerk of court of the applicant's eligibility for naturalization. Such exclusive authority shall be effective only if on the date the Service notifies the clerk of court of the applicant's eligibility, the court has notified the Service of the day or days during such 45-day period on which the court has scheduled oath administration ceremonies available to the applicant. The Service must submit the notification of the applicant's eligibility to the clerk of court within 10 days of the approval of the application pursuant to § 337.8 of this chapter.

(e) *Waiver of exclusive authority.* A court exercising exclusive authority to administer the oath of allegiance pursuant to paragraph (c) of this section may waive such exclusive authority when it is determined by the court that the Service failed to notify the court within a reasonable time prior to a

scheduled oath ceremony of the applicant's eligibility such that it is impractical for the applicant to appear at that ceremony. The court shall notify the district director in writing of the waiver of exclusive authority as it relates to a specific applicant, and the Service shall promptly notify the applicant. The Service shall then arrange for the administration of the oath of allegiance pursuant to § 337.2 of this chapter.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

7. The authority citation for part 312 continues to read as follows:

Authority: 8 U.S.C. 1103, 1423, 1443, 1447, 1448.

8. Section 312.2 is amended by:

a. Revising the introductory text of paragraph (b)(1); and

b. Revising the first sentence of paragraph (b)(1)(ii), to read as follows:

§ 312.2 Knowledge of history and government of the United States.

* * * * *

(b) * * *

(1) *Procedure.* The examination of an applicant's knowledge of the history and form of government of the United States shall be given orally by a designated examiner in the English language unless:

* * * * *

(ii) The applicant is required to satisfy and has satisfied the English literacy requirement under § 312.1(a), but the officer conducting the examination determines that an inaccurate or incomplete record of the examination would result if the examination on technical or complex issues were conducted in English. * * *

* * * * *

9. Section 312.3 is amended by revising paragraph (a) to read as follows:

§ 312.3 Standardized citizenship testing.

(a)(1) An applicant for naturalization may satisfy the reading and writing requirements of § 312.1 and the knowledge requirements of § 312.2 by passing, within one (1) year preceding the date on which he or she submits an application for naturalization, a standardized citizenship test given by an entity authorized by the Service to conduct such a test.

(2) The applicant must still demonstrate his or her ability to speak and understand English in accordance with § 312.1(c)(1). An applicant who passes a standardized citizenship test may submit evidence of passage of the test either with the submission of the application, at the examination on the application, or at the time of the second examination provided in § 312.5(a). Any evidence of passage submitted by the applicant shall be subject to independent verification by the Service with the test provider.

(3) An applicant who passes a standardized citizenship test within one (1) year preceding the date on which he or she submits an application for naturalization shall not be reexamined at the Service naturalization interview on his or her ability to read and write English or on his or her knowledge of the history and form of government of the United States, unless the examining officer has reasonable cause to believe that the applicant's test results were obtained through fraud or misrepresentation. A written record of the officer's determination shall be made in the record of the application.

(4) An applicant who has failed a standardized citizenship test will not be prejudiced by that failure during an examination conducted by the Service under §§ 312.1 and 312.2, and may continue to pursue the application with the Service as if the applicant had never taken the standardized test.

* * * * *

10. Section 312.4 is amended by:

a. Revising the last sentence; and

b. Adding a new sentence at the end of the section, to read as follows:

§ 312.4 Selection of interpreter.

* * * Where the Service disqualifies an interpreter, the Service must provide another interpreter for the applicant in a timely manner so as not to delay unduly the adjudication of the application. The officer who disqualifies an interpreter shall make a written record of the reason(s) for disqualification as part of the record of the application.

11. Section 312.5 is amended by:

a. Revising paragraph (a); and

b. Revising the first sentence of paragraph (b), to read as follows:

§ 312.5 Failure to meet educational and literacy requirements.

(a) An applicant for naturalization who fails the English literacy or history and government test at the first examination will be afforded a second opportunity to pass the test(s) within 90 days after the first examination during the pendency of the application.

(b) If an applicant who receives notice of the second scheduled examination date fails to appear without good cause for that second examination without prior notification to the Service, the applicant will be deemed to have failed this second examination. * * *

PART 313—MEMBERSHIP IN THE COMMUNIST PARTY OR ANY OTHER TOTALITARIAN ORGANIZATIONS

13. The heading of part 313 is revised as set forth above.

12. The authority citation for part 313 continues to read as follows:

Authority: 8 U.S.C. 1103, 1424, 1443.

14. Section 313.1 is amended by revising the definition of "Subversive" to read as follows:

§ 313.1 Definitions.

* * * * *

Subversive is any individual who advocates or teaches:

(1) Opposition to all organized government;

(2) The overthrow, by force or violence or other unconstitutional means, of the Government of the United States or of all forms of law;

(3) The duty, necessity, or propriety of the unlawful assaulting or killing, either individually or by position, of any officer or officers of the United States or of any other organized government, because of his, her, or their official character;

(4) The unlawful damage, injury, or destruction of property; or

(5) Sabotage.

* * * * *

PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

15. The authority citation for part 316 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR 2.1.

16. Section 316.2 is amended by revising paragraph (b) to read as follows:

§ 316.2 Eligibility.

* * * * *

(b) *Burden of proof.* The applicant shall bear the burden of establishing by a preponderance of the evidence that he or she meets all of the requirements for naturalization, including that the applicant was lawfully admitted as a permanent resident to the United States, in accordance with the immigration laws in effect at the time of the applicant's initial entry or any subsequent reentry.

17. Section 316.5 is amended by:

a. Revising the heading of paragraph (c);

b. Revising paragraph (c)(1)(i) introductory text;

c. Revising the first sentence of paragraph (c)(1)(ii); and

d. Revising paragraph (c)(3), to read as follows:

§ 316.5 Residence in the United States.

* * * * *

(c) *Disruption of continuity of residence.*

(1) * * *

(i) *For continuous periods of between six (6) months and one (1) year.* Absences from the United States for continuous periods of between six (6) months and one (1) year during the periods for which continuous residence is required under § 316.2 (a)(3) and (a)(6) shall disrupt the continuity of such residence for purposes of this part unless the applicant can establish otherwise to the satisfaction of the Service. This finding remains valid even if the applicant did not apply for or otherwise request a nonresident classification for tax purposes, did not document an abandonment of lawful permanent resident status, and is still considered a lawful permanent resident under immigration laws. The types of documentation which may establish that the applicant did not disrupt the continuity of his or her residence in the United States during an extended absence include, but are not limited to, evidence that during the absence:

* * * * *

(ii) *For period in excess of one (1) year.* Unless an applicant applies for benefits in accordance with § 316.5(d), absences from the United States for a continuous period of one (1) year or more during the period for which continuous residence is required under § 316.2 (a)(3) and (a)(5) shall disrupt the continuity of the applicant's residence.

* * *

* * * * *

(3) *Deportation and return.* Any departure from the United States while under an order of deportation terminates the applicant's status as a lawful permanent resident and, therefore, disrupts the continuity of residence for purposes of this part.

* * * * *

18. Section 316.10 is amended by revising paragraphs (b)(1)(i) and (b)(1)(ii) to read as follows:

§ 316.10 Good moral character.

* * * * *

(b) * * *

(1) * * *

(i) Convicted of murder at any time; or

(ii) Convicted of an aggravated felony as defined in section 101(a)(43) of the Act on or after November 29, 1990.

* * * * *

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENT

19. The authority citation for part 322 continues to read as follows:

Authority: 8 U.S.C. 1103, 1433, 1443, 1448.

20. In § 322.2, paragraphs (a)(4)(i) and (b)(1)(iv) are revised to read as follows:

§ 322.2 Eligibility.

(a) * * *

(4) * * *

(i) The child is not required to satisfy the residence requirements under § 316.2 (a)(3), (a)(4), (a)(5), or (a)(6) of this chapter; and,

* * * * *

(b) * * *

(1) * * *

(iv) A child who is adopted before the child reaches age 16.

* * * * *

PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATURALIZATION BASED UPON ACTIVE DUTY SERVICE IN THE UNITED STATES ARMED FORCES DURING SPECIFIED PERIODS OF HOSTILITIES

21. The authority citation for part 329 continues to read as follows:

Authority: 8 U.S.C. 1103, 1440, 1443.

§ 329.2 [Amended]

22. In § 329.2, paragraph (a) is amended by:

a. Adding in paragraph (a)(4) the word "or" immediately after the ";";

b. Removing paragraph (a)(5); and

c. Redesignating paragraph (a)(6) as paragraph (a)(5).

PART 334—APPLICATION FOR NATURALIZATION

23. The authority citation for part 334 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443.

§ 334.3 [Removed and Reserved]

24. Section 334.3 is removed and reserved.

25. Section 334.4 is revised to read as follows:

§ 334.4 Investigation and report if applicant is sick or disabled.

Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to appear for the initial examination on the application or for any subsequent interview, the district director shall cause an investigation to be conducted to determine the circumstances surrounding the sickness or disability. The district director shall determine, based on available medical evidence, whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent the applicant's appearance at a Service office having jurisdiction over the applicant's place of residence. If so, the district director shall designate another place where the applicant may appear for the requisite naturalization proceedings.

26. Section 334.11 is revised to read as follows:

§ 334.11 Declaration of intention.

(a) *Application.* Any person who is a lawful permanent resident over 18 years of age may file an application for a declaration of intention to become a citizen of the United States while present in the United States. Such application, with the requisite fee, shall be filed on Form N–300 with the Service office having jurisdiction over the applicant's place of residence in the United States.

(b) *Approval.* If approved, the application for the declaration of intention, page 1 of Form N–300, shall be retained and filed in the applicant's Service file. The original of the declaration of intention, page 2 of Form N–300, shall be filed in chronological order in the official files of the Service office where the application was filed. The duplicate of the declaration of intention, page 3 of Form N–300, shall be delivered to the applicant.

(c) *Denial.* If an application is denied, the applicant shall be notified in writing of the reasons for denial. No appeal shall lie from this decision.

PART 335—EXAMINATION ON APPLICATION FOR NATURALIZATION

27. The authority citation for part 335 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1447.

28. Section 353.2 is amended by:

a. Revising paragraph (a);

b. Revising the introductory text of paragraph (c);

c. Adding at the end of paragraph (c)(1) a new sentence; and

d. Adding after the second sentence of paragraph (d) a new sentence, to read as follows:

§ 335.2 Examination of applicant.

(a) *General.* Subsequent to the filing of an application for naturalization, each applicant shall appear in person before a Service officer designated to conduct examinations pursuant to § 332.1 of this chapter. The examination shall be uniform throughout the United States and shall encompass all factors relating

to the applicant's eligibility for naturalization. The applicant may request the presence of an attorney or representative who has filed an appearance in accordance with part 292 of this chapter.

* * * * *

(c) *Witnesses.* Witnesses, if called, shall be questioned under oath or affirmation to discover their own credibility and competency, as well as the extent of their personal knowledge of the applicant and his or her qualifications to become a naturalized citizen.

(1) *Issuance of subpoenas.* * * * The examining officer shall document in the record his or her refusal to issue a subpoena at the request of the applicant.

* * * * *

(d) *Record of examination.* * * * The affidavit shall be executed under the following oath (or affirmation): "I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, and the evidence submitted with it, are true and correct to the best of my knowledge and belief." * * *

* * * * *

29. In § 335.3, paragraph (b) is amended by revising the second sentence to read as follows:

§ 335.3 Determination on application; continuance of examination.

* * * * *

(b) * * * The officer must inform the applicant in writing of the grounds to be overcome or the evidence to be submitted. * * *

30. Section 335.5 is amended by revising the second sentence to read as follows:

§ 335.5 Receipt of derogatory information after grant.

* * * The Service shall notify the applicant in writing of the receipt of the specific derogatory information, with a motion to reopen the previously adjudicated application, giving the applicant 15 days to respond. * * *

31. New §§ 335.6 and 335.7 are added to read as follows:

§ 335.6 Failure to appear for examination.

(a) An applicant for naturalization shall be deemed to have abandoned his or her application if he or she fails to appear for the examination pursuant to § 335.3 and fails to notify the Service of the reason for non-appearance within 30 days of the scheduled examination. Such notification shall be in writing and contain a request for rescheduling of the examination. In the absence of a timely notification, the Service may administratively close the application without making a decision on the merits.

(b) An applicant may reopen an administratively closed application by submitting a written request to the Service within one (1) year from the date the application was closed. Such reopening shall be without additional fee. The date of the request for reopening shall be the date of filing of the application for purposes of determining eligibility for naturalization.

§ 335.7 Failure to prosecute application after initial examination.

An applicant for naturalization who has appeared for the examination on his or her application as provided in § 335.2 shall be considered as failing to prosecute such application if he or she, without good cause being shown, either failed to excuse an absence from a subsequently required appearance, or fails to provide within a reasonable period of time such documents, information, or testimony deemed by the Service to be necessary to establish his or her eligibility for naturalization. The Service shall deliver notice of all such requests for appearance or supporting evidence, in writing, to the applicant either in person or to the applicant's last known address. In the event that the applicant fails to respond within 30 days of the date of notification, the Service shall deny the application on its merits pursuant to § 336.1 of this chapter.

32. Section 335.9 is amended by revising paragraph (b) to read as follows:

§ 335.9 Transfer of application.

* * * * *

(b) *Discretion to authorize transfer.* The district director may authorize the transfer of an application for naturalization after such application has been filed. In the event that the district director does not consent to the transfer of the application, the application shall be adjudicated on its merits by the Service office retaining jurisdiction. If upon such adjudication the application is denied, the written decision pursuant to § 336.1 of this chapter shall also address the reason(s) for the Service's decision not to consent to the transfer request.

PART 336—HEARINGS ON DENIALS OF APPLICATIONS FOR NATURALIZATION

33. The authority citation for part 336 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1447, 1448.

34. Section 336.2 is amended by:

a. Revising the fifth sentence of paragraph (b); and

b. Adding a new paragraph (c), to read as follows:

§ 336.2 Hearing before an immigration officer.

* * * * *

(b) * * * He or she may receive new evidence or take such additional testimony as may be deemed relevant to the applicant's eligibility for naturalization or which the applicant seeks to provide. * * *

(c) *Improperly filed request for hearing—*(1) *Request for hearing filed by a person or entity not entitled to file.*

(i) *Rejection without refund of filing fee.* A request for hearing filed by a person or entity who is not entitled to file such a request must be rejected as improperly filed. In such a case, any filing fee that the Service has accepted will not be refunded.

(ii) *Request for hearing by attorney or representative without proper Form G–28.* If a request for hearing is filed by an attorney or representative without a properly executed Notice of Entry of Appearance as Attorney or Representative (Form G–28) entitling that person to file the request for hearing, the appeal will be considered as improperly filed. In such a case, any filing fee that the Service has accepted will not be refunded regardless of the action taken. The reviewing official shall ask the attorney or representative to submit Form G–28 to the official's office within 15 days of the request. If Form G–28 is not submitted within the time allowed, the official may, on his or her own motion, under § 103.5(a)(5)(i) of this chapter, make a new decision favorable to the affected party without notifying the attorney or representative. The request for hearing may be considered properly filed as of its original filing date if the attorney or representative submits a properly executed Form G–28 entitling that person to file the request for hearing.

(2) *Untimely request for hearing.*

(i) *Rejection without refund of filing fee.* A request for hearing which is not filed within the time period allowed must be rejected as improperly filed. In such a case, any filing fee that the Service has accepted will not be refunded.

(ii) *Untimely request for hearing treated as motion.* If an untimely request for hearing meets the requirements of a motion to reopen as described in § 103.5(a)(2) of this chapter or a motion to reconsider as described in § 103.5(a)(3) of this chapter, the request for hearing must be treated as a motion,

and a decision must be made on the merits of the case.

PART 337—OATH OF ALLEGIANCE

35. The authority citation for part 337 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1448.

36. Section 337.2 is amended by:

a. Revising paragraph (a);

b. Revising the first sentence of paragraph (b); and

c. Adding a new paragraph (c), to read as follows:

§ 337.2 Oath administered by the immigration and Naturalization Service.

(a) *Public ceremony.* An applicant for naturalization who has elected to have his or her oath of allegiance administered by the Service and is not subject to the exclusive oath administration authority of an eligible court pursuant to section 310(b) of the Act shall appear in person in a public ceremony, unless such appearance is specifically excused under the terms and conditions set forth in this part. Such ceremony shall be held at a time and place designated by the Service within the United States and within the jurisdiction where the application for naturalization was filed, or into which the application for naturalization was transferred pursuant to § 335.9 of this chapter. Such ceremonies shall be conducted at regular intervals as frequently as necessary to ensure timely naturalization, but in all events at least once monthly where it is required to minimize unreasonable delays. Such ceremonies shall be presented in such a manner as to preserve the dignity and significance of the occasion. District directors shall ensure that ceremonies conducted in their districts, inclusive of those held by suboffice managers, are in keeping with the Model Plan for Naturalization Ceremonies. Organizations traditionally involved in activities surrounding the ceremony should be encouraged to participate in Service-administered ceremonies by local arrangement.

(b) *Authority to administer oath of allegiance.* The authority of the Attorney General to administer the oath of allegiance shall be delegated to the following officers of the Service: The Commissioner; district directors; deputy district directors; officers-in-charge; assistant officers-in-charge; or persons acting in behalf of such officers due to their absence or because their positions are vacant. * * *

(c) *Execution of questionnaire.* Immediately prior to being administered the oath of allegiance, each applicant shall complete the questionnaire on Form N–445. Each completed Form N–445 shall be reviewed by an officer of the Service who may question the applicant regarding the information thereon. If derogatory information is revealed, the applicant's name shall be removed from the list of eligible persons as provided in § 335.5 of this chapter and he or she shall not be administered the oath.

37. Section 337.3 is revised to read as follows:

§ 337.3 Expedited administration of oath of allegiance.

(a) An applicant may be granted an expedited oath administration ceremony by either the court or the Service upon demonstrating sufficient cause. In determining whether to grant an expedited oath administration ceremony, the court or the district director shall consider special circumstances of a compelling or humanitarian nature. Special circumstances may include but are not limited to:

(1) The serious illness of the applicant or a member of the applicant's family;

(2) Permanent disability of the applicant sufficiently incapacitating as to prevent the applicant's personal appearance at a scheduled ceremony;

(3) The developmental disability or advanced age of the applicant which would make appearance at a scheduled ceremony inappropriate; or

(4) Urgent or compelling circumstances relating to travel or employment determined by the court or the Service to be sufficiently meritorious to warrant special consideration.

(b) Courts exercising exclusive authority may either hold an expedited oath administration ceremony or refer the applicant to the Service for an immediate Service-conducted oath administration ceremony, if an expedited judicial oath administration ceremony is impractical. The court shall inform the district director in writing of its decision to grant the applicant an expedited oath administration ceremony and that the court has relinquished exclusive jurisdiction as to that applicant.

(c) All requests for expedited administration of the oath of allegiance shall be in writing to the district director and shall contain sufficient information to substantiate the claim of special circumstances to permit either the court or the district director to properly exercise the discretionary authority to grant the relief sought. The district director may conduct an investigation to verify the validity of the information provided in the request. If the applicant is awaiting an oath administration ceremony by a court pursuant to § 337.8, the district director shall provide the court with a copy of the request and a recommendation to grant or deny the request, to assist the court in reaching a decision.

38. A new § 337.7 is revised to read as follows:

§ 337.7 Information and assignment of individuals under exclusive jurisdiction.

(a) No later than at the time of the examination on the application pursuant to § 335.2 of this chapter, an employee of the Service shall advise the applicant of his or her right to elect the site for the administration of the oath of allegiance, subject to the exclusive jurisdiction provision of § 310.2(d) of this chapter. In order to assist the applicant in making an informed decision, the Service shall advise the applicant of the upcoming Service-conducted and judicial ceremonies at which the applicant may appear, if found eligible for naturalization.

(b) An applicant whose application has been approved by the Service who is subject to the exclusive jurisdiction of a court pursuant to § 310.2(d) of this chapter, shall be advised of the next available court ceremony and provided with a written notice to appear at that ceremony. If the applicant is subject to the exclusive jurisdiction of more than one court exercising exclusive jurisdiction, the applicant will be informed of the upcoming ceremonies in each affected court. The applicant shall decide which court he or she wishes to administer the oath of allegiance.

39. Section 337.8 is revised to read as follows:

§ 337.8 Oath administered by the courts.

(a) *Notification of election.* An applicant for naturalization not subject to the exclusive jurisdiction of § 310.2(d) of this chapter shall notify the Service at the time of the filing of, or no later than at the examination on, the application of his or her election to have the oath of allegiance administered in an appropriate court having jurisdiction over the applicant's place of residence.

(b) *Certification of eligibility*—(1) *Exclusive jurisdiction.* In those instances falling within the exclusive jurisdiction provision of section 310(b)(1)(B) of the Act, the Service shall notify the court of the applicant's eligibility for admission to United States citizenship by submitting to the clerk of court Form N–646 within ten (10) days of the approval of the application.

(2) *Non-exclusive jurisdiction.* In those instances in which the applicant

has elected to have the oath administered in a court ceremony, the Service shall notify the clerk of court, in writing, using Form N–646, that the applicant has been determined by the Attorney General to be eligible for admission to United States citizenship upon taking the requisite oath of allegiance and renunciation in a public ceremony. If a scheduled hearing date is not available at the time of the notification, Form N–646 shall indicate that the applicant has not been scheduled for a ceremony and the applicant shall be informed in writing that the application has been approved but no ceremony date is yet available.

(c) *Preparation of lists.* (1) At or prior to the oath administration ceremony the representative attending the ceremony shall submit to the court on Form N–647, in duplicate, lists of persons to be administered the oath of allegiance and renunciation. After the ceremony, and after any required amendments and notations have been made therein, the clerk of court shall sign the lists.

(2) The originals of all court lists specified in this section shall be filed permanently in the court, and the duplicates returned by the clerk of court to the appropriate Service office for retention by such office. The same disposition shall be made of any list presented to, but not approved by, the court.

(d) *Personal representation of the government at oath administration ceremonies.* An oath administration ceremony shall be attended by a representative of the Service, who shall review each applicant's completed questionnaire Form N–445. If necessary, the Service representative shall question the applicant regarding the information thereon. If the questioning reveals derogatory information, the applicant's name shall be removed from the list of eligible persons as provided in § 335.5 of this chapter and the court shall not administer the oath to such applicant.

(e) *Written report in lieu of personal representation.* If it is impracticable for a Service representative to be present at a judicial oath administration ceremony, written notice of that fact shall be given by the Service to the court. The applicants to be administered the oath shall be listed on the appropriate forms prescribed in paragraph (d) of this section. The forms, memoranda, and certificates of naturalization shall be transmitted to the clerk of court, who shall submit the appropriate lists to the court.

(f) *Withdrawal from court.* An applicant for naturalization not subject to the exclusive jurisdiction of § 310.2(d) of this chapter, who has elected to have the oath administered in a court oath ceremony, may, for good cause show, request that his or her name be removed from the list of persons eligible to be administered the oath at a court oath ceremony, and request that the oath be administered at a Service-conducted ceremony. Such request shall be in writing to the Service office which granted the application and shall cite the reasons for the request. The district director or officer-in-charge shall consider the good cause shown and the best interests of the applicant in making a decision. If it is determined that the applicant shall be permitted to withdraw his or her name from the court ceremony, the Service shall give written notice to the court of the applicant's withdrawal, and the applicant shall be scheduled for the next available Service-conducted oath ceremony, as if he or she had never elected the court ceremony.

40. A new § 337.10 is added to read as follows:

§ 337.10 Failure to appear for oath administration ceremony.

An applicant who fails to appear without good cause for more than one oath administration ceremony for which he or she was duly notified shall be presumed to have abandoned his or her intent to be naturalized. Such presumption shall be regarded as the receipt of derogatory information, and the procedures contained in § 335.5 of this chapter shall be followed.

PART 338—CERTIFICATE OF NATURALIZATION

41. The authority citation for part 338 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443.

42. Section 338.1 is revised to read as follows:

§ 338.1 Execution and issuance of certificate.

(a) *Issuance.* When an applicant for naturalization has taken and subscribed to the oath of allegiance in accordance with §§ 337.1, 337.2 and 337.3 of this chapter, a Certificate of Naturalization, Form N–550, shall be issued by the Service at the conclusion of the oath administration ceremony. For each applicant appearing at a judicial oath administration ceremony pursuant to § 337.8, the Service shall prepare the Certificate of Naturalization and forward it to the clerk of court sufficiently in advance of the ceremony to ensure the timely delivery on the date the oath administration ceremony is conducted.

(b) *Execution of certificate.* The certificate shall be issued to the applicant in his or her true, full, and correct name as it exists at the time of the administration of the oath of allegiance. The certificate shall show, under "former nationality," the name of the applicant's last country of citizenship, as shown in the application and Service records, even though the applicant may be stateless at the time of admission to citizenship. Photographs shall be affixed to the certificate in the manner provided in part 333 of this chapter. The certificate shall be signed by the applicant. The Commissioner's signature shall be affixed to the certificate.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF COURT REGARDING NATURALIZATION PROCEEDINGS

43. The authority citation for part 339 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1448.

44. Section 339.1 is revised to read as follows:

§ 339.1 Administration of the oath of allegiance to applicants for naturalization.

It shall be the duty of a judge of a court that administers an oath of allegiance to ensure that such oath is administered to each applicant for naturalization who has chosen to appear before the court. The clerk of court shall issue to each person to whom such oath is administered the Certificate of Naturalization provided by the Service pursuant to § 338.1 of this chapter. The clerk of court shall provide to each person whose name was changed as part of the naturalization proceedings, pursuant to section 336(e) of the Act, certified evidence of such name change.

45. Section 339.2 is amended by:

a. Revising paragraph (a); and

b. Adding a new paragraph (d), to read as follows:

§ 339.2 Monthly reports.

(a) *Oath administration ceremonies.* Clerks of court shall on the first day of each month submit to the Service office having administrative jurisdiction over the place in which the court is located a report on Form N–4, in duplicate, listing all oath administration ceremonies held and the total number of persons issued the oath at each ceremony, in accordance with the instructions contained in Form N–4. The report shall be accompanied by all duplicate lists of persons attending naturalization oath ceremonies during the month, certified copies of any court orders granting changes of name, an accounting of the certificates issued to them, and the original of all certificates of naturalization which were voided by

the clerk of court. In lieu of forwarding duplicate lists of naturalized persons to the Service with the report on Form N–4, the clerk may deliver the lists to the Service representative immediately after the oath ceremony. In such a case, the N–4 shall reflect that the duplicate list was so delivered.

* * * * *

(d) *Other proceedings and orders.* The clerk of court shall forward to the Service office having administrative jurisdiction over the place in which the court is located certified copies of the records of such other proceedings and other orders instituted on or issued by the court affecting or relating to the naturalization of any person as may be required from time to time by the Service.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

46. The authority citation for part 343b continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1454, 1455.

§343b.3 [Amended]

47. Section 343b.3 is amended by revising the reference to the form number "N–577" to read "N–565" wherever it appears in the section.

PART 499—NATIONALITY FORMS

48. The authority citation for part 499 continues to read as follows:

Authority: 8 U.S.C. 1103; 8 CFR part 2.

49. Section 499.1 is amended by adding, in proper numerical sequence, the following forms:

§499.1 Prescribed forms.

* * * * *

Form No., Title and Description

* * * * *

N–335 (10–24–91)—Decision on Application for Naturalization.

* * * * *

N–646 (01–03–92)—Naturalization Applicants Eligible to be Administered Oath of Allegiance.

N–646A (01–03–92)—Naturalization Applicants Eligible to be Administered Oath of Allegiance (Continuation Sheet).

N–647 (01–06–92)—Oath of Allegiance and Certificate Accountability List.

N–647A (01–06–92)—Oath of Allegiance and Certificate Accountability List (Continuation Sheet).

50. In § 499.1, the entries for Forms M–302, M–303, M–304, N–300, N–336, N–400, N–445, N–565, N–644, and N–645 are revised to read as follows:

§499.1 Prescribed forms.

* * * * *

Form No., Title and Description

* * * * *

M–302 (3–16–89)—For the People . . ., U.S. Citizenship Education and Naturalization Information.

M–303 (3–16–89)—By the People . . ., U.S. Government Structure.

M–304 (3–16–89)—Of the People . . ., U.S. History 1600–1988.

* * * * *

N–300 (10–01–91)—Application to File Declaration of Intention.

N–336 (10–24–91)—Request for Hearing on a Decision in Naturalization Proceedings under section 336 of the Act.

N–400 (7–17–91)—Application for Naturalization.

* * * * *

N–445 (1–8–92)—Notice of Naturalization Oath Administration Ceremony.

* * * * *

N–565 (7–10–91)—Application to Replace a Naturalization/Citizenship Certificate.

* * * * *

N–644 (5–30–91)—Application for Posthumous Citizenship.

N–645 (7–1–90)—Certificate of Citizenship.

Dated: September 15, 1993.

Janet Reno,

Attorney General.

[FR Doc. 93–23357 Filed 9–23–93; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–44–AD; Amendment 39–8697; AD 93–16–13]

Airworthiness Directives: Aerostar International, Inc., Models RX–6, RX–7, RX–8, RXS–8, S–40A, S–49A, S–50A, S–52A, S–55A, S–57A, S–57S, S–60S, S–60A, S–66A, S–71A, S–77A, 78C, 90C, QUBE–60, CTS, W100LB, 110P, and SPII Balloons

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) 93–16–13, which was sent previously to all known U.S. owners and operators of Aerostar International, Inc. (Aerostar), balloons that are equipped with certain AEROQUIP fuel hoses. This AD requires testing the hose for fuel leakage and replacing immediately if fuel leakage is evident or, if no fuel leakage is evident, replacing within 10 hours time-in-service. A report of a leaking fuel hose on one of the affected balloons prompted the proposed action. The actions specified by this AD are intended to prevent an uncontained fire in the balloon basket caused by a leaking fuel hose.

DATES: Effective October 15, 1993, to all persons except those to whom it was made immediately effective by priority letter AD 93–16–13, issued August 18, 1993, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before November 12, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–44–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Replacement parts and copies of the service bulletin referenced in this AD may be obtained from Aerostar International, Inc., 1812 E Avenue, P.O. Box 5057, Sioux Falls, South Dakota 57117–5057; Telephone (605) 331–3500. This information may also be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory J. Michalik, Manager, Airframe Branch, Chicago Aircraft Certification Office, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; Telephone (708) 294–7135.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a fuel hose leaking propane prior to the flight of an Aerostar balloon. Results of this investigation reveal a manufacturing deficiency on certain hose assemblies. The hoses included in these assemblies are susceptible to splitting, which results in fuel leakage.

If these hoses are not identified and replaced, the fuel leakage from a split hose could result in an uncontained fire in the balloon basket. The affected hoses are identified with one of the following printed on the side of the hose:

- AEROQUIP FC321–06 UL 5/16 LP–GAS HOSE 350 MAX. OPER. PSI 1Q92;
- AEROQUIP FC321–06 UL 5/16 LP–GAS HOSE 350 MAX. OPER. PSI 2Q92;
- AEROQUIP FC321–06 UL 5/16 LP–GAS HOSE 350 MAX. OPER. PSI 3Q92; or
- AEROQUIP FC321–06 UL 5/16 LP–GAS HOSE 350 MAX. OPER. PSI 4Q92.

Since an unsafe condition has been identified that is likely to exist or develop in other Aerostar Models RX–6, RX–7, RX–8, RXS–8, S–40A, S–49A, S–50A, S–52A, S–55A, S–57A, S–57S, S–60S, S–60A, S–66A, S–71A, S–77A, 78C, 90C, QUBE–80, CTS, W100LB, 110P, and SPII balloons of the same type design, the FAA issued priority letter AD 93–16–13 to prevent an uncontained fire in the balloon basket caused by a leaking fuel hose. The AD requires (1) testing the hoses for fuel leakage prior to each flight, and replacing any hose that shows evidence of fuel leakage; and (2) replacing these hoses with improved design hoses within 10 hours time-in-service as terminating action for the repetitive test requirement of this AD.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on August 18, 1993, to all known U.S. operators of the Aerostar balloon models specified above. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to Section 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 93–CE–44–AD." The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

93–16–13 Aerostar International, Inc.: Amendment 39–8697; Docket No. 93–CE–44–AD.

Applicability: Models RX–6, RX–7, RX–8, RXS–8, S–40A, S–49A, S–50A, S–52A, S–55A, S–57A, S–57S, S–60S, S–60A, S–66A, S–71A, S–77A, 78C, 90C, QUBE–80, CTS, W100LB, 110P, and SPII balloons (all serial numbers), certificated in any category, that are equipped with hoses identified with one of the following:

- AEROQUIP FC321–06 UL 5/16 LP-GAS HOSE 350 MAX. OPER. PSI 1Q92;
- AEROQUIP FC321–06 UL 5/16 LP-GAS HOSE 350 MAX. OPER. PSI 2Q92;
- AEROQUIP FC321–06 UL 5/16 LP-GAS HOSE 350 MAX. OPER. PSI 3Q92;
- AEROQUIP FC321–06 UL 5/16 LP-GAS HOSE 350 MAX. OPER. PSI 4Q92; or
- If hose identification is not legible.

Compliance: Required as indicated after receipt of this AD, unless already accomplished.

To prevent an uncontained fire in the balloon basket caused by a leaking fuel hose, accomplish the following:

(a) Prior to further flight, remove each fuel hose from the leather sleeve, and, at system pressure, sniff test the entire length of the hose for signs of leakage. These signs could include frosting or chilling.

(1) If any sign of fuel leakage is found, prior to further flight, replace the entire fuel hose/manifold assembly with an approved assembly that includes hoses with markings different than that specified in the Applicability section of this AD.

(2) If no sign of fuel leakage is found, perform this fuel leakage test prior to each flight thereafter until the replacement required by paragraph (b) of this AD is accomplished.

(b) Within the next 10 hours time-in-service after the effective date of this AD, unless already accomplished in accordance with paragraph (a)(1) of this AD, replace the entire fuel hose/manifold assembly with an approved assembly that includes hoses with markings different than that specified in the Applicability section of this AD.

(c) Replacing the entire fuel hose/manifold assembly as required by either paragraph (a)(1) or (b) of this AD eliminates the repetitive test requirement of this AD.

Note 1: Aerostar Service Bulletin No. 132, dated August 12, 1993, references the actions required by this AD. For the sake of inclusiveness, the procedures presented in this service bulletin have been incorporated into this AD.

(d) The test and fuel hose/manifold assembly replacement required by this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by Federal Aviation Regulations (FAR) 43.7, and must be entered into the aircraft records showing compliance with this AD in accordance with FAR 43.11.

(e) An alternative method of compliance or adjustment of the compliance times that

provides an equivalent level of safety may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Room 232, Des Plaines, Illinois 60018. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may concur or comment and then send it to the Manager, Chicago Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Chicago Aircraft Certification Office.

(f) Replacement fuel hose/manifold assemblies and copies of the service bulletin referenced in NOTE 1 of this AD may be obtained from Aerostar International, Inc. 1812 E Avenue, P.O. Box 5057, Sioux Falls, South Dakota 57117–5057. The service information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment (39–8697) becomes effective on October 15, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 93–16–13, issued August 18, 1993, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on September 14, 1993.

John E. Tigue,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–23428 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release Nos. 33–7013, IC–19719; File No. S7–41–92]

RIN 3235–AF60

Revision of Certain Annual Review Requirements of Investment Company Boards of Directors

AGENCY: Securities and Exchange Commission.

ACTION: Final rules and guidelines.

SUMMARY: The Commission is adopting amendments to five rules under the Investment Company Act of 1940. The amended rules no longer require directors to review certain procedures and arrangements annually, and require instead that directors make and approve changes only when necessary. The amendments are intended to enhance the effectiveness of investment company boards by substituting more meaningful requirements for an annual review requirement, which is not necessary to protect investors. The amendments also make conforming changes to the Guidelines to Forms N–1A and N–3.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Elizabeth R. Krentzman, Special Counsel, or Diane C. Blizzard, Assistant Director, both at (202) 272–2048, Office of Regulatory Policy, Division of Investment Management, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission today is adopting amendments to rules 10f–3, 17a–7, 17e–1, 17f–4, and 22c–1 (17 CFR 270.10f–3, 270.17a–7, 270.17e–1, 270.17f–4, and 270.22c–1) under the Investment Company Act of 1940 (15 U.S.C. 80a) (the "Act").[1] The amendments implement recommendations made in Chapter 7 of the report published last year by the Division of Investment Management (the "Division"), Protecting Investors: A Half Century of Investment Company Regulation.[2]

I. Background and Discussion

On December 30, 1992, the Commission proposed amendments to rules 10f–3, 17a–7, 17e–1, 17f–4, and 22c–1 to eliminate requirements in those rules that directors review certain procedures and arrangements annually, and to require instead that directors make and approve changes only when necessary.[3] The Commission received nine comment letters.[4] With one exception,[5] commenters strongly supported the amendments as proposed. Commenters agreed that, since the procedures and arrangements generally do not change once they are adopted, annual reviews are perfunctory and do not strengthen the rules or add to the protection of investors.[6] Commenters also made several additional recommendations, which the Commission has decided not to act upon at this time.

A. Rules 10f–3, 17a–7, and 17e–1

Rules 10f–3 and 17a–7 permit investment companies to engage in certain otherwise prohibited transactions with affiliates, subject to conditions enumerated in the rules.[7] Rule 17e–1 similarly specifies conditions for a safe harbor from the Act's restrictions governing affiliated brokers' commissions.[8] The conditions

---

[1] The amendments also make conforming changes to the Guidelines to Forms N–1A (17 CFR 239.15A and 274.11A) and N–3 (17 CFR 239.17a and 274.11b).

[2] Division of Investment Management, SEC, Investment Company Governance, Protecting Investors: A Half Century of Investment Company Regulation (1992) (hereinafter the Protecting Investors Report).

The Protecting Investors Report contains additional recommendations intended to improve investment company governance. The Commission already has acted to eliminate the requirement in rule 12d3–1 (17 CFR 270.12d3–1) that directors determine the credit quality of debt securities of issuers that derived more than 15% of their gross revenues from securities related activities during their most recent fiscal year. Exemption of Acquisitions of Securities Issued by Persons Engaged in Securities Related Businesses, Investment Company Act Release No. 19716 (Sept. 16, 1993). As indicated in the Proposing Release, *infra* note 3, at n.3, the Commission anticipates considering in the future an amendment to rule 17f–5 (17 CFR 270.17f–5) to revise a requirement in that rule that directors annually approve foreign custody arrangements after considering numerous factors.

[3] Revision of Certain Annual Review Requirements of Investment Company Boards of Directors, Securities Act Release No. 6971 (Dec. 30, 1992), 58 FR 2999 (hereinafter Proposing Release).

[4] Commenters included the Subcommittee on Investment Companies and Investment Advisers, Committee on Federal Regulation of Securities, Section of Business Law, American Bar Association ("ABA Subcommittee"), The Capital Group, Inc., the Chicago Mercantile Exchange, Davis Polk & Wardwell, Fortis Financial Group, IDS Mutual Fund Group ("IDS"), the Investment Company Institute ("ICI"), The Putnam Management Company, Inc., and T. Rowe Price Associates, Inc. ("T. Rowe Price").

The Commission also is adopting technical, non-substantive language changes to rules 10f–3, 17e–1, and 17f–4. No comments were received on this aspect of the proposed amendments.

[5] *See* note *infra*.

[6] *See* Proposing Release, *supra* note 3, at 2–3. Commenters also agreed that annual reviews consume an inordinate amount of time and attention, and may distract directors from focussing on more important, substantive matters. See, e.g., Letter of the ABA Subcommittee to Jonathan G. Katz, Secretary, SEC 2–3 (Mar. 15, 1993), File No. S7–41–92 (hereinafter ABA Subcommittee Letter); Letter of Angela C. Goelzer, Associate Counsel, ICI, to Jonathan G. Katz, Secretary, SEC 1–3 (Mar. 5, 1993), File Nos. S7–41–92, S7–1–93 (hereinafter ICI Letter).

[7] Section 10(f) (15 U.S.C. 80a–10(f)) generally prohibits a registered investment company from acquiring securities during the existence of an underwriting syndicate if a principal underwriter of that syndicate is an affiliate of the investment company. Rule 10f–3 provides a limited exemption from section 10(f)(3) for securities acquisitions that satisfy conditions intended to prevent an underwriter from "dumping" unmarketable securities on an affiliated fund or from earning excessive underwriting fees. *See* Investment Company Acquisition of Securities Underwritten by an Affiliate of that Company, Investment Company Act Release No. 14924 (Feb. 4, 1986), 51 FR 4386.

Section 17(a) (15 U.S.C. 80a–17(a)) generally prohibits an affiliated person of a registered investment company (or an affiliated person of such person) from engaging in a purchase, sale, or loan transaction with the investment company (or any company controlled by the investment company). Rule 17a–7 provides an exemption from section 17(a) for purchases and sales of securities between funds that are considered affiliates because of a common adviser, director, or officer, subject to conditions designed to eliminate potential overreaching with respect to the participating funds. *See* Exemption of Certain Purchase or Sale Transactions Between Affiliated Registered Investment Companies, Investment Company Act Release No. 4697 (Sept. 16, 1966), 31 FR 12092.

[8] Section 17(e)(2)(A) (15 U.S.C. 80a–17(e)(2)(A)) provides that an affiliated person of a registered investment company (or an affiliated person of such person) acting as a broker on the company's behalf in connection with the sale of securities on a

Continued

of these rules are intended to prevent overreaching and excessive compensation involving affiliates.[9]

Each rule requires the full board and a majority of the independent directors to adopt procedures designed to satisfy the rule's conditions and to determine at least quarterly that all relevant transactions during the preceding quarter were effected in compliance with applicable procedures.[10] As amended, the rules no longer require the board to review annually the procedures for their "continuing appropriateness." The board instead must make and approve changes to the procedures as it deems necessary.

Commenters uniformly agreed that an annual review requirement was not necessary to protect investors.[11] The required quarterly reviews of transactions provide boards with opportunities to monitor the procedures and identify any problems that might require adjustment. In exercising their responsibilities under the amended rules, boards also should take note of any other information about the effectiveness of the procedures that they observe.

B. Rule 17f–4

Rule 17f–4 permits investment companies and their custodians to use a securities depository that is either a clearing agency registered with the Commission under section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1) or the Federal Reserve's book-entry system.[12] As amended, rule 17f–4 requires directors to approve the use of the depository initially and any subsequent changes. Directors no longer are required to approve the arrangement on an annual basis.[13]

Nearly all commenters supported the amendment.[14] Several commenters also urged the Commission to go further, and eliminate any direct involvement by the board in establishing and approving depository arrangements.[15] These commenters noted, among other things, that depository arrangements are commonplace, generally do not involve conflicts of interest, and involve a degree of technical expertise that is more appropriately exercised by fund management.[16] Commenters suggested that the selection of depositories should be delegated to the fund's adviser or custodian, subject to board oversight.[17]

The Commission does not expect the requirement that directors approve depositories initially and any subsequent changes to be burdensome for investment company boards. The Commission may evaluate further the commenters' recommendation, however, in the context of a subsequent rulemaking addressing substantive aspects of rule 17f–4.

C. Rule 22c–1

Rule 22c–1 generally requires the purchase and redemption of a redeemable security to be effected at the current net asset value next computed after receipt of a purchase or redemption request.[18] Subject to limited exceptions, current net asset value must be computed at least once daily.[19] Rule 22c–1 seeks to address the problem of "dilution" and to curb certain speculative trading practices.[20]

As amended, rule 22c–1 no longer requires directors to establish annually the time (or times each day that the company will calculate current net asset value. Annual approval of pricing time does not materially advance the purpose of rule 22c–1, which is accomplished by the fundamental requirement of forward pricing. Amended paragraph (b)(1) and new paragraph (d) of rule 22c–1 require instead that the board initially establish the pricing time, and thereafter make and approve changes as it deems necessary.[21] In connection with these amendments, the Division is adopting conforming amendments to the Guidelines to Forms N–1A (17 CFR 239.15A, 274.11A) and N–3 (17 CFR 239.17a, 274.11b).[22]

All commenters supported the proposed amendments. One commenter also suggested that fund management—and not the board—should be responsible for setting the time at which net asset value is determined.[23] The Commission is taking no action on the commenter's recommendation at this time. The board's role in setting the pricing time may provide some investor protections. In addition, because the time at which net asset value is determined rarely changes, the requirement under the amended rule that the board initially approve the calculation time and any subsequent changes should not be burdensome.

II. Other Comments

Two commenters urged the Commission to extend the amendments to no-action letters and exemptive orders that contain an annual approval requirement in connection with rules 10f-3, 17a-7, 17e-1, 17f-4, and 22c-1.[24] In some cases, such action may be appropriate. At the same time, because

securities exchange may not receive a commission that exceeds the usual and customary broker's commission. Rule 17e–1 specifies conditions under which a commission will not be considered to exceed section 17(e)(2)(A)'s "usual and customary" standard. *See* Agency Transactions by Affiliated Persons on a Securities Exchange, Investment Company Act Release No. 10605 (Mar. 6, 1979), 44 FR 12202.

[9] See *supra* notes 7 and 8.

[10] Rules 10f–3(h), 17a–7(e), and 17e–1(b). One commenter expressed concern regarding the requirement that the board determine that all transactions effected during a particular quarter comply with applicable procedures. The commenter observed that this requirement could be read to nullify the relevant exemption where any one transaction failed to satisfy the established standards. The commenter suggested this "unintended" result could be avoided by modifying the rules to require the board to review transactions quarterly for their compliance. Letter from Michele Y. Yang, Counsel, The Capital Group, Inc., to Jonathan G. Katz, Secretary, SEC (Mar. 4, 1993), File Nos. S7–41–92, S7–1–93. The introductory clause of each rule makes clear that the rules apply on a transaction-by-transaction basis. Accordingly, the quarterly compliance requirement does not operate as the commenter suggests, and modification of the requirement is not necessary.

[11] See, e.g., ABA Subcommittee Letter, *supra* note 6, at 3; Letter of Frederick S. Marius, Assistant Vice President and Associate Counsel, The Putnam Management Company, Inc., to Jonathan G. Katz, Secretary, SEC 1–2 (Mar. 5, 1993), File No. S7–41–92. As noted in the Proposing Release, *supra* note 3, at 4–5, because the procedures generally do not change once they are adopted, the annual approval requirement served little useful purpose.

[12] Rule 17f–4(b).

[13] As explained in the Proposing Release, *supra* note 3, at 6, depository arrangements have become an integral part of securities investing, must comply with the substantive conditions of rule 17f–4, and, once established, are unlikely to change from year to year. Accordingly, the annual approval requirement was largely perfunctory.

[14] While appearing to favor elimination of board approval of depository arrangements, one commenter suggested that amendment of 17f–4 should be deferred and considered in conjunction with rule 17f–5, discussed *supra* note 2, as part of an overall review of investment company custodian relationships. Letter of Leslie L. Ogg, Vice President and General Counsel, IDS, to Jonathan G. Katz, Secretary, SEC (Mar. 2, 1993), File No. S7–41–92 (hereinafter IDS Letter).

[15] ABA Subcommittee Letter, *supra* note 6, at 3–5; ICI Letter, *supra* note 6, at 4–5; Letter of Forrest R. Foss, Vice President and Associate Legal Counsel, T. Rowe Price, to Jonathan G. Katz, Secretary, SEC 1 (Mar. 4, 1993), File Nos. S7–41–92, S7–1–93 (hereinafter T. Rowe Price Letter). See also IDS Letter, *id.*

Under section 17(f) [15 U.S.C. 80a–17(f)], a custodian for a registered investment company may use a depository only with the consent of the company. Consequently, authorization by directors may be required for the fund's custodian to use these arrangements.

[16] ABA Subcommittee Letter, ICI Letter, and T. Rowe Price Letter, *id.*

[17] *Id.* See also IDS Letter, *supra* note 14.

[18] Rule 22c–1(a).

[19] Rule 22c–1(b)(1).

[20] See Pricing of Redeemable Securities for Distribution, Redemption and Repurchase and Time-Stamping of Orders by Dealers, Investment Company Act Release No. 5519 (Nov. 7, 1968), 33 FR 16331.

[21] The board, for example, may decide to change pricing time in response to new developments, such as altered trading hours or changes in the nature of the fund's investments.

[22] These amendments delete references to the annual approval requirements.

[23] ABA Subcommittee Letter, *supra* note 6, at 5.

[24] ICI Letter, *supra* note 6, at 3–4; T. Rowe Price Letter, *supra* note 15.

the facts and circumstances underlying these letters and orders typically depart from the rules' substantive requirements, annual board review may serve more than a "ritualistic" function. Accordingly, these letters and orders will be considered on a case-by-case basis on request.

The Commission also received four additional comments that were not related to the rules proposed for amendment. Commenters urged the Commission to (i) eliminate the requirement that the board approve annually investment company fidelity bonds and liability insurance covering fund affiliates under rules 17g-1(d) and 17d-1(d)(7), respectively;[25] (ii) eliminate the requirement that the board approve annually procedures governing repurchase agreement transactions and securities lending practices;[26] (iii) permit unit investment trusts to rely on rules 17a-7, 17e-1, and 17f-4;[27] and (iv) permit registered investment companies that engage in futures transactions and related options to maintain initial and variation margin in the custody of futures commission merchants.[28] Because these comments raise substantive issues beyond the proposed amendments, action relating to these comments, if any, will be undertaken at a later time.

III. Cost/Benefit Analysis

The amendments to rules 10f-3, 17a-7, 17e-1, 17f-4, and 22c-1 do not impose any significant burdens on investment companies. Rather, the amendments should benefit investment companies by reducing the burdens on directors and freeing their time for more important matters.

IV. Summary of Final Regulatory Flexibility Analysis

A summary of the Initial Regulatory Flexibility Analysis, which was prepared in accordance with 5 U.S.C. 603, was published in Securities Act Release No. 6971. No comments were received on this analysis. The Commission has prepared a Final Regulatory Flexibility Analysis in accordance with 5 U.S.C. 604. The Analysis explains that the amendments eliminate the requirement in these rules that directors annually review certain procedures and arrangements, and require instead that directors make and approve changes only when necessary.[29] The Analysis states that the amendments are intended to substitute more meaningful requirements for an annual review requirement, which is not necessary to further the purposes of the rules or protect investors. The amendments will reduce costs incurred by investment companies and remove time consuming regulatory burdens, while maintaining investor protection. A copy of the Final Regulatory Flexibility Analysis may be obtained by contacting Elizabeth R. Krentzman, Esq. at Mail Stop 10–6, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

V. Statutory Authority

The Commission is adopting amendments to rules 10f-3, 17a-7, 17e-1, 17f-4, and 22c-1 pursuant to sections 6(c), 10(f), 17(e), 17(f), 22(c), and 38(a) of the Act (15 U.S.C. 80a-6(c), -10(f), -17(e), -17(f), -22(c), -37(a)). The authority citations for these actions precede the text of the actions.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Adopted Rule Amendments

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a-1 *et seq.*, 80a-37, 80a-39 unless otherwise noted;

* * * * *

Section 270.22c-1 also issued under secs. 6(c), 22(c), and 38(a) (15 U.S.C. 80a-6(c), 80a-22(c), and 80a-37a).

* * * * *

2. Section 270.10f-3 is amended by revising paragraph (h) to read as follows:

§ 270.10f–3 Exemption of acquisition of securities during the existence of underwriting syndicate.

* * * * *

(h) The board of directors, including a majority of the directors of the investment company who are not interested persons with respect thereto:

(1) Has adopted procedures, pursuant to which such purchases may be effected for the company, which are reasonably designed to provide that all the conditions of this section in paragraphs (a) through (g) have been complied with;

(2) Makes and approves such changes as the board deems necessary; and

(3) Determines no less frequently than quarterly that all purchases made during the preceding quarter were effected in compliance with such procedures; and

* * * * *

3. Section 270.17a–7 is amended by revising paragraph (e)(2) to read as follows:

§ 270.17a–7 Exemption of certain purchase or sale transactions between an investment company and certain affiliated persons thereof.

* * * * *

(e) * * *

(2) Makes and approves such changes as the board deems necessary, and

* * * * *

4. Section 270.17e–1 is amended by revising paragraph (b) to read as follows:

§ 270.17e–1 Brokerage transactions on a securities exchange.

* * * * *

(b) The board of directors, including a majority of the directors of the investment company who are not interested persons thereof:

(1) Has adopted procedures which are reasonably designed to provide that such commission, fee, or other remuneration is consistent with the standard described in paragraph (a) of this section;

(2) Makes and approves such changes as the board deems necessary; and

---

[25] 17 CFR 270.17g-1(d), 270.17d-1(d)(7). Letter of Gary L. Granik, Davis Polk & Wardwell, to Jonathan G. Katz, Secretary, SEC 4–6 (Mar. 5, 1993), File No. S7–41–92 (hereinafter Davis Polk Letter). See also Letter of John W. Norton, Senior Vice President, General Counsel and Secretary, Fortis Financial Group, to Jonathan G. Katz, Secretary, SEC (Feb. 25, 1993), File No. S7–41–92 (asserting that rule 17g-1 contains "many unnecessary procedures and overly detailed requirements that offer virtually no regulatory benefit").

[26] Davis Polk Letter, *supra* note 25, at 4. See Letter from Kathryn McGrath, Director, Division of Investment Management, SEC, to Matthew Fink, General Counsel, ICI (June 19, 1985) (regarding annual approval of procedures attending repurchase agreements). Except where securities are loaned to an affiliate, boards have not been required to approve annually procedures governing securities lending practices. See, e.g., IDS Mutual, Inc., Investment Company Release Nos. 18269 (Aug. 12, 1991), 56 FR 41152 (Notice of Application), and 18299 (Sept. 9, 1991) 49 SEC Docket 1193 (Order); Salomon Brothers (pub. avail. Apr. 4, 1975). The Division believes that whether a board, in the exercise of its fiduciary duties, annually or periodically considers the appropriateness of fund procedures governing the lending of securities to unaffiliated parties depends on the facts and circumstances of the fund involved.

[27] Davis Polk Letter, *supra* note 25, at 6–7.

[28] Letter from Carl A. Royal, Senior Vice President and General Counsel, the Chicago Mercantile Exchange, to Jonathan G. Katz, Secretary, SEC (Mar. 16, 1993), File No. S7–41–92.

[29] The Analysis also notes that the amendments effect certain technical, non-substantive language changes to rules 10f-3, 17e-1, and 17f-4, as well as conforming changes to the Guidelines to Forms N–1A and N–3.

(3) Determines no less frequently than quarterly that all transactions effected pursuant to this section during the preceding quarter were effected in compliance with such procedures; and

* * * * *

5. Section 270.17f–4 is amended by revising paragraphs (b), (c)(3), and (d)(5) to read as follows:

§ 270.17f–4 Deposits of securities in securities depositories.

* * * * *

(b) A registered management investment company (investment company) or any qualified custodian may deposit all or any part of the securities owned by the investment company in a foreign securities depository or clearing agency in accordance with § 270.17f–5 (rule 17f–5) or in:

(1) A clearing agency registered with the Commission under section 17A of the Securities Exchange Act of 1934 (clearing agency), which acts as a securities depository, or

(2) The book-entry system as provided in subpart O of Treasury Circular No. 300, 31 CFR part 306, subpart B of 31 CFR part 350, and the book-entry regulations of Federal agencies substantially in the form of subpart O, in accordance with the following paragraphs of this section.

(c) * * *

(3) The investment company, by resolution of its board of directors, initially approved the arrangement, and any subsequent changes thereto.

(d) * * *

(5) The investment company, by resolution of its board of directors, initially approved the arrangement, and any subsequent changes thereto.

6. Section 270.22c–1 is amended by revising paragraph (b)(1) and adding paragraph (d) to read as follows:

§ 270.22c–1 Pricing of redeemable securities for distribution, redemption and repurchase.

* * * * *

(b) * * *

(1) The current net asset value of any such security shall be computed no less frequently than once daily, Monday through Friday, at the specific time or times during the day that the board of directors of the investment company sets, in accordance with paragraph (e) of this section, except on:

(i) Days on which changes in the value of the investment company's portfolio securities will not materially affect the current net asset value of the investment company's redeemable securities;

(ii) Days during which no security is tendered for redemption and no order to purchase or sell such security is received by the investment company; or

(iii) Customary national business holidays described or listed in the prospectus and local and regional business holidays listed in the prospectus; and

* * * * *

(d) The board of directors shall initially set the time or times during the day that the current net asset value shall be computed, and shall make and approve such changes as the board deems necessary.

Text of Changes to Guidelines

Note: The Guides to Forms N–1A and N–3 are not codified in the Code of Federal Regulations.

1. Guide 28 to Form N–1A (239.15A and 274.11A) is amended by revising the first three sentences of paragraph eleven (unnumbered) to read as follows:

Guide 28. Valuation of Securities Being Offered

* * * * *

Item 7 requires a statement in the prospectus as to when calculations of net asset value are generally made. The current net asset value of redeemable securities should be computed at least once each day whenever there is enough trading in the investment company's portfolio securities to materially affect the current net asset value of the investment company's redeemable securities and on which an order for purchase, redemption, or repurchase of its securities is received. Calculations of net asset values should be made at such time or times during the day as set by the directors of the investment company. * * *

* * * * *

2. Guide 27 to Form N–3 (239.17a and 274.11b) is amended by revising the first three sentences of the last paragraph (unnumbered) to read as follows:

Guide 27. Valuation of Securities Being Offered

* * * * *

The prospectus must disclose when calculations of accumulation unit value are generally made. The current accumulation unit value of redeemable securities should be computed in accordance with rule 22c–1 under the 1940 Act (17 CFR 270.22c–1), i.e., at least once daily on each weekday (except for customary national and local business holidays listed in the prospectus) in which there is sufficient trading in the separate account's portfolio securities so that the current accumulation unit value might be materially affected by changes in the value of these portfolio securities and on which an order for purchase or redemption of its securities is received. These calculations of accumulation unit value should be made at such specific time or times during the day as determined by a majority of the board of managers of the separate account. * * *

By the Commission.

Dated: September 17, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23333 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 101 and 122

[T.D. 93–75]

Customs Service Field Organization; Establishment of Lehigh Valley Port of Entry

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to Customs field organization by establishing a new port of entry in the Customs District of Philadelphia, Pennsylvania, Northeast Region, and deleting the Allentown-Bethlehem-Easton Airport from the list of user fee airports. The new port of entry, designated Lehigh Valley, includes the former user-fee airport Allentown-Bethlehem-Easton Airport, located in Lehigh County, Pennsylvania. This change will assist the Customs Service in its continuing efforts to achieve more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Office of Workforce Effectiveness and Development, Office of Inspection and Control (202) 927–0456.

SUPPLEMENTARY INFORMATION:

Background

On May 17, 1993, Customs published a notice of proposed rulemaking in the **Federal Register** (58 FR 28803) that solicited comments concerning a proposal to amend § 101.3(b), Customs Regulations (19 CFR 101.3), by adding Lehigh Valley as a port of entry in the

Customs District of Philadelphia, Pennsylvania, and § 122.15(b), by deleting the Allentown-Bethlehem-Easton (A-B-E) Airport from the list of user-fee airports.

The proposal to establish Lehigh Valley, including the A-B-E Airport, which is currently operated as a user-fee airport, as a port of entry was initiated by the Lehigh-Northhampton Airport Authority, which requested the designation. Customs, applying the port of entry criteria found in Treasury Decision (T.D.) 82–37 (47 FR 10137), as revised by T.D. 86–14 (51 FR 4559) and T.D. 87–65 (52 FR 16328), determined that there was sufficient justification for the establishment of a Lehigh Valley port of entry, including A-B-E, and published the proposal. Because Lehigh Valley meets an appropriate combination of the criteria set forth in the above cited Treasury Decisions, Customs believes its addition as a port of entry would help Customs achieve more efficient use of its personnel, facilities, and resources, and provide better services to carriers, importers, and the public in the Northeast Region.

The public comment period for the proposed amendments closed July 16, 1993; ten comments, all favorable to the creation of Lehigh Valley as a port of entry, were received. After further review of the matter, taking into account that all comments were favorable, Customs has determined that the port of entry shall be established, as proposed, and that A-B-E, because it is now to be part of a port of entry, shall no longer be designated as a user-fee airport. The Customs Regulations are amended accordingly.

Limits of Port of Entry

The geographical limits of the Lehigh Valley port of entry are as follows:

In Lehigh County, Pennsylvania, beginning at the intersection of Pennsylvania Route 987 and Race Street and proceeding south along Pennsylvania Route 987 to the Lehigh Valley Thruway (U.S. Route 22), and then southwest along the Lehigh Valley Thruway to the Lehigh River, and then north along the Lehigh River to where it meets Race Street, and then northeast along Race Street to the point of beginning.

Authority

This amendment is promulgated pursuant to Customs authority under 5 U.S.C. 301 and 19 U.S.C. 2, 66, and 1624.

Inapplicability of the Regulatory Flexibility Act and Executive Order 12291

Although Customs solicited public comments, no notice of proposed rulemaking was required pursuant to 5 U.S.C. 553 because this matter relates to agency management and organization; therefore, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). For the same reason, the regulatory impact analysis requirement of Executive Order 12291 is not applicable to this document.

Drafting Information

The principal author of this document was Gregory R. Vilders, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 101

Customs duties and inspection, Customs regions, districts, and ports of entry, Exports, Imports, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

19 CFR Part 122

Air carriers, Aircraft, Airports, Air transportation, Customs duties and inspection, Drug traffic control, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated above, parts 101 and 122 of the Customs Regulations (19 CFR parts 101 and 122) are amended as set forth below:

PART 101—GENERAL PROVISIONS

1. The authority citation for part 101 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1, 2, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

2. In § 101.3, the chart in paragraph (b) is amended by adding, in appropriate alphabetical order, "Lehigh Valley (T.D. 93–75)" in the column headed "Ports of entry" in the Philadelphia, Pennsylvania district of the Northeast Region.

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1459, 1590, 1594, 1623, 1624, 1644; 49 U.S.C. App. 1509.

2. In § 122.15, the chart in paragraph (b) is amended by removing "Lehigh Valley, Pennsylvania" in the column headed "Location" and, on the same line, "Allentown-Bethlehem-Easton Airport" in the column headed "Name"

Michael H. Lane,

Acting Commissioner of Customs.

Approved: September 8, 1993.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 93–23490 Filed 9–23–93; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Exempt Anabolic Steroid Products

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: The interim rule (58 FR 34707, June 29, 1993) which identified two anabolic steroid products as being exempt from certain regulatory provisions of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*) is adopted without change.

EFFECTIVE DATE: September 24, 1993.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., (Chief, Drug and Chemical Evaluation Section), 202–307–7183.

SUPPLEMENTARY INFORMATION: The Director, Office of Diversion Control, Drug Enforcement Administration (DEA), published in the **Federal Register**, an interim rule which identified two products as being exempt anabolic steroid products (58 FR 34707, June 29, 1993). Comments were requested, none were received. The interim rule is adopted without change.

The listing of products in 21 CFR 1308.34 relieves persons who handle them in the course of legitimate business from the registration, records, reports, prescription, physical security, import, and export requirements associated with Schedule III controlled substances. Accordingly, the Director certifies that this action will have no impact on the ability of small businesses to compete and he therefore determines that no regulatory flexibility analysis is required.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that this matter does not have sufficient federalism

implications to require the preparation of a Federalism Assessment.

It has been determined that drug control matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12291. Accordingly, this action is not subject to those provisions of E.O. 12778 which are contingent upon review by OMB. Nevertheless, the Director has determined that this is not a "major rule," as that term is used in E.O. 12291, and that it would otherwise meet the applicable standards of sections 2(a) and 2(b)(2) of E.O. 12778.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by title XIX of Public Law 101–647, as delegated to the Administrator of the DEA pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100, the Director of the Office of Diversion Control hereby adopts as a final rule, without change, the interim rule amending 21 CFR 1308.34 which was published at 58 FR 34707 on June 29, 1993.

Dated: September 17, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–23437 Filed 9–23–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AB66

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule amends Minerals Management Service (MMS) regulations governing the Outer Continental Shelf (OCS) reporting forms used for collecting information related to oil and gas and sulphur drilling and production in the OCS. The currently approved Office of Management and Budget (OMB) OCS reporting forms are being updated and modernized as part of MMS's continuing effort to reduce the paperwork and respondent burden imposed on the public as required by the Paperwork Reduction Act of 1980. These revisions are the result of an analysis by MMS's Lessee Operator Offshore Reporting Requirements (LOORR) task force and comments received from industry in response to several **Federal Register** Notices which were published in August 1990 on the proposed forms. These changes will enable MMS to process the data submitted by industry more efficiently, reduce the reporting requirements for industry, and establish a consistent format and syntax to facilitate submission of their information by electronic data transmission.

EFFECTIVE DATE: October 25, 1993.

ADDRESSES: A single copy of the OCS reporting forms may be obtained from the Minerals Management Service; Attention: Mrs. Jo Ann Lauterbach, Mail Stop 4700; 381 Elden Street, Herndon, Virginia 22070–4817; telephone (703) 787–1600 or (FTS) 393–1600. Additional copies of each form may be obtained from the appropriate OCS Regions as listed below:

1. Regional Director, Alaska OCS Region, University Plaza Building, 949 East 36th Avenue, Anchorage, Alaska 99508, (907) 271–6010
2. Regional Director, Atlantic OCS Region, 381 Elden Street, Herndon, Virginia 22070–4817, (703) 787–1110
3. Regional Director, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 736–2589
4. Pacific OCS Region

a. Field Operations Forms MMS–123, 124, and 125:
District Supervisor, Ventura District Office, 770 Paseo Camarillo, Camarillo, California 93010, (805) 389–7775
District Supervisor, Santa Maria District Office, 222 W. Carmen Lane, Suite 201, Santa Maria, California 93454, (805) 922–7958

b. Production Rate Control Forms MMS–126, 127, and 128:
Regional Director, Pacific OCS Region, Attention: Mr. Michael Mitchell, 770 Paseo Camarillo, Camarillo, California 93010, (805) 389–7550

FOR FURTHER INFORMATION CONTACT: Chief, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION:

Background

In September 1988, the Director of MMS formed the LOORR task force to evaluate the reporting requirements imposed by MMS upon the oil and gas and sulphur industries operating in the OCS. The objective of the LOORR task force was to determine if all data contained on the nine OMB-approved OCS reporting forms were necessary or whether some forms could be submitted less frequently, combined with others, or eliminated. To conduct its review, the LOORR task force developed a list of questions regarding the forms, data on the forms, and their use. Field interviews were conducted with MMS field office personnel and representatives from the U.S. Coast Guard; Shell Offshore Inc.; Unocal; Exxon Co., USA; Chevron U.S.A. Inc.; Mobil E&P U.S. Inc.; FMP Operating Co.; and J. Connor Consulting.

After a series of these meetings and additional consultation with MMS field personnel and industry representatives, the LOORR task force proposed to update and modernize the current OMB-approved OCS reporting forms used for collecting information related to oil and gas and sulphur drilling and production in the OCS.

Each data element on the currently approved forms was analyzed by the LOORR task force to determine its use and function. As a result of this analysis, the number of OCS reporting forms was reduced from nine to six, by eliminating one form and combining four forms into two. Some data elements were combined while others were eliminated, and the reporting interval for well tests of oil-well completions was reduced from quarterly to semiannual. The forms were also renumbered in order of sequence of events for drilling and production.

Additionally, the layout of the forms was changed to facilitate development of formal data exchange standards in the future.

The following revisions were recommended by the LOORR task force in the restructuring of the nine OCS reporting forms:

1. Replace the currently approved Form MMS–331C, Application for Permit to Drill, with proposed form, Form MMS–123, Application for Permit to Drill. A summary of the proposed casing and cementing program as well as casing design safety factors were eliminated from Form MMS–331C. These data elements were removed because they were already included in the detailed well prognosis report which was attached to Form MMS–331C.

2. Replace the currently approved Form MMS–331, Sundry Notices and Reports on Wells, with proposed form, Form MMS–124, Sundry Notices and Report on Wells.

3. Eliminate Form MMS–332, Notice of Intent/Report of Well Abandonment, since that information would be collected on Form MMS–124.

4. Replace the currently approved Form MMS–330, Well (Re) Completion Report, with proposed form, Form MMS–125, Well Summary Report. Production test data elements were eliminated from Form MMS–330 because they were already being submitted on Form MMS–1868, Well Potential Test Report.

5. Combine the currently approved Form MMS–1868, Well Potential Test Report, and Form MMS–1867, Request for Well Maximum Production Rate (MPR), into a new proposed form, Form MMS–126, Well Potential Test Report and Request for Maximum Production Rate (MPR). This change reduced the number of forms required to be submitted by lessees.

6. Replace the currently approved Form MMS–1866, Request for Reservoir Maximum Efficient Rate (MER), with proposed form, Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER).

7. Combine the currently approved Form MMS–1869, Quarterly Oil Well Test Report, and Form MMS–1870, Semiannual Gas Well Test Report, into a new proposed form, Form MMS–128, Semiannual Well Test Report. This change reduced the number of forms required to be submitted by the lessees. Also, the reporting interval for oil wells was changed from quarterly to semiannual, and similar data elements on each form were combined.

Action Taken

Federal Register Notices requesting comments from the interested public, industry, and agencies were published for the six proposed forms as follows:

1. August 9, 1990 (55 FR 32491), Form MMS–123, Application for Permit to Drill.

2. August 13, 1990 (55 FR 32973), Form MMS–124, Sundry Notices and Reports on Wells.

3. August 9, 1990 (55 FR 32484), Form MMS–125, Well Summary Report.

4. August 9, 1990 (55 FR 32488), Form MMS–126, Well Potential Test Report and Request for Maximum Production Rate.

5. August 9, 1990 (55 FR 32498), Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER).

6. August 9, 1990 (55 FR 32495), Form MMS–128, Semiannual Well Test Report.

The notices outlined the specific information collection requirements pertaining to each proposed form (revised according to the LOORR recommendations of the task force), discussed when each form would be required, and provided MMS's estimates of the information collection burden resulting from each form. A copy of each proposed form was also published.

Comments were received from four companies which addressed the design and specific data elements on the proposed forms. Some of the comments conflicted with other comments. Several suggestions were made to eliminate certain data elements as unnecessary. Data elements were eliminated where possible; however, other data elements are needed in some OCS Regions and had to be retained.

Some commenters recommended moving certain data elements on the forms to another place on the forms or to clarify what other data elements meant. Some adjustments were made for clarity; further clarification of the data elements will be provided in a "Reporter's Handbook."

Three of the commenters addressed the time to prepare the forms. The MMS recognizes that there is a significant difference in the range of hours required to complete a form. Therefore, an average of the hours was calculated taking comments into consideration, and the burden hours were adjusted accordingly.

After analysis of the comments received and considerable input from the OCS Regions, appropriate revisions were made to further restructure the forms. Please refer to **ADDRESSES** in the preamble for obtaining copies of the OCS reporting forms.

The new forms are designed so that data are submitted only once by an operator. The same information request (besides well identification) does not appear on subsequent forms. If information changes during the life of a well, the new value is submitted on the same type of form on which it was originally submitted and is noted as an amendment.

All wells shall be identified by their API number on all forms.

The new forms were renumbered (MMS–123 through 128) to reflect the usual order in which they would be submitted as activities occur. In addition, the data elements on the new forms are numbered sequentially from number 1 to number 190 using Form MMS–123 as the base form. Where similar data elements appear on the other forms, the same number is used; e.g., Well Location at Total Depth is data element number 17 on all forms.

The MMS has determined that publication of this final rule without the publication of a proposed rule is allowable in accordance with section 553(b)(3)(B) of the Administrative Procedures Act. A proposed rule is unnecessary because the public had an opportunity to review and comment on the restructured forms, their usage, and the proposed language changes to 30 CFR part 250 to accommodate these new forms when this information was published in the **Federal Register** on August 9 and 13, 1990, as discussed earlier in this preamble. There are no substantive differences between this final rule and the information provided to the public on August 9 and 13, 1990, except that the reporting interval for oil-well tests was changed from quarterly to semiannual.

Author

This document was prepared by Jo Ann Lauterbach, Engineering and Technology Division, MMS.

Executive Order (E.O.) 12291

The Department of the Interior (DOI) has determined that this document does not constitute a major rule under E.O. 12291; therefore, a regulatory impact analysis is not required. The DOI has determined that this rule will not have a significant economic effect on small entities since offshore activities are complex undertakings generally engaged in by enterprises that are not considered small entities.

Regulatory Flexibility Act

The DOI has determined that this rule will not have a significant effect on a substantial number of small entities. In general, the entities that engage in offshore activities are not considered small due to the technical and financial resources and experience necessary to safely conduct such activities.

Paperwork Reduction Act

The collections of information contained in this rule have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance numbers 1010–0017, 1010–0018, 1010–0039, 1010–0044, 1010–0045, 1010–0046, and 1010–0078.

Takings Implication Assessment

The DOI certifies that the rule does not represent a Government action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment has not been prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights.

E.O. 12778

The DOI has certified to OMB that this final regulation meets the applicable standards provided in Sections 2(a) and 2(b)(2) of E.O. 12778.

National Environmental Policy Act

The DOI has determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands-mineral resources, Public lands-rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: July 16, 1993.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth above, 30 CFR part 250 is amended as follows:

PART 250—[AMENDED]

1. The authority for part 250 continues to read as follows:

Authority: Sec. 204, Pub. L. 95–372, 92 Stat. 629 (43 U.S.C. 1334).

2. Section 250.0 paragraphs (r), (t), and (v) are removed; paragraphs (s), (u), (w), (x), and (y) are redesignated as (r), (s), (t), (u), and (v), respectively; and paragraphs (o), (p), and (q), and redesignated paragraphs (r), (s), (t), and (u) are revised to read as follows:

§ 250.0 Authority for information collection.

* * * * *

(o) The information collection requirements for Form MMS–123, Application for Permit to Drill, contained in subpart D, Drilling Operations; subpart E, Well-Completion Operations; and subpart P, Sulphur Operations, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0044. The information is being collected to ascertain the conditions of a drilling site for the purpose of mitigating hazards inherent in drilling operations and to determine whether the drilling operations are being conducted in a safe and environmentally sound manner. The requirement to respond is mandatory under 43 U.S.C. 1334. Public reporting burden for this collection of information is estimated to average 1.5 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. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0044.

(p) The information collection requirements for Form MMS–124, Sundry Notices and Reports on Wells, contained in subpart D, Drilling Operations; subpart E, Well-Completion Operations; subpart F, Well-Workover Operations; subpart G, Abandonment of Wells; and subpart P, Sulphur Operations, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0045. The information is being collected to evaluate and approve or disapprove the adequacy of the equipment and/or procedures which the lessee plans to use during the conduct of drilling, production, well-completion, and well-workover operations, including deepening and plugging back and well-abandonment operations, including temporary abandonments where the wellbore will be re-entered and completed or permanently abandoned. The requirement to respond is mandatory under 43 U.S.C. 1334. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0045.

(q) The information collection requirements for Form MMS–125, Well Summary Report, contained in subpart D, Drilling Operations; subpart E, Well-Completion Operations; subpart F, Well-Workover Operations; and subpart P, Sulphur Operations, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0046. The information is being collected to ensure that MMS's District Supervisors have accurate data and information on the wells under their jurisdiction and to ensure compliance with approved plans. The requirement to respond is mandatory under 43 U.S.C. 1334. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0046.

(r) The information collection requirements for Form MMS–126, Well Potential Test Report and Request for Maximum Production Rate (MPR), contained in subpart K, Production Rates, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0039. The information is being collected to provide MMS with data concerning the production potential of an oil or gas well or the purpose of determining a well maximum production rate. The requirement to respond is mandatory under 43 U.S.C. 1334. Public reporting burden for this collection of information is 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0039.

(s) The information collection requirements for Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER), contained in subpart K, Production Rates, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0018. The information is being collected to determine whether the lessee has correctly classified an oil, gas, or oil-with-associated-gas-cap reservoir, as sensitive or nonsensitive, and to determine a reservoir MER which will prevent detriment to ultimate oil and gas recovery. The requirement to respond is mandatory under 43 U.S.C. 1334. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0018.

(t) The information collection requirements for Form MMS–128, Semiannual Well Test Report, contained in subpart K, Production Rates, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0017. The information is being collected to verify the production capacity of each oil and gas completion and to revise MPR's accordingly. The requirement to respond is mandatory under 43 U.S.C. 1334. 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. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0017.

(u) The information collection requirements in Subpart O, Training, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1010–0078. The information is being collected to inform MMS that applicable training programs are sufficient to meet safety and environmental requirements and that the programs are being carried out. The information is used to ensure that workers are properly trained to operate in the OCS. The requirement to respond is mandatory under 43 U.S.C. 1334. Public reporting burden for this collection of information is estimated to average 5 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. Comments submitted relative to this information collection should reference Paperwork Reduction Project 1010–0078.

3. Section 250.18 is amended by revising paragraphs (d)(1), (d)(2), and (d)(3) and adding paragraphs (d)(4) and (d)(5) to read as follows:

§ 250.18 Data and information to be made available to the public.

* * * * *

(d) * * *

(1) On Form MMS–123, Application for Permit to Drill:

—Item 17, Well Location at Total Depth (Estimated).
—Item 24, Total Depth (Proposed), MD and TVD
—Item 25, Attachments

(2) On Form MMS–124, Sundry Notices and Reports on Wells:

—Item 36, Describe Proposed or Completed Operations

(3) On Form MMS–125, Well Summary Report:

—Item 17, Well Location at Total Depth (Surveyed)
—Item 24, Total Depth (Surveyed), MD and TVD
—Item 34, Well Status/Type Code
—Item 37, Well Location at the Producing Zone (Surveyed)
—Item 46, Top (MD)
—Item 47, Bottom (MD)
—Item 48, Top (TVD)
—Item 49, Bottom (TVD)
—Item 50, Reservoir Name
—Item 51, Name(s) of Producing Formation(s) This Completion
—Item 52, Hole Size
—Item 53, Casing Size
—Item 54, Casing Weight
—Item 55, Grade
—Item 56, Setting Depth (MD)
—Item 57, Cement Type
—Item 58, Quantity of Cement
—Item 59, Hole Size
—Item 60, Tubing Size
—Item 61, Tubing Weight
—Item 62, Grade
—Item 63, Setting Depth (MD)
—Item 64, Packer Setting Depth (MD)
—Item 65, Hole Size
—Item 66, Liner Size
—Item 67, Liner Wt.
—Item 68, Grade
—Item 69, Top (MD)
—Item 70, Bottom (MD)
—Item 71, Cement Type
—Item 72, Cement Quantity
—Item 73, Top (MD)
—Item 74, Bottom (MD)
—Item 75, Type of Material
—Item 76, Material Quantity
—Item 77, List of Electric and Other Logs Runs, Directional Surveys, Velocity Surveys, and Core Analysis
—Item 78, Summary of Porous Zones: Show all zones containing hydrocarbons; all cored intervals; and attach all drill stem and well potential tests
—Item 79, Formation
—Item 80, top MD
—Item 81, top TVD
—Item 82, Bottom MD
—Item 83, Bottom TVD
—Item 84, Description, Contents, Etc.
—Item 85, Geologic Markers
—Item 86, Top MD
—Item 87, Top TVD

(4) On Form MMS–126, Well Potential Test Report and Request for Maximum Production Rate (MPR):

—Item 101, Static Bottomhole Pressure

(5) On Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER):

—Item 124, Upper ϕ Cut off
—Item 125, Lower ϕ Cut Off
—Item 126, Upper k Cut Off
—Item 127, Lower k Cut Off
—Item 128, G/O Interface
—Item 129, W/O Interface
—Item 130, G/W Interface
—Item 131, A_g
—Item 132, A_o
—Item 133, V_o
—Item 134, V_g
—Item 135, H_o
—Item 136, h_o
—Item 137, H_g
—Item 138, h_g
—Item 139, ϕ_c
—Item 140, S_w
—Item 141, S_g
—Item 142, S_o
—Item 143, B_{oi}
—Item 144, B_{gi}
—Item 145, N
—Item 146, G
—Item 147, K_h
—Item 148, K_v
—Item 149, Avg Well Depth
—Item 150, R_{io}
—Item 151, R_{ig}
—Item 152, $R_{io}N$
—Item 153, $R_{ig}G$
—Item 154, $N_p(2)/N$
—Item 155, $G_p(2)/G$
—Item 156, Degrees API @ 60F
—Item 157, SG
—Item 158, R_{si}
—Item 159, μ_{oi}
—Item 160, μ_o
—Item 161, T_{avg}
—Item 162, P_i
—Item 163, P_iDATE
—Item 164, P_{ws}
—Item 165, P_{ws}DATE
—Item 166, P_b
—Item 167, P_d
—Item 168, Datum Depth

* * * * *

4. Section 250.51 is amended by revising the second sentence of paragraph (a)(3) to read to read as follows:

§ 250.51 General requirements.

(a) * * *

(3) * * * The information shall be submitted with or prior to the submission of Form MMS–123, Application for Permit to Drill (APD), in accordance with § 250.64. * * *

* * * * *

5. Section 250.64 is amended by revising paragraph (a) and paragraph (f) introductory text to read as follows:

§ 250.64 Applications for permit to drill.

(a) Prior to commencing the drilling of a well under an approved Exploration Plan, Development and Production Plan, or Development Operations Coordination Document, the lessee shall file a Form MMS–123, APD, with the District Supervisor for approval. Prior to commencing operations, written approval from the District Supervisor must be received by the lessee unless oral approval has been given pursuant to § 250.6(a).

* * * * *

(f) An APD shall include the following in addition to a fully completed Form MMS–123:

* * * * *

6. Section 250.83 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 250.83 Approval and reporting of well-completion operations.

* * * * *

(c) Within 30 days after completion, Form MMS–125, Well Summary Report, including a schematic of the tubing and subsurface equipment, shall be submitted to the District Supervisor.

(d) Public information copies of Form MMS–125 shall be submitted in accordance with § 250.17.

7. Section 250.103 is amended by revising paragraph (d) to read as follows:

§ 250.103 Approval and reporting for well-workover operations.

* * * * *

(d) Within 30 days after completing the well-workover operation, except routine operations, Form MMS–124, Sundry Notices and Reports on Wells, shall be submitted to the District Supervisor, showing the work as performed. In the case of a well-workover operation resulting in the initial recompletion of a well into a new zone, a Form MMS–125, Well Summary Report, shall be submitted to the District Supervisor and shall include a new schematic of the tubing subsurface equipment if any subsurface equipment has been changed.

§ 250.111 [Amended]

8. In § 250.111, the introductory text, second sentence, is amended by removing the words "Form MMS–332, Notice of Intent/Report of Well Abandonment" and adding, in their place, the words "Form MMS–124, Sundry Notices and Reports on Wells."

§ 250.114 [Amended]

9. In § 250.114, paragraph (b) is amended by removing the words "with Form MMS–332" and adding in their place, the words "on Form MMS–124."

10. In § 250.172, paragraphs (a)(2), (a)(3), (a)(6), (a)(7), and (a)(8) are amended by removing the words "Form MMS–1866" each time they appear and adding, in their place, the words "Form MMS–127"; paragraphs (a)(1), (b)(2), (b)(3), (b)(5), and (b)(6) are revised; and paragraphs (a)(9), (b)(8), and (b)(9) are added to read as follows:

§ 250.172 Oil and gas production rates.

(a) * * *

(1) The lessee shall submit a proposed MER for each producing sensitive reservoir on Form MMS–127, Request for Reservoir Maximum Efficient Rate (MER), along with appropriate supporting information to the Regional Supervisor within 45 days after discovering that a reservoir is sensitive.

* * * * *

(9) Public information copies of Form MMS–127 shall be submitted in accordance with § 250.17.

(b) * * *

(2) The lessee shall conduct a well-flow potential test within 30 days of the date of first continuous production on all new, recompleted, and reworked well completions. Within 15 days after the end of the test period, the lessee shall submit a proposed MPR with well potential test for the individual well completion on Form MMS–126, Well Potential Test Report and Request for Maximum Production Rate (MPR). The initial MPR shall not exceed 110 percent of the test rate submitted and shall be effective on the first day of the month following the end of the test period if approved by the Regional Supervisor. During the 30-day period allowed for testing, the lessee may produce a new, recompleted, or reworked completion at rates necessary to establish the MPR. After the 30-day period and prior to approval of the initial MPR, a well completion may be produced at a rate not to exceed the proposed rate. The lessee shall report the total production obtained during the test period and shall identify all other wells completed in the reservoir on Form MMS–126.

(3) At least one well test shall be conducted during a calendar half for producing oil-well and gas-well completions and results submitted on Form MMS–128, Semiannual Well Test Report. Well tests shall be submitted within 45 days of the day the test was conducted.

* * * * *

(5) When a well test is not submitted during a calendar half for a producing oil-well or gas-well completion, the MPR will be automatically canceled effective on the first day of the appropriate following calendar half.

(6) When the results of a semiannual well test for an oil-well or gas-well completion cannot be submitted within the specified time, the lessee shall request an extension of time for submitting those test results. The extension must be approved in advance by the Regional Supervisor to continue production under the last approved MPR.

* * * * *

(8) Public Information copies of Form MMS–126 shall be submitted in accordance with § 250.17.

(9) Public information copies of Form MMS–128 shall be submitted in accordance with § 250.17.

* * * * *

§ 250.282 [Amended]

11. In § 250.282, paragraph (c)(1) is amended by removing the words "Form MMS–330" and adding, in their place, the words "Form MMS–125."

§§ 250.65, 250.66, 250.83, 250.85, 250.103, 250.105, 250.121, 250.273, 250.274, and 250.282 [Amended]

12. In addition to the amendments set forth above in 30 CFR Part 250, remove the words "Form MMS–331" and add, in their place, the words "Form MMS–124" in the following places:

(a) Section 250.65(a), (b) (twice), and (c);

(b) Section 250.66 (b) and (e);

(c) Section 250.83 (a) and (b);

(d) Section 250.85(a);

(e) Section 250.103(a), (b) introductory text, and (c) introductory text;

(f) Section 250.105(a);

(g) Section 250.121(h)(1);

(h) Section 250.273(a), (b), and (c);

(i) Section 250.274(b); and

(j) Section 250.282(a), (b), and (c)(2).

§§ 250.66, 250.103, and 250.274 [Amended]

13. In addition to the amendments set forth above in 30 CFR Part 250, remove the words "Form MMS–330, Well (Re)Completion Report" and add, in their place, the words "Form MMS–125, Well Summary Report" in the following places:

(a) Section 250.66(b);

(b) Section 250.103(d); and

(c) Section 250.274(b).

§§ 250.83, 250.85, 250.260, 250.272 and 250.282 [Amended]

14. In addition to the amendments set forth above, in 30 CFR part 250 remove the words "Form MMS–331C" and add, in their place, the words "Form MMS–123" in the following places:

(a) Section 250.83 (a) and (b) introductory text;

(b) Section 250.85(a);

(c) Section 250.260(b)(3);

(d) Section 250.272 (a) and (c) introductory text; and

(e) Section 250.282(b) introductory text.

[FR Doc. 93–23445 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Virginia Regulatory Program Amendment

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed program amendment to the Virginia regulatory

program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment filed by Virginia on May 6, 1993 (Administrative Record No. VA–823), consists of House Bill (HB) 1687 which contains changes to Sections 45.1–243 and 45.1–258 of the Code of Virginia as enacted by the Virginia General Assembly during its 1993 session. The changes are being proposed to bring the Virginia program into compliance with changes to SMCRA resulting from the Energy Policy Act of 1992 (Pub. L. 102–486).

EFFECTIVE DATE: September 24, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Drawer 1217, Powell Valley Square Shopping Center, Room 220, Route 23, Big Stone Gap, Virginia 24219, Telephone (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program.
II. Submission of Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Virginia Program

The Secretary of the Interior conditionally approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Submission of Amendments

By letter dated May 6, 1993 (Administrative Record No. VA–823), Virginia submitted a proposed program amendment consisting of House Bill 1687, enacted during the 1993 session of the Virginia General Assembly. The amendment contains revisions to Sections 45.1–243 and 45.1–258 of the Code of Virginia.

OSM announced receipt of the proposed amendment in the May 25, 1993, **Federal Register** (58 FR 30005), and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on June 24, 1993.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17 are the Director's findings concerning the proposed amendment to the Virginia program.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Section 45.1–243 of the Code of Virginia

1. HB 1687 revises § 45.1–243A. by adding a reference to section 720(a)(1) of SMCRA, which now requires that Virginia promulgate regulations embodying the requirements of 720(a)(1) of SMCRA. The Director finds this to be in accordance with 720(b) of SMCRA which requires OSM to promulgate regulations to implement 720(a) of SMCRA. HB 1687 also adds the statement that "[N]othing in Section 720(a)(1) of the Federal act shall be construed to prohibit or interrupt underground coal mining operations." This sentence is substantively identical to the last sentence of 720(a) of SMCRA.

2. HB 1687 revises § 45.1–243B. to correct a typographical error by replacing the phrase "major implements" with "major impoundments". The Director finds that, with this correction, Section 45.1–243B. of the Code of Virginia substantively identical to section 516(c) of SMCRA.

B. Revisions to Section 45.1–258 of the Code of Virginia

HB 1687 revises § 45.1–258 by adding new subsections B., C., D., and E. which contain the following provisions.

1. Subsection B. provides for the replacement of water supplies adversely affected by underground coal mining conducted after October 24, 1992, and further provides that nothing in the subsection shall be construed to prohibit or interrupt underground coal mining operations. The Director finds these provisions to be substantively identical to and, therefore, no less stringent than the Federal provisions at section 720(a) of SMCRA. In addition, Subsection B. allows for the issuance of guidelines, pursuant to Section 45.1–230A.1 of the Code of Virginia, regarding water replacement, until such time as Virginia issues permanent regulatory provisions. In a letter dated July 30, 1993 (Administrative Record No. VA–826), OSM expressed its concern that such guidelines might exceed the criteria of § 45.1–230.A.1, and would have to be submitted to OSM for review and approval as a program amendment. Virginia responded (Administrative Record No. VA–827) by pointing out that the guidelines are not enforceable, and that any enforcement actions taken would be consistent with the statute and existing regulations. The State further explained that any guidelines issued could not be submitted as program amendments, since to do so would go beyond the intent of § 45.1–230.A.1, which provides that such guidelines shall be solely for purposes of public information and education, and shall not have the force of regulations under chapter 17 or under any other provision of the Code of Virginia. While there is no direct Federal counterpart, the Director finds that this proposal, as clarified, will not render Virginia's program inconsistent with any requirements of SMCRA or the Federal regulations.

2. Subsection C. requires the underground coal mine operator to maintain mine maps reflecting, at a minimum, information on the daily progress of mining operations conducted after October 24, 1992. The maps are to be maintained at the mine site or in the company office until completion of mining and are to be submitted upon completion of mining, or upon request, to the regulatory authority. While there is no direct Federal counterpart, the Director finds that the proposal is within the regulatory authority's discretion and is not inconsistent with the requirements of SMCRA and the Federal regulations.

3. Subsection D. provides that an order to replace the water supply, made pursuant to proposed Subsection B., shall not be overturned without clear and convincing evidence where the operator fails to provide the maps required under proposed Subsection C. In addition, where water replacement is not ordered after an investigation, and reasonable access for pre-mining survey was denied, the determination not to replace shall not be overturned without clear and convincing evidence to the contrary. While there is no direct Federal counterparts, the Director finds that the proposal will not render Virginia's program inconsistent with any requirements of SMCRA or the Federal regulations.

4. Subsection E. provides that the underground coal mine operator shall provide a certificate certifying that he has, in force, a public liability insurance policy which provides protection adequate to replace any water supply as required by proposed Subsection B. The

policy must be maintained in full force for the term of the permit, including renewals, and including the liability period necessary to complete all required reclamation operations. The provisions of proposed Subsection E. expire on the date the Secretary approves the program amendment containing Virginia's regulations implementing the provisions of proposed Subsection B. of this section. In a letter dated August 10, 1993 (Administrative Record Number VA–827), which was submitted in response to a request for clarification from OSM (Administrative Record Number VA–826), Virginia pointed out that the General Assembly could not anticipate how the future OSM rules would provides for bond or insurance to ensure that water supplies could be replaced. As a temporary remedy, the Virginia General Assembly created § 45.1–258(E). However, the Virginia General Assembly did not want to create a provision inconsistent with the future Federal requirement. Therefore, they stipulated that this provision would cease when the State regulations were amended to incorporate whatever financial assurance standards OSM promulgated. The Director finds that the proposal, as clarified by Virginia, is consistent with the general requirements for liability insurance provided for in section 507(f) of SMCRA and 30 CFR 800.60.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing was announced in the May 25, 1993, **Federal Register** (58 FR 30005). The public comment period closed on June 24, 1993. No comments were filed and no one requested an opportunity to testify at the scheduled public hearing so no hearing was held.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various government agencies with an actual or potential interest in the Virginia program. No responses were received from the agencies solicited.

V. Director's Decision

Based on the above findings, the Director is approving the program amendment submitted by Virginia on May 6, 1993.

The Federal regulations at 30 CFR part 946 codifying decisions concerning the Virginia program are being amended to implement this a decision. The Director is approving these proposed statutes with the understanding that they be promulgated in a form identical to that submitted to OSM and reviewed by the public. Any differences between these statutes and the State's final promulgated statutes will be processed as a separate amendment subject to public review at a later date. This final rule is being made effective immediately to expedite the State program amendment process and to encourage the State to conform its program with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

Environmental Protection Agency (EPA) Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

VI. Procedural Determinations

Executive Order 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted the Office of Surface Mining Reclamation and Enforcement (OSM) an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731 and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, Underground mining.

Carl C. Close,

Assistant Director, Eastern Support Center.

For the reasons set forth in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 946—VIRGINIA

1. The authority citation for part 946 continues to read as follows:

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

2. 30 CFR 946.15, is amended by adding a new paragraph (gg) to read as follows:

§ 946.15 Approval of regulatory program amendments.

* * * * *

(gg) The following amendment submitted to OSM on May 6, 1993, effective September 24, 1993. The amendment consists of the following modifications to the Virginia program:

Revisions to §§ 45.1–243 and 45.1–258 of the Code of Virginia, as set forth in House Bill 1687 as enacted during the 1993 session of the Virginia General Assembly.

[FR Doc. 93–23412 Filed 9–23–93; 8:45 am]
BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[OR–33–1–5973; FRL–4734–1]

Designation of Areas for Air Quality Planning Purposes; Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act (Act), the Environmental Protection Agency (EPA) is taking final action to redesignate Lakeview, Oregon, from an unclassifiable to a moderate nonattainment area for PM–10 (particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers). The boundary of the nonattainment area is defined by Lakeview's Urban Growth Boundary (UGB).

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos, Air Programs Development Section (AT–082), U.S. Environmental Protection Agency, Region 10, Seattle, Washington 98101, (206) 553–6510.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1987, EPA revised the National Ambient Air Quality Standard (NAAQS) for particulate matter (52 FR 24634), replacing total suspended particulates as the indicator for particulate matter with a new indicator called PM–10 that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. At the same time, EPA set forth regulations for implementing the revised particulate matter standards and announced EPA's State implementation plan (SIP) development policy elaborating PM–10 control strategies necessary to assure attainment and maintenance of the PM–10 NAAQS (see generally 52 FR 24672).

The 24-hour PM–10 NAAQS is 150 micrograms per cubic meter (ug/m^3). The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 ug/m^3 is equal to or less than one (see 40 CFR 50.6(a)). The annual PM–10 NAAQS is 50 ug/m^3 and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 ug/m^3 (see 40 CFR 50.6(b)). Conversely, an area is not in attainment with the 24-hour PM–10 NAAQS if the expected number of days per calendar year with a 24-hour average concentration above 150 ug/m^3 is greater than one. Additionally, an area is not in attainment with the annual PM–10 NAAQS if the expected annual arithmetic mean concentration is greater than 50 ug/m^3.

The EPA is authorized to redesignate areas (or portions thereof) as nonattainment for PM–10 pursuant to section 107(d)(3) of the Act, on the basis of air quality data, planning and control considerations, or any other air quality-related considerations that the Administrator deems appropriate.

On December 29, 1992, the Governor of the State of Oregon notified EPA that the ambient PM–10 monitoring site in the City of Lakeview, Oregon, had recorded an exceedance of the 24-hour PM–10 NAAQS on January 9, 1992. Because the area had recorded three exceedances of the PM–10 NAAQS in 1991 (January 4, 14, and 16), this exceedance in 1992 resulted in the expected number of days per calendar year to be greater than one indicating that the area is in violation of the PM–10 NAAQS. At the same time, the Governor of the State of Oregon requested that the area within Lakeview's Urban Growth Boundary (UGB) be redesignated as nonattainment for PM–10.

II. Response to Comments

EPA received no comments on its June 25, 1993 (58 FR 34403) **Federal Register** proposal to redesignate Lakeview from unclassifiable to a moderate PM–10 nonattainment area.

III. Significance of Today's Action

The Lakeview, Oregon, PM–10 nonattainment area will be subject to the applicable requirements of part D, title I of the Act and will be classified as moderate by operation of law (see section 188(a) of the Act). Within 18 months of the designation, the State of Oregon is required to submit to EPA an implementation plan for the area containing, among other things, the following requirements: (1) Provisions to assure that reasonably available control measures (including reasonably available control technology) are implemented within 4 years of the redesignation; (2) a permit program meeting the requirements of section 173 governing the construction and operation of new and modified major stationary sources of PM–10; (3) quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrates reasonable further progress, as defined in section 171(1) toward timely attainment; and (4) either a demonstration (including air quality modeling) that the plan will provide for attainment of the PM–10 NAAQS as expeditiously as practicable, but no later than the end of the sixth calendar year after the area's designation as nonattainment, or a demonstration that attainment by such date is impracticable (see, e.g., sections 188(c), 189(a), 189(c), and 172(c) of the Act). The EPA has issued detailed guidance on the statutory requirements applicable to moderate PM–10 nonattainment area (see 57 FR 13498 (April 16, 1992), and 57 FR 18070 (April 28, 1992)).

The State is also required to submit contingency measures, pursuant to section 172(c)(9) of the Act, which are to take effect without further action by the State or EPA, upon a determination by EPA that an area has failed to make reasonable further progress or attain the PM–10 NAAQS by the applicable attainment date (see 57 FR 13510–13512, 13543–13544). The EPA is establishing the schedule for submission of contingency measures as called for in section 172(b) of the Act. The State of Oregon is to submit contingency measures for the Lakeview nonattainment area within 18 months of designation.

IV. Administrative Review

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for table 2 and

3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

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 (5 U.S.C. 605(b)). Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to nonattainment under section 107(d)(3) of the Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that an affected State must adopt new regulations, based on an area's nonattainment status, EPA will review the effect that those actions have on small entities at the time the State submits those regulations. I certify that the redesignation action announced today will not have a significant economic impact of a substantial number of small entities.

List of Subjects in 40 CFR Part 81

Air pollution control, Environmental Protection, National parks, Wilderness areas.

Dated: September 14, 1993.

Gerald A. Emison,

Acting Regional Administrator.

Part 81, chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.338 is amended in the table for Oregon-PM–10 nonattainment areas by adding an entry for Lake County to read as follows:

§ 81.338 Oregon.

* * * * *

OREGON—PM–10 NONATTAINMENT AREAS

Designated area	Designation		Classification	
	Date	Type	Date	Type
* *	* * *		*	*
Lake County (part):				
Lakeview: The Urban Growth boundary area.	[Insert date 30 days from date of publication].	Nonattainment.	[Insert date 30 days from date of publication].	Moderate

[FR Doc. 93–23202 Filed 9–23–93; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 271

[FRL–4735–9]

Alabama; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of the provisions contained in HSWA Cluster II. Alabama submitted a program revision application for the requirements in HSWA Cluster II, and a separate application was submitted for the Organic Air Emission Standards, a HSWA Cluster II provision. These requirements are listed in section B of this notice. The Environmental Protection Agency (EPA) has reviewed Alabama's applications and has made a decision, subject to public review and comment, that the Alabama hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

DATES: Final authorization for Alabama's program revisions shall be effective November 23, 1993, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Alabama's program revision application must be received by the close of business, October 25, 1993.

ADDRESSES: Copies of Alabama's program revision applications are available during normal business hours at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36130; U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Leonard W. Nowak at the address listed below.

FOR FURTHER INFORMATION CONTACT: Leonard W. Nowak, Acting Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to

EPA's regulations in 40 CFR parts 260 through 268 and 124 and 270.

B. Alabama

Alabama initially received final authorization for its base RCRA program effective on December 22, 1987. Alabama has received authorization for revisions to its program on January 28, 1992, July 12, 1992, December 21, 1992, and May 17, 1993. On July 1, 1991 and March 9, 1992, Alabama submitted program revision applications for additional program approvals. Today, Alabama is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Alabama's applications and has made an immediate final decision that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Alabama. The public may submit written comments on EPA's immediate final decision up until October 25, 1993.

Copies of Alabama's applications for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice. Approval of Alabama's program revisions shall become effective November 23, 1993, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Alabama is today seeking authority to administer the following Federal requirements promulgated on July 1, 1987, through June 30, 1990:

Federal requirement	FR reference	FR promulgation date	State authority
California List	52 FR 25760	7/8/87	335–14–1–.02(2)
Waste Restrictions	52 FR 41295	10/27/87	335–14–3–.07(1) 335–14–5–.02(4)(b)7(iii) 335–14–6–.02(4)(b)7(iii) 335–14–9–.01(1)(2)(3)(4)(7).05(1) 335–14–9–Appendix III 335–14–8–.07(3)(b)
Exception Reporting for Small Quantity Generators of Hazardous Waste.	52 FR 35894	9/23/87	335–14–3–.04(3)(a)1,2,(3)(a)(b)(5)(a-b)
HSWA Codification Rule 2, Permit Application Requirement Regarding Corrective Action, Permit Modification, Permit as a Shield Provision, Permit Conditions to Protect Human Health and the Environment, Post-Closure Permits.	52 FR 45788	12/1/87	335–14–8–.02(5)(c) (d)1.(i-v),2,3 335–14–8–.04(2)(a) 3(i)(ii)(iii) 335–14–8–.01(4)(a) 335–14–8–.02(1)(k) 335–14–8–.01(1)(c)
Land Disposal	53 FR 31138	8/17/88	335–14–5–.02(4)(b)7.(iii)
	54 FR 8264	2/27/89	335–14–5–.05(4)(b)10–16 335–14–6–.02(4)(b)7 (iii)(I)(II)
Restrictions for First Third Scheduled Wastes.			335–14–6–.05(4)(b)8–14 335–14–7–.03(1)(b) 335–14–9–.01(1)(4)(7)(8) 335–14–9–.03(1)(2)(3)(4) 335–14–9–.04(1)(2)(3)(4) 335–14–9–.05(1)
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems.	53 FR 34079	9/2/88	335–14–1–.02(1) 335–14–5–.07(5) 335–14–5–.10(1)(a)(b) (4)(f)3 335–14–6–.07(1)(b)(2) 335–14–6–.10(1)(a)(b)(4)(f)3.(iii)
Land Disposal Restrictions Amendments to First Third Scheduled Wastes.	54 FR 18836	5/2/89	335–14–9–.04(4)
Land Disposal Restrictions for Second Third Scheduled Wastes.	54 FR 26594	6/23/89	335–14–9–.03(5).04(2) (3)(4)
Land Disposal Restrictions; Correction to the First Third Scheduled Wastes.	54 FR 36967	9/6/89	335–14–7–.03(1)(b)
	55 FR 23935	6/13/90	335–14–9–.01(1)(7)(8) 335–14–9–.03(3)(4).05(1)
Reportable Quantity Adjustment Methyl Bromide Production Wastes.	54 FR 41402	10/6/89	335–14–2–.04(3) 335–14–2 Appendix VII
Reportable Quantity Adjustment	54 FR 50968	12/11/89	335–14–2–.04(2) 335–14–2–Appendix VII and VIII
Listing of 1,1-Dimethylhydrazine Production Wastes	55 FR 18496	5/2/90	335–14–2–.04(3), Appendix VII and VIII
HSWA Codification Rule, Double Liners: Correction	55 FR 19262	5/9/90	335–14–5–.11(2)(c),.14(2)(b)

Federal requirement	FR reference	FR promulgation date	State authority
Land Disposal Restriction for First Third Scheduled Wastes	55 FR 22520	6/1/90	335–14–2–.03(1–5)(b), .04(2), (4)(c) and Appendix VII 335–14–3–.01(2)(c) 335–14–3–.03(5)(9)(4) 335–14–5–.02(4)(a)(2), .11(10),.12(7), .13(12), .14(13)(a)(b) 335–14–5–14(17)(f) 335–14–6–.01(1)(e) 335–14–5–.02(4)(a)2, .11(10),.12(7), .13(12), .14(13)(a)(b), (17)(f) 335–14–9–.01(1)(2)(3)(7)(8)(9) 335–14–9–.03(6) 335–14–9–.04(1)(2)(3)(4) 335–14–9–Appendix IV-VIII
Organic Air Emission Standards for Process Vents and Equipment Leaks.	55 FR 25454	6/21/90	335–14–8–.04(3) 335–14–1–.02(2) 335–14–2–.01(6)(c)1(c) 2(iii)(d) 335–14–5–.02(4)(b)3,4,6 335–14–5–.05(8)(c) 335–14–5–27(1–20) 335–14–5–28(1–30) 335–14–6–.02(4)(b)6 335–14–6–.02(6)(b)(4) 335–14–6–.05(4)(b)3, .05(8)(b)6 335–14–6–.27(1–20) 335–14–6–.28(1–31) 335–14–8–.02(5)(b)5 335–14–8–.02(5)(b)8, (IV,V,VI)(15)(a)(b) 335–14–8–.02(15)(b)2, 3(c)(d)(1–5) 335–14–6–.02(16)(a)(b)(c)(d)(e)

Alabama's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Alabama is granted final authorization to operate its hazardous waste program as revised.

Alabama now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application, its previously approved authorities and where otherwise noted in this Notice. Alabama also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Alabama's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities.

This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Environmental protection, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93–23433 Filed 9–23–93; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 485

[BPD–713–CN]

RIN 0938–AF21

Medicare Program; Essential Access Community Hospitals (EACHs) and Rural Primary Care Hospitals (RPCHs)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of Final Rule.

SUMMARY: This notice corrects two technical errors in the regulations text we published on May 26, 1993 in a

document entitled, "Essential Access Community Hospitals (EACHs) and Rural Primary Care Hospitals (RPCHs)."

EFFECTIVE DATE: These corrections are effective June 25, 1993.

FOR FURTHER INFORMATION CONTACT: Julie Brown, (410) 966–4669.

SUPPLEMENTARY INFORMATION:

I. Background

On May 26, 1993, we published a final rule titled "Essential Access Community Hospitals (EACHs) and Rural Primary Care Hospitals (RPCHs)" (58 FR 30630). In the preamble (p. 30638, column 1), we stated that we had revised § 485.610(a)(3) (applicable to potential RPCHs) to state that a hospital meets the rural location requirement of that section if it is otherwise qualified and has not been classified as an urban hospital for purposes of its standardized amount by HCFA or the Medicare Geographic Classification Review Board. In the corresponding regulations text, however, we incorrectly stated, "* * * has not been classified as an urban hospital for purposes of its *wage index adjustment* * * *" (emphasis added). We are correcting the regulations text to agree with the preamble statement.

In response to a public comment, we revised § 485.631(a)(1) so that an RPCH need not have midlevel practitioners on staff if it is staffed at all hours of operation by a doctor of medicine or osteopathy. However, in our standard on patient care policies (§ 485.635), we inadvertently did not make the necessary corresponding revision to paragraph (a)(2). Consequently, the regulation incorrectly requires patient care policies to be developed with the advice of one or more physician assistants, nurse practitioners, or clinical nurse specialists, even if none are on staff. We are correcting § 485.635(a)(2), to require their advice only if they are on staff. This change does not alter the requirement that at least one member of the group of professional personnel not be a member of the RPCH staff.

II. Corrections

In document number 93–12262 published May 26, 1993 (58 FR 30630), make the following changes:

§ 485.610 [Corrected]

1. On p. 30673, column 1, under § 485.610(a)(3), line 3: "wage index adjustment" is corrected to read "standardized payment amount".

§ 485.635 [Corrected]

2. On p. 30675, column 1, under § 485.635(a)(2), line 7: "specialists;" is corrected to read, "specialists, if they are on staff under the provisions of § 485.631(a)(1);".

Dated: September 16, 1993.

Fred Wirth,

Acting Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 93–23444 Filed 9–23–93; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB88

Endangered and Threatened Wildlife and Plants; Determination To Reclassify the Louisiana Pearlshell (Margaritifera Hembeli) From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines that the Louisiana pearlshell, *Margaritifera hembeli*, warrants reclassification from endangered to threatened under the authority of the Endangered Species Act (Act) of 1973, as amended. The Louisiana pearlshell, previously known only from the Bayou Boeuf drainage in Rapides Parish, Louisiana, was recently discovered to also exist in the Red River drainage in Grant Parish. Remaining threats are sedimentation from gravel mining, population fragmentation by impoundments, and collecting. However, discovery of the new populations has diminished the apparent degree of threat sufficiently to support a reclassification of the species to threatened. This rule implements the Federal protection and recovery provisions for threatened species as provided by the Act.

EFFECTIVE DATE: October 25, 1993.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, MS 39213.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Stewart at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

The Louisiana pearlshell was described as *Unio hembeli* by Conrad in 1838. This species was placed in the genus *Margaron* by Lea (1870), then in *Margaritana* by Simpson (1900), and finally in *Margaritifera* by Athearn (1970). This mussel is about 100 millimeters (mm) (3.9 inches) long, 50 mm (2.0 inches) high, and 30 mm (1.2 inches) wide. The shell is generally elliptical with an angular posterior margin, obtuse undulations on the posterior slope, with a dark brown to black periostracum, and white nacre. The species has been collected from only the Bayou Boeuf drainage, Rapides Parish, and the Red River drainage, Grant Parish, Louisiana. The Alabama population of earlier records is now considered a different species, the Alabama pearlshell, which was described as *Margaritifera marrianae* by Johnson (1983).

The Service initially listed the Louisiana pearlshell as an endangered species on February 5, 1988 (53 FR 3567). Since the initial listing, the species has been discovered in the Red River drainage of Grant Parish. The Service conducted surveys of this drainage in 1991 and 1992 in an effort to completely define the range of the species. The 1991 survey located the species at 12 sites in 8 streams that are tributary to the Red River. The 1992 survey (Hall 1992) confirmed these findings, extended the range within these streams, and searched more than 50 streams in Grant, Rapides, and Winn Parishes, Louisiana. Hall did not locate any additional populations of the Louisiana pearlshell. However, within the Grant Parish portion of the range there are several streams that are on posted private property. Since Hall did not survey streams where he could not get permission to enter the property, it is likely that additional populations of the Louisiana pearlshell occur on private property within the geographic area of the currently known range. The currently known range of this species now consists of 8 streams in the Red River drainage and 11 streams in the Bayou Boeuf drainage. The Red River is a major tributary of the Mississippi River and water from Bayou Boeuf eventually flows into Vermilion Bay of the Gulf of Mexico.

The objective of the 1990 recovery plan for this species was to reclassify it to threatened status by improving the status of populations within the historic occupied range in the Bayou Boeuf drainage. While this objective has not been fully met, the extent of the known range has increased substantially with the discovery of the Red River drainage populations, thus making the danger of extinction much less that originally thought. This expansion of known range and the presence of various size classes, indicating that most if not all populations are successfully

reproducing, provide an adequate basis to reclassify this mussel.

The proposed rule to reclassify the Louisiana pearlshell was published in the **Federal Register** on February 26, 1993 (58 FR 11579).

Summary of Comments and Recommendations

In the February 26, 1993, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice that invited general public comment was published in the *Alexandria Daily Town Talk* on March 13, 1993. Two comments were received and are discussed below.

A professional malacologist supported the reclassification, while questioning references to more than one population in the same stream and expressing concern over reclassifying a species without evidence of successful reproduction. The terminology has been changed to denote population sites, with all individuals in a stream representing a single population. Evidence of successful reproduction is present in the form of varying size classes in most, if not all, populations of the Louisiana pearlshell. That information was inadvertently omitted from the proposed rule and has been included in this rule. An individual opposed the reclassification based upon the historic decline in range, continued degradation of habitat, and the threats to the species and its ecosystem. This individual did not provide any substantiating information. The results of recent surveys conducted by the Service document a larger range than known at the time of listing, and also indicate an improvement in habitat and a reduction in threats to the species and its ecosystem due to U.S. Forest Service protection.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Louisiana pearlshell should be reclassified from endangered to threatened. Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for reclassifying a species. The Service's listing regulations (50 CFR part 424) provide for a review of the five following factors when reclassifying (or listing or delisting) a species. These factors and their application to the Louisiana pearlshell, *Margaritifera hembeli*, are as follows:

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

At the time of listing, the Louisiana pearlshell was thought to be restricted to 11 streams in the Bayou Boeuf drainage of Rapides Parish, Louisiana (Louisiana Natural Heritage Program 1985). The range in this system had been reduced and fragmented by impoundments. Beaver dams were inundating populations and had eliminated a population of approximately 1000 pearlshells in 1985. In addition, populations were being impacted by sedimentation from gravel pits on private lands and from erosion where clear cuts extended to the bank of streams. Clear cuts extending to the stream bank can increase runoff with resultant scouring of the stream bed that creates unstable habitat for mussels. Since the listing in 1988, the discovery of eight additional populations has substantially increased the known range of the species. The U.S. Forest Service has an active program to control beavers within the range of the Louisiana pearlshell and has a policy on Kisatche National Forest that provides for streamside zones of generally 100 feet along the banks of perennial and intermittent streams. The streamside zones are managed for water quality and wildlife. Timber harvesting in these zones is limited to selective cutting by removing trees or groups of trees for the purpose of wildlife habitat improvement. During timber harvest, additional measures are used to minimize sedimentation of perennial streams. While the populations of this species are still fragmented and isolated by impoundments and are still being impacted by sedimentation from private lands, the number of known populations is greater and threats to populations on Kisatche National Forest have been reduced. There is evidence of successful reproduction in most, if not all, populations.

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

Collecting poses a significant threat to this species. This mussel occurs in very shallow, clear streams and generally has about one inch of the shell protruding from the substrate. An entire population may occur within a relatively short stretch of a stream. The restricted distribution within a stream and the ease of observing individual mussels makes collection of the species very easy. A single overzealous recreational or scientific collector could drastically reduce the population of any given stream in a few hours. The collecting impacts could easily reduce the population below levels necessary for reproduction. The threat of collecting remains unchanged since the listing.

C. Disease or Predation

There is no evidence of threats from disease. The shallow stream habitat of this species makes it very vulnerable to predation by raccoons and muskrats. However, there has not been a consistent pattern of predation on this mussel.

D. The Inadequacy of Existing Regulatory Mechanisms

This species is protected under sections 7 and 9 of the Endangered Species Act, and it is also protected by the Louisiana Department of Wildlife and Fisheries as an endangered species. The Service does not believe that reclassification to threatened status will result in substantive change in the protection afforded this species under these regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The discovery of the Louisiana pearlshell in eight streams of a different river drainage from the historically known populations, greatly benefitted the recovery prospects for this species. This increase in number of populations and number of individual mussels significantly reduces the threat of natural or manmade factors affecting the continued existence of this species. The fish host for the mussel's larvae remains unknown, so impacts to this component of the reproductive cycle cannot be evaluated. Many of the streams where this species occurs are still isolated from each other and this may restrict gene flow; however, the populations are apparently reproducing and self-sustaining. Isolated gene pools are vulnerable to loss of genetic variability resulting in greater susceptibility of the population to catastrophic events, whether natural or man-made.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to reclassify this species from endangered status to threatened status. Threatened status is more appropriate because the species is

now known from 19 streams in two major drainages, with most, if not all, populations reproducing. While a population in one stream is still susceptible to a single catastrophic event, the entire population of the species is much less likely to be affected to the extent that species is in danger of extinction throughout all or a significant portion of its range. The recovery plan for this species will be revised to include an objective for delisting.

Available Conservation Measures

This rule changes the status of the Louisiana pearlshell from endangered to threatened. This rule acknowledges that the populations of the Louisiana pearlshell are relatively secure and are no longer in danger of extinction. This change in classification does not significantly alter the protection of this species under the Endangered Species Act. Anyone taking, attempting to take, or otherwise possessing a Louisiana pearlshell in an illegal manner would be subject to penalty under the Endangered Species Act. There are no differences in penalties for the illegal take of an endangered species versus a threatened species. Section 7 of the Act will also continue to protect this species from Federal actions that would jeopardize the continued existence of the species.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Athearn, H.D. 1970. Discussion of Dr. Heard's paper (Eastern freshwater mollusks, the south Atlantic and Gulf drainages): Pages 28–31: *in* A.H. Clarke (ed.), Papers on the rare and endangered mollusks of North America. Malacologia 20(1):1–56.

Conrad, T.A. 1838. Monography of the family *Unionidae*, or naiades of Lamarck (Freshwater bivalve shells) of North America 1:93–94; plate 51.

Hall, A.L., II. 1992. Field survey of *Margaritifera hembeli* 1992. Unpublished report to U.S. Fish and Wildlife Service, Jackson, MS. 4 pp.

Johnson, R.E. 1983. *Margaritifera marrianae*, a new species of Unionacea (Bivalve:Margaritiferidae) from Mobile-Alabama-Coosa and Escambia River systems, Alabama. Occasional Papers on Mollusks (Museum of Comparative Zoology, Harvard University) 4(62):299–304.

Lee, I. 1870. A synopsis of the family Unionidae: 4th edition. H.C. Lea, Philadelphia. 184 pp.

Louisiana Natural Heritage Program. 1985. Status of *Margaritifera hembeli* (Unionacea:Margaritiferidae) in Kisatchie National Forest, Evangeline Ranger District, Rapides Parish, Louisiana, November 1985. An unpublished report to the U.S. Forest Service, 20 pp.

Simpson, C.T. 1900. Synopsis of the naiades or pearly fresh-water mussels. Proc. U.S. Natl. Mus. 22–679.

Author

The author of this rule is James H. Stewart (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

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

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

2. Amend § 17.11(h) the list of Endangered and Threatened Wildlife, under "CLAMS", by revising the entry for "Pearlshell, Louisiana" to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
CLAMS							
*	*	*	*	*	*		
Pearlshell, Louisiana	*Margaritifera hembeli*	U.S.A. (LA)	NA	T	304,518	NA	NA
*	*	*	*	*	*		

Dated: September 1, 1993.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 93–23258 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 930640–3222; I.D. #052093C]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement the conservation and management measures prescribed in Amendment 4 to the Fishery Management Plan for the Summer Flounder Fishery (FMP). This rule revises the percentage of the commercial quota allocated to each state, and revises the manner in which 1994 state quotas

will be adjusted for quota overages that may occur in 1993. The intent of Amendment 4 and this rule is to adjust for the underreporting in Connecticut catch data used to establish allocation shares and to make additional quota available to commercial vessels landing summer flounder in Connecticut.

EFFECTIVE DATE: October 25, 1993.

ADDRESSES: Copies of Amendment 4, the environmental assessment (EA), and the regulatory impact review (RIR)/ initial regulatory flexibility analysis (IRFA) are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19901–6790.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, Resource Policy Analyst, 508–281–9101.

SUPPLEMENTARY INFORMATION: The summer flounder fishery is managed under the FMP, which was developed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the western Atlantic Ocean from the southern border of North Carolina northward to the Canadian border.

Amendment 4 was prepared by the Council in consultation with the ASMFC and the New England and South Atlantic Fishery Management Councils. A notice of availability for Amendment 4 was published in the **Federal Register** on May 26, 1993 (58 FR 30140). The Council and ASMFC also requested that the Secretary of Commerce implement by emergency authority, the quota revisions proposed in Amendment 4 (58 FR 33243, June 16, 1993). An emergency interim rule was implemented effective from May 4, 1993, through August 5, 1993 (57 FR 27214, May 7, 1993), and extended through November 3, 1993 (58 FR 39680, July 26, 1993).

Amendment 4 uses a proxy for underreported landings in the State of Connecticut to revise the percentages of commercial quota allocated to the states under § 625.20(d)(1) of the regulations (see Table 1). This makes additional quota available to commercial vessels landing in the State. The revision to state quota percentages in Table 1 will result in a reduction in 1992 quota for ten states totaling 161,029 pounds (73,042 kg). Individual state reductions are shown in Table 2. The quota for Connecticut was increased by the same amount. Specifically, the revision increases Connecticut's quota share by 1.30388 percent. The remaining states will share a corresponding decrease, with the decreases ranging from 0.00004 percent to 0.36967 percent. The total coastwide quota for the management unit, which is set annually based on a target fishing mortality rate and stock abundance of various year classes, will not be affected by this action. This action merely redistributes the available quota.

TABLE 1.—REVISED STATE QUOTA SHARES

State	Revised	Original (percent)	Difference
Maine	0.04756	0.0482	−0.00064
New Hampshire	0.00046	0.0005	−0.00004
Massachusetts	6.82046	6.9111	−0.09064
Rhode Island	15.68298	15.8914	−0.20842
Connecticut	2.25708	0.9532	+1.30388
New York	7.64699	7.7486	−0.10161
New Jersey	16.72499	16.9473	−0.22231
Delaware	0.01779	0.0180	−0.00021
Maryland	2.03910	2.0662	−0.0271
Virginia	21.31676	21.6001	−0.28334
North Carolina	27.44584	27.8155	−0.36967
Total	100.00000		

Quota Overage Adjustment for 1994

This amendment also modifies the regulations regarding 1994 quota adjustments if any state's landings exceed its 1993 allocation and there is an overall balance of 1993 quota remaining. The current regulations at § 625.20(d)(2) require quota overages in any state to be deducted from that state's annual quota for the following year.

If there is unused 1993 quota at the end of the fishing year, the Amendment applies the unused quota to any quota overages for the ten states that experienced a quota reduction in 1993. The unused quota will be applied in proportion to the amount each state contributed toward increasing the Connecticut quota, before any deduction is made from any 1994 state quotas. The maximum adjustment per state would not exceed the amount of quota reduction experienced in 1993, which is shown in Table 2.

The amendment also requires the unused 1993 quota to be allocated proportionally among the states that exceed their quota if the unused quota is inadequate to compensate the ten states for all overages. To calculate a given state's proportional share, the figures from Table 2 for each state with an overage will be summed. The individual state percentage share of that total will be calculated. For each state with an overage, that percentage will be applied to the total amount of unused 1993 quota, and the resulting amount will be deducted from the state's 1993 overage. This procedure will be repeated until all unused 1993 quota is applied to compensate states for the reductions experienced in 1993. Again, the maximum adjustment per state would not exceed the amount of quota reduction experienced in 1993. The remaining overage for each state, if any, will be deducted from the 1994 state quota. This provision is only applicable to state quota overages occurring in 1993. In future years, quota overages in any state would be deducted from that state's annual quota for the following year.

TABLE 2.—REDUCTIONS IN 1993 STATE QUOTAS RESULTING FROM REVISED STATE QUOTA SHARES

State	Pounds	Kilograms
Maine	82	37
New Hampshire	5	2
Massachusetts	11,194	5,078

TABLE 2.—REDUCTIONS IN 1993 STATE QUOTAS RESULTING FROM REVISED STATE QUOTA SHARES—Continued

State	Pounds	Kilograms
Rhode Island	25,737	11,674
New York	12,547	5,691
New Jersey	27,453	12,453
Delaware	26	12
Maryland	3,347	1,518
Virginia	34,989	15,871
North Carolina	45,649	20,706
Totals	161,029	73,042

Changes From the Proposed Rule to the Final Rule

In the final rule, the wording of § 625.20(d)(3) is revised to improve the explanation of the manner in which unused 1993 quota would be applied to quota overages that occur in states which experienced a quota reduction in 1993 as a result of this amendment. The only change contained in this revision is the addition of text to explain the process to be followed if quota remains after a state has received the maximum adjustment allowed.

A correction is made to § 625.25 to insert language omitted from the final regulations for Amendment 3 (58 FR 40072, July 27, 1993). Amendment 3 altered the catch threshold at which the minimum mesh size requirement is effective. Section 625.25 should have been revised to reflect the increase in the threshold from 100 to 200 pounds (45.4 to 90.7 kg). This rule corrects the omission by revising the first sentence of § 625.25 to read as follows: Neither owners nor operators of otter trawlers issued a permit under § 625.4 and fishing with, or possessing on board, nets or pieces of net that do not meet the minimum mesh-size requirements (except pieces of netting no larger than 3 feet square (0.9 m square) that may be necessary to repair smaller mesh sections of the net forward of the terminal portion of the net to which the minimum mesh-size requirement applies) may possess 100 pounds (45.4 kg) or more of summer flounder May 1 through October 31 or 200 pounds (90.8 kg) or more of summer flounder November 1 through April 30.

Comments and Responses

One comment in support of Amendment 4 as outlined in the proposed rule and one comment requesting a different allocation amount for the State of Connecticut were received during the 45-day public comment period.

Comment: One commenter stated that Amendment 4 serves to correct an inequity in the original quota share allocation for Connecticut which was based on historical landings that were significantly underreported. The amendment represents the consensus of the ASMFC and the Council, it corrects an inequity, and truly shows how the ASMFC and Council processes can be responsive to the needs of member states.

Response: NMFS agrees with the commenter that the Council and ASMFC devised a rational approach to correct the underreported landings recorded for fishermen historically landing fish in Connecticut.

Comment: One commenter alleged that the 1987–1991 landings figures did not include hundreds of thousands of pounds of "across-the-dock fish" (landings primarily from out-of-state boats). The commenter asserted that inaccurate 1987-to-1991 figures listed in Table 2 of Amendment 4 were used to calculate adjusted landing figures for Connecticut for the years 1980–1986, which were then used to compute Connecticut's quota share shown in Table 1. The proposed allocation of the quota, therefore, rests on flawed data and unfairly discriminates against Connecticut fishermen and dealers in violation of national standards 2 and 4 of the Magnuson Act.

Response: NMFS recognizes that not all landings in all states were used in the calculation of an individual state's historical share of the overall quota, only those documented and recorded by the NMFS Northeast statistical data collection system. Landings from out-of-state vessels, if intercepted by the NMFS statistical agents, would have been properly attributed to the state where the vessel landed. However, the Council and ASMFC recognized that anomalies in the landings database probably exist for all states but they also recognized that such anomalies are unbiased and, therefore, the NMFS landings database was the appropriate data to use to determine the relative quota share. NMFS believes that the method employed to derive the increase in Connecticut's quota and concomitant decrease in the quotas of the others states was the best available information and does not discriminate against any state(s).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that Amendment 4 is necessary for the conservation and management of the Summer Flounder Fishery.

The Assistant Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The rule is not expected to have an annual impact of $100 million or more, or to lead to an increase in costs or prices to consumers, individual industries, Federal, state, or local government agencies, or geographic regions. No significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets are anticipated. This determination is based on RIR/IRFA that demonstrates that the quota reduction required by this redistribution will not significantly impact fishermen in the affected states because the subtracted quota amounts are relatively small. The adjusted state quota shares will be less disruptive to traditional commercial landing patterns in the states than those in Amendment 2 because they will more closely reflect the actual historical state share of landings. A copy of the RIR/IRFA may be obtained from the Council (see **ADDRESSES**).

When this rule was proposed, the General Counsel of the Department of Commerce certified to the Small Business Administration that, if adopted as proposed, this rule would not have a significant economic impact on a substantial number of small entities because of the reasons set forth in the RIR/IRFA prepared by the Council, a copy of which may be obtained from the Council (see **ADDRESSES**). As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: September 20, 1993.

Samuel W. McKeen,

Program Coordinator, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 625 is amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

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

2. In § 625.20, paragraph (d)(1) is revised and paragraph (d)(3) is added to read as follows:

§ 625.20 Catch quotas and other restrictions.

* * * * *

(d)(1) The annual commercial quota will be distributed to the states based upon the following percentages:

State	Share (percent)
Maine	0.04756
New Hampshire	0.00046
Massachusetts	6.82046
Rhode Island	15.68298
Connecticut	2.25708
New York	7.64699
New Jersey	16.72499
Delaware	0.01779
Maryland	2.03910
Virginia	21.31676
North Carolina	27.44584

* * * * *

(3) Before any 1993 state quota overage is deducted from a respective 1994 state quota for Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, or North Carolina, the sum total of unused 1993 quota will be used to reduce individual state overages. If the sum total of unused 1993 quotas is inadequate to compensate for all state overages, excluding Connecticut, the unused 1993 quota will be allocated proportionally. The figures from the following table will be summed for each state having an overage. The individual state percentage shares of that total will be applied to the total amount of unused 1993 quota and the resulting amount will be deducted from each state's 1993 overage. However, the amount of the 1993 quota overage each state receives may not exceed its maximum adjustment shown in the table below. If an individual state reaches its maximum adjustment and there is still quota remaining, the percentages will be recalculated for the remaining states with overages and they will share the remaining unused quota proportionally based on the recalculated percentages. If, after several iterations of this process, the 1993 quota is fully exhausted, any remaining overages by an individual state will be deducted from the 1994 quota for that state.

State	Maximum adjustment	
	(lbs)	(kg)
Maine	82	37
New Hampshire	5	2
Massachusetts	11,194	5,078
Rhode Island	25,737	11,674
New York	12,547	5,691
New Jersey	27,453	12,453
Delaware	26	12
Maryland	3,347	1,518
Virginia	34,989	15,871
North Carolina	45,649	20,706

* * * * *

3. In § 625.25, paragraph (d) is revised to read as follows:

§ 625.25 Possession limit.

* * * * *

(d) Neither owners nor operators of otter trawlers issued a permit under § 625.4 and fishing with, or possessing on board, nets or pieces of net that do not meet the minimum mesh-size requirements (except pieces of netting no larger than 3 feet square (0.9 m square) that may be necessary to repair smaller mesh sections of the net forward of the terminal portion of the net to which the minimum mesh-size requirement applies) may possess 100 pounds (45.4 kg) or more of summer flounder May 1 through October 31 or 200 pounds (90.8 kg) or more of summer flounder November 1 through April 30. Summer flounder on board these vessels shall be stored in a separate box that measures 36 inches (91.4 cm) long, 15 inches (38.1 cm) wide, and 12 inches (30.4 cm) high, for a volume of 3.75 cubic feet (0.1 cubic meters) and that is readily available for inspection.

[FR Doc. 93-23426 Filed 9-23-93; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 651

[Docket No. 930830-3230; I.D. #073093C]

Northeast Multispecies Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues this interim final rule to modify the regulations implementing the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). This interim final rule further restricts the use of certain types of nets and clarifies the intent of the existing mesh requirements. These measures are necessary immediately to prevent the use of nets or netting that obstruct or constrict the meshes of the net to reduce significantly the regulated mesh size when in use. This reduced mesh size results in undersized fish being caught in an already overfished fishery.

DATES: September 24, 1993.

Comments: Written comments will be considered if received on or before October 25, 1993.

ADDRESSES: Copies of the Regulatory Impact Review (RIR) and Environmental Impact Statement (EIS) for the FMP may be obtained from Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Jack Terrill (Fishery Policy Analyst, Northeast Region, NMFS), 508-281-9252 or Martin Jaffe (Fishery Management Specialist, Northeast Region, NMFS), 508-281-9272.

SUPPLEMENTARY INFORMATION: The FMP, developed by the New England Fishery Management Council (Council), was implemented in 1986. It established a system of management based upon the use of a minimum mesh size in specified areas, minimum fish sizes, and closed areas. Small-mesh (less than the regulated mesh size) fishing was permitted under area, season, and bycatch restrictions.

The regulations at 50 CFR 651.20(e)(2) were recently changed to specify that no additional nets or net strengtheners are allowed on the top of the regulated portion of a trawl net. Originally, a strengthener was allowed on a regulated net. The intent of the regulation was to allow the legitimate use of a portion of net over the regulated net in order to add strength to the net when full, without impeding escapement of fish through the regulated mesh. This requirement was modified by a final rule (57 FR 48473, October 26, 1992) that prohibited the use of a net strengthener, but allowed a splitting strap and/or bull rope (if present). The purpose of this prohibition was to halt a developing practice whereby fishermen employed a net strengthener that constricted the full opening of the net, resulting in a smaller effective mesh size despite the use of legal-size mesh. At that time, general language prohibiting any means or device that obstructs the meshes was removed because it did not appear to be necessary once net strengtheners were prohibited altogether.

Recent reports from the Massachusetts Division of Marine Fisheries and from fishermen indicate that a new type of net is being sold that technically meets minimum mesh-size requirements when measured while the net is not in use, but constricts when the net is in use to an effective mesh size smaller than the minimum mesh size allowed. This netting is designed to be employed in the top half of the codend of the net. The meshes of the net apparently constrict due to employment of a design by which the bars of the net entering and existing the knots of the net are twisted around each other during construction of the netting. The

resulting twisted mesh codend, which usually has double twine twisted bars, acts in a way that narrows the mesh size such that the escapement of smaller than minimum size fish is reduced significantly. Anecdotal reports from fishermen indicate that 30 vessels may currently be using this type of net and more are expected to try it.

This issue was brought before the Council at its April meeting. A codend made from the netting was displayed and a videotape of its construction and behavior under tow was shown. Public comments were received and discussed by the Council. The public and the Council condemned its use because it appeared to reduce the escapement of smaller than minimum-size fish, thereby circumventing the original intent of the Council in adopting minimum net mesh-size regulations. In order to eliminate this practice, the Council requested that the Regional Director take the quickest action possible to eliminate its use. In fact, the Commonwealth of Massachusetts, in response to this problem, has promulgated its own emergency regulation banning the use of twisted mesh codends. Based on anecdotal reports, public comments, and the Council's recommendation, NMFS has concluded that disallowing this type of net will result in lower discards and decreased mortality of undersized fish.

Further restrictions on net construction in § 651.20(b) and (e)(2) are needed immediately to prevent the use of this type of net and any other type of netting, net construction, net configuration, or means that result in the obstruction or constriction of the meshes on or in the top of the regulated portion of the net. The major species of the groundfish fishery have been determined by the Council to be overfished. Increased fishing mortality on these historically important stocks will make the task of rebuilding much more difficult. Continued use of the netting would thwart the intent and purpose of minimum mesh-size requirements, resulting in increased discards and mortality of groundfish inconsistent with the goals of the FMP.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), finds there is good cause, under 5 U.S.C. 553(b), to waive further comment prior to implementation. It would be impracticable and contrary to the public interest to delay for 30 days the effective date of the final rule because the interim final rule has received substantial prior public comment and public discussion at the New England Fishery Management Council.

The Assistant Administrator has determined that this interim final rule is necessary immediately for the conservation and management of the Northeast multispecies fishery.

The Assistant Administrator has determined that the interim final rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This rule is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This interim final rule revises the language in the regulations implementing the FMP and does not alter the scope or intent of the FMP or the conclusions arrived at in the regulatory flexibility analysis for the FMP. Therefore, it is not subject to the Regulatory Flexibility Act requirement for a regulatory flexibility analysis, and none has been prepared.

This interim final rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

This interim final rule is categorically excluded from the requirement to prepare an environmental assessment by NOAA Administrative Order 216–6. This determination was made on the basis that this rule does not change the impacts of the regulated mesh requirement originally assessed in the EIS prepared for the FMP.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 20, 1993.

Samuel W. McKeen,

Program Coordinator, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows.

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. Section 651.20 is amended by redesignating paragraph (e)(2) as paragraph (e)(2)(i), and by adding paragraphs (b)(4) and (e)(2)(ii), to read as follows:

§ 651.20 Regulated mesh area and gear limitations.

* * * * *

(b) * * *

(4) No person may use a net in which the bars entering or exiting the knots twist around each other to engage in fishing.

* * * * *

(e) * * *

(2) * * *

(ii) A fishing vessel may not use any mesh configuration, mesh construction, or other means on or in the top of the regulated portion of the net, as defined in paragraph (e)(2)(i) of this section, if it obstructs the meshes of the net in any manner.

* * * * *

[FR Doc. 93–23427 Filed 9–23–93; 8:45 am]

BILLING CODE 3510–22–M

---

50 CFR Part 663

[Docket No. 930941–3241; I.D. 090393A]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule extends the deadline for submitting applications for limited entry permits and gear endorsements from June 30, 1993, through October 15, 1993. It is necessary to compensate for a 3½-month delay in making permit applications available to the public, and is intended to provide applicants a full 6 months, from April 15, 1993, when applications were first made available, through October 15, 1993, to prepare and submit applications.

EFFECTIVE DATE: September 20, 1993.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: On November 16, 1992, NOAA published final regulations implementing Amendment 6 to the Fishery Management Plan for the Pacific Coast Groundfish Fishery (FMP) (57 FR 54001, November 16, 1992), codified at 50 CFR part 663, subpart C. Amendment 6 and its implementing regulations establish a license limitation limited entry program for the commercial groundfish fishery based on the issuance of gear-specific Federal permits. The program is administered by the Fisheries Management Division, Northwest Region, NMFS, Seattle, Washington.

Section 14.5.1 of the FMP provides that, with certain exceptions, applicants must submit applications within 6 months from the date NMFS announces it is ready to receive applications. The regulations at 50 CFR 663.41(a)(2) provide that applications for initial issuance of limited entry permits and gear endorsements must be submitted between January 1, 1993, and June 30, 1993. When the regulations were published, it was anticipated that applications would be ready on January 1, 1993, and that applicants would have a full 6 months to complete their applications and assemble and submit documentary evidence in support of their applications. However, due to funding delays, applications were not available to the public until April 15, 1993. Approximately 25 applications were submitted after the June 30, 1993, cutoff date; a number of telephone inquiries concerning the possibility of filing late applications were also received. In addition, a fishing industry organization, on behalf of its members, has requested an extension of the deadline.

In view of the requirement to allow 6 months in the availability of limited entry permit applications, NMFS agrees that it is appropriate to extend the deadline for 3½ months, from June 30, 1993, through October 15, 1993. Eligibility criteria for issuance of limited entry permits and gear endorsements are not affected by the extension of time to apply for a permit.

To implement the extension of time, 50 CFR 663.41(a)(2) is revised to require submission of applications for initial issuance of limited entry permits and gear endorsements from January 1, 1993, through October 15, 1993. 50 CFR 663.41(a)(2)(i) is revised to require an owner of a vessel qualifying for a "provisional A" gear endorsement because the vessel's gear has been prohibited by State or Federal law to make application within 180 days of the date the prohibition is effective, or from January 1, 1993, through October 15, 1993, whichever is later. 50 CFR 663.41(a)(2)(ii) is revised to require the owner of a vessel applying for a "B" gear endorsement because the vessel has failed to meet the "provisional A" upgrade criteria after January 1, 1993, to make application by October 15, 1993, or within 180 days of failure to meet the upgrade criteria, whichever is later.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law. The AA found under section 553(b) of the Administrative Procedure Act (APA) that in order to give applicants as much notice as possible of the extension of time, and to give them as much additional time as possible to prepare applications by October 15, 1993, prior notice and public comment is impracticable, unnecessary, and contrary to the public interest. The AA has determined that this rule would relieve restrictions and otherwise finds good cause under section 553(d) of the APA to make this rule effective immediately, rather than to delay for 30 days the rule's effective date. This extension was also publicized through public media, and at the September 13–17, 1993, meeting of the Pacific Fishery Management Council.

This rule makes a minor change to a rule that has been determined not to be a major rule under Executive Order 12291, does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612, and does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act. There is no change in the other regulatory impacts previously reviewed and analyzed, as described at 57 FR 54005–54006 (November 16, 1992).

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 20, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 663 is amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

§ 663.41 [Amended]

2. In § 663.41(a)(2) introductory text, the date "June 30, 1993" is revised to read "October 15, 1993".

3. In § 663.41(a)(2)(i), the date "June 30, 1993" is revised to read "October 15, 1993".

4. In § 663.41, paragraph (a)(2)(ii) is revised to read as follows:

§ 663.41 Limited entry permits.

(a) * * *

(2) * * *

(ii) An owner of a vessel applying for a "B" gear endorsement because the vessel has failed to meet the "provisional A" upgrade criteria after January 1, 1993, must make application by October 15, 1993, or within 180 days of failure to meet the upgrade criteria, whichever is later.

* * * * *

[FR Doc. 93–23326 Filed 9–20–93; 4:59 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 184
Friday, September 24, 1993

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–CE–43–AD]

Airworthiness Directives: Cessna Aircraft Company 150, 172, and 180 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Cessna Aircraft Company (Cessna) 150, 172, and 180 series airplanes. The proposed action would require replacing the existing rheostat with one of improved design that is current-limited and heat-protected. An incident of an in-flight cabin fire involving a Cessna Model 172 airplane prompted the proposed action. The fire was caused by a short in the electrical wiring controlled by the instrument panel light dimming rheostat. The actions specified by the proposed AD are intended to prevent an in-flight fire caused by the condition described above.

DATES: Comments must be received on or before November 12, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–43–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Cessna Aircraft Company, Customer Services, P.O. Box 1521, Wichita, Kansas 67201. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Flores, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4133; Facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 93–CE–43–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–43–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports that a short could occur in the electrical wiring controlled by the instrument panel light dimming rheostat on certain Cessna 150, 172, and 180 series airplanes. Service difficulty records indicate one incident where a Cessna Model 172 airplane collided with the terrain following an in-flight fire. In this incident, the rheostat was found in the rear seat. The protective coating on the windings of the rheostat revealed a hot spot at the high resistance area.

Tests were then run on an exact duplicate of the overhead console assembly, which showed that the normal operating temperature of the rheostat was about 265 degrees Fahrenheit with a current draw of about 1 amp. To get an idea of the conditions present in the referenced incident, the test crew purposely induced a short in the electrical wiring. The electrical current draw immediately shot up to 6 amps, and the temperature increased at a rate faster than the probe could respond to (a previous load test measured 1,425 degrees Fahrenheit).

Cessna performed an engineering review of the installation and circuit design, which verified that the air temperature near the rheostat reaches a maximum of 230 degrees Fahrenheit. To further understand the referenced incident, Cessna shorted the output from the rheostat to the lights. During this test, air temperatures next to the rheostat windings reached 640 degrees Fahrenheit, and the windings glowed red hot.

Cessna then developed a modification to incorporate an enclosed rheostat that is current-limited and heat-protected. Cessna Service Bulletin SEB92–33, Revision 1, dated June 25, 1993, presents the availability of these improved design rheostats, and Cessna ACCOMPLISHMENT INSTRUCTIONS SEB92–33R1, Revision 1, dated June 25, 1993, specifies detailed procedures for replacing the existing rheostat with this improved design rheostat.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent an in-flight fire caused by a short in the electrical wiring controlled by the instrument panel light dimming rheostat.

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna 150, 172, and 180 series airplanes of the same type design, the proposed AD would require replacing the existing rheostat with one of improved design that is current-

limited and heat-protected. The proposed action would be accomplished in accordance with Cessna ACCOMPLISHMENT INSTRUCTIONS SEB92–33R1, Revision 1, dated June 25, 1993.

The proposed action is presented in calendar time instead of hours time-in-service (TIS) because the condition occurs regardless of whether the airplane is utilized. The condition is based on design and not on the number of hours the airplane has been utilized. For example, the chances of a short in the electrical wiring controlled by the instrument panel light dimming rheostat is the same for airplanes that have accumulated 5,000 hours time-in-service (TIS) or 10 hours TIS. For these reasons, the airplane operator would have 6 calendar months to comply with the proposed action.

The FAA estimates that 12,994 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $55 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,429,340. These figures take into account that none of the affected airplane operators have accomplished the proposed action.

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

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Cessna Aircraft Company: Docket No. 93–CE–43–AD.

Applicability: The following model and serial number airplanes, certificated in any category:

Models	Serial numbers
150F, 150G, 150H, and 150J.	15061533 through 15071128.
F150F, F150G, F150H, and F150J.	F150–0001 through F150–0529.
172E, 172F, 172G, 172H, 1721, and 172K (T–41A).	17250573 through 17259223.
F172E, F172F, F172G, and F172H.	F172–0019 through F17200754.
FR172E, FR172F, and FR172G.	FR17200001 through FR17200225.
180H and 180J	18051446 through 18052384.
185D, 185E, and 185F.	185–0777 through 18502310.
R172E, R172F, R172G, and R172H (T–41B, T–41C, and T–41D).	R172–0001 through R172–0452.

Compliance: Required within the next 6 calendar months after the effective date of this AD, unless already accomplished.

To prevent an in-flight fire caused by a short in the electrical wiring controlled by the instrument panel light dimming rheostat, accomplish the following:

(a) Replace the existing instrument panel light dimming rheostat with one of improved design that is current-limited and heat-protected, part number RD–0015H–1600, in accordance with Cessna ACCOMPLISHMENT INSTRUCTIONS SEB92–33R1, Revision 1, dated June 25, 1993.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

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

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 14 1993.

John E. Tigue,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–23393 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–U

---

14 CFR Part 39

[Docket No. 93–ANE–42]

Airworthiness Directives; General Electric Company CF6 Series Turbofan Engines

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 General Electric Company (GE) CF6–80C2 series turbofan engines. This proposal would require an inspection for cracks in the stage 1 high pressure turbine (HPT) disk rim bolt holes, and replacement, if necessary, with serviceable parts. This proposal is prompted by a report of an uncontained stage 1 HPT disk failure which resulted in an aborted takeoff. The actions specified by the proposed AD are intended to prevent an uncontained stage 1 HPT disk failure, which could result in an inflight engine shutdown, rejected takeoff, or damage to the aircraft.

DATES: Comments must be received by October 25, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–42, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this

location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, OH 45246. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington MA.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7138; fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report 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 93–ANE–42." 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–ANE–42, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

This proposed AD is applicable to General Electric Company (GE) CF6–80C2 series turbofan engines. The Federal Aviation Administration (FAA) has received a report that a GE Model CF6–80A engine experienced a separation of the stage 1 high pressure turbine (HPT) disk rim. This separation has been attributed to cracks in the rim bolt holes which initiated from damage caused by the drill and ream procedures used during manufacture of the rim bolt holes. The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** on January 9, 1992, (57 FR 857), that proposed to require a one-time inspection for cracks in the rim bolt holes in GE CF6–80A engines.

Though this cracking occurred on a GE Model CF6–80A engine, some GE CF6–80C2 stage 1 HPT disks were manufactured using the same drill and ream procedures, and therefore are susceptible to similar damage and cracking. The FAA has also received reports that during routine inspections, three additional HPT disks on other GE CF6 series engines were found cracked in either the rim or inner bolt holes. All three of these disks were removed from service, and the cracks have been attributed to the same manufacturing process which resulted in the reported GE Model CF6–80A rim separation. This condition, if not corrected, may result in an uncontained stage 1 HPT disk failure, which could result in an inflight engine shutdown, rejected takeoff, or damage to the aircraft.

The FAA has reviewed and approved the technical contents of GE CF6–80C2 Service Bulletin (SB) No. 72–614, Revision 1, dated September 8, 1992, that describe procedures for an eddy current inspection for cracks in the stage 1 HPT disk rim bolt holes.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require an eddy current inspection for cracks in the stage 1 HPT disk rim bolt holes, and replacement, if necessary, with serviceable parts. A compliance end date of December 31, 1993, is proposed for disks that have accumulated 4,000 CSN or more, but less than 9,500 CSN on the effective date of this AD. Disks that fall within this cyclic interval have been identified as having the highest probability of a crack, and therefore, require a compliance end date that ensures timely compliance. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 66 GE CF6–80C2 series engines of the affected design in the worldwide fleet. The FAA estimates that one engine installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 232 work hours per engine to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $172,500 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $185,260.

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 "major rule" under Executive Order 12291; (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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

General Electric Company: Docket No. 93–ANE–42.

Applicability: General Electric Company (GE) CF6–80C2 series turbofan engines installed on but not limited to Airbus A300 and A310 series, Boeing 747 and 767 series, and McDonnell Douglas MD–11 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained stage 1 high pressure turbine (HPT) disk failure, which could result in an inflight engine shutdown, rejected takeoff, or damage to the aircraft, accomplish the following:

(a) Eddy current inspect (ECI) for cracks stage 1 HPT disks, Part Numbers 9392M23G10, 9392M23G12, and 9392M23G21, with serial numbers listed in paragraph 1.A. of GE CF6–80C2 Service Bulletin (SB) No. 72–614, Revision 1, dated September 8, 1992, in accordance with the accomplishment instructions of GE CF6–80C2 SB No. 72–614, Revision 1, dated September 8, 1992, as follows:

(1) For disks which have accumulated less than 3,000 cycles since new (CSN) on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit after accumulating 3,000 CSN, or prior to accumulating 4,500 CSN, whichever occurs earlier.

(2) For disks which have accumulated 3,000 CSN or more, but less than 4,000 CSN on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, or prior to accumulating 4,500 CSN, whichever occurs earlier.

(3) For disks which have accumulated 4,000 CSN or more, but less than 9,500 CSN on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit, or prior to December 31, 1993, whichever occurs earlier.

(4) For disks which have accumulated 9,500 CSN or more on the effective date of this AD, ECI the rim bolt holes at the next engine shop visit.

(b) Remove from service disks found cracked, and replace with serviceable parts. Inspect replacement disks in accordance with paragraph (a) of this AD, if applicable.

(c) Disks referenced in paragraph (a) of this AD that have been inspected in accordance with the procedures outlined in GE CF6–80C2 All Operators Wire 92–80C–16, dated April 22, 1992, or GE CF6–80C2 SB No. 72–614, dated July 2, 1992, prior to the effective date of this AD, and whose CSN at the time of inspection was 3,000, or more, meet the inspection requirements of paragraph (a) of this AD.

(d) For the purpose of this AD, an engine shop visit is defined as the induction of an engine into a shop for maintenance involving the separation of any major flange.

(e) An alternative method of compliance or adjustment of the initial compliance time, that provides an acceptable level of safety, may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternate methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(f) Special flight permits may be issued, in accordance with FAR 21.197 and 21.199, to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on September 16, 1993.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93–23429 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 93–NM–90–AD]

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and Model KC–10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC–10 series airplanes and Model KC–10A (military) airplanes. This proposal would require inspections to detect cracks in wing stringer number 41; installation of a repair, if necessary; and modification of that stringer. This proposal is prompted by reports of fatigue cracks in outer wing stringer number 41. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the wing.

DATES: Comments must be received by November 22, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–90–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5238; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–90–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. 93–NM–90–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Three operators of McDonnell Douglas Model DC–10 series airplanes

have reported ten instances of fatigue cracks in outer wing stringer number 41, outboard of the wing bulkhead installation at station X_{ors}=345.750. These fatigue cracks were found in both the left- and right-hand wings on Model DC–10–10 and –30 series airplanes. Cracks originated in the farthest outboard attach hole of the aft pylon mount bathtub fitting in the vertical web of the stringer. One reported case resulted in complete stringer failure. The airplane with the minimum number of flight hours and landings on which this type of cracking was found had accumulated 35,447 flight hours and 13,364 total landings at the time of crack detection. Fatigue cracks in the stringer, if not detected and corrected in a timely manner, could result in eventual failure of the stringer and reduced structural integrity of the wing.

Inspections of the lower wing skin and stringer number 41 in the area of X_{ors}=333.00 to X_{ors}=610.00 (for Model DC–10–10 and –15 series airplanes) and X_{ors}=335.00 to X_{ors}=679.00 (for Model DC–10–30 and –40 series airplanes) are required currently by AD 92–02–08, Amendment 39–8144 (57 FR 3931, February 3, 1992). That AD requires inspection of various Principal Structural Elements (PSE) in accordance with McDonnell Douglas Report No. L26–012, "DC–10 Supplemental Inspection Document (SID)." This area is designated as PSE numbers 57.10.017 (left side) and 53.10.018 (right side).

Inspections of this PSE for Model DC–10–10, –15, and –30 series airplanes follow the fleet leader sampling criteria with fatigue life thresholds (N_{th}) of 39,041 landings (for Model DC–10–10 and –15 series airplanes) and 39,061 landings (for Model DC–10–30 series airplanes). The fleet leader sampling criteria require sampling inspection of airplanes in the sampling population after these airplanes have exceeded $N_{th/2}$ (19,520 landings for Model DC–10–10 and –15 series airplanes and 19,530 landings for Model DC–10–30 series airplanes). Sampling inspections of this PSE for the populations of Model DC–10–10, –15, and –30 series airplanes began in September 1989 for those airplanes that had exceeded 19,530 landings (for Model DC–10–30 series airplanes) and 19,520 landings (for Model DC–10–10 and –15 series airplanes).

For Model DC–10–40 series airplanes, inspections of this PSE follow the 100 percent inspection criteria with an N_{th} of 42,021 landings. The 100 percent inspection criteria require that all airplanes in this population be inspected before reaching N_{th}.

Since fatigue cracking has been detected on an airplane that had not yet reached the fatigue life threshold for this PSE, and since the manufacturer's evaluation indicated that such cracking could occur on other Model DC–10 series airplanes, the FAA has determined that inspection and preventative modification must be required on all Model DC–10 series airplanes, including Model KC–10A (military) airplanes, which are similar in design to Model DC–10–30 series airplanes. In addition, since the stringer number 41 area (which is the subject of this proposal) is only a small portion of PSE numbers 57.10.017 and 57.10.018, the FAA finds that operators of Model DC–10 series airplanes must continue inspection of this PSE in accordance with the requirements of AD 92–02–08.

The FAA has reviewed and approved McDonnell Douglas DC–10 Service Bulletin 57–114, Revision 1, dated July 26, 1993, that describes procedures for repetitive eddy current inspections to detect cracks in wing stringer number 41 on the left- and right-hand wings; installation of a temporary or permanent repair, if necessary; and accomplishment of a crack preventative modification of the stringer. The temporary repair involves installing a reinforcing strap over the cracked area of the stringer. The permanent repair for cracked stringers entails removing a section of wing stringer number 41 and splicing in a thicker section of stringer. In addition to installing a reinforcing strap, the preventative modification involves stress coining and/or split sleeve cold working the fastener holes in order to minimize the possibility of fatigue cracking.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive eddy current inspections to detect cracks in wing stringer number 41 on the left- and right-hand wings; installation of a temporary or permanent repair, if necessary; and modification of the stringer. Modification of the stringer or accomplishment of the permanent repair would provide terminating action for the repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 426 Model DC–10 series airplanes and Model KC–10A (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 121 Model DC–10–10 and –15 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 13.6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts for Model DC–10–10 and –15 series airplanes would cost approximately $586 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators of Model DC–10–10 and –15 series airplanes is estimated to be $161,414, or $1,334 per airplane.

The FAA estimates that 148 Model DC–10–30 and –40 series airplanes and Model KC–10A (military) airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 13.6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts for Model DC–10–30 and –40 series airplanes and Model KC–10A (military) airplanes would cost approximately $1,420 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators of Model DC–10–30 and –40 series airplanes and Model KC–10A (military) airplanes is estimated to be $320,864, or $2,168 per airplane.

Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $482,278. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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 "major rule" under Executive Order 12291; (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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 93–NM–90–AD.

Applicability: All Model DC–10–10, –10F, –15, –30, –30F, –40, and –40F series airplanes and Model KC–10A (military) airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wing, accomplish the following:

(a) For Model DC–10–10, –10F, and –15 series airplanes: Accomplish paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD in accordance with McDonnell Douglas DC–10 Service Bulletin 57–114, Revision 1, dated July 26, 1993.

(1) Prior to the accumulation of 6,500 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later: Perform an eddy current surface inspection or an eddy current bolt hole inspection to detect cracks on stringer number 41 on the left- and right-hand wings, in accordance with the service bulletin.

(2) If no crack is found, repeat the inspection thereafter at intervals not to exceed 4,000 landings.

(3) If any crack is found, prior to further flight, accomplish paragraph (a)(3)(i), (a)(3)(ii), or (a)(3)(iii) of this AD, as applicable.

(i) If any crack is found that extends upward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish a temporary repair in accordance with Condition 2, Phase I of the service bulletin, or a permanent repair in accordance with Condition 2, Phase II of the service bulletin. If the temporary repair is accomplished, prior to the accumulation of 5,000 landings after accomplishing that temporary repair, accomplish the permanent repair in accordance with Condition 2, Phase II of the service bulletin. After accomplishment of the permanent repair, no further action is required by this AD.

(ii) If any crack is found that extends downward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish the permanent repair in accordance with Condition 2, Phase II of the service bulletin. After such repair, no further action is required by this AD.

(iii) If any crack is found in a fastener hole, and if that crack is within the limits specified in Condition 2 of the service bulletin, accomplish the preventative modification in accordance with Condition 1, Option II of the service bulletin. If the crack was detected using techniques other than the eddy current bolt hole inspection described in the service bulletin, prior to accomplishing the preventative modification, perform an eddy current bolt hole inspection to detect cracks, in accordance with the service bulletin, and accomplish paragraph (a)(3)(iii)(A), (a)(3)(iii)(B), or (a)(3)(iii)(C) of this AD, as applicable.

(A) If any crack is found that extends upward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish the requirements of paragraph (a)(3)(i) of this AD.

(B) If any crack is found that extends downward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish the requirements of paragraph (a)(3)(ii) of this AD.

(C) If any crack is found that is within the limits specified in Condition 2 of the service bulletin, accomplish the preventative modification in accordance with Condition 1, Option II of the service bulletin. After accomplishment of the preventative modification, no further action is required by this AD.

(4) Except for airplanes on which the preventative modification (Condition 1, Option II) or the permanent repair (Condition 2, Phase II) has been accomplished, prior to the accumulation of 6,500 total landings, or within 5 years after the effective date of this AD, whichever occurs later: Perform an eddy current bolt hole inspection to detect cracks in the fastener holes in accordance with the service bulletin.

(i) If no crack is found, or if any crack is found that is within the limits specified in Condition 2 of the service bulletin, prior to further flight, accomplish the preventative modification in accordance with Condition 1, Option II of the service bulletin. After accomplishment of the preventative modification, no further action is required by this AD.

(ii) If any crack is found that exceeds the limits specified in Condition 2 of the service bulletin, prior to further flight, accomplish a permanent repair in accordance with Condition 2, Phase II of the service bulletin. After accomplishment of the permanent repair, no further action is required by this AD.

(b) For Model DC–10–30, –30F, –40, and –40F series airplanes and Model KC–10A (military) airplanes: Accomplish paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD in accordance with McDonnell Douglas DC–10 Service Bulletin 57–114, Revision 1, dated July 26, 1993.

(1) Prior to the accumulation of 6,500 total landings, or within 1,500 landings after the effective date of this AD, whichever occurs later: Perform an eddy current surface inspection or an eddy current bolt hole inspection to detect cracks on stringer number 41 on the left- and right-hand wings in accordance with the service bulletin.

(2) If no crack is found, repeat the inspection thereafter at intervals not to exceed 3,200 landings.

(3) If any crack is found, prior to further flight, accomplish paragraph (b)(3)(i), (b)(3)(ii), or (b)(3)(iii) of this AD, as applicable.

(i) If any crack is found that extends upward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish a temporary repair in accordance with Condition 2, Phase I of the service bulletin, or a permanent repair in accordance with Condition 2, Phase II of the service bulletin. If the temporary repair is accomplished, prior to the accumulation of 5,000 landings after accomplishing that temporary repair, accomplish the permanent repair in accordance with Condition 2, Phase II of the service bulletin. After accomplishment of the permanent repair, no further action is required by this AD.

(ii) If any crack is found that extends downward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish the permanent repair in accordance with Condition 2, Phase II of the service bulletin. After such repair, no further action is required by this AD.

(iii) If any crack is found in a fastener hole, and if that crack is within the limits specified in Condition 2 of the service bulletin, accomplish the preventative modification in accordance with Condition 1, Option II of the service bulletin. If the crack was detected using techniques other than the eddy current bolt hole inspection described in the service bulletin, prior to accomplishing the preventative modification, perform an eddy current bolt hole inspection to detect cracks, in accordance with the service bulletin, and accomplish paragraph (b)(3)(iii)(A), (b)(3)(iii)(B), or (b)(3)(iii)(C) of this AD, as applicable.

(A) If any crack is found that extends upward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish the requirements of paragraph (a)(3)(i) of this AD.

(B) If any crack is found that extends downward from the fastener hole, and if that crack is outside the limits specified in Condition 2 of the service bulletin, accomplish the requirements of paragraph (b)(3)(ii) of this AD.

(C) If any crack is found that is within the limits specified in Condition 2 of the service bulletin, accomplish the preventative modification in accordance with Condition 1, Option II of the service bulletin. After accomplishment of the preventative modification, no further action is required by this AD.

(4) Except for airplanes on which the preventative modification (Condition 1, Option II) or the permanent repair (Condition 2, Phase II) has been accomplished, prior to

the accumulation of 6,500 total landings, or within 5 years after the effective date of this AD, whichever occurs later: Perform an eddy current bolt hole inspection to detect cracks in the fastener holes in accordance with the service bulletin.

(i) If no crack is found, or if any crack is found that is within the limits specified in Condition 2 of the service bulletin, prior to further flight, accomplish the preventative modification in accordance with Condition 1, Option II of the service bulletin. After accomplishment of the preventative modification, no further action is required by this AD.

(ii) If any crack is found that exceeds the limits specified in Condition 2 of the service bulletin, prior to further flight, accomplish a permanent repair in accordance with Condition 2, Phase II of the service bulletin. After accomplishment of the permanent repair, no further action is required by this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), 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, Los Angeles ACO.

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

(d) Special flight permits may be issued in accordance with FAR 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 September 20, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-23416 Filed 9-23-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 781; 92F-017P]

RIN 1512-AA07

Lake Wisconsin Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is considering the establishment of a viticultural area located in south-central Wisconsin to be known as "Lake Wisconsin." This proposal is the result of a petition filed by Charles W. Dean, Viticultural Area Consultant, on behalf of Wollersheim Winery near Prairie-du-Sac, Wisconsin.

ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

DATES: Written comments must be received by October 25, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221, Attn: Notice No. 781.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202-927-8230).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of American viticultural areas. Section 4.25a(e)(l), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

Petition

ATF has received a petition from Charles W. Dean, Viticultural Area Consultant, on behalf of Robert P. Wollersheim and JoAnn I. Wollersheim, proprietors and landowners of Wollersheim Winery near Prairie-du-Sac, Wisconsin, to establish a viticultural area in south-central Wisconsin to be known as "Lake Wisconsin." The proposed viticultural area is bounded by the shoreline of Lake Wisconsin and the Wisconsin River on the north and west. Wollersheim Winery is the sole winery located in the proposed 28,000 acre viticultural area and there are currently twenty-three acres planted to wine grapes.

Evidence of Name

The petitioner states that the place-name "Lake Wisconsin" was first used ca. 1917 to describe a widened section of the Wisconsin River that was submerged when the Baraboo hydroelectric dam was constructed one mile upriver from the town of Prairie-du-Sac. The petitioner submitted a travel brochure and map produced by the Lake Wisconsin Chamber of Commerce in 1989, entitled Lake Wisconsin Chamber Recreation Area Vacationland showing various recreational and tourist facilities in the proposed Lake Wisconsin viticultural area. The proposed viticultural area has a long history of wine grape growing and wine making activity. The petitioner submitted evidence that Agoston Haraszthy, an immigrant from Hungary well known as an early pioneer in the American wine industry, first planted wine grapes on Wollersheim Winery property in 1847. Cold winter temperatures frustrated this early attempt to establish grapevines and two years later Haraszthy moved to California. The petitioner submitted other information to show that wine grape growing and wine making continued until 1900. Because of its role in the early history of Wisconsin, Wollersheim Winery and the adjacent homestead were listed on the National Register of Historic Places in 1976.

Evidence of Boundaries

The boundaries of the proposed Lake Wisconsin viticultural area are clearly

shown on two U.S.G.S. quadrangle maps, Sauk City, Wisc. and Lodi, Wisc. The Sauk City, Wisc. quadrangle map shows the proposed viticultural area to be bounded by the shoreline of Lake Wisconsin and the Wisconsin River on the north and west. The southern boundary is defined by Mack Road and State Highway Y, and the eastern boundary, shown on the Lodi, Wisc. quadrangle map, follows State Highway Y, State Highway 60, State Highway 113, and Spring Creek. The petitioner states that some of the natural boundary features, which closely approximate some of the roads and highways used as boundaries for this proposed viticultural area, can be found on county maps, plat maps and county atlases dating back to 1861.

Geographical Features

According to the petitioner, the Wisconsin River (of which Lake Wisconsin is a part) is a major natural feature of the State and of the region. It is the largest river in the State after the Mississippi River, of which it is a major tributary. Roads and highways define the southern boundary of the proposed Lake Wisconsin viticultural area. The petitioner states that the landscape of the proposed viticultural area is comprised of discontinuous end moraines interspersed with ground moraines and occasional outwash plains. The landscape outside the southern boundary is of higher elevation and is comprised of rolling, hummocky upland with some outwash material. The eastern boundary, which closely approximates Spring Creek, identifies an area of low relief, continuous and intermittent stream drainage, and marsh. To the east of Spring Creek and outside the proposed area is a glaciated upland plain where the landscape is generally of higher elevations and comprised of end moraines with little or no outwash material.

Topography and Elevation

The petitioner states that the vineyards are located at an elevation of 800–900 feet along south and southwest facing slopes of 10–40 percent gradient. According to the petitioner, this combination of elevation, aspect, and relief contributes to the well-drained quality of the vineyard soils, the free circulation of air in summer and winter, and the locally longer growing season. Outside the proposed area to the north and west, higher elevations of 900–1,200 feet increase the risk of wind damage to grapevines, or the soils become too shallow for successful grape cultivation where bedrock is nearer the surface or exposed. The petitioner states that, outside the proposed area to the east, elevations between 720 feet (Wisconsin River level) and 800 feet are generally less well drained or are saturated during periods of rainfall or snowmelt.

Climate

The petitioner states that the proposed Lake Wisconsin viticultural area benefits from the microclimate effects of the lower Wisconsin River valley. The river moderates winter temperatures in the proposed area several degrees higher than areas north and west of the river or further south, according to the petitioner. Air circulation within the river valley helps prevent cold air accumulation and frost pockets from forming in the vineyards. In summer, the river valley and limestone bluffs along the river's edge serve to channel air currents and increase localized air circulation, protecting the vineyards from mildew and rot in hot, humid weather.

The petitioner states that the proposed viticultural area has a mean precipitation of twenty-nine inches, one inch less than the average rainfall in the area north and east, three inches less than the average rainfall in the area to the west, and two inches less than the State average. The petitioner describes the proposed viticultural area as an "island" of locally below-average rainfall and drier soils conducive to the grapevines concentrating their vigor in ripening fruit. According to the petitioner, the proposed viticultural area has a growing season of 140–160 days, ten to twenty days longer than across the river to the west and to the north. The additional frost-free period allows the grapes to reach maturity before the onset of winter cold.

Soil

The petitioner states that the Wisconsin River forms an approximate dividing line between the glaciated and unglaciated regions of south-central Wisconsin. Soils primarily of glacial till and outwash material are found east of the river valley and characterize the soils in the proposed viticultural area. According to the petitioner, the unglaciated "driftless" soils west of the valley result from significant differences in soil parent materials, microrelief, and drainage. The soils that support viticulture within the proposed area are Typic Hapludalfs of mixed mineral material and silty or loamy texture. All are underlain by gravelly or sandy loam glacial till or by dolomitic bedrock. The soils are typically well drained and about 36–60 inches deep on slopes and rolling areas of 2–45 percent gradient. The petitioner states that the soils outside the proposed viticultural area to the north and west are predominately unglaciated, and so are not underlain by glacial till and contain less outwash material. The soils outside the area to the south and east, although glacially derived, are found on topography of rolling upland with fewer limestone outcrops and no outwash plains. According to the petitioner, the soils there have formed on slightly higher elevations over discontinuous end and ground moraines.

Request for Additional Information

ATF requests additional evidence or further information which would substantiate or disprove the information presented in this petition regarding name, boundaries, and/or geographical features.

Proposed Boundary

The boundary of the proposed Lake Wisconsin viticultural area may be found on two United States Geological Survey (U.S.G.S.) maps with a scale of 1:24,000. The boundary is described in § 9.146.

Executive Order 12291

It has been determined that this proposed regulation is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. This process merely allows wineries to more accurately describe the origin of their wines to the consumers, and helps consumers identify the wines they purchase. Designation of a viticultural area itself has no significant economic impact because any commercial advantage can come only

from consumer acceptance of wines made from grapes grown within the area. In addition, no new recordkeeping or reporting requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

Public Participation

ATF requests comments from all interested parties concerning this proposed viticultural area. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Accordingly, Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding § 9.146 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.146 Lake Wisconsin.

(a) *Name.* The name of the viticultural area described in this section is "Lake Wisconsin."

(b) *Approved maps.* The appropriate maps for determining the boundary of the "Lake Wisconsin" viticultural area are two U.S.G.S. 7.5 minute series topographical maps of the 1:24,000 scale. They are titled:

(1) "Sauk City, Wis.," 1975; and

(2) "Lodi, Wis.," 1975.

(c) *Boundary.* The Lake Wisconsin viticultural area is located in Columbia and Dane Counties, Wisconsin. The boundary is as follows:

(1) The point of beginning is on the "Lodi, Wisc." U.S.G.S. map in the northeast quarter-section of Section 17, Lodi Township, Columbia County, where Spring Creek enters Lake Wisconsin;

(2) From the point of beginning, follow the southern shoreline of Lake Wisconsin northwest to where Lake Wisconsin narrows and becomes the Wisconsin River on the map, in the vicinity of the town of Merrimac, Sauk County;

(3) Then continue along the southern shoreline of the Wisconsin River, west and south past Goose Egg Hill, Columbia County, on the "Sauk City, Wisc." quadrangle map, and then west to a southwest bend in the shoreline opposite Wiegands Bay, Sauk County, where the Wisconsin River becomes Lake Wisconsin again on the map;

(4) Then southwest and south along the eastern shoreline of Lake Wisconsin, to the powerplant that defines where Lake Wisconsin ends and the Wisconsin River begins again;

(5) Then continuing south along the Wisconsin River shoreline to where it intersects with U.S. Highway 12 opposite Sauk City, Sauk County;

(6) Then in a southeasterly direction on U.S. Highway 12 to the intersection at State Highway 188, just over one-half a mile;

(7) Then in a northeasterly direction about 1,000 feet on State Highway 188, to the intersection of Mack Road;

(8) Then east on Mack Road to the intersection of State Highway Y, about 3 miles;

(9) Then follow State Highway Y in a generally northeasterly direction onto the "Lodi, Wisc." quadrangle map and continue in a northeasterly direction to the intersection with State Highway 60;

(10) Then in a northeasterly direction on State Highway 60 to the intersection with State Highway 113 in the town of Lodi;

(11) Then in a northwesterly direction on State Highway 113 to where it crosses Spring Creek the second time just before Chrislaw Road;

(12) Then follow Spring Creek in a northwesterly direction to where it enters Lake Wisconsin, the point of beginning.

Approved: September 16, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93–23470 Filed 9–23–93; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 855

[0701–AA42]

Civil Aircraft Use of United States Air Force Airfields

AGENCY: Department of the Air Force.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force is proposing to amend part 855 of Chapter VII, Title 32, Code of Federal Regulations, which establishes policies, responsibilities, and procedures for civil aircraft use of United States Air Force airfields. If adopted, this amendment would implement changes necessary to reflect current policy and statutory obligations. The publication of this proposed rule is to alert the public to these changes and give them an opportunity to comment.

DATES: Comments must be received by October 25, 1993.

ADDRESSES: HQ USAF/XOOBC, 1480 Air Force Pentagon, Washington DC 20330–1480.

FOR FURTHER INFORMATION: Ruth Ann Young, (703) 697–5967.

SUPPLEMENTARY INFORMATION: The Air Force Regulation on which 32 CFR part 855 is based will change to a policy directive and two instructions. The Air Force Regulation will remain in effect until all three documents have been published as a final rule in the Federal Register. This proposed rule addresses only § 855.1, and § 855.28.

Aircraft, Federal buildings and facilities

Accordingly, 32 CFR part 855 is proposed to be amended as follows:

PART 855—CIVIL AIRCRAFT USE OF UNITED STATES AIR FORCE AIRFIELDS

1. The authority citation for part 855 is revised to read as follows:

Authority: 49 U.S.C. 1507 and 49 U.S.C. 2203.

2. The heading for Part 855 is revised to read as set forth above.

3. Section 855.1 is revised to read as follows:

§ 855.1 U.S. Air Force Policy.

(a) The Air Force establishes and uses its airfields to support the scope and level of operations necessary to carry out missions worldwide. The Congress funds airfields in response to Air Force requirements, but also specifies that civil aviation access is a national priority to be accommodated without jeopardizing an installation's military utility. The Air Force engages in dialogue with the civil aviation community and the Federal Aviation Administration to ensure mutual understanding of long-term needs for the national air transportation system and programmed military force structure requirements. To implement the national policy and to respond to requests for access, the Air Force must have policies that balance such requests with military needs. Civil aircraft access to Air Force airfields on foreign territory requires host nation approval.

(b) The Air Force will manage two programs that are generally used to grant civil aircraft access to its airfields: civil aircraft landing permits and joint-use agreements. Other arrangements for access will be negotiated as required for specific purposes.

(1) Normally, landing permits will be issued only for civil aircraft operating in support of official Government business. Other types of use may be authorized if justified by exceptional circumstances.

(2) The Air Force will consider only proposals for joint use that do not compromise operations, security, readiness, safety, environment, and quality of life. Further, only proposals submitted by authorized local Government representatives eligible to sponsor a public airport will be given the comprehensive evaluation required to conclude a joint use agreement.

(3) Any aircraft operator with an inflight emergency may land at any Air Force airfield without prior authorization. An inflight emergency is defined as a situation that makes continued flight hazardous.

(c) Air Force requirements will take precedence on Air Force airfields over all civil aircraft operations, whether they were previously authorized or not.

(d) Civil aircraft use of Air Force airfields in the United States will be subject to Federal laws and regulations. Civil aircraft use of Air Force airfields in foreign countries will be subject to US Federal laws and regulations that have extraterritorial effect and to applicable international agreements with the country in which the Air Force installation is located.

(e) This part establishes the following responsibilities and authorities.

(1) As the program manager for joint use, the Civil Aviation Branch, Bases and Units Division, Directorate of Operations (HQ USAF/XOOBC), ensures that all impacts have been considered and addressed before forwarding a joint-use proposal or agreement to the Deputy Assistant Secretary for Installations (SAF/MII), who holds decision authority. All decisions are subject to the environmental impact analysis process as directed by the Environmental Planning Division of the Directorate of Environmental Quality (HQ USAF/CEVP) and the Deputy Assistant Secretary for Environment, Safety, and Occupational Health (SAF/MIQ). The Air Force Real Estate Agency (AFREA/MIR) handles the leases for Air Force-owned land or facilities included in an agreement for joint use.

(2) HQ USAF/XOOBC determines the level of decision authority for landing permits. It delegates decision authority for certain types of use to major commands and installation commanders.

(3) HQ USAF/XOOBC makes the decisions on all requests for exceptions or waivers to this policy and related Air Force instructions. The decision process includes consultation with other affected functional area managers when required. Potential impacts on current and future Air Force policies and operations strongly influence such decisions.

(4) Major commands, direct reporting units, and field operating agencies may issue supplements to establish command-unique procedures permitted by and consistent with this part.

(f) This policy applies to all regular United States Air Force (USAF), Air National Guard (ANG), and United States Air Force Reserve (USAFR) installations with airfields. This policy also applies to civil aircraft use of Air Force ramps at civil airports hosting USAF, ANG, and USAFR units.

§ 855.28 [Removed]

4. Section 855.28 is removed.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–23356 Filed 9–23–93; 8:45 am]

BILLING CODE 3910–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN22–1–5832; FRL–4733–7]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA is proposing to approve the removal of a transportation control measure (TCM) as a revision to Minnesota's State Implementation Plan (SIP) for carbon monoxide (CO). USEPA's action is based upon a revision request which was submitted by the State.

DATES: Comments on this requested revision and on the proposed USEPA action must be received by October 25, 1993.

ADDRESSES: Written comments should be sent to:

William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: William Jones, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6058.

SUPPLEMENTARY INFORMATION: The CO SIP for the area was approved, see 45 FR 40579 (June 18, 1980). The Duluth area was redesignated to attainment for CO, see 51 FR 45319 (December 18, 1986), and 52 FR 6548 (March 4, 1987). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, codified at 42 U.S.C. 7401–7671q. Pursuant to section 107(d)(4)(A), the City of Duluth was designated nonattainment for CO as a result of monitored violations of the CO National Ambient Air Quality Standards (NAAQS) during the 1988–1989 time period (see 56 FR 56694, November 6, 1991). On October 30, 1992, the State of Minnesota requested the removal of a TCM from the CO State Implementation Plan for Duluth. The State also requested on that date that a maintenance plan for the area be approved and that the area be redesignated to attainment of the CO NAAQS. Action on the maintenance

plan and redesignation requests is expected to take place in a separate notice.

Adequacy of the State Implementation Plan Revision

The information provided by the State included rollback modeling using emissions and concentration projections. The MOBILE 4.1 emissions model and the Highway Capacity Manual Computer Program were used to develop the emissions estimates. These estimates were developed for 1990, 1995, and 2005, for several critical intersections.

The State submitted rollback modeling that shows that the revision would not interfere with attainment of the CO NAAQS.

The other applicable requirement of the Clean Air Act that must be addressed is Section 193, "General Savings Clause" requirement, which provides in part:

> No control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before the date of the enactment of the Clean Air Act Amendments of 1990 in any area which is a nonattainment area for any air pollutant may be modified after such enactment in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.

USEPA believes that the State has shown through rollback modeling of concentrations, air quality trends, and information on the effect of the construction of I–35 on the amount of truck traffic that would be rerouted, that I-35 provides an equivalent or greater reduction in emissions.

The State provided the following information as to why an improved truck turning radius was not needed. All of the transportation control measures with the exception of the improved truck turning radius have been implemented. This turning radius would have made it easier for trucks to turn at 14th Avenue and 3rd Street east (Trunk Highway 61). The City of Duluth discovered that enlarging the turning radius would require significant rerouting of utilities, which probably was not legally feasible, since utility companies have equal eminent domain authority. In some cases, trucks were using East 1st Street, which was not a designated truck route, to avoid the turn on 14th Avenue East and 3rd Street East. The City erected a sign on 1st Street directing through truck traffic to 3rd Street East so that trucks would not hamper movements on both 1st and 3rd Streets East.

Currently, a truck heading northeast from the southwestern part of Duluth would by pass Duluth's downtown on I–35 unless it had a delivery downtown. Construction on I–35 was completed on October 28, 1992. All through truck traffic will now use I–35, eliminating permanently any need to widen the turning radius at the intersection of 14th Avenue East and 3rd Street.[1] Truck traffic will be able to access I–35 at Lake Avenue, 21st Avenue East, and 26th Avenue East. I–35 was designed to allow traffic out of the downtown area and a sign informs truckdrivers to use an alternate route to lead them out of the downtown area.

The State submits that I–35 provides reductions of traffic and CO by the rerouting of traffic. The Minnesota Department of Transportation (Mn/DOT) has forecasted that 28 percent of overall downtown traffic is now carried on I–35, and more than 28 percent of overall downtown truck traffic is now carried on I–35. Mn/DOT has forecasted that 42 percent of all downtown traffic and about 42 percent of all downtown truck traffic will use I–35 instead of downtown streets. The only trucks that will use Superior Street are the ones which are making local deliveries. Truck routes which divert truck traffic off Superior Street will be maintained for trucks making deliveries elsewhere in Duluth and for trucks carrying hazardous materials. All other trucks will use I–35.

The State has also shown that the completed I–35 will more than offset the reductions that would be obtained with a truck turning radius. The truck turning radius would only have lessened the amount of emissions from trucks and vehicles caught in traffic due to turning trucks. I–35 eliminated a substantial amount of emissions in the area around 14th Avenue East and 3rd Street, simply because trucks are taking I–35 instead.

The impact of potential growth has been accounted for by the emissions and air quality projections. The State provided concentrations and emissions estimates for 1990, 1995, and 2005. The projections show that the growth in the area is expected to allow the area to remain in attainment of the CO NAAQS. The State will track the SIP's progress in maintaining the standard by reviewing data from the local metropolitan planning organization.

Proposed Rulemaking Action

USEPA proposes to approve the removal of the Improved Truck Turning Radius TCM from the SIP. The effects of I–35 as a permanent improvement has more than adequately taken the place of the Truck Turning Radius TCM.

Public comment is solicited on USEPA's proposed rulemaking action. Comments received by October 25, 1993 will be considered in the development of USEPA's final rulemaking action.

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 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).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Incorporation by reference, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671g.

Dated: September 3, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–23196 Filed 9–23–93; 8:45 am]

BILLING CODE 6560–50–P

[1] Although I–35 is not a measure in the SIP, it is a completed measure that provides permanent emission reductions. Therefore, USEPA believes the measure may be used to fulfill the terms of section 193.

40 CFR Part 52

[OH 34-1-5715; FRL-4698-8]

Approval and Promulgation of Implementation Plans; Vehicle Inspection and Maintenance Program; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: This document proposes approval of a revision to the Ohio 1982 State Implementation Plan (SIP) relating to the automobile inspection and maintenance (I/M) program for the State of Ohio, which was submitted on October 16, 1992. The intended effect of this program is to control the exhaust emissions of carbon monoxide (CO) from motor vehicles in Cuyahoga County, Ohio, in order to help attain the CO National Ambient Air Quality Standard (NAAQS) as required in part D of the Clean Air Act (CAA). Public comment on this proposed rule is requested. Comments will be considered before final USEPA action on this SIP revision.

This action is taken at the request of the State of Ohio in order to satisfy the requirement for a completely approved CO SIP prior to a redesignation to attainment of the affected area. Ohio has requested the redesignation of Cuyahoga County from nonattainment status to attainment status for CO. Before a redesignation to attainment for CO can be approved, all SIP elements required under the CAA, due prior to the request for redesignation, must be approved. A USEPA approved I/M program is a required element of the SIP. While the State had implemented an I/M program in Cuyahoga County since January 1991, it had not submitted the program for approval by the USEPA. This submittal from the State will, when approved, satisfy the requirement. This proposed approval is being made pursuant to the CAA as amended in 1977, which required States to revise their SIPs for any area which had not yet attained compliance with the NAAQS. The State was required to submit a plan to address CO nonattainment in Cuyahoga County by January 1979, but failed to develop and submit such a plan on time. This proposed approval is consistent with section 182(a)(2)(B) of the current CAA, which requires States to meet the basic I/M performance standard that has been in effect since 1977. This action should not be confused with current efforts of the State to develop a more sophisticated I/M program for implementation in 1994, as required by the 1990 amendments to the CAA.

DATES: Comment must be received on or before October 25, 1993.

ADDRESSES: Comment may be sent to William L. MacDowell, Air and Radiation Division, 77 West Jackson Blvd. (AE-17J), Chicago, Illinois 60604. Copies of the Ohio plan and the USEPA evaluation are available for public inspection during normal business hours at the USEPA, Region 5, Air Enforcement Branch, 77 West Jackson Blvd., Chicago 60604. Interested parties are encouraged to call ahead to the number listed in **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: John Paskevicz, (312) 886-6084.

SUPPLEMENTARY INFORMATION:

I. Statutory Requirements

This action relates to part D of the CAA as amended in 1977, which required States to revise their SIPs for any area which had not yet attained the NAAQS. The revised plans were required to be submitted by January 1, 1979, to meet specific requirements outlined in sections 172 and 173 of the CAA, and generally to provide for attainment of the primary NAAQS by December 31, 1982.

The CAA then required States with areas that violate the primary NAAQS to submit revisions to their SIP which demonstrate attainment of the NAAQS by December 31, 1982. For States unable to demonstrate attainment of the CO standard by 1982 the CAA allowed an extension until December 31, 1987. In order to receive the extension until 1987, States were required to adopt, as part of their 1979 attainment plans, control strategies considered to be reasonably available at that time, including an I/M program, and to commit to the submission of additional revisions by July 1, 1982.

I/M programs were required to achieve at least the emission reductions achievable by a program similar in design to the tailpipe inspection program in New Jersey.[1] The determination of similarity for Ohio was made using the version of the MOBILE model current at the time to evaluate the effects of the State I/M control strategy. The 1982 SIP revision submittal was required to include rules and regulations and all other I/M program elements which would contribute to meeting or exceeding the minimum emission reduction requirements. Specifically, the plan must include: (1) Inspection test procedures; (2) Tailpipe emission standards; (3) Inspection station licensing requirements; (4) Emission test equipment specifications and maintenance/calibration requirements; (6) Quality control, audit, and surveillance procedures; (7) Procedures to ensure all vehicles in the affected fleet are tested; (8) Any official program rules, regulations and procedures; (9) A public awareness plan; and (10) A mechanics training program if additional emission reduction credits are being claimed for mechanics training.[2]

II. Background of the Ohio I/M CO SIP

On July 11, 1988, Ohio submitted to USEPA, for approval as part of Ohio's CO SIP, an I/M program designed to reduce hydrocarbon emissions from motor vehicles. The program did not adequately address the control of emissions of carbon monoxide. On January 9, 1989, the USEPA disapproved the proposed Ohio CO SIP because it lacked a vehicle inspection and maintenance component designed to reduce the emissions of CO from motor vehicles registered in Cuyahoga County. This disapproval resulted in the imposition of a construction moratorium on major stationary sources of CO on January 9, 1989, and the cutoff of Federal Clean Air Act funds and highway funds for certain highway projects under the sanctions provisions of the 1977 CAA.

Following the USEPA disapproval and imposition of sanctions, the Ohio legislature passed legislation requiring the development of an I/M program in Cuyahoga County designed to reduce carbon monoxide emissions from light duty vehicles. On March 14, 1989, the Governor signed legislation to implement a tailpipe test program in the County. Shortly thereafter, on March 28, 1989, the USEPA rescinded the January 9, 1989, sanctions rulemaking.

Mandatory tailpipe testing in Cuyahoga County began in January 1991, for all light duty vehicles built after the 1974 model year. The hybrid program, which consists of a centralized

[1] Section 182(a)(2)(B) of the Act now requires States to meet the basic I/M performance standard that has been in effect since 1977. That performance standard is based on a "model" program design consisting of a centralized program that annually tests tailpipe emissions on all light duty vehicles using emission standards for 1981 and later model vehicles of 1.2 percent CO and 220 parts per million hydrocarbons. Section 187(a)(4) now requires States with moderate CO nonattainment areas that already include I/M programs or that were required by the pre-1990 Act to include I/M programs in their SIPs, to submit to USEPA immediately any revisions necessary to provide for a program no less stringent than that required prior to enactment or committed to in the SIP.

[2] "State Implementation Plans; Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension", **Federal Register**, January 22, 1981, (46 FR 7182).

initial tailpipe test and a decentralized repair and re-test option, is based on the amended substitute house bill which authorizes the Director of the Ohio Environmental Protection Agency (OEPA) to implement and operate an I/M program in Cuyahoga County.

On October 16, 1992, OEPA submitted the current vehicle I/M program to USEPA as a CO SIP revision. The program was submitted as part of a request by the State to have the county redesignated to attainment status for CO. The I/M program is intended to lead to a significant reduction in CO emissions from motor vehicles in the County.

III. Description of the Ohio Submittal

The information submitted by Ohio was sent as a component of the State's request for redesignation of the Cleveland area from a moderate non-attainment area for CO to an attainment area. An approved I/M SIP is required before the USEPA can approve a redesignation. The submittal includes a letter from the Director of OEPA, dated October 16, 1992, and a letter from the manager of the OEPA automobile inspection and maintenance (AIM) program, containing supplemental information, dated November 18, 1992.

The provisions for a vehicle inspection and maintenance program consistent with the 1977 CAA were published in the **Federal Register** dated January 22, 1981, 46 FR 7182. States were obligated to develop I/M plans using the critical elements contained in the **Federal Register**. The Cuyahoga County CO I/M SIP submittal contains a complete description of the Ohio AIM program. The complete submittal, which is based on the required elements, is available for review in the docket at the USEPA, Region 5, Chicago.

Legal authority for the operation of the AIM program is derived from Ohio House Bill 109, dated March 14, 1989, also referred to as Amended Substitute House Bill Number 109 (Bill 109). Bill 109 requires the establishment and operation of a tailpipe emissions test program in Cuyahoga County, and gives the Director of the OEPA broad authority to develop and operate the tailpipe test program in accordance with the provisions of the USEPA guidance, and in a manner which demonstrates good judgment and common sense.

USEPA has reviewed the State's submittal, with respect to the critical program elements listed in the January 22, 1981, **Federal Register**, and makes the following comments regarding areas in the program which should be improved.

The Cuyahoga County I/M program is based on Bill 109, the rules developed by the OEPA, and the information found in the invitation to bid published by the State. State procedures to conduct the program are also found in the training manuals available for use by certified inspectors.

The Ohio I/M program is enforced through an automobile registration denial system. If a vehicle fails a test it cannot be registered by its owner until repair of the failed item is remedied or repaired and the vehicle is re-inspected or re-tested and passes the test. Test stations issue inspection certificates following successful completion of a tailpipe test. A certificate is a prerequisite for automobile registration and must be presented to the registrar of auto licenses upon application. Vehicles which fail to obtain or pass an emissions test will be denied registration. Any vehicle found to be in operation on the roads in Ohio without a valid registration is in violation of the State's motor vehicle laws.

A weakness in the Ohio I/M program is that a portion of the general vehicle population does not get called up for testing under the State's AIM program standard operating procedure. The OEPA rules are not sufficient to ensure compliance of fleets which do not use the State motor vehicle licensing and registration system. Specifically, U.S. Government vehicles used by the General Services Administration, Department of Defense, and the Post Office do not receive notification of the test requirement because these vehicles are outside the Bureau of Motor Vehicle data base. The State relies on direct contact with individual agencies to capture these vehicles in the tested population. Each government entity is assigned a month during the year to report vehicle testing results. The Clean Air Act Amendments of 1990, and USEPA rules[3] § 51.356(a)(4), require government owned or operated vehicles to be tested within an I/M program area regardless of whether the vehicles are registered in the State or local I/M area.

A permanent exemption from testing for diesel powered automobiles (OAC 3745–26–02(E)(3), is available. A vehicle classified as a diesel is not required to be inspected or tested. Lack of subsequent inspection prevents the State from verifying that the vehicle will remain as a diesel in an unmodified condition. Diesel powered light duty vehicles are sometimes converted to burn gasoline by exchanging the diesel engine for a gasoline burning engine. This change in engines may go unnoticed during the annual vehicle registration process. A permanent exemption for diesels removes from the inspection process a group of vehicles which may be converted to gasoline fuel, thereby contributing to uncontrolled emissions of all pollutants and adding to the number of tampered vehicles on the road. USEPA rules, § 51.362(a)(1), require periodic verification of exempt vehicle status by inspecting and confirming such vehicles by the program or its delegate.

This proposed Ohio I/M program does not address the ability of the OEPA to evaluate the effectiveness of the use of the registration process to enforce the registration requirement of the program. The State I/M rules and the SIP do not provide the ability to OEPA, or other responsible State agency, to evaluate the effectiveness, through an audit or other similar process, of the registrars throughout the program area. This appears to be an enforcement and resource deficiency which needs to be addressed. USEPA rules, § 51.362, require regular audits of enforcement program management practices and require adjustments to improve operation when necessary. At a minimum, in this regard, the State rules should include enforcement procedures for disciplining, retraining, or removing enforcement personnel who deviate from established requirements.

The AIM program requires an annual test of all affected vehicles. Prior to the owner's registration renewal deadline, a notice of testing requirement (OAC 3745–26–10 (D)) is sent to the vehicle owner by the contractor administering the program. The State registrar, however, allows vehicle owners to obtain multi-year registrations. There is no description in the proposed program of how vehicles, registered for a multi-year period, are called in for the required annual tailpipe test. Failure of the program to capture these vehicles in the tested vehicle population lessens the effectiveness of the program by reducing the overall compliance rate.

The enforcement issues addressed above relate to elements of the State's program which must be fine-tuned in order to make the program meet the requirement of the USEPA rules. However, these issues do not lead the USEPA to disapprove the current I/M program. The State has an enforcement program which USEPA believes is effective for the majority of vehicles in the affected area at the present time. The USEPA believes the Ohio I/M program in Cuyahoga County is operating as originally designed by the State.

[3] Inspection/Maintenance Program Requirements, dated November 5, 1992, (57 FR 52987) Rules and Regulations.

Furthermore, USEPA believes the I/M program in Cuyahoga County, referenced above, is no less stringent than that required prior to enactment of the 1990 CAA amendments. Future program changes, required as a result of the 1990 Clean Air Act amendments and the November 5, 1990 rules, are expected to further improve the effectiveness of the State's inspection and maintenance program. Ohio must address the enforceability issues discussed above in its upcoming I/M program changes.

V. Proposed Rulemaking Action

USEPA proposes to approve the Ohio inspection and maintenance SIP revision for carbon monoxide in Cuyahoga County. Public comment is solicited on USEPA's proposed rulemaking action. Comments received on or before October 25, 1993 will be considered in the development of the USEPA's final rulemaking.

This action is classified as a Table 1 action under USEPA's procedures for SIP processing.

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. USEPA certifies that this rule, which merely approves state requirements that are already in place, will not have a significant impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 3, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–23209 Filed 9–23–93; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[MN19–1–5831; FRL–4733–6]

Approval of Maintenance Plan and Designation of Areas for Air Quality Planning Purposes; Minnesota

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA is proposing to approve a redesignation request and maintenance plan for the City of Duluth as a revision to Minnesota's State Implementation Plan (SIP) for carbon monoxide.

The revision is based on a request from the State of Minnesota to redesignate this area, and approve its maintenance plan, and on the supporting data the State submitted. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

DATES: Comments on this requested redesignation, SIP revision, and on the proposed USEPA action must be received by October 25, 1993.

ADDRESSES: Written comments should be addressed to:

William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: William Jones, Regulation Development Section, Air Enforcement Branch (AE–17J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6058.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the pre-amended Clean Air Act (CAA), the United States Environmental Protection Agency (USEPA) promulgated the carbon monoxide (CO) attainment status for each area of every State. For Minnesota the Duluth area was designated nonattainment for CO, see 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978). The Duluth area was redesignated to attainment for CO, see 51 FR 45319 (December 18, 1986), and 52 FR 6548 (March 4, 1987). On November 15, 1990, the Clean Air Act Amendments (CAAA) of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. Pursuant to section 107(d)(4)(A), the City of Duluth was designated nonattainment for CO as a result of monitored violations of the CO National Ambient Air Quality Standards (NAAQS) during the 1988–1989 time period (see 56 FR 56694, November 6, 1991). The City of Duluth was classified as a low moderate CO nonattainment area based on a design value below 12.7 ppm. On October 30, 1992, the Minnesota Pollution Control Agency (MPCA) submitted a maintenance plan and a request for the redesignation of the City of Duluth, Minnesota to attainment of the NAAQS for CO. The redesignation request was accompanied by a report containing information supporting the redesignation request.

USEPA has provided guidance on processing redesignation requests in a September 4, 1992, memorandum from John Calcagni, Director, Air Quality Management Division, Subject: Procedures for Processing Requests to Redesignate Areas to Attainment (Redesignation Memorandum). This guidance memorandum was used in the evaluation of the submittal. The State of Minnesota has met all of the CAA requirements for redesignation pursuant to section 107(d)(3)(E).

The requirements of section 107(d)(3)(E) are set forth in the following sections.

Section 107(d)(3)(E)(i). The Administrator determines that the area has attained the National Ambient Air Quality Standard.

The State submitted air quality data for 1990–1991 to support the redesignation request. Air quality data for 1992 continues to show attainment. Consistent with the requirements of 40 CFR 50.8, the most recent two years of carbon monoxide air quality monitoring data, 1991 and 1992, for the City of Duluth show that the City is currently meeting this requirement.

Section 107(d)(3)(E) (ii) and (v). The Administrator has fully approved the applicable implementation plan for the area under section 110(k) and the State containing such area has met all requirements applicable to the area under section 110 and part D.

USEPA has interpreted section 107(d)(3)(E) (ii) and (v) to mean that for purposes of redesignation a State must have a fully approved SIP that meets all of the requirements of section 110 and part D that became due on or before the date of submittal of a complete redesignation request.

The CO SIP for the area was approved in 1980 (45 FR 40579). The part D New Source Review (NSR) SIP for the State of Minnesota has not been approved.

Under the CAAA, the oxygenated fuels program and the emission inventory SIP were due on November 15, 1992, and the part D New Source

Review (NSR) SIP for carbon monoxide is not due until November 15, 1993. Pursuant to a September 4, 1992, USEPA memorandum from John Calcagni, Director, Air Quality Management Division, the applicable requirements that an area must satisfy before it can be redesignated are the requirements that were due before the request was submitted. Since the request was submitted before the CO NSR SIP, oxygenated fuels SIP, and emission inventory SIP were due, these SIPs are not "applicable", and do not have to be approved before the redesignation request can be approved.

With respect to NSR, the applicable requirement for moderate CO areas is section 172(c)(5). Section 172(b) establishes a date no later than November 15, 1993, for submittal of the section 172(c) requirements. Since USEPA has not established an earlier date for submittal, the NSR requirement does not become an applicable requirement until November 15, 1993. Since Minnesota submitted the redesignation request for the City of Duluth prior to November 15, 1993, the State need not submit NSR for purposes of USEPA's review of its redesignation request.

The amended Act also specifies new requirements—i.e., requirements not established under the pre-amended Act—for CO nonattainment areas. These include an oxygenated fuels program and an emissions inventory. These requirements were due on November 15, 1992. Since Minnesota submitted the redesignation request prior to November 15, 1992, the State was not required to submit these plan elements for purposes or redesignation. However, the State did submit an oxygenated fuels SIP on November 10, 1992. In addition, the State was required to submit an emissions inventory as part of its maintenance plan; USEPA is reviewing that submittal for approval in conjunction with the maintenance plan.

Once the area is redesignated to attainment, the Prevention of Significant Deterioration (PSD) program, which has been delegated to Minnesota, will become effective immediately. The PSD program was delegated under 40 CFR 52.21(u) in full to Minnesota on September 20, 1977, as amended on March 26, 1979, October 15, 1980, and November 3, 1988 (see 40 CFR 52.1234).

Finally, the State has committed to follow USEPA's conformity regulation upon issuance, as applicable. Therefore, the USEPA believes that the State has met all applicable requirements of section 110 and Part D of the Act for purposes of redesignation. Therefore, USEPA believes that the City of Duluth will have a fully approved SIP under section 110(k).

Section 107(d)(3)(iii). The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions.

The submittal states that the reductions are due to a permanent freeway (I–35), and the Federal Motor Vehicle Control Program. The submittal also states that the freeway provided reductions by the rerouting of traffic. The last segment of the freeway was scheduled to be opened in October 1992. The portion of the freeway that was open in 1990–1993 provided reductions that helped to attain the NAAQS. There were no new adopted State rules or measures. The submittal provides that a 36.5 to 37.9 percent reduction in emissions and concentrations are expected to occur from 1990 to 1995 at four intersections. These intersections include Superior Street and 3rd Avenue, Central Entrance and Arlington, Central Entrance and Trinity Road and Central Entrance and Mesaba. A large percentage of the reduction will have occurred from 1990 to 1993. Therefore, USEPA believes that the improvement in air quality is due to permanent and enforceable reductions in emissions.

Section 107(d)(3)(E)(iv). The Administrator has fully approved a maintenance plan for the area as meeting the requirements of Section 175A.

The State addresses the attainment inventory, maintenance demonstration, continued monitoring, tracking plans progress, and the contingency plan. The State has included a copy of the base year 1990 emissions inventory as the attainment inventory. The attainment emissions inventory contained point, area, and mobile source carbon monoxide emissions in tons per year and for a typical winter day in Duluth. The mobile source CO emission inventory for 1990 was estimated as 23,495 tons/year and 128,342 lbs/winter day. The point source CO emission inventory for 1990 was estimated as 388 tons/year and 4,270 lbs/winter day and the area source CO emission inventory for 1990 was estimated as 9,219 tons/year and 85,614 lbs/winter day. The total 1990 CO emission inventory for the City of Duluth was estimated as 33,103 tons/year and 218,226 lbs/winter day. The State used USEPA guidance in preparation of the emissions inventory. A copy of this inventory is available for review at the Region 5 office listed previously.

The maintenance plan provides concentrations and emissions estimates for 1990, 1995, and 2005. These concentration and emissions estimates were made using USEPA recommendations for 4 high volume intersections in the area. These intersections include Superior Street and 3rd Avenue, Central Entrance and Arlington, Central Entrance and Trinity Road and Central Entrance and Mesaba. The emissions estimates are based on permanent and enforceable measures. Future emission levels and concentrations are not expected to increase through the year 2005. Table 1 lists the projected carbon monoxide emissions for the years 1990, 1995 and 2005. The projected concentrations are well below the CO NAAQS. Therefore, the results show that the area should maintain the air quality standard for at least 10 years into the future.

TABLE 1.—PROJECTED CARBON MONOXIDE EMISSIONS FOR THE YEARS 1990, 1995 AND 2005

[kg/8-hour period during the winter]

Intersection	1990	1995	2005
Superior St. and 3rd Ave	192.09	122.00	85.48
Central Entrance and Mesaba	130.65	81.14	55.24
Central Entrance and Arlington	132.11	83.63	55.24
Central Entrance and Trinity Road	121.41	76.42	51.23

The State will track the maintenance plan's progress by reviewing reports such as a regional economic data report, corridor studies, and a socioeconomic-transportation trends report. The State also commits to continuing the operation of the monitor as long as required by USEPA, and to re-examine the monitoring if the traffic patterns change significantly to verify attainment. The only monitor in the area is located at 314 West Superior Street. A list of data that it will check to track the status of maintenance.

The State commits to park and ride lots as a contingency measure. This measure will be triggered when there is a verified quality assured violation of the CO NAAQS. The measure will be implemented on the date that USEPA agrees on with the MPCA as a practical

starting date for the program. It has also committed to oxygenated fuels as an additional contingency measure if the park and ride lots are not implemented or are not successful in solving the problem. USEPA believes that if the State provides a schedule for adopting the contingency measures, by the end of the comment period, then the maintenance plan requirements have been met.

Proposed Rulemaking Action

It is proposed that the CO redesignation request and maintenance plan for the Duluth area be approved as meeting the requirements of the Act.

It is also recommended that the State will have met the May 26, 1988, SIP call requirements for Duluth, when the area is redesignated to attainment. The State has adequately responded to the SIP call under section 110(a)(2)(H) of the CAA, which was issued by USEPA to Minnesota on May 26, 1988, concerning the Minnesota portion of the Duluth Metropolitan Statistical Area (MSA) consisting of St. Louis County, Minnesota. In the General Preamble (57 FR 13564–13565) the requirements for satisfying SIP calls are discussed. The requirements for SIP calls were divided into two phases. In order for CO areas to meet phase I, a Post-1987 emission inventory must be developed. The State submitted a 1987 base year CO emission inventory on February 21, 1991, in response to this requirement. Included in their redesignation request is a revised version of this emission inventory for 1990. The State also submitted this inventory separately on November 9, 1992, in order to satisfy the CAA requirements for a CO emissions inventory.[1] For phase II the area had to meet the applicable requirements of the Clean Air Act Amendments. Since the applicable requirements of part D, which includes section 187, are proposed as being satisfied, then phase II of the SIP call is also proposed as being satisfied. These requirements should be proposed as being satisfied because the redesignation request was submitted before the requirements became due.

Public comment is solicited on USEPA's proposed rulemaking action. Comments received by October 25, 1993 will be considered in the development of USEPA's final rulemaking action.

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.

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. I certify that the approval of the redesignation request will not affect a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects

40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Incorporation by reference, Intergovernmental relations.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7671q.

Dated: September 3, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–23200 Filed 9–23–93; 8:45 am]

BILLING CODE 6560–50–P

[1] Although the State was not required to submit an inventory under section 182(a)(1) for purposes of redesignation, the State elected to submit such an inventory to independently meet this requirement.

DEPARTMENT OF DEFENSE

48 CFR Parts 209, 242, 252 and 253

Defense Federal Acquisition Regulation Supplement; Contractor Accounting Controls

AGENCY: Department of Defense (DOD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulations (DAR) Council is proposing changes to the Defense FAR Supplement to clarify existing policies, procedures, and requirements pertinent to contractor accounting systems and internal accounting controls. Also, changes are proposed to add a general standard of responsibility to emphasize the existing regulatory requirement for prospective contractors to have and maintain accounting systems and internal accounting controls which provide reasonable assurance that substantial risk of mischarges or Government overpayments will not occur throughout contract performance.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before October 25, 1993 to be considered in the formulation of the final rule. Please cite DAR Case 91–004 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mrs. Linda W. Neilson, OUSD(A), 3062 Defense Pentagon, Washington, DC 20301–3062.

FOR FURTHER INFORMATION CONTACT: Mrs. Linda W. Neilson, Procurement Analyst, DAR Council, (703) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

A proposed rule was published in the **Federal Register** on June 10, 1991 (56 FR 36645). Sixteen comments were received in response to the proposed rule. After review of the public comments, and internal coordination, the rule has been significantly revised, and is therefore published again as a proposed rule with a request for comments. The major changes in this proposed rule include revisions to the general standard of responsibility at paragraph (e)(i) of 209.104–1, General Standards; addition of a clause at 252.242–7006, Internal Controls, to clearly state the requirement for contractors who are to receive payments based on costs to have and maintain an accounting system and internal accounting controls which provide reasonable assurance that substantial risk of mischarges or Government overpayments will not occur throughout contract performance; revision of the definition of "accounting controls"; clarification of the roles of the contracting officer and the Defense Contract Audit Agency auditor; and editorial revisions.

B. Regulatory Flexibility Act

The proposed rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because it clarifies and emphasizes existing regulatory prerequisites for an acceptable accounting system. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS Subpart

will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR case 91–610 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any new recordkeeping, information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 209, 242, 252 and 253

Government procurement.

Claudia L. Naugle,

Executive Editor, Defense Acquisition Regulations Directorate.

Therefore, it is proposed that 48 CFR parts 209, 242, 252, and 253, be amended as follows:

1. The authority citation for 48 CFR parts 209, 242, 252, and 253, continues to read as follows:

Authority: 41 U.S.C. 421, and FAR Supbart 1.3.

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.104–1(e) is revised to read as follows:

209.104–1 General Standards.

(e)(i) The contractor's internal accounting control system must be sufficiently effective to provide reasonable assurance that the accounting system and cost data are accurate and reliable and that substantial risk of misallocations, mischarges, or Government overpayments will not occur on defense contracts.

* * * * *

PART 242—CONTRACT ADMINISTRATION

3. A new subpart 242.75 is added to read as follows:

Subpart 242.75—Contractor Accounting Controls

Sec.

242.7500 Scope of subpart.
242.7501 Policy.
242.7502 Procedures.
242.7503 Contract clause.

Subpart 242.75—Contractor Accounting Controls

242.7500 Scope of subpart.

This subpart provides policies and procedures applicable to contractor internal accounting controls.

242.7501 Policy.

Contractors receiving cost reimbursement or incentive type contracts, or contracts which provide for progress payments based on costs, shall maintain an accounting system throughout contract performance which contains internal accounting controls sufficiently effective to ensure compliance with applicable laws and regulations, and to provide reasonable assurance that the accounting system and cost data are accurate and reliable and that substantial risk of defense contract misallocations, mischarges, or Government overpayments will not occur. Internal accounting controls shall ensure proper authorization of transactions and segregation of duties commensurate with the size and structure of the contractor's organization.

242.7502 Procedures.

(a) Consistent with Government auditing standards issued by the Comptroller General of the United States, and with the Defense Contract Audit Agency (DCAA) Contract Audit Manual, a review of the contractor's internal control structure is an integral part of every audit. The auditor shall advise the administrative contracting officer (ACO) whenever significant internal accounting control deficiencies are found, i.e., weaknesses which render the affected part of the contractor's accounting system unreliable or ineffective for Government costing or payment purposes.

(b) If, in the auditor's opinion, significant accounting control deficiencies exist, the DCAA report to the ACO shall—

(1) Cite the deficiencies and the reasons they are considered significant;

(2) Provide an estimate of the potential cost impact of transactions processed by the affected part of the contractor's accounting system; and

(3) Recommend the contractor be required to submit a corrective action plan.

(c) Upon receipt of a DCAA report identifying significant accounting control deficiencies, the ACO shall—

(1) Immediately notify the contractor in writing of the exact nature of the reported deficiencies and allow 30 days for the contractor to respond before determining whether the deficiencies are significant;

(2) Make a determination within 30 days after receiving the contractor's response or, if the contractor failed to respond timely, within 30 days after the contractor's response was due;

(3) Immediately notify the contractor in writing of the ACO's determination, with a copy to the auditor, and request a written corrective action plan, if the ACO has determined that the reported deficiencies are significant; and

(4) Simultaneously with the request for a corrective action plan, suspend an appropriate percentage of progress payments or reimbursement costs proportionate to the estimated cost risk to the Government, based upon the auditor's estimate in paragraph (b)(2) of this section, until the contractor submits and satisfactorily completes a corrective action plan acceptable to the ACO. (See FAR 32.503–6(b)).

242.7503 Contract clause.

Use the clause at 252.242–7006 in all solicitations and resulting contracts of $100,000 or more that are cost-reimbursement or incentive type contracts, or fixed-price contracts with progress payments based on costs.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 252.242–7006 is added to read as follows:

252.242–7006 Internal controls.

As prescribed in 242.7503, use the following clause.

Internal Controls (XXX 1992)

(a) *Definition.*

Accounting controls means those internal control procedures established by contractor management to ensure compliance with applicable laws and regulations, and to provide reasonable assurance that cost representations are accurate and costs are equitably allocated within the accounting system.

(b) *General Standard.*

If the Contractor is to receive payments based on costs under this contract, the Contractor agrees to maintain an accounting system throughout contract performance which contains internal accounting controls sufficiently effective to—

(1) Ensure compliance with applicable laws and regulations;

(2) Provide reasonable assurance that—

(i) The accounting system and cost data are accurate and reliable; and

(ii) Substantial risk of contract misallocations, mischarges, or Government overpayments will not occur; and

(3) Ensure proper authorization of transactions and segregation of duties commensurate with the size and structure of the contractor's organization.

(c) *Deficiencies.*

If, during contract performance, the Administrative Contracting Officer (ACO) determines that significant internal accounting control deficiencies exist, i.e., weaknesses which render the Contractor's accounting system unreliable or ineffective for Government costing or payment purposes, the ACO will:

(1) Notify the Contractor and request a written corrective action plan; and,

(2) Suspend an appropriate percentage of progress payments or reimbursement costs proportionate to the estimated cost risk to the Government until the Contractor submits, and satisfactorily completes, a corrective action plan acceptable to the ACO.

(End of clause)

PART 253—FORMS

253.209–1 [Amended]

5. Section 253.209–1 is amended by revising paragraph 253.209–1(a)(i)(E) to read as follows:

253.209–1 Responsible prospective contractors.

(a) * * *

(i) * * *

(E) *Accounting system.*

An assessment by the Defense Contract Audit Agency (DCAA) of the adequacy of the prospective contractor's accounting system and related accounting controls as defined in paragraph (a) of the clause at 252.242–7006, Internal Controls. Normally a contracting officer will request an accounting system review when soliciting cost reimbursement or incentive type contracts, or contracts with progress payments based on costs.

* * * * *

[FR Doc. 93–23185 Filed 9–23–93; 8:45 am]

BILLING CODE 3810–01–M

48 CFR Part 242

Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Review

AGENCY: Department of Defense, (DoD).

ACTION: Proposed rule and request for public comments.

SUMMARY: The Defense Acquisition Regulations (DAR) Council is proposing changes to the Defense FAR Supplement (DFARS) regarding Contractor Insurance/Pension Reviews (CIPRs). This proposed rule increases the threshold at which CIPRs are performed from $10 million to $40 million, and clarifies the sales criteria that are used to determine a contractor's eligibility for insurance/pension review.

DATES: Comments on the proposed rule should be submitted in writing at the address shown below on or before October 25, 1993 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to The Defense Acquisition Regulations Directorate, ATTN: Mrs. Linda W. Neilson, OUSD(A), 3062 Defense Pentagon, Washington, DC 20301–3062. FAX (703) 697–9845. Please cite DFARS Case 92–D040 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mrs. Linda W. Neilson, (703) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

The current $10 million threshold has been in effect since the late 1960's. DoD concluded, as a result of a review conducted by the Department of Defense Inspector General and the Defense Logistics Agency, that the threshold should be updated to account for inflation, and determined that the current threshold should be $40 million. DoD also proposes to clarify the type of sales included in the threshold to eliminate any ambiguity on this point. There is no change to the policy that CIPRs may be conducted for contractors not meeting the review criteria when significant problems have been identified.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies, but the proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because the threshold increase will reduce the number of contractors meeting the criteria for CIPRs to approximately 240 and the number of small businesses involved with CIPRs will be minimal. However, comments from small entities concerning the affected DFARS Subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 93–610 of the Act.

C. Paperwork Reduction Act

The Paperwork Reduction Act applies because raising the threshold at which CIPR's are conducted reduces the number of reviews that will be performed. A Paperwork Reduction package reflecting this reduction is being submitted to OMB.

List of Subjects in 48 CFR Part 242

Government procurement.

Claudia L. Naugle,

Executive Editor, Defense Acquisition Regulations Directorate.

Therefore, it is proposed that 48 CFR part 242 be amended as follows:

1. The authority citation for 48 CFR part 242 continues to read as follows:

Authority: 41 U.S.C. 421 and FAR Subpart 1.3.

PART 242—CONTRACT ADMINISTRATION

242.7302 [Amended]

2. Section 242.7302 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows.

242.7302 Requirements

(a) A CIPR shall be conducted for each contractor whose qualifying sales to the Government exceeded $40 million during the contractor's preceding fiscal year. Qualifying sales are sales for which certified cost or pricing data were required under 10 U.S.C. 2306, as implemented in Federal Acquisition Regulation (FAR) 15.804 "Cost or pricing data", (unless exempt in accordance with FAR 15.804–3) or which are cost reimbursable type contracts. Sales include prime contracts, subcontracts, and modifications to such contracts and subcontracts.

* * * * *

(d) Reviews of selected insurance and pension elements may be conducted for contractors not meeting the criteria in paragraph (a) of this section if significant problems have been identified.

[FR Doc. 93–23186 Filed 9–23–93; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Coccoloba rugosa and Proposed Endangered Status for Eugenia haematocarpa and Pleodendron macranthum

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine three endemic Puerto Rican trees—*Coccoloba rugosa* (ortegón),

Eugenia haematocarpa (uvillo) and *Pleodendron macranthum* (chupacallos)—to be threatened or endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *Coccoloba rugosa* is proposed for threatened status and occurs in 14 locations on the north and eastern part of the island. *Eugenia haematocarpa* and *Pleodendron macranthum* are proposed for endangered status. *Eugenia haematocarpa* is known only from five locations in the Carjbbean National Forest and from one population in the Sierra de Cayey. Fewer than 50 individuals of *Pleodendron macranthum* are known from 5 localities in the Río Abajo Commonwealth Forest and the Caribbean National Forest. The trees are threatened by habitat destruction and modification, forest management practices, hurricane damage, restricted distribution, and possible collection. This proposal, if made final, would implement the Federal protection and recovery provisions for these species as provided by the Act. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by November 23, 1993. Public hearing requests must be received by November 8, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U. S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, at this office during normal business hours, and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Eugenio Santiago-Valentín at the Caribbean Field Office address (809/851–7297).

SUPPLEMENTARY INFORMATION:

Background

Although there are no records available concerning when *Coccoloba rugosa* was first discovered, it is known that it was widely cultivated in European botanical gardens during the nineteenth century (Proctor, pers. comm.). The species was named in 1815 and described in 1829 by the French botanist Réné Louiche Desfontaines from a cultivated specimen at the Botanical Garden of Paris (Little et al. 1974). This plant was reported from St. Thomas more than a century ago, but it is a doubtful record (Proctor, pers. comm.).

Coccoloba rugosa is a small evergreen tree 9 meters (30 feet) tall with a diameter of approximately 12.5 centimeters (5 inches). The bark is brown or gray and fissured, with faint rings at the nodes. The green twigs are stout, slightly flattened with longitudinal ridges. The alternate stalkless leaves are 22–60 centimeters (9–24 inches) wide, very thick, brittle, and hairless. The leaf surface is rugose, with veins deeply sunken on the upper side and prominent beneath. At the base of each leaf is a large sheath (ocrea) measuring 4–6 centimeters (1.5–2.5 inches) long. Inflorescences are terminal, 30–75 centimeters (1–2.5 feet) long with numerous small crimson-colored flowers. Male and female flowers are borne on different trees (dioecious). The red ovoid fruits are about 1 centimeter (.4 inch) long with one brown, pointed, 3-angled seed that is .5 centimeter (.2 inch) long.

Coccoloba rugosa is known from fewer than 1000 individuals at 14 sites in the subtropical moist forests of northern and eastern Puerto Rico. Four localities (with approximately 500 individuals) are located on a privately owned tourist resort complex in the Humacao and Naguabo area in eastern Puerto Rico. Future expansion of facilities in the resort complex may threaten the remaining individuals. Another three localities (approximately 400 individuals) are found on private lands in the same general area. Additional individuals have been eliminated from these areas by urban growth (Proctor, pers. comm.).

In northeastern Puerto Rico there are 2 populations of *C. rugosa* with 10 individuals each; one is located 2 miles east of the town of Luquillo, and one is located 2 miles northeast of the town of Río Grande. Three individuals occur in the El Convento area, location of the Commonwealth governor's beach house, on property owned by the Puerto Rico Industrial Development Company. Within the Caribbean National Forest, *C. rugosa* is known from 2 populations of 8 and 15 individuals. Because it is rare and localized, it may be impacted by forest management practices.

Two other populations occur in the limestone knolls within the San Juan metropolitan area. One population of six individuals is on Fort Buchanan Army Base, in the municipality of Guaynabo; and one population of two individuals is on the Naval Security Group Activities property, Sabana Seca, in the municipality of Toa Baja. A population west of the San José lagoon in the San Juan metropolitan area was destroyed some years ago (Little et al. 1974). The Fort Buchanan and Sabana Seca populations may be impacted by future expansion of these facilities. In addition, the areas near Fort Buchanan and Sabana Seca are under severe pressure for industrial and urban development. All the areas where the species occurs were affected by Hurricane Hugo in 1989.

Eugenia haematocarpa was first collected in 1939 from Barrio Maizales in the municipality of Naguabo by Leslie R. Holdridge, but was named in 1963, 24 years later, by Henri Alain Liogier (Little et al. 1974; Proctor, pers. comm.). Since then, collections have been made from the El Verde area of the Luquillo mountains, and it was also recently discovered (in 1990) from a privately owned property located adjacent to the Carite Commonwealth Forest.

Eugenia haematocarpa is a small tree, 6 meters (20 feet) tall and 12–13 centimeters (4.8–5.2 inches) in diameter. The elliptic leathery leaves are 13–18 centimeters (5.2–7.2 inches) long, 6–8 centimeters (2.4–3.2 inches) wide, almost stalkless, hairless, dull dark green on the upper surface, and light green beneath. Blades contain many slender, slightly raised side veins, forming a prominent network. The flowers are produced on trunks, with slender, nearly equal stalks. Flowers have a four-lobed rounded calyx, 1 millimeter (.04 inch) long, four rounded light pink petals 3 millimeters (.12 inch) long, and numerous stamens. The fruit is a dark red, round berry 2.3–2.9 centimeters (.9–1.1 inch) in diameter, containing a 1.6 centimeter (.6 inch) diameter seed.

Eugenia haematocarpa is known from five localities in the wet montane forests of the Sierra de Luquillo and Sierra de Cayey. Less than 50 plants are known from 4 populations within the Caribbean National Forest, managed by the U.S. Forest Service. A population of approximately 15 plants occurs on private property adjacent to the Carite Commonwealth Forest in the Sierra de Cayey. The populations within the Caribbean National Forest may be affected by forest management practices. The population on private land may be affected by clearing of the vegetation. All the localities where the species occurs were impacted by Hurricane Hugo in 1989. The fact that the species produces edible fruits could make it an attractive one for collecting.

Pleodendron macranthum was discovered by the French botanist August Plée in 1822–1823 and was first described by Baillon under the genus *Cinnamodendron*. In 1889 vanTieghem

placed the species in the current genus, which honors its first collector (Vivaldi et al. 1981).

Pleodendron macranthum is an evergreen tree reaching 10 meters (33 feet) in height, with leathery, alternate, simple leaves about 8.5–12.5 centimeters (3.5–5.0 inches) long and 4.5–5.0 centimeters (1.7–2.0 inches) wide. The blades are elliptic with the upper surface dark shiny green and the midvein sunken. The lower surface is pale green with a prominent mid vein and with fine, parallel side veins. The leaf stalks are about 7 millimeters (.25 inch) long. The whitish bisexual flowers are solitary and axillary, 2 centimeters (.8 inch) wide and with a 2.5 centimeter (1 inch) long flower stalk. The cup-shaped calyx is persistent in the fruit, and the corolla contains 12 petals. The aromatic purplish black fruit measures 2 centimeters (.8 inch) in diameter and contains many seeds.

No observation or collection of the species was made for more than 40 years (Vivaldi et al. 1981). The species was rediscovered some years ago, and is at present known from fewer than 50 individuals in 7 localities of the subtropical wet and the subtropical montane wet forests of northern and eastern Puerto Rico. Three localities are within the Caribbean National Forest and four within the Río Abajo Commonwealth Forest. All the known sites may be impacted by forest management practices. The Caribbean National Forest was severely impacted by Hurricane Hugo in 1989.

Coccoloba rugosa, Eugenia haematocarpa and *Pleodendron macranthum* are considered to be critical plants by the Natural Heritage Program of the Puerto Rico Department of Natural Resources. They are also considered rare plants by the Center for Plant Conservation (Center for Plant Conservation 1992). *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum* were recommended for Federal listing by the Smithsonian Institution (Ayensu and De Filipps 1978).

Eugenia haematocarpa and *Pleodendron macranthum* were included among the plants being considered as endangered or threatened by the Service, as published in the **Federal Register** notice of review dated December 15, 1980 (45 FR 82480; the November 28, 1983 update (48 FR 53680), the revised notice of September 27, 1985 (50 FR 39526), and the February 21, 1990 (55 FR 6184) notice of review, which also included *Coccoloba rugosa*. In the 1990 notice, all three species were designated as category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened).

In a notice published in the **Federal Register** on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. Beginning in October 1983, and in each October thereafter, the Service made annual findings that listing *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum* was warranted but precluded by other pending listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. This proposed rule constitutes the final 1-year finding in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum* are as follows:

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

Ten localities of *Coccoloba rugosa* are found on privately owned land currently subject to intense urban, agricultural and tourist development. Although two populations are found on U.S. Navy and Army properties, these areas have been severely modified. Expansion of the existing facilities may result in the elimination of individual plants. The only known population of *Eugenia haematocarpa* in the Sierra de Cayey is located on private land and may be impacted by clearing of the vegetation. Although two populations of *Coccoloba rugosa*, four populations of *Eugenia haematocarpa* and all the known populations of *Pleodendron macranthum* are found on Federal and Commonwealth forest lands, the three species may be affected by forest management practices.

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

Taking for these purposes has not been a documented factor in the decline of these tree species. However, these three species may be very attractive for collectors.

C. Disease or Predation

Disease and predation have not been documented as factors in the decline of these species.

D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum* are not yet on the Commonwealth list. Federal listing would provide immediate protection and, if the species are ultimately placed on the Commonwealth list, enhance their protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

One of the most important factors affecting the continued survival of these species is their limited number and distribution, which makes the risk of extinction extremely high. Hurricane Hugo in 1989 dramatically affected the forests of eastern Puerto Rico. Both *E. haematocarpa* and *P. macranthum* are known from such a small number of individuals that loss of genetic variation may be a factor in their future survival.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Coccoloba rugosa* as threatened and *Eugenia haematocarpa* and *Pleodendron macranthum* as endangered. Some populations of the three species are in public forests, and habitat destruction of these areas can be prevented if adequate forest management practices are implemented. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be endangered or threatened. Title 50,

part 424 of the Code of Federal Regulations, § 424.12(1) states that designation of critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial to the species. Designation of critical habitat for these species would not be prudent for both reasons.

The number of individuals of *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum* is sufficiently small that vandalism and collection could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the **Federal Register** would increase the likelihood of such activities, which are difficult to enforce against and only partially regulated by the Act. Additionally, no Federal activity is anticipated as being likely to affect these species except possibly on U.S. Forest Service lands, and lands owned by the U.S. Army and U.S. Navy.

Critical habitat also would not provide additional protection for the species under section 7 of the Act. Regulations promulgated for the implementation of section 7 provide for both a "jeopardy" standard and a "destruction or adverse modification" of critical habitat standard. In the case of *C. rugosa, E. haematocarpa* and *P. macranthum*, the only known habitat is where these species currently occur. Because of the highly limited distribution of these species, any Federal action that would destroy or have any significant adverse effect on their habitat would likely result in a jeopardy biological opinion under section 7. Under these conditions, no additional benefits would accrue from designation of critical habitat that would not be available through listing alone. The Service believes that any Federal involvement in the areas where these plants occur can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting these species' habitats. Should Federal involvement occur, habitat protection will be addressed through the section 7 consultation process, utilizing the jeopardy standard.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service, following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

No critical habitat is being proposed for these three species, as discussed above. Federal involvement is anticipated for the populations of *Coccoloba rugosa, Eugenia haematocarpa,* and *Pleodenderon macranthum* located in the Caribbean National Forest and for the populations of *Coccoloba rugosa* located in Fort Buchanan Army Base and in the limestone knolls of Sabana Seca, U.S. Navy property. Federal loan programs could possibly affect *Coccoloba rugosa* on private lands, but no such Federal involvement is known at present.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, 17.71, and 17.72, set forth a series of general prohibitions and exceptions that apply to endangered and threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61 and 17.71, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered or threatened plant, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or to remove and reduce the species to possession from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. In addition, for endangered plants, the 1988 amendments (Public Law 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Under section 4(d) of the Act, the Service has the authority to provide this same protection to threatened species, through promulgation of regulations, and may do so in the future.

Certain exceptions to the above prohibitions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered and threatened species under certain circumstances. It is anticipated that few trade permits for these three species would ever be sought or issued, since the species are not known to be in cultivation and are uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358–2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum;*

(2) The location of any additional populations of these three species, and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of these species; and

(4) Current or planned activities in the subject areas and their possible impacts on these three species.

Final promulgation of the regulations on *Coccoloba rugosa, Eugenia haematocarpa* and *Pleodendron macranthum* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the proposal. Such requests must be made in writing and addressed to the Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Ayensu, E.S., and R.A. Defilipps. 1978. Endangered and Threatened Plants of the United States. Smithsonian Institution and World Wildlife Fund, Inc., Washington D.C. xv + 403 pp.

Center for Plant Conservation. 1992. Report on the Rare Plants of Puerto Rico. Missouri Botanical Garden, St. Louis, Missouri.

Little, E.L., R.O. Woodbury, and F.H. Wadsworth. 1974. Trees of Puerto Rico and the Virgin Islands. Second volume. U.S. Department of Agriculture handbook no. 449. Washington, D.C. 1024 pp.

Vivaldi, J.L., and R.O. Woodbury. 1981. Status Report on *Pleodendron macranthum* (Baill.) van Tieghem. Unpublished report submitted to the U.S. Fish and Wildlife Service, Atlanta, Georgia. 38 pp.

Author

The primary author of this proposed rule is Mr. Eugenio Santiago-Valentín, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

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

2. It is proposed to amend § 17.12(h) by adding the families "Canellaceae—Canella family" and "Myrtaceae—Myrtle family," in alphabetical order, and adding the following species, in alphabetical order, under the families indicated, to the list of Endangered and Threatened Plants, to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
* * *		*	*	*		*
Canellaceae—Canella family:						
Pleodendron macranthum.	Chupacallos	U.S.A. (PR)	E		NA	NA
* * *		*	*	*		*
Myrtaceae—Myrtle family:						
* * *		*	*	*		*
Eugenia haematocarpa	Uvillo	U.S.A. (PR)	E		NA	NA
* * *		*	*	*		*
Polygonaceae—Buckwheat family:						
* * *		*	*	*		*
Coccoloba rugosa	Ortegón	U.S.A. (PR)	T		NA	NA
* * *		*	*	*		*

Dated: September 2, 1993.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 93–23257 Filed 9–24–93; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 58, No. 184
Friday, September 24, 1993

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

Agricultural Research Service

Government Owned Inventions Available for Licensing

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of government owned inventions available for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government as represented by the Department of Agriculture, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR 404 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: June Blalock, Technology Licensing Coordinator, USDA, ARS, room 401, Bldg. 005, BARC–West, Beltsville, Maryland 20705; Phone 301–504–5989 or Fax 301–504–5060. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The inventions available for licensing are:

7–848,598, Novel Cellulose Solvent System
7–976,821, Method for Forming Structural Components from Dry Wood Fiber Furnish
7–986,158, Starch Graft Copolymer Paper Coating Adhesive
8–015,961, Gypsy Moth Virus with Enhanced Polyhedra Production Stability
8–034,919, Spectrophotometric Method for Structural Analysis of Organic Compounds, Polymers, Nucleotides and Peptides
8–043,673, Method and Apparatus for Forming Three Dimensional Structural Components from Cellulosic and Non-cellulosic Fiber
8–051,428, Electroshock Repulsion of Waterfowl, Aquatic Animals, and Small Mammals
8–051,716, Biological Treatment for Controlling Wood Deteriorating Fungi
8–068,872, Bacterial Control of Fusarium Dry Rot of Potatoes
8–071,083, Method of Delignifying and Bleaching Chemical Pulps
8–072,282, Detection of *Xanthomonas campestris* pv. *citri* by Hybridization and Polymerase Chain Reaction Assays
8–074,902, *Olpidium* Zoospores as Vectors of Recombinant DNA to Plants
8–074,902 *Olpidium* Zoospores as Vectors of Recombinant DNA to Plants
8–075,250, Composition and Process for the Removal of Oil Stains Through the Generation of Microemulsions
8–078,341, Method of Controlling Animals with Electronic Fencing
8–087,242, Process for Production of Phenol Derivative
8–089,317, Nematode-Releasing Compositions for Use In Agriculture
8–095,552, A Composition Containing 2-deoxy-D-glucose and *Candida saitoana* and a Method of Use for the Biological Control of Postharvest Diseases
8–097,182, Process for the Continuous Removal of Products from High Pressure Systems
8–109,560, Preparation of Mozzarella Cheese from Homogenized Milk Resulting in Improved Shelf Life, Meltability, and Texture

M. Ann Whitehead,
National Patent Coordinator.

[FR Doc. 93–23389 Filed 9–23–93; 8:45 am]
BILLING CODE 3410–03–M

Forest Service

Supplement to the Final Environmental Impact Statement for Nursery Pest Management, Rocky Mountain Region

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a final environmental impact statement.

SUMMARY: The Forest Service will prepare a draft and final supplement to the Final Environmental Impact Statement (FEIS) for Nursery Pest Management in the Rocky Mountain Region (April 1992). The supplement is for a Forest Service proposed action to consider additional chemicals for use with the selected alternative in the FEIS, at the Bessey Tree Nursery (Nebraska National Forest). The Forest Service invites written comments on the supplement and the scope of the proposed action. In addition, the Forest Service gives notice of the full environmental analysis and decision making process that will occur on the proposal so that interested and affected people are aware of how they may participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by November 1, 1993.

ADDRESSES: Send written comments to: Clark D. Fleege, USDA Forest Service, Bessey Tree Nursery, P.O. Box 38, Halsey, Nebraska 69142.

SUPPLEMENTARY INFORMATION: The Nursery Pest Management FEIS Record of Decision was signed April 10, 1992. No appeals were filed. This supplement is being prepared to keep the FEIS updated and current with pest management needs at the Bessey Tree Nursery. The FEIS will remain in effect and continue to be implemented during the preparation of the supplement to the FEIS.

The primary objective of Forest Service nurseries is to produce seedlings of high quality and sufficient quantity to meet Forest Service reforestation needs. The use of modern pest management technology and products are necessary to meet this objective. Presently, the nursery is implementing an Integrated Pest Management (IPM) approach utilizing all measures of pest control, including chemical pesticides approved for the site. Some of these chemicals are no longer being manufactured. Also, increasing populations of certain pests seem to indicate that treatment with chemical pesticides not included in the 1992 FEIS may be appropriate. To continue implementing the basic principles of IPM, it is necessary to consider augmenting the list of approved chemical pesticides.

In preparing the draft supplement to the FEIS, the Forest Service will develop alternatives which address the

issue of adding chemical pesticides to the list of approved pesticides identified in the FEIS. The following fungicides being considered would be used to control disease in bareroot eastern redcedar and Rocky Mt. juniper: thiophanate-methyl, iprodione, mancozeb and propicanazole. The following fungicides being considered would be used to control diseases in container-grown seedlings: methlaxyl and captan. The following insecticides being considered would be used to control insect infestations in container-grown seedlings: Diazinon, malathion, cythion and potassium salts. Thiram will be considered as a seed treatment to repel bird predation on conifer seed. Agribrom will be considered to control algal growth on container seedlings. The Forest Service will conduct a background statement and risk assessment for each new pesticide being considered.

Public participation will be important during the analysis. The Forest Service will solicit information and seek comments by notifying individuals and organizations known to be interested, as well as affected publics and key contacts involved in the scope of the FEIS analysis. Input will be solicited through mailings and public meetings at the nursery. Comments received will be used in preparation of the supplement.

The draft supplement to the FEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by February 1994. At that time, EPA will publish a notice of availability of the draft supplement in the **Federal Register.**

The comment period on the draft supplement will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in the proposed action participate at that time. To be most helpful, comments on the draft supplement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Following the comment period on the draft supplement, comments will be analyzed, considered, and responded to by the Forest Service in preparing the final supplement. The final supplement to the FEIS is scheduled to be completed by April 1994.

Mary H. Peterson, Forest Supervisor, Nebraska National Forest, is the responsible official. The responsible official will consider the comments and responses; environmental consequences discussed in the environmental impact statement; and applicable laws, regulations, and policies in making a decision regarding this action. The decision and reasons for the decision will be documented in the Record of Decision. That decision will be subject to appeal in accordance with 36 CFR part 217.

Dated: September 20, 1993.

Mary H. Peterson,

Forest Supervisor.

[FR Doc. 93-23487 Filed 9-23-93; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Little Kentucky River Watershed, Henry and Trimble Counties, Kentucky

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Soil Conservation Service Regulations (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Kentucky River Watershed, Henry and Trimble Counties, Kentucky.

FOR FURTHER INFORMATION CONTACT: Billy W. Milliken, State Conservationist, Soil Conservation Service, 771 Corporate Drive, suite 110, Lexington, KY 40503, telephone (606) 224-7350.

SUPPLEMENTAL INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings Billy W. Milliken, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are agricultural water management—water quality protection and improvement. The planned works of improvement include accelerated technical and financial assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Beecher Hines at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

Billy W. Milliken,

State Conservationist.

[FR Doc. 93-23384 Filed 9-23-93; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 920384-3190; I.D. 032092A]

RIN 0648-AE72

Process for the Management of Highly Migratory Species

AGENCY: National Marine Fisheries Service (NMFS), (NOAA), Commerce.

ACTION: Notice of final process.

SUMMARY: NMFS issues this notice to establish a process for implementing provisions of the Fishery Conservation Amendments of 1990 (1990 Amendments), concerning the management of highly migratory species (HMS) in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. The process established by this notice is intended only to set forth the administrative procedures that NMFS will follow in preparing and issuing HMS fishery management plans (FMPs) and FMP amendments (amendments) and implementing them through final regulations. The process identifies the opportunities for involvement by the public, the Regional Fishery Management Councils (Councils), and the commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements (e.g., International Convention for the Conservation of Atlantic Tunas (ICCAT)).

DATES: This notice is effective September 24, 1993.

ADDRESSES: Questions or comments regarding the HMS process may be mailed to Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Copies of this notice are also available at this address.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, NMFS, Telephone: (301) 713–2334 or Richard B. Stone, Chief, Highly Migratory Species Division, Office of Fisheries Conservation and Management, NMFS, Telephone: (301) 713–2347.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

On November 28, 1990, the President signed into law the Fishery Conservation Amendments of 1990 (Pub. L. 101–627), which amended both the Magnuson Act and the Atlantic Tunas Convention Act (ATCA). Public Law 101–627 gives the Secretary of Commerce (Secretary) the authority to manage tuna, as of January 1, 1992, in the exclusive economic zone (EEZ) in the Atlantic ocean, Gulf of Mexico, and Caribbean Sea under authority of the Magnuson Act (16 U.S.C. 1811). Public Law 101–627 also transferred from the Councils to the Secretary, effective November 28, 1990, the management authority for the other highly migratory species in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea (16 U.S.C. 1854(f)(3)).

B. Purpose and Scope

The Magnuson Act, at 16 U.S.C. 1854(f)(3), requires that the Secretary undertake the following three major categories of actions regarding the conservation and management of highly migratory species:

1. Identification of research and information priorities, including observer requirements and necessary data collection and analysis;
2. Preparation and amendment of FMPs; and
3. Diligent pursuit, through international management entities (such as ICCAT), of international fishery management measures.

This notice establishes the process that NMFS intends to follow in undertaking the second category of actions—preparing, issuing, and implementing through final regulations HMS FMPs and amendments. NMFS emphasizes that this process is not intended to address the other two categories of actions except in general terms where they affect the development and implementation of fishery management measures for highly migratory species. A separate document, the "NOAA Action Plan for U.S. Preparations for the Representations at the International Commission for the Conservation of Atlantic Tunas (ICCAT)," outlines procedures for U.S. efforts in the international fisheries management arena for Atlantic species covered by ICCAT (see below). The process described herein is designed to address the statutory planning and rulemaking requirements of both the Magnuson Act and the ATCA regarding management of Atlantic highly migratory species.

C. Highly Migratory Species

The Magnuson Act, at 16 U.S.C. 1802(14), defines the term "highly migratory species" as tuna species, marlin (*Tetrapturus* spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and swordfish (*Xiphias gladius*). Further, the Magnuson Act, at 16 U.S.C. 1802(27), defines the term "tuna species" as albacore tuna (*Thunnus alalunga*), bigeye tuna (*Thunnus obesus*), bluefin tuna (*Thunnus thynnus*), skipjack tuna (*Katsuwonus pelamis*), and yellowfin tuna (*Thunnus albacares*).

D. Preparation and Amendment of Fishery Management Plans

Required Actions

Public Law 101–627 directs the Secretary to undertake the following actions in preparing and amending FMPs for highly migratory species:

1. Conduct public hearings at appropriate times and places;
2. Consult with and consider the comments and views of commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements pertaining to highly migratory species;
3. Consult with and consider the comments and views of affected Councils;
4. Consult with the Secretary of State;
5. Evaluate the probable effects of conservation and management measures on affected fishery participants, and minimize, to the extent practicable, any disadvantage to U.S. fishermen in relation to foreign competitors; and
6. Review, on a continuing basis, and revise as appropriate the conservation and management measures contained in an FMP. This review and revision should be promptly conducted whenever a recommendation pertaining to fishing for highly migratory species has been made under a relevant international fishery agreement.

FMP Contents and Other Requirements

Public Law 101–627 directs specifically that the conservation and management measures contained in FMPs for highly migratory species shall:

1. Take into consideration traditional fishing patterns of U.S. fishing vessels and the operating requirements of the fisheries;
2. Be fair and equitable in allocating fishing privileges among U.S. fishermen and not have economic allocation as the sole purpose;
3. Promote international conservation; and
4. Provide fishing vessels of the United States with a reasonable opportunity to harvest any allocation or quota under a relevant international fishery agreement.

Atlantic Tunas Convention Act (ATCA)

Public Law 101–627 amends the ATCA, which provides for the conservation and management of tuna-like species under the authority of ICCAT. These ATCA amendments include the following provisions:

1. The U.S. ICCAT Commissioners may establish species working groups for the purpose of providing advice and recommendations to the Commissioners and the ICCAT Advisory Committee on matters relating to the conservation and management of any highly migratory species covered by ICCAT;
2. Regulations promulgated under the ATCA shall, to the extent practicable, be consistent with FMPs prepared and implemented under the Magnuson Act; and
3. Regulations promulgated under the ATCA to carry out any recommendation of ICCAT may not have the effect of increasing or decreasing any allocation or quota of fish to the United States agreed upon pursuant to an ICCAT recommendation.

Relationship Between the Magnuson Act and the ATCA

Public Law 101–627 does not clearly address the relationship between the Magnuson Act and the ATCA. This notice establishes an administrative (planning and rulemaking) process for managing HMS species that NMFS believes to be consistent with both the Magnuson Act and the ATCA. Whenever practicable, NMFS will issue one regulation under the authority of both statutes. NMFS does not intend that this process, primarily administrative in character, will resolve

conflicts and ambiguities between the Magnuson Act and the ATCA.

NMFS recognizes the need to integrate fishery management and research efforts regarding domestic fisheries for highly migratory species with U.S. actions and initiatives within ICCAT or other international fisheries management entities. This means that fishery management planning and regulatory actions under both the Magnuson Act and the ATCA must be carefully coordinated to ensure effective conservation and management of the fishery resources throughout their full range. NMFS has prepared an "Action Plan for U.S. Preparations for and Representations at the ICCAT" that formalizes a process for developing U.S. scientific and management positions prior to each annual ICCAT meeting. The Action Plan establishes a protocol for NMFS interactions with the U.S. ICCAT Commissioners and the Advisory Committee. Copies of the Action Plan are available (see **ADDRESSES**).

E. Other

On January 25, 1991, the Blue Water Fishermen's Association (BWFA) and eight other organizations representing fishermen and processors submitted to NMFS a discussion paper entitled "Atlantic Highly Migratory Species Proposed Management Procedures." This paper describes and recommends specific practices, procedures, and policies that the BWFA believes the Secretary should adopt in fulfilling responsibilities for managing highly migratory species under Public Law 101–627. NMFS considered these recommendations in preparing the notice of the proposed HMS management process as well as this notice of the final HMS process.

II. Public Comments on the Proposed HMS Process and NMFS' Responses; Changes in the Final Process

A. Background

A draft proposed HMS process was distributed in August 1991 to the U.S. ICCAT Commissioners and Advisory Committee members, the Department of State, and five Regional Fishery Management Councils for prepublication review and comment. Based on the extensive comments received, the proposed process was revised to address the following concerns:

1. Meeting With Constituents

The process was revised to increase the opportunities for interested parties to meet with NMFS decisionmakers throughout the process to ensure maximum participation of those affected by management actions.

2. Public Review Time

Additional time was added for public review and comment on proposed documents (60 days unless conflicting with critical management dates).

3. Relationship Between Domestic and International Management Processes

NMFS made more explicit its intention that the process is not intended to explain or clarify agency positions on the relationship between domestic and international management processes except for rulemaking procedures and for agency procedures for preparing, implementing, and amending FMPs for Atlantic HMS species. When ICCAT recommendations are to be implemented through a new FMP or an FMP amendment, NMFS intends to issue, whenever practicable, one implementing regulation under authority of both the Magnuson Act and the ATCA.

4. Peer Review of NMFS Science and Use of FMP-Development teams

NMFS agreed that its biological, economic, and social impact analyses supporting HMS management actions will be made public and subject to peer review by appropriate scientific or other experts. NMFS did not agree to use FMP-development teams always with non-governmental, scientific membership for preparing FMPs and amendments.

5. Timing of Filing of Final Environmental Impact Statements (FEISs)

In order to integrate better the requirements of the Magnuson Act with requirements of the regulations issued by the Council for Environmental Quality (CEQ) regarding implementation of NEPA, NMFS changed the time for filing any final environmental impact statement (FEIS) or final supplemental environmental impact statement (FSEIS) with the Environmental Protection Agency (EPA) from after the assistant Administrator for Fisheries' (Assistant Administrator) approval of the FMP or amendment to the appropriate time before this approval decision.

6. Use of Framework Regulatory Adjustment Measures in Each HMS FMP

NMFS added emphasis to the importance and use of such framework measures included within each FMP for allowing annual or periodic changes of certain management measures, based particularly on ICCAT actions and recommendations, without undertaking the complete FMP amendment process (all seven phases). Those regulatory measures requiring the full FMP amendment process will be specified within each FMP.

The proposed process was published in the **Federal Register** on May 29, 1992, for public review and comment (57 FR 22718). Public comments were invited through July 28, 1992. Based upon requests from industry and members of Congress, the comment period was extended twice (through August 27 (57 FR 34121; August 3, 1992) and through September 11 (57 FR 39670; September 1, 1992)). Written comments were received from 10 entities during the comment period, including industry associations, Regional Fishery Management Councils, and private individuals. Based on an agreement with members of Congress, NMFS considered relevant testimony at the Hearing on Implementation of the Fishery Conservation Amendments of 1990, which was held by the Senate Committee on Commerce, Science, and Transportation, National Ocean Policy Study, September 9, 1992; testimony was presented by representatives of several industry associations. Copies of the public comments and testimony are available upon request see **FOR FURTHER INFORMATION CONTACT**). The major concerns raised during the public comment period on the proposed HMS process are summarized in section B below.

B. Major Public Concerns and Agency Responses

This section summarizes the major issues raised during the public comment period on the proposed HMS management process and presents the agency's responses. Certain changes were made in the HMS management process in response to the public comments and these are indicated. Many other issues were raised but are excluded here because they are considered not relevant to the purposes the HMS management procedures established by this notice.

1. Concern: Magnuson Act and ATCA relationship. Commenters indicated that there are unresolved conflicts in fishery management policies or objectives between these two statutes and that the HMS process fails to resolve these conflicts. For example, Public Law 101–627 amended the Magnuson Act to require that the Secretary "provide fishing vessels of the U.S. with a reasonable opportunity to harvest" an allocation or quota authorized under a relevant international fishery agreement; the requirement under the amended

ATCA, however, provides that no regulation promulgated by the Secretary under ATCA authority "may have the effect of increasing or decreasing any allocation or quota of fish to the U.S. agreed to pursuant to a recommendation of the [ICCAT] Commission." Some commenters argued that NMFS is using ATCA authority to manage HMS because this statute is arguably less burdensome and does not require as strict conservation standards (e.g., ATCA does not have national standards for conservation and management as specified under the Magnuson Act). Certain commenters argued that NMFS must use Magnuson Act authority immediately to manage tuna, swordfish, and all other HMS species so as to ensure that the stricter conservation standards are met. Others indicated that irrespective of whether the ATCA, the Magnuson Act, or both are used for managing an HMS fishery, NMFS must guarantee U.S. fishermen the opportunity to harvest national quotas under ICCAT and that conservation burdens must be equitably shared by all countries harvesting the same resource. Finally, certain commenters wanted assurance, in one form or another, that domestic management efforts for HMS will be directed or even dominated by international management efforts.

Response: NMFS acknowledges ambiguities in the relationship between these two statutes in the text of Public Law 101–627. For example, Public Law 101–627 does not address squarely the relationship between ICCAT recommendations, the new requirements for FMPs on HMS, and the Magnuson Act's national standards for conservation and management. The national standards apply to any FMP and regulations prepared pursuant to title III of the Magnuson Act; thus they apply to any FMP and regulations prepared for HMS under the new section 304(f)(3). Any measures included in FMPs to implement ICCAT recommendations must, therefore, be consistent with the national standards.

Also, Public Law 101–627 fails to cross-reference or amend existing procedural requirements for FMPs and amendments for HMS. In most cases of a conflict between the ATCA and the Magnuson Act regarding the preparation and implementation of FMPs and amendments for HMS, NMFS considers the Magnuson Act to be the more complete and precise expression of Congressional intent. NMFS emphasizes that the HMS management process established by this notice is not intended to resolve all such statutory ambiguities, but rather to establish administrative procedures that meet the planning and rulemaking requirements of both the Magnuson Act and the ATCA in an integrated and efficient manner. For these reasons, no specific changes have been made in the HMS process concerning this issue.

2. Concern: Streamlining. Many commenters argued for a more streamlined and efficient process, stating that the proposed process was cumbersome, convoluted, and unnecessarily repetitive or duplicative. The process was criticized as too time consuming to be responsive to fishery changes and involving an unnecessary number of consultations and meetings.

Response: NMFS acknowledges that the HMS management process is lengthy; however, the public and fishery interests' demands for participation in the process outweigh any possibility for establishing a brief, expedited process. To reduce the length of the process and avoid possible duplicative actions, several process changes have been made.

The public hearings in Phase 5, proposed to be held if the action is under ATCA authority as well as Magnuson Act authority, have been consolidated with the public hearings in Phase 3. As a result, the Phase 3 hearings should address simultaneously the relevant public hearing requirements or recommendations of the Magnuson Act, ATCA, and NEPA and the associated CEQ regulations. As a result of this consolidation of all public hearings in Phase 3, another process change was made. Specifically, if management measures in an FMP or amendment are to be implemented under ATCA authority as well as under Magnuson Act authority, an advance notice of proposed rulemaking (ANPR) will be prepared in Phase 2 and published in the **Federal Register** at the beginning of Phase 3 for public review and comment. The ANPR will contain a draft version of the regulations under consideration. The publication of an ANPR in Phase 3 for public review and comment, the public hearings held to receive testimony on it in Phase 3, and the subsequent publication of proposed regulations (Phase 5) and final regulations (Phase 7) are collectively intended to meet all content and notice and comment requirements of section 971d(c)(2) of the ATCA regarding a general notice of proposed rulemaking with opportunity for public participation in rulemaking.

The obligatory meetings between NMFS and fishery interests proposed in Phases 1, 2, and 4 have been dropped with an indication that NMFS will meet with fishery interests during any phase as requested and as agency resources and time allow.

NMFS will conduct an open and public scoping meeting(s) with fishery interests during Phase 1 (planning and scoping). The public hearing proposed for Phase 1 has been dropped and is replaced by the scoping meeting(s).

Any meetings with fishery interests held during the formal public review and comment periods of Phases 3 and 5 will be for the purposes of: Receiving comments from the fishery interests on the proposed FMP or amendment, implementing regulations, and supporting documents; clarifying agency proposals; and clarifying the status of the regulatory action. It will be standard NMFS practice to maintain a record of each meeting, including a summary of the discussions between NMFS representatives and the fishery interests, that will be included in NMFS' administrative record supporting the development and implementation of the subject FMP or amendment.

These process changes are expected to provide the same opportunity for public input while streamlining the process. These changes represent a trade-off in meeting competing public objectives of having a streamlined process on the one hand and providing maximum opportunity for public input and for direct contact between fishery interests and agency decisionmakers.

3. Concern: More important role for U.S. ICCAT Commissioners and Advisors. Commenters indicated that the consultative role for these parties was insufficient and argued for a more important and dominant role for the U.S. ICCAT Commissioners and Advisors in the HMS management process. Specific suggestions included the following: (1) Requiring formal clearances or sign-offs by the U.S. ICCAT Commissioners and the Department of State on any major management measure proposed by NMFS, whether or not the measure is based directly on ICCAT recommendations: (2) giving ICCAT Advisors the responsibility for preparing FMPs and amendments (effectively serving as the FMP-development team); and (3) having the ICCAT Commissioners appoint species working groups or FMP-development teams that would consult with NMFS and ICCAT advisors and prepare the FMPs and amendments for the Secretary.

Commenters made several related points including the following: (1) The process is missing a clear and unequivocal identification of policymakers and their specific roles and responsibilities; (2) the process fails

to state clearly that an effective HMS process must work within an international framework; (3) the process should focus on achieving equity for U.S. participation in international fisheries; and (4) the process does not ensure that all major and final NMFS management decisions will be made in an open public forum as is the case in with the Councils.

Finally, commenters requested that the process specify, in one form or another, agency limits or criteria that would be used in developing domestic management measures, particularly where international management under ICCAT is involved. Such criteria would restrict the degree that domestic regulations could deviate from ICCAT recommendations. Some commenters requested specific and formal management guidelines establishing agency policies and standards for managing HMS and cited the NOAA Guidelines for Fishery Management Plans at 50 CFR part 602 as an example.

Response: While NMFS supports the ICCAT Commissioners and Advisory Committee in their efforts to achieve effective and equitable management programs for internationally shared Atlantic HMS fishery resources, it believes that management of U.S. fishermen and fishery resources is the responsibility of the Secretary under Public Law 101–627. No particular process changes were made in response to this issue since NMFS believes that the U.S. ICCAT Commissioners and Advisory Committee already have an important role in managing Atlantic HMS as established by the ATCA and Public Law 101–627. NMFS intends to meet fully its responsibilities to consult with the Commissioners and Advisors and to consider carefully their views and comments in preparing FMPs and amendments and implementing regulations. NMFS supports the formation of species working groups by the U.S. ICCAT Commissioners and will, at the request of the Commissioners, consult with and seek advice from such groups regarding the conservation and management of HMS species.

The NOAA Assistant Administrator for Fisheries has been delegated the authority to issue HMS FMPs or amendments and implementing regulations under section 304(f)(3) of the Magnuson Act (16 U.S.C. 1854(f)(3)), whenever such action is requested by the Federal Commissioner to ICCAT. In the absence of such a request, the Assistant Administrator is delegated the authority to issue such FMP or amendment and implementing regulations for Atlantic HMS with the concurrence of the Federal Commissioner that the FMP or amendment and implementing regulations are consistent with U.S. obligations under ICCAT. This concurrence authority of the Federal Commissioner provides assurances that HMS FMPs and amendments issued by NMFS will be consistent with the international management measures recommended by ICCAT and with U.S. obligations associated with such ICCAT recommendations.

4. *Concern: Greater emphasis on conservation and on NEPA compliance.* Commenters requested assurance that international conservation decisions be limited to biological considerations. Others requested a clear NMFS statement on which of the two statutes (ATCA or Magnuson Act) predominates when there is a policy conflict, particularly regarding conservation standards; these commenters requested a guarantee that any FMP measure implementing an ICCAT recommendation must meet the Magnuson Act national standards for conservation and management. Others asked for more information on NEPA requirements regarding timing of NEPA analyses and documents and public review periods. In particular, the process should indicate that if ATCA rulemaking procedure only is used, NEPA still applies and an Environmental Assessment or Environmental Impact Statement must be prepared assessing the environmental impacts of the proposed and final rules.

Response: NMFS intends that FMPs and amendments prepared and implemented for HMS will meet the conservation standards of the Magnuson Act as well as any specific conservation objectives of relevant ICCAT recommendations. NMFS does not intend that the process established by this notice guarantees any specific conservation standards for a given FMP or amendment or for a given ICCAT HMS management recommendation.

NMFS intends to comply fully with all NEPA requirements regarding the preparation, review, revision, and distribution of environmental analyses prepared in support of FMPs, amendments, and regulations prepared under the HMS management process. These NEPA requirements are established by "Regulations For Implementing The Procedural Provisions of The National Environmental Policy Act" issued by the Council on Environmental Quality (40 CFR Parts 1500–1508). Minimal document changes have been made in response to the public comments regarding NEPA issues. For purposes of clarification, additional material regarding NEPA scoping requirements has been added to the text under Phase 1.

5. *Concern: Consultations; meetings with fishery interests.* Numerous commenters asked for more information on the practical aspects of how NMFS will conduct consultations with consulting parties and meetings with fishery interests (representatives of affected commercial and recreational sectors, environmental or other organizations, and other interested parties). Questions asked included: If meetings are to be open to the public, how can conference calls ever substitute? What are the differences between meetings and consultations? How does the proposed process ensure that no closed-room deals are made?

Response: NMFS' approach to consulting with the U.S. ICCAT Commissioners and Advisory Committee, the affected Councils, and the Department of State has been modified. Consultations now will always involve written or electronic communications from NMFS to the consulting parties requesting written or electronic responses, and may involve a meeting, or more as may be necessary, with the consulting parties at the request of either party. Copies of draft and revised documents (e.g., draft and revised issues/options statements, draft and revised FMPs, amendments, and draft and revised implementing regulations) will be provided to the consulting parties through written correspondence and at appropriate times prior to their release for general public review and comment (see Phases 1, 2, and 4).

The meeting(s) to be held between NMFS representatives and fishery interests during Phase 1 (planning and scoping) is now characterized as a scoping meeting(s). The scoping meeting will serve the same purposes as indicated for the proposed public hearing(s) in Phase 1, which has been dropped. The scoping meetings will be open, public meetings with a focus on NMFS' issues/option statement, and will offer the opportunity for a dialogue among attenders, unlike the format used in formal public hearings.

The meeting(s) between NMFS and fishery interests proposed in Phases 2 and 4 are changed from obligatory to an "as needed" basis. Such meetings will be held as requested by either party and as agency resources and time permit. The use of teleconferences as a substitute for such meetings has been dropped. Any meetings held between NMFS representatives and fishery interests during the formal comment

periods of Phases 3 and 5 will be for the purposes of receiving comments from the fishery interests on the proposed regulatory action and of clarifying the agency's proposals or the status of the subject regulatory action. It will be standard NMFS practice to maintain a record of each meeting, including a summary of the discussions between NMFS representatives and the fishery interests, that will be included in NMFS' administrative record supporting the development and implementation of the subject FMP or amendment.

6. *Concern: Greater industry participation.* Commenters requested that the process provide greater assurance of industry participation in the agency's process of making management decisions. There were several variations on this theme, including the following: A "co-management" system should be used where industry and government are full and equal partners in managing the fisheries; all agency final management decisions should be made in open public forums so that there will be no surprises for industry; other suggestions were made for providing industry representatives frequent and direct input to agency actions (e.g., direct industry input in the preparation of FMPs and amendments and provisions for informing industry immediately of both preliminary and final agency decisions regarding fishery management measures). In summary, certain commenters demanded a process that ensures greater and more direct industry involvement in NMFS' management decisionmaking than suggested in the proposed process. Alternative vehicles suggested for achieving this objective included industry membership on FMP-development teams, the ICCAT Advisory Committee, an intercouncil pelagics committee, or direct industry advisers. These commenters also requested that the process ensure that industry be informed of agency decisions as they are made (even before NMFS makes them public) but not after they are made.

Response: NMFS seeks and supports industry participation in the HMS management process and intends to solicit industry views and data during each phase of the FMP or amendment development process. Any FMP-development teams established by NMFS to prepare FMPs or amendments will consult, except as restricted by law, with industry representatives with particular knowledge and experience regarding the relevant fishery. Currently, the Magnuson Act does not allow the Secretary to create HMS advisory panels, similar to those used by the Councils, whose members are exempted from the Federal Advisory Committee Act (FACA).

A number of miscellaneous and technical changes and corrections were made to the process from that proposed. These changes include the following:

a. The term "fishery constituents" has been changed to "fishery interest."

b. In phase 8, the referenced longest period for emergency regulations has been corrected from "1870" days to "180" days.

c. References to an "intercouncil advisory committee" or to an "intercouncil pelagics committee" have been dropped because several Councils indicated that such committees do not currently exist. Also dropped in any reference to NMFS' encouraging the Councils to use an intercouncil advisory or working committee for HMS that would serve as the focus for NMFS' consultations with the Councils. NMFS will consult directly with each of the five affected Councils at appropriate times during the process of developing and implementing HMS FMPs and amendments. Also, such consultations will always involve written or electronic communication between NMFS and each of the five affected Councils. NMFS acknowledges that the Councils will determine how they will interact and coordinate with one another. If the Councils choose to form or maintain an intercouncil committee that reviews NMFS' proposed HMS management actions, they should inform NMFS of what role such a committee may have in NMFS' consultations with them.

d. NMFS intends that its biological, economic, and social impact analyses in support of HMS FMPs and amendments will be subject to peer review by appropriate scientific or other experts. Also, these analyses will be distributed in both proposed and final form to the general scientific community and to the Councils for review and comment by individuals with knowledge of and experience with the subject HMS fishery.

e. The designation of documents prepared in phase 4 has been changed from "draft final" to "revised" documents.

III. Process for the Management of Highly Migratory Species

A. General

This notice establishes a general process for the preparation and implementation of (1) FMPs, (2) FMP amendments, and (3) international management measures for HMS as required by the Fishery Conservation Amendments of 1990, Public Law 101-627, the Magnuson Act, 16 U.S.C. 1801 *et seq.*, and the ATCA, 16 U.S.C. 971 *et seq.* This process will be followed by NMFS in order to fulfill the Secretary's responsibilities for managing HMS under these statutes.

Under the provisions of Public Law 101-627 for managing HMS, several possible regulatory scenarios exist including: (1) An FMP that includes no international fishery management measures (e.g., those species for which ICCAT has made no recommendations to date, such as oceanic sharks); (2) an FMP that includes international fishery management measures authorized by and consistent with both Magnuson Act and ATCA requirements; and (3) international fishery management measures, based upon ICCAT recommendations, implemented under the ATCA but not yet included within an FMP (e.g., Atlantic tuna regulations promulgated under the ATCA before preparation of and inclusion in an FMP). The HMS management process established herein addresses primarily the first two of these alternatives. The process for promulgating Atlantic tuna regulations under the ATCA does not require as many steps or as much time as is required for preparation of an FMP or amendment under the Magnuson Act. The rulemaking process followed wherein ICCAT recommendations would be implemented by regulations in the absence of an FMP is discussed in this notice in abbreviated form. This particular rulemaking process will be used to implement ICCAT recommendations for an interim period until FMPs are prepared for all the HMS designated by the Magnuson Act, as amended by Public Law 101-627, or until any existing HMS FMPs are amended to incorporate ICCAT recommendations.

B. Process for the Preparation and Implementation of FMPs and FMP Amendments—Outline of Major Events and Actions

An outline of the management process, including major actions and events occurring in the order listed, for preparing, implementing, and amending FMPs for Atlantic HMS is provided below. The process is shown diagrammatically in Figure 1.

HMS Management Process—Outline

1. Phase 1—Planning and Scoping
   a. General
   b. Notice-of-intent to prepare FMP or amendment
   c. Draft issues/options statement
   d. Initial consultations
   e. Scoping meetings

2. Phase 2—Preparation of Draft Documents; Consultations and Meetings
   a. General
   b. Revised issues/options statement
   c. Documents to be prepared
   d. Preparation strategy
   e. Document contents
   f. International management recommendations
   g. Timing
   h. Consultations; meetings with fishery interests
3. Phase 3—Initial Public Review and Comment Period; NEPA Public Review and Comment Period; ANPR Public Review and Comment Period if Applicable; and Public Hearings
   a. General
   b. Notice of availability to the public; ANPR published if applicable
   c. Review periods and comments
   d. Public hearings
4. Phase 4—Preparation of Revised Documents and Proposed Regulations; Consultations and Meetings
   a. General
   b. Documents to be prepared
   c. Preparation strategy
   d. Document contents
   e. Timing
   f. Consultations; meetings with fishery interests
5. Phase 5—Final Public Review and Comment Period; Proposed Regulations Published for Public Review and Comment
   a. General
   b. Notice of availability to the public and proposed regulations published
   c. Review periods and comments
6. Phase 6—Preparation of Final Documents and Final Regulations
   a. General
   b. Documents to be prepared and document contents
   c. Preparation strategy
7. Phase 7—Approval and implementation
   a. General
   b. Approval procedures and timing
8. Phase 8—Continuing and contingency fishery management
   a. General
   b. Framework management measures
   c. Contingency fishery management—emergency actions

C. Process for the Preparation and Implementation of FMPs and amendments for Atlantic HMS—Detailed Procedures

1. Phase 1—Planning and Scoping

a. *General.* NMFS's objectives for Phase 1 are to: (1) Determine the nature and scope of the resource and management issues for the subject fishery that need to be addressed and identify alternative management approaches for their resolution; (2) provide consulting parties, "fishery interests" (defined here to include representatives of affected commercial and recreational fishery sectors, representatives of environmental interest or other organizations, and other interested parties), and the general public an opportunity to communicate views and concerns early in the rulemaking process; (3) develop a clear and concise written summary, for the species under consideration, of the major fishery management issues and options for addressing them (this document is referred to as the "issues/options statement"); and (4) fulfill the "scoping" action requirements for environmental analyses prepared under NEPA (refer to § 1501.7 of 40 CFR parts 1500–1508, the CEQ regulations for implementing NEPA, and to NOAA Administrative Order 216–6, NOAA's guidance for compliance with NEPA).

Under NEPA, "scope" consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement (EIS) or supplemental environmental impact statement (SEIS). The scoping actions to be undertaken by NMFS in relationship to NEPA include the following: (1) Inviting participation of affected Federal, state, and local agencies, and Indian tribes, the proponents of the action, and all fishery interests; (2) determining the "scope" and the significant issues to be analyzed in depth in the environmental impact statement; (3) identifying and eliminating from detailed study the issues considered not significant or which have been covered by prior environmental review; (4) allocating assignments for preparation of an EIS among lead and cooperating Federal agencies; (5) referring to other environmental analyses being prepared or already prepared that relate to the scope of the subject EIS; and (6) indicating the relationship between the timing of preparation of the environmental analyses and NMFS' tentative planning and decisionmaking schedule.

b. *Notice-of-intent to prepare FMP or amendment.* NMFS will publish in the **Federal Register** a notice-of-intent (notice) to prepare and implement an HMS FMP or amendment, promulgate new or amend existing regulations, and to prepare, if applicable, an EIS or SEIS. The notice will serve to notify the public of any scheduled public scoping meetings. The notice will contain the following: (1) A statement of NMFS' intent to prepare and implement an FMP or amendment, promulgate new or amend existing regulations, and prepare, if applicable, an EIS of SEIS; (2) appropriate information concerning the availability of any relevant issues/options statement (see section c below); a preliminary schedule of events; (4) date(s) and place(s) of the scheduled scoping meeting(s); and (5) a statement of whether or not the FMP or amendment will include any measures intended to implement fishery management recommendations of ICCAT (or any other international fishery management body). If necessary, the above information may be divided and published by more than one notice.

If NMFS is preparing an EIS or SEIS in support of the FMP or amendment, NMFS will include within the notice-of-intent, to be published before beginning the scoping process, those items required under the CEQ regulations (40 CFR parts 1500–1508). These items include the following: A description of the proposed action and possible alternatives; the agency's proposed scoping process, including whether, when, and where scoping meetings will be held; and the name and address of an agency contact who can answer questions regarding the proposed action and the EIS or SEIS.

The NMFS Office of Fisheries Conservation and Management will notify consulting parties and fishery interests of forthcoming management actions regarding HMS. A "master mailing list" of affected Councils, ICCAT Commissioners and Advisory Committee members, Federal and state agencies, various fishery interests, and requesting members of the public will be maintained by this office to mail advance notices of forthcoming actions. Also, notices of forthcoming hearings, meetings, public review and comment periods, and regulatory actions will be mailed or otherwise sent in advance to all holders of fishing permits in the applicable fishery. Copies of important draft, revised, and final documents (e.g., FMPs and amendments) will be mailed to those requesting such documents.

c. *Draft Issues/options statement.* Regarding the intended FMP or amendment, NMFS will prepare a succinct draft statement of fishery issues, various options for addressing them, and potential management objectives. This "issues/options" statement will be prepared by NMFS at the beginning of Phase 1. If ICCAT has recommended management measures for the fishery under consideration, the draft issues/options statement will outline the Secretary's preliminary recommendations as to the appropriate

U.S. actions to implement any ICCAT recommendations. The draft issues/options statement will be available to the public upon request, will be summarized in the notice-of-intent, will be distributed to all relevant fishery interests for review and comment, and will be made available at any public scoping meetings and for the initial consultations held during Phase 1.

d. *Initial consultations.* NMFS will consult during Phase 1 with the "consulting parties" who are the U.S. ICCAT Commissioners, the ICCAT Advisory Committee, the affected Councils, and the Department of State and other affected Federal agencies (e.g., U.S. Coast Guard or the U.S. Customs Service). Consultation with some of these consulting parties is required by Public Law 101–627 (i.e., with the ICCAT Commissioners and Advisory Committee, affected Councils, and the Department of State).

The initial consultations in Phase 1, as well as the consultations indicated in Phase 2 and Phase 4, will always involve written or electronic correspondence from NMFS to all consulting parties transmitting appropriate documents for the consulting parties' review and comment. NMFS will request the views of the consulting parties in writing. Documents will be provided to the consulting parties in a timely manner and prior to their release for general public review and comment; these documents will include the draft issues/options statement (Phase 1), the draft documents (Phase 2), and the revised documents (Phase 4). Specifically in Phase 1, copies of the draft issues/options statement, and later the revised statement, will be provided at appropriate times to all consulting parties. Based on the views of the consulting parties, NMFS will revise documents as necessary prior to their release for public review and comment.

Consultations may involve one meeting, or more as may be necessary, between NMFS representatives and the consulting parties. Any such meeting (or other verbal communications) may be initiated by either NMFS or a consulting party. Any meeting between NMFS and a consulting party in Phase 1 will be conducted as part of the planning and scoping process and will usually be held at the beginning of Phase 1. A summary of any meetings between NMFS and a consulting party in Phase 1 or in any other phase will be made and maintained as part of the official administrative record supporting the preparation and implementation of the subject FMP or amendment. Written comments received by NMFS from the consulting parties will also be made part of the official administrative record.

e. *Scoping meetings.* At least one scoping meeting will be held between NMFS representatives and fishery interests during Phase 1. The objectives of the scoping meeting(s) are to: (1) Allow NMFS representatives to meet directly with the fishery interests; (2) review the draft issues/option statement in a public forum so that each fishery interest is aware of NMFS' views as well as those of other interests; (3) provide all fishery interests an equal and early opportunity to present their views; and (4) encourage discussion of any mutual concerns relevant to the management of the subject HMS.

Scoping meetings will be initiated by NMFS, will be open to the public, and will be announced and scheduled at times and places considered convenient for fishery interests. The date, location, and time of each scoping meeting will be announced by timely **Federal Register** notice. Fishery interests will be notified directly by NMFS through appropriate mailings or other reliable means of communication (e.g., electronic facsimile transmission). NMFS will maintain a record of all scoping meetings, including a summary of the discussions between NMFS representatives and the fishery interests, that will be included in NMFS' administrative record supporting the development and implementation of the subject FMP or amendment.

2. Phase 2—Preparation of Draft Documents; Consultations and Meetings

a. *General.* NMFS' objectives for Phase 2 are to: (1) Review and consider the views of all consulting parties, fishery interests, and the general public received during Phase 1, and preparation and distribution of a revised issues/options statement; (2) prepare all draft documents required for regulatory actions to implement or amend an HMS FMP under the Magnuson Act and other applicable law; and (3) consult with the ICCAT Commissioners and Advisory Committee, the Department of State, other affected Federal agencies, and the affected Councils, regarding the fishery resource and management issues, and the proposed management measures, as required by Public Law 101–627.

b. *Revised issues/options statement.* After reviewing all comments received from consulting parties, fishery interests, and the general public during Phase 1, NMFS will prepare a revised issues/options statement with necessary changes based on these comments. The revised statement is a principal result of the scoping process and will remain a concise and clear statement of management problems and issues and possible options for addressing them. It will provide a focus for subsequent planning actions, but is not intended to resolve conflicting views or to present final agency recommendations. NMFS will distribute the revised statement to all consulting parties, fishery interests who provided comments during Phase 1, and others requesting copies.

c. *Documents to be prepared.* The draft documents that will be prepared in Phase 2 may include the following:

1. Draft FMP or FMP amendment;
2. Draft proposed regulations or proposed regulations summary, or ANPR if applicable;
3. Draft NEPA documents (EA, DEIS, or DSEIS);
4. Draft Regulatory Impact Review (DRIR); and Initial Regulatory Flexibility Analysis (IRFA) if applicable;
5. Draft statement assessing nature and effectiveness of management measures for implementing the ICCAT recommendations;
6. Draft SF–83I and supporting statement for approval of information-collection requirements under the Paperwork Reduction Act, if applicable;
7. Draft section 7 consultation under the Endangered Species Act;
8. Initial consistency determination under the Coastal Zone Management Act;
9. Draft Federalism Statement and/or Assessment; and
10. Other documents as may be required.

d. *Preparation strategy.* NMFS, on behalf of the Secretary, has the responsibility for preparing each draft FMP or amendment and all other draft documents required in support of the HMS FMP or amendment and its approval and implementation through final regulations. The preparation of any FMP, amendment, or other regulatory action for HMS will be directed and coordinated by the NMFS headquarters Office of Fisheries Conservation and Management. In preparing the draft documents, NMFS will review and consider all comments received during Phase 1 from the consulting parties, fishery interests, and members of the public.

As appropriate, NMFS may prepare the draft FMP or amendment and some or all of the other draft supporting documents through use of an FMP-development team similar to that employed by several of the Councils. NMFS will determine on a case-by-case basis whether to use an FMP-development team as well as the team's composition and specific responsibilities. FMP development teams will work under the direction of

the NMFS Office of Fisheries Conservation and Management. Where appropriate, FMP development teams will be multidisciplinary in character and will utilize scientific or other expertise outside of NMFS or other governmental agencies. The utilization of outside expertise may involve team members from non-governmental entities or may involve NMFS or the FMP-development team consulting with outside scientific and other experts. It is emphasized that regardless of the mechanics of preparing FMP and amendment documents, the supporting scientific and regulatory analyses will, at a minimum, be subject to peer review through the public review and comment process. Additionally, NMFS will actively seek the views of appropriate scientific or technical experts on these analyses, giving careful consideration to comments received.

e. *Document contents.* Draft FMPs or amendments will contain all provisions required by 16 U.S.C. 1853 and 1854, and will comply with all other Magnuson Act requirements.

Any draft proposed regulations or summary of regulations, or ANPR is applicable, prepared for an FMP or amendment in Phase 2 will represent the preferred management alternative, if identified at this point. It is anticipated that only draft proposed regulations or a regulations summary, or ANPR if applicable, will be prepared in Phase 2 as opposed to formal proposed regulations consisting of both preamble and regulatory text. Formal proposed regulations to implement an FMP or amendment are prepared in Phase 4 and published for public review and comment in Phase 5.

If ICCAT recommendations are to be implemented through a new FMP or through an amendment to an existing FMP, the FMP or amendment and proposed implementing regulations must meet all relevant statutory requirements of both the ATCA and the Magnuson Act. Also, if the new FMP or amendment includes measures implementing ICCAT recommendations under ATCA authority, NMFS will prepare in Phase 2, and publish in the **Federal Register** in Phase 3, an ANPR. The ANPR will: (1) Provide a full and clear statement of the ICCAT recommendations; (2) express such recommendations in as specific regulatory terms as possible; (3) state the domestic and international considerations involved in the issuance of the regulations; (4) contain a draft statement assessing the nature and effectiveness of the proposed management measures for implementing the ICCAT recommendations; and (5) provide additional, appropriate background information. The background information may include a summary of the fishery or fishery resource problems being addressed, information about the international negotiations and considerations resulting in the ICCAT recommendations, publicly available views of any Federal agency regarding the recommendations, and a summary of the scientific or other information supporting the ICCAT recommendations and the proposed management measures.

NMFS intends that the ANPR, its publication in the **Federal Register** for public review and comment in Phase 3, the public hearings held to receive testimony on it in Phase 3, and the proposed and final regulations published in Phase 5 and Phase 7 respectively, collectively will meet the provisions of section 971d(c)(2) of the ATCA that direct the Secretary of Commerce to publish in the **Federal Register** a general notice of proposed rulemaking to carry out the subject ICCAT recommendations and to afford interested persons the opportunity to submit written data, views, or arguments, and to present oral testimony at a public hearing. If an ANPR is prepared in Phase 2, it will be published in the **Federal Register** in Phase 3 with a request for public comment, and it will also be available for public review and testimony at the public hearings held during Phase 3.

If the new FMP or amendment does not include measures implementing ICCAT recommendations under ATCA authority, draft proposed regulations or a regulations summary will be prepared instead of an ANPR.

The environmental, socioeconomic, and regulatory impact analyses undertaken in support of the FMP or amendment and regulations will comply with the requirements of all applicable Federal law and Executive Orders including the Magnuson Act, the Regulatory Flexibility Act, NEPA, Executive Order 12291, NOAA Administrative Order 216–2 (Environmental Review Procedures), the CEQ regulations implementing NEPA at 40 CFR parts 1500–1508, NOAA Guidelines for Fishery Management Plans at 50 CFR part 602 (Guidelines for Fishery Management Plans), and the NOAA/NMFS publication "Operational Guidelines—Fishery Management Plan Process" (Operational Guidelines).

The draft FMP or amendment and supporting analyses will examine fully all significant and appropriate fishery issues, propose alternative management measures to address the identified fishery issues or problems, assess the environmental, economic, and social impacts of each alternative measure, and identify the preferred measures if at all possible. Finally, the FMP or amendment will identify research and information priorities, including observer requirements and necessary data collection and analysis, for managing the fishery of concern; new or revised collection of information requirements will be processed under usual agency procedures for compliance with the Paperwork Reduction Act.

f. *International management recommendations.* Any FMP or amendment and implementing regulations that include fishery management recommendations of ICCAT, or of another international management entity to which the United States is party, will fulfill all relevant statutory requirements. For example, an amendment to the Fishery Management Plan for Atlantic Swordfish that is intended to implement a recommendation of ICCAT must meet all relevant requirements of the ATCA as well as the Magnuson Act. (Refer also to section 2.e. of Phase 2 regarding preparation and publication of ANPRs when implementing ICCAT recommendations.)

g. *Timing.* The time required to prepare draft documents is discretionary and will vary substantially depending upon: (1) Whether a new FMP or an amendment is to be prepared; (2) whether there are specific ICCAT recommendations for new or revised fishery management measures not already authorized through existing framework regulatory adjustment procedures, and whether such measures constitute all or part of the FMP or amendment; and (3) the extent and complexity of the fishery management issues to be analyzed and addressed.

h. *Consultations; meetings with fishery interests.* At the end of Phase 2, NMFS will undertake consultations regarding the contents of all draft documents with the following consulting parties: (1) The U.S. ICCAT Commissioners and the ICCAT Advisory Committee (and any other commissioners and advisory groups appointed under Acts implementing relevant international fishery agreements to which the United States is party); (2) the affected Councils; and (3) the Department of State and other affected Federal agencies. These consultations will focus on the views of the consulting parties regarding the draft documents prepared earlier in Phase 2.

NMFS will initiate these consultations through written or

electronic correspondence to all consulting parties and will transmit relevant draft documents for review and comment at the appropriate time indicating time preferences for responses. NMFS will request written responses from the consulting parties, but will indicate whether other means of responding are acceptable (e.g., electronic mail). Consultations may involve a meeting, or more as may be necessary, between a consulting party and NMFS representatives at the request of either party. NMFS prefers to hold such meetings after the consulting parties have received and considered the draft documents prepared in Phase 2, but before such documents are released for general public review and comment in Phase 3. Subsequent consultations with the consulting parties, either during the remainder of Phase 2 or during the following Phase 3, will be on an "as needed" basis and may involve meetings or written correspondence. Based on the views of the consulting parties, NMFS will revise the draft documents as necessary prior to their release for public review and comment in Phase 3. NMFS will ensure that the views and comments of all consulting parties become part of the permanent official administrative record supporting the development and implementation of the subject HMS FMP or amendment.

Pursuant to 16 U.S.C. 971 *et seq.*, the U.S. ICCAT Commissioners may establish "species working groups" for highly migratory species to provide advice and recommendations to the Commissioners and to the Advisory Committee. NMFS will consult throughout the rulemaking process with any such groups as requested by the Commissioners, and will welcome and consider any comments that such groups may provide on draft, revised, and final documents.

NMFS will consult directly with each of the five affected Regional Fishery Management Councils. It is noted that under the ATCA, 16 U.S.C. 971b., the Chairmen of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico Fishery Management Councils are members of the ICCAT Advisory Committee; this should facilitate communications between the ICCAT Commissioners (as advised by their Advisory Committee) and the Councils.

NMFS representatives will meet with or otherwise communicate with fishery interests during Phase 2 at the request of the fishery interests and as time and agency resources allow. Any such meetings or communications will be held for the purpose of discussing mutual concerns and will be held at times and places considering convenience and costs for all participants. The public hearings and the public review and comment period on the draft documents during Phase 3 will provide extensive and additional opportunity for all fishery interests to present their views. NMFS will maintain a record of all meetings or other communications with fishery interests during Phase 2 as well as during any other phase. The record will summarize the discussions between NMFS representatives and the fishery interests and will be included in NMFS' administrative record supporting the development and implementation of the subject FMP or amendment.

3. Phase 3—Initial Public Review and Comment Period; NEPA Public Review and Comment Period; ANPR Public Review and Comment Period if Applicable; and Public Hearings

a. *General.* NMFS' objectives for Phase 3 are to: (1) Provide all fishery interests and the general public an opportunity to review and comment on the draft FMP or amendment, supporting documents, and any draft proposed regulations or proposed regulations summary, or ANPR if applicable; (2) conduct public hearings at appropriate times and places to meet concurrently the public hearing requirements or recommendations of the ATCA, Magnuson Act, and NEPA; (3) file the D(S)EIS when prepared in Phase 2 and conduct the NEPA public review and comment period; and (4) publish an ANPR for public review and comment if prepared in Phase 2.

After completing preparation of the draft FMP or amendment, all draft supporting documents, draft proposed implementing regulations, regulations summary, or ANPR, and draft NEPA documents, NMFS will release them as soon as possible for public review and comment at the beginning of Phase 3.

The public review periods will begin upon publication in the **Federal Register** of a notice of availability of draft documents for public review and comment, publication in the **Federal Register** of any ANPR, and publication, by the Environmental Protection Agency, in the **Federal Register** of a notice of availability of the D(S)EIS for public review and comment.

b. *Notice of availability to the public; ANPR published if applicable.* NMFS will publish a notice in the **Federal Register** announcing the availability for review and comment of the following: The draft FMP or amendment and all draft supporting documents; the D(S)EIS or draft EA; and the draft proposed regulations or proposed regulations summary, or ANPR if applicable.

Proposed regulations for implementing the FMP or amendment will not be published in the **Federal Register** for public review and comment until Phase 5. However, if ICCAT recommendations are to be implemented under ATCA authority through the new FMP or amendment, NMFS will publish a ANPR in the **Federal Register** at the beginning of Phase 3 for public review and comment (Refer to section 2.e. in Phase 2 for a discussion of the contents and objectives of a ANPR.) The notice of availability of draft documents will provide a brief summary of the contents of the FMP or amendment and supporting documents and will indicate what specific documents are available for comment, where they may be obtained, comment period deadlines, and the names, addresses, and telephone numbers of NMFS personnel who can answer questions regarding the available documents and/or the rulemaking process.

A notice of scheduled public hearings will be published in the **Federal Register** providing advance notice of dates, times, and places. This notice may be combined with the previously described notice of availability of draft documents.

Copies of the notice(s) of document availability and of public hearings will be mailed to all those fishery interests on the master mailing list as well as to holding fishing permits in the relevant fishery.

c. *Review periods and comments.* The Phase 3 period for public review and comment on the draft FMP or amendment, supporting documents, draft proposed regulations or proposed regulations summary, or ANPR if applicable, and NEPA documents will usually be 60 days. This period may be shorter if this poses a significant conflict with critical management action dates or with a time-urgent need to resolve fishery problems. Generally, the shortest public comment period on a draft FMP or amendment will be 45 days. NEPA requires that the public review and comment period on a D(S)EIS be at least 45 days and up to 60 days for good cause. The comment periods on the draft FMP or amendment, supporting draft documents, draft NEPA documents (D(S)EIS or draft EA), and draft proposed regulations or proposed regulations summary, or the ANPR if applicable, will run concurrently whenever possible.

As a matter of standard agency practice, NMFS will not respond to or address public comments received

during Phase 3 on an individual basis unless such comments are concerned with the D(S)EIS. All comments received in Phase 3 will be considered carefully and evaluated by NMFS during Phase 4 in preparing the revised FMP or amendment, revised supporting documents, the draft F(S)EIS, and proposed implementing regulations. The comments received during Phase 3 will be part of the permanent administrative record supporting development and implementation of the FMP or amendment.

If a D(S)EIS was prepared for the draft FMP or amendment in Phase 2 pursuant to NEPA requirements, a 45-day public review and comment period will be provided as is required by regulations issued by the CEQ. This period is initiated by a formal filing of the D(S)EIS with the Environmental Protection Agency (EPA), which also publishes a **Federal Register** notice of the availability of the D(S)EIS for public review and comment. If an EA or Categorical Exclusion is prepared for the draft FMP or amendment, NMFS also will provide at least 45 days for public review and comment.

d. *Public hearings.* Public hearings will be held on the draft FMP or amendment, draft supporting documents, draft NEPA documents (D(S)EIS or EA), and draft proposed regulations, regulations summary, or ANPR if applicable. These hearings are intended to meet concurrently the public hearing requirements or recommendations of the ATCA, Magnuson Act, and NEPA. Hearings will be conducted at appropriate times and in appropriate locations in the geographical areas concerned so as to allow all interested persons to be heard. The hearings will be held during the 45-day to 60-day public comment period. A NMFS official will preside over these hearings and receive the public testimony that will be recorded and become part of the administrative record.

The public hearings held in Phase 3 are intended to meet concurrently all public hearing requirements or recommendations of the Magnuson Act, ATCA, and NEPA. If a ANPR has been prepared in Phase 2 containing ICCAT recommendations to be implemented under ATCA authority through a new FMP or amendment, the public hearings in Phase 3 will meet the requirements of section 971d(c)(2) of the ATCA regarding opportunity for interested persons to present oral testimony at a public hearing on a general notice of proposed rulemaking that would, in final form, implement the subject ICCAT recommendations. As previously indicated, any ANPR will be published in the **Federal Register** at the beginning of Phase 3.

4. Phase 4—Preparation of Revised Documents and Proposed Regulations; Consultations and Meetings

a. *General.* NMFS' objectives of Phase 4 are to: (1) Consider and evaluate all comments received during the public review and comment periods of Phase 3; (2) determine what changes are required in all documents; (3) make such changes in preparing "revised" documents that are in as nearly final form as possible; (4) indicate what document changes have been made and why; (5) prepare a summary of the public comments received during Phase 3 and incorporate it appropriately into the revised documents; (6) prepare proposed regulations (or revise draft proposed regulations prepared earlier) for implementing the FMP or amendment that accurately reflect the contents of the revised FMP or amendment and other revised documents and that meet all regulatory requirements necessary for publication in the **Federal Register**; and (7) provide for an additional round of consultations with the ICCAT Commissioners, the ICCAT Advisory Committee, the Department of State and other affected Federal agencies, and affected Councils regarding NMFS' intended final management measures for the FMP if such measures are implementing ICCAT recommendations under ATCA authority or other relevant international fishery agreements pertaining to HMS.

b. *Documents to be prepared.* The revised documents prepared in Phase 4 may include the following:

1. Revised FMP or amendment;

2. Proposed regulations for publication in the **Federal Register**;

3. Revised NEPA documents (Revised EA, draft final Environmental Impact Statement (draft FEIS), or draft Final Supplemental Environmental Impact Statement (draft FSEIS));

4. Revised Regulatory Impact Review; Revised Initial Regulatory Flexibility Analysis if applicable;

5. Revised statement assessing nature and effectiveness of management measures for implementing the ICCAT recommendations if applicable;

6. Final SF–83I and supporting statement for OMB approval of collection-of-information requirements under the Paperwork Reduction Act, if applicable;

7. Revised Federalism Assessment under E.O. 12612, as appropriate;

8. Revised consistency determinations under Coastal Zone Management Act (letters from NMFS to appropriate States);

9. Revised informal consultation or formal section 7 consultation under the Endangered Species Act; and

10. Other documents as may be required.

c. *Preparation strategy.* NMFS will prepare revised documents based upon a review and evaluation of all comments received during Phases 2 and 3 from consulting parties, fishery interests, and other members of the public. If an FMP-development team prepared the draft FMP or amendment and other draft supporting documents, the team may or may not be directed by the Assistant Administrator for Fisheries to prepare the revised documents.

d. *Document contents.* The revised documents will contain NMFS' preferred final management measures and also the requisite final analyses of expected biological, economic, and social impacts. The final FMP or amendment, final supporting documents, F(S)EIS or EA, and implementing final regulations prepared in Phase 6 may contain changes as a result of the public comments received in Phase 5 (see Phase 6).

Revised documents will meet as closely as possible all appropriate agency and Federal standards for approval and implementation of final FMPs and FMP amendments. For Council-prepared FMPs and amendments, these standards would be those applying to final FMPs or amendments, final supporting documents, and proposed regulations submitted by the Councils for formal Secretarial review under 16 U.S.C. 1854 (section 304 of the Magnuson Act). One exception, however, is that only a draft F(S)EIS, if applicable, will be prepared in Phase 4 and made available for public comment in Phase 5. The F(S)EIS that must be filed with EPA will not be prepared in final form and filed until Phase 6.

The general standards for the approvability and implementation of such FMPs and amendments are provided in the Magnuson Act, the ATCA if applicable, the NMFS Operational Guidelines—Fishery Management Plan Process, and under 50 CFR part 602 (Guidelines for Fishery Management Plans).

The revised documents will contain summaries, as appropriate, of comments received from fishery interests and the public during Phase 3 and will indicate any resulting document changes that NMFS made. All significant changes in the fishery management measures made during Phase 4 will be evaluated in terms of environmental, economic, and

sociological impacts. These impact analyses will meet appropriate legal and administrative requirements.

If a D(S)EIS was prepared in Phase 2 and subjected to public review and comment in Phase 3, a draft F(S)EIS will be prepared in Phase 4. This draft F(S)EIS should meet all legal requirements for an F(S)EIS even though it will not be filed with EPA and subjected to the final NEPA review (cooling-off period) until Phase 7.

e. *Timing.* The time needed to prepare the revised documents is discretionary and will vary depending upon the extent and nature of the comments received during Phase 3. Substantial revisions may require considerable time.

f. *Consultations; meetings with fishery interests.* If management measures and regulations are being proposed under authority of the ATCA to implement ICCAT recommendations or other relevant international fishery agreements pertaining to HMS, NMFS will undertake another set of consultations at the end of Phase 4 on the revised FMP or amendment and proposed implementing regulations with the following consulting parties: (1) The U.S. ICCAT Commissioners and the ICCAT Advisory Committee; (2) the affected Councils; and (3) the Department of State and other affected Federal agencies.

NMFS will initiate these consultations through written or electronic communications to all consulting parties and will transmit relevant revised documents and the proposed regulations for review and comment at the appropriate time, indicating time preferences for responses. NMFS will request written responses from the consulting parties, but will indicate whether other means of responding are acceptable. Consultations may involve a meeting, or more as may be necessary, between a consulting party and NMFS representatives at the request of either party. NMFS prefers to hold such meetings after the consulting parties have received and considered the revised documents and proposed regulations prepared in Phase 4, but before such documents are released for general public review and comment in Phase 5. Subsequent consultations with the consulting parties, either during the remainder of Phase 4 or during the following Phase 5, will be on an "as needed" basis and may involve meetings or written correspondence. Based on the views of the consulting parties, NMFS will change the revised documents and proposed regulations as necessary prior to their release for public review and comment in Phase 5. NMFS will ensure that the views and comments of all consulting parties become part of the permanent official administrative record supporting the regulatory action for the subject HMS.

NMFS representatives will meet with or otherwise communicate with fishery interests during Phase 4 at the request of the fishery interests and as time and agency resources allow. Any such meetings or communications will be held for the purpose of discussing mutual concerns and will be held at times and places considering convenience and costs for all participants. The public review and comment period on the revised documents and proposed regulations during Phase 5 will provide extensive and additional opportunity for all affected fishery interests and the general public to present their views. NMFS will maintain a record of all meetings or other communications with fishery interests during Phase 4; the record will summarize the discussion between NMFS representatives and the fishery interests and will be included in NMFS' administrative record supporting the development and implementation of the subject FMP or amendment.

5. Phase 5—Second Public Review and Comment Period; Proposed Regulations Published for Public Review and Comment Period

a. *General.* NMFS' objectives in Phase 5 are to: (1) Provide a second period for public review and comment after preparing the revised FMP or amendment and other revised supporting documents; and (2) provide a formal period for public review and comment on the proposed regulations as published in the **Federal Register**. During Phase 5, the revised FMP or amendment and other revised supporting documents will be available for public review and comment and the proposed regulations will be published in the **Federal Register** for public review and comment. It is not anticipated that additional public hearings will be required during Phase 5 but they may be held if NMFS deems it necessary or appropriate.

b. *Notice of availability to the public and proposed regulations published.* NMFS will publish in the **Federal Register** the following items for public review and comment: (1) Notice of availability of the revised FMP or amendment and other revised supporting documents for public review and comment; (2) proposed regulations to implement the FMP or amendment; and (3) notice of any scheduled public hearings if additional hearings are held. The published notice of availability and proposed regulations will provide necessary information regarding comment deadlines.

NMFS is required to obtain clearances by the Department and by OMB for publishing proposed rules in the **Federal Register** for public review and comment. These clearances may require considerable time depending upon the complexity of the regulations and upon whether they contain a new or revised collection-of-information requirement under the Paperwork Reduction Act.

c. *Review periods and comments.* The Phase 5 period for public comment for the revised FMP or amendment and revised supporting documents will usually be 60 days but may be shorter if necessary to resolve a time-urgent fishery problem. Generally, the shortest public comment period would be 45 days. The comment period for the proposed regulations will be 60 days if practicable; otherwise, it will be 45 days unless changed for good cause. The comment periods on the revised FMP or amendment and on the proposed regulations will run concurrently whenever possible.

Comments received during Phase 5 will be considered by NMFS to determine the need for further changes in the FMP or amendment and supporting documents, F(S)EIS, and regulations and will become part of the permanent administrative record supporting the development and implementation of the subject FMP or amendment. Consistent with the Administrative Procedure Act (APA), 5 U.S.C. 553, public comments received on the proposed regulations during Phase 5 will be summarized and addressed in the preamble of the final regulations promulgated in Phase 7 to implement the FMP or amendment. New public comments regarding the draft F(S)EIS (i.e., comments regarding new or different issues not previously expressed during the Phase 3 public comment period on the D(S)EIS) will be summarized and addressed in the F(S)EIS that is finalized in Phase 6 and filed for the final public review under NEPA at the beginning of Phase 7. If significant changes are made in the revised FMP or amendment over the draft documents, or if significant new issues are addressed, additional public hearings may be useful to both NMFS and the fishery interests and could be held in Phase 5.

6. Phase 6—Preparation of Final Documents and Final Regulations

a. *General.* NMFS' objectives in Phase 6 are to: (1) Consider and evaluate all comments received during Phase 5; (2) determine what final changes are

necessary in all final documents and make such changes; (3) prepare the final regulations; and (4) complete all final agency requirements of documentation and regulatory procedure supporting the Phase 7 actions.

b. *Documents to be prepared and document contents.* NMFS will prepare the final FMP or amendment, all final supporting documents, the final F(S)EIS or EA, and the final implementing regulations in appropriate form for approval, issuance, and implementation. The documents to be prepared in final form during Phase 6 include all those listed as revised (or draft in the case of the F(S)EIS under Phase 4. The final regulations will contain a summary of, and agency responses to, the public comments on the proposed regulations received during Phase 5, as required by the APA. CEQ regulations require that an agency preparing a final EIS (FEIS) or final supplemental EIS (FSEIS) must: Assess and consider public comments, both individually and collectively, received on the D(S)EIS; respond to such comments by one of several means; and provide a summary of the comments and responses in the F(S)EIS. In this case, these comments will include those received on the D(S)EIS in Phase 3 and on the draft F(S)EIS in Phase 5. Based on the public comments received during Phase 5, NMFS may make changes in the FMP or amendment management measures and corresponding analyses of environmental, economic, and social impacts.

c. *Preparation strategy.* NMFS will modify all documents as necessary and appropriate based on public comments received during Phase 5. NMFS will not conduct *ex parte* communications with fishery interests or members of the public during Phase 6 except to provide FMP or amendment status information. Furthermore, NMFS will not make public its decisions regarding the contents of a final FMP or amendment, final supporting documents, and final implementing regulations until the Assistant Administrator has approved and issued the FMP or amendment publicly (see Phase 7) and filed the implementing final regulations with the Office of the Federal Register.

Consultations between NMFS and consulting parties (defined earlier) will not be held as a matter of standard agency practice during Phase 6. NMFS may hold consultations in Phase 6 under special circumstances, particularly if ICCAT recommendations are to be implemented through the FMP or amendment and the public comments received during Phase 5 have raised new and significant or problematic issues.

7. Phase 7—Approval and Implementation

a. *General.* NMFS' objectives in Phase 7 are to: (1) File the F(S)EIS with EPA and complete the final NEPA public review period prior to final agency action to approve and implement the FMP or amendment; (2) approve and issue the final FMP or amendment publicly; and (3) implement the FMP by effective, final regulations.

b. *Approval procedures and timing.* Any F(S)EIS prepared for a final FMP or amendment will be filed with the EPA prior to the Assistant Administrator's final approval and issuance of such FMP or amendment. As required by the CEQ regulations implementing NEPA, no final agency decision (here the issuance of an FMP, amendment, or a final rule where no FMP is involved) will be made until the later of either 90 days after publication of the notice of availability of the D(S)EIS or 30 days after publication of the notice of availability of the F(S)EIS. The time of filing will be chosen so as to allow the completion of the 30-day NEPA "cooling off" period prior to the final agency decision.

Approval of the final FMP or amendment and implementing final regulations by the Assistant Administrator, as well as clearance of the final regulations by the Department and OMB for promulgation and publication in the **Federal Register**, will follow standard NOAA and Departmental procedures. As delegated by the Secretary, the Assistant Administrator will issue FMPs or amendments for HMS in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. The time required for final approval and issuance of an FMP or amendment is discretionary with the Assistant Administrator and may vary depending upon the complexity of the action and whether the action is to implement ICCAT recommendations with a specific deadline.

Final regulations implementing the FMP or amendment will become effective 30 days after filing with the Office of the Federal Register as provided by the APA; an earlier effective date is possible if the Assistant Administrator finds good cause.

8. Phase 8—Continuing and Contingency Fishery Management

a. *General.* Once an FMPs for a highly migratory species has been approved and implemented by final regulations, there will be a continuing need for monitoring the fishery and the effectiveness of the FMP and undertaking necessary FMP adjustments. Such adjustments will respond to changing fishery or resource conditions and, for certain fisheries, respond to international management actions and recommendations. These actions collectively comprise the "continuing fishery management phase."

It is anticipated that many of these FMP changes will be made through framework regulatory adjustment measures incorporated in each FMP; accordingly, it should not be necessary to repeat the full FMP amendment process outlined in this notice each time a change in the regulations is required. As examples, annual changes in quotas based upon the latest stock assessment or the latest ICCAT recommendations and inseason regulatory adjustments could be made through properly constructed framework measures (see discussion below).

Management adjustments will be based upon the latest and best available scientific information concerning the stock and fishery. Under 50 CFR 602.12, NMFS has the responsibility to assure that an annual Stock Assessment and Fishery Evaluation (SAFE) report is prepared, reviewed annually, and changed as necessary, for each FMP. The SAFE report will summarize the most recent biological conditions of the managed species as well as the social and economic conditions of the recreational and commercial fishing sectors and fish processing industries. The SAFE report will also provide a basis for determining annual harvest levels, documenting significant trends or changes in the resource and fishery over time, assessing the effectiveness of the management program, identifying required management adjustments, and identifying fishery data needs.

Other management adjustments will derive from recommended international fishery management measures. If ICCAT recommends new fishery management measures or changes in existing measures for a fishery managed under an implemented FMP, NMFS will consider such recommendations and, if consistent with the requirements of both the Magnuson Act and the ATCA, incorporate them in the FMP and implementing regulations. It is anticipated that the regulatory framework mechanism in each FMP will provide the authority for most such periodic changes in management measures.

b. *Framework management measures.* To the extent possible, NMFS/NOAA intends to include within each HMS FMP framework regulatory adjustment

procedures that facilitate making annual and inseason changes in management measure under conditions requiring "real time" regulatory responses to fishery circumstances. The framework procedures will allow adjustments to the management measures within the scope and criteria established by the FMP and in a more expeditious manner than through the full FMP amendment process. Framework measures will be particularly useful where annual ICCAT recommendations for a fishery must be implemented within tight time constraints.

It is anticipated that an FMP with framework measures may initially take longer to prepare since it must: (1) Anticipate and describe situations expected to occur; (2) establish criteria, procedures, and limits for regulatory actions; (3) allow for public comment on the range of potential actions, if identifiable, and on the degree of regulatory discretion held by the Secretary; and (4) provide documentation to support the framework under other applicable law. It is noted that framework measures will not avoid meeting statutory requirements of the Magnuson Act, other applicable law, and executive orders. These requirements include full analyses of expected regulatory and environmental effects, and the opportunity for public review and comment.

c. *Contingency fishery management—emergency actions.* Pursuant to 16 U.S.C. 1855(c), the Secretary may promulgate emergency regulations to address an emergency existing in any fishery without regard to whether an FMP exists for the fishery. Emergency regulations that change any existing FMP or amendment shall be treated as an amendment to such FMP (or amendment) for the duration of the emergency period. The Secretary can implement emergency regulations for HMS for up to 180 consecutive days from the date of publication of the emergency rule in the **Federal Register**. Prior to promulgating emergency regulations for the HMS with which ICCAT is concerned, the Secretary will consult with the interested Councils, the ICCAT Commissioners and Advisory Committee, the Department of State, and other affected parties.

D. Regulations Implementing ICCAT Recommendations Without an FMP

1. General

The ATCA authorizes the Secretary to promulgate regulations as may be necessary and appropriate to carry out ICCAT recommendations under 16 U.S.C. 971d(c) upon favorable action by the Secretary of State under 16 U.S.C. 971c(a). Section 971d(c) requires the Secretary to publish a general notice of proposed rulemaking in the **Federal Register** and afford interested persons an opportunity to participate in the rulemaking process through submission of written data, views, or arguments and through oral presentation at one or more public hearings.

The process for preparing and amending FMPs for highly migratory species described in this notice incorporates these ATCA requirements so that they are met whenever the United States acts to implement ICCAT recommendations through the FMP and its implementing regulations. However, in the event that the Secretary must implement ICCAT recommendations when no FMP has been prepared or will not be prepared in sufficient time, a summary of ATCA requirements for implementing such ICCAT recommendations is provided below. Refer to the NOAA Action Plan (previously discussed) for procedures and actions involved in U.S. preparations for ICCAT meetings.

2. Requirements for Regulations to Carry Out ICCAT Recommendations

The following actions are required by the ATCA for U.S. implementation, through final regulations, of recommendations of ICCAT for the conservation and management of highly migratory species:

a. The Secretary will inform the Secretary of State regarding actions considered appropriate for the United States with regard to fishery management recommendations received from ICCAT within 5 months of ICCAT's notifying the United States of its recommendations. Additional time frames apply for informing the Secretary of State where objections have been presented by any ICCAT members;

b. The Secretary will publish in the **Federal Register** a proposed rule to implement the recommendations of ICCAT and will provide for a period for public review and written comment, and for one or more public hearings. The proposed regulations shall contain (a) A statement of the considerations involved in issuing the regulations, and (b) a statement assessing the nature and effectiveness of the measures for implementing the recommendations of ICCAT that are being or will be carried out by other countries whose vessels fish for the subject species in the Atlantic Tunas Convention Area; and

c. The Secretary will consider public comments, revise the regulations as necessary, and publish final regulations in the **Federal Register**. These regulations will be applicable to all vessels and individuals subject to U.S. jurisdiction on the date prescribed by the Secretary. The preamble of the final regulations will summarize and respond to public comments. The final regulations generally will become effective 30 days after the date of filing with the Office of the Federal Register, as provided for under the APA.

Dated: September 16, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

Figure 1. *Process for Development and Implementation of Fishery Management Plans (FMPs) and Amendments for Atlantic Highly Migratory Species (HMS)*

Note: The actions referred to below are those taken by NMFS in preparing and implementing HMS FMPs and Amendments. Refer to the text for explanation of certain acronyms.

Phase 1—Planning and Scoping (No Fixed Time)

Publish **Federal Register** (FR) notices of: Intent to prepare FMP or amendment and environmental impact statement (EIS) or supplemental EIS (SEIS) (if applicable); and of availability of issues/options statement;

Prepare issues/options statement and distribute to consulting parties and fishery interests;

Scoping meetings; other meetings with fishery interests as requested; and

Consult ICCAT Commissioners/Advisory Committee, Councils, and affected Federal agencies;

Phase 2—Preparation of Draft Documents; Consultations and Meetings (No Fixed Time)

Consider consultants'/fishery interests'/public comments received in Phase 1; prepare revised issues/options statement and distribute to consultants and fishery interests;

Prepare draft documents: FMP/Amendment; draft proposed regulations or regulations summary or Advance Notice of Proposed Rulemaking (ANPR) if applicable; NEPA documents (EIS, SEIS, or EA); RIR; initial RFA; ICCAT Effectiveness Statement; PRA package; section 7 consultation under ESA; initial CZMA Consistency Determination; and other supporting draft documents;

Consult ICCAT Commissioners/Advisory Committee, Councils, and affected Federal agencies; and

Meet with fishery interests as requested.

Phase 3—Initial Public Review/Comment (60 Days)

Publish FR notice of availability of draft FMP/Amendment and draft supporting documents for public review and comment (60 days);

Publish ANPR in FR, if applicable and after DOC/OMB clearances, for public review and comment (60 days);

File draft NEPA documents (EIS or SEIS) with EPA for public review and comment (45 days); and

Schedule and conduct public hearings under Magnuson Act/ATCA/NEPA.

Phase 4—Preparation of Revised Documents/ Proposed Regulations; Consultations and Meetings (No Fixed Time)

Consider consultants'/ fishery interests'/ public comments received in Phase 3;

Prepare revised documents: FMP/ Amendment; RIR; RFA; PRA package; section 7 consultation; CZMA Consistency Determination; and other revised supporting documents. Prepare draft final NEPA documents (FEIS, FSEIS, or EA). Prepare proposed regulations;

Consult ICCAT Commissioners/Advisory Committee, Councils, and affected Federal agencies; and

Meet with fishery interests as requested.

Phase 5—Final Public Review/Comment (60 Days)

Publish FR notice of availability of revised FMP/Amendment and supporting documents for public review and comment (60 days); and

Publish FR notice of proposed regulations, after DOC/OMB clearances, for public review and comment (60 days).

Phase 6—Preparation of Final Documents (No Fixed Time)

Review and consider consultants'/fishery interests'/public comments; and

Prepare final documents: FMP/ Amendment; RIR; RFA; PRA package; section 7 consultation; and other final supporting documents. Prepare final NEPA documents (FEIS, FSEIS, or EA). Prepare final regulations.

Phase 7—FMP/Amendment Approval and Implementation (at least 30 days)

File final NEPA documents (FEIS or FSEIS) with EPA for NEPA cooling-off period (30 days);

Assistant Administrator for Fisheries (AAF) approves and issues the FMP/ Amendment after the NEPA cooling-off period; AAF approves the final regulations and transmits to DOC/OMB for clearances to publish;

Publish final regulations in FR after DOC/ OMB clearances; and

Final regulations effective after APA 30-day delayed effectiveness period unless shorter periods are warranted for good cause.

Phase 8—Continuing Fishery Management

Framework regulatory adjustment measures incorporated in HMS FMPs and used for periodic management program changes or actions (e.g., annual management adjustments incorporating ICCAT recommendations and inseason management actions); and

Emergency management actions under the Magnuson Act.

[FR Doc. 93-23425 Filed 9-23-93; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List commodities, military resale commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 25, 1993.

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 April 16, May 14, June 11, July 30, August 6 and 13, 1993, the Committee for Purchase from People Who Are Blind or Severely Disabled published notices (58 FR 19805, 28564, 32656, 40799, 42055 and 43096) 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, military resale commodities and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities, military resale commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities, military resale commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities, military resale commodities and services.

3. The action will result in authorizing small entities to furnish the commodities, military resale 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, military resale commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities, military resale commodities and services are hereby added to the Procurement List:

Commodities

Standard Bus Equipment

5999-00-NSH-0001
(Requirements for the U.S. Coast Guard)

Shelter, Complete

8340-00-NSH-0001 (shelter)
8340-00-NSH-0004 (carrying bag)
8340-00-NSH-0006 (repair kit)
(Requirements for the U.S. Marine Corps, Quantico, Virginia)

Military Resale Commodities

Clothespin, Wood

M.R. 571

Scrubber, Dish and Pot, with Refill

M.R. 582
M.R. 592 (refill)

Strainer

M.R. 817

Can Opener

M.R. 819

Peeler, Vegetable

M.R. 825

Pizza Cutter

M.R. 827

Pastry Brush

M.R. 829

Clip, Bag

M.R. 844

Whisk

M.R. 849

Lint Remover, Roller Type

M.R. 863

Services

Administrative Services

Department of Energy,
Morgantown Energy Technology Center,
Morgantown, West Virginia

Fabrication of Customized Tool Box Liners

Fleet and Industrial Supply Center,
Jacksonville, Florida

Janitorial/Custodial

Department of Energy,
19901 Germantown Road,
Germantown, Maryland

Janitorial/Custodial

William S. Moorhead Federal Building,
1000 Liberty Avenue,

Pittsburgh, Pennsylvania

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–23471 Filed 9–23–93; 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: October 25, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following actions 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 adverse impact on the 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 the Procurement List for production by the nonprofit agency listed:

Commodities

Slacks, Woman's

8410–01–277–0621 thru –0661

Nonprofit Agency: Knox County Association for Retarded Citizens Vincennes, Indiana

Services

Grounds Maintenance

Onizuka Park; Edwards Air Force Base, California.

Nonprofit Agency: Desert Haven Enterprises, Inc. Lancaster, California

Janitorial/Custodial

Weather Bureau Building, 2400 M Street, NW., Washington, DC

Nonprofit Agency: Lt. Joseph P. Kennedy Institute, Washington, DC.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–23472 Filed 9–23–93; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1993.

DATES: Interested persons are invited to submit comments on or before October 25, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., Room 4682, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 401–3200. 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 3517 of the Paperwork Reduction Act of 1980 (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 Management Service, 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) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: September 21, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Human Resources and Administration

Type of Review: NEW

Title: Applicant Background Survey Form

Frequency: On occasion

Affected Public: Individuals or households

Reporting Burden:

Responses: 36,250

Burden Hours: 3,021

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The U.S. Department of Education will request background information from applicants that are applying for employment with the

Department. The information will be used to assess applicant flow data in evaluating the effectiveness of ED's recruitment efforts. The Department will use the information for statistical analysis and reporting to Equal Employment Opportunity Commission.

[FR Doc. 93-23464 Filed 9-23-93; 8:45 am]
BILLING CODE 4000-01-M

Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With the Most Severe Disabilities and Technical Assistance Projects—Statewide Supported Employment Demonstration Projects

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year (FY) 1994.

SUMMARY: The Secretary announces a final priority for FY 1994 under the program of Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects authorized by Title III, section 311(c) of the Rehabilitation Act, as amended. The Secretary takes this action to focus Federal financial assistance on areas of identified national need. This final priority is intended to expand and improve supported employment services to individuals with the most severe disabilities.

EFFECTIVE DATE: This final priority takes effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Thomas E. Finch, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3315, Switzer Building, Washington, DC 20202-2575. Telephone: (202) 205-9796. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice contains information regarding a priority to fund additional statewide supported employment demonstration projects. This priority is established under the program of Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects authorized by Title III, section 311(c) of the Rehabilitation Act, as amended. This priority furthers National Education Goal 5 for adult Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

On June 23, 1993, the Secretary published a notice of proposed priority for this program in the Federal Register (58 FR 34194).

Funding of particular projects depends on the availability of funds, and the quality of the applications received.

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the Federal Register.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, 11 parties submitted comments. Seven of the 11 commenters supported the proposed priority in full or in part. Four of the commenters opposed the priority or requested that the priority be amended. An analysis of the comments follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comments: Three commenters encouraged the Secretary to permit all States to compete for grants under the priority and one commenter suggested that States be permitted to compete under this authority if any of the 12 States with designated preference do not successfully compete. These commenters stated that some States have not yet completed the statewide systems change process and require additional resources to address developmental needs such as systemic problems or underserved populations. Two of these commenters also stated that over the past several years the needs of States have changed with regard to the supported employment program and recommended that the priority be targeted to fund new directions or new innovative approaches in supported employment. One of these commenters suggested that the priority be expanded to fund statewide demonstrations to provide new directions to individuals working with supported employment programs in areas such as the provision of services to individuals with the most severe disabilities, training of supported employment personnel, job development, and outreach. The other commenter recommended that the priority be targeted to fund new approaches such as linkages with the Americans with Disabilities Act, building new partnerships with the business community, workforce diversity, transition and education reform, long-term supports, and self-determination and choice for individuals with disabilities participating in supported employment.

Discussion: The Secretary recognizes that there are many unmet needs across the nation with regard to the development of supported employment. However, the Secretary is limiting the competition to those States that have never received grants under this authority because the Secretary believes that these States are among those with the most significant needs with respect to stimulating the development and provision of supported employment services on a statewide basis.

The Secretary also recognizes that the needs of many States have changed with regard to the supported employment program and that there is a need for the development of innovative approaches. However, the purpose of the statewide demonstration projects is to stimulate the development and provision of supported employment services on a statewide basis. The development of innovative approaches for improving and expanding the provision of supported employment services is one of the purposes of the community-based supported employment projects authority. If applicants from the 12 eligible States under this absolute priority do not successfully compete and the Secretary is unable to award all the funds targeted to this competition, these funds will be utilized to increase the funds available under the community-based supported employment projects competition.

Changes: None.

Comment: One commenter recommended that the Secretary award grants under this priority directly to private, nonprofit community rehabilitation programs, rather than to State vocational rehabilitation (VR) agencies, in the 12 States that have not received statewide systems change grants.

Discussion: Private, nonprofit community rehabilitation programs are eligible for assistance under this program, in addition to State VR agencies and other public and private agencies and organizations. The Secretary cannot limit eligibility to just one group of eligible entities.

Comment: One commenter recommended that the listing of authorized activities under this priority

specifically include activities that facilitate the use of natural supports in the workplace.

Discussion: The listing of authorized activities in the priority is not all-inclusive. Other activities that promote or enhance statewide systems change can also be carried out. The 1992 Amendments to the Rehabilitation Act specifically added to section 311(c)(1)(A), the authority for this grant program, language that expressly permits projects to have a component that demonstrates the effectiveness of natural supports in the workplace as a source of extended services.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Priority—Statewide Supported Employment Demonstration Projects

Background

The purpose of the statewide supported employment demonstration program is to stimulate the development of statewide systems change in order to increase supported employment options for individuals with the most severe disabilities. System change grants assist States in addressing the most difficult developmental issues related to the supported employment initiative, such as establishing or improving the necessary infrastructure and training and personnel needs, serving "difficult-to-serve" populations, and providing long-term funding for extended services. These projects cannot use their Federal funding for the direct provision of client services.

National data collected by the Virginia Commonwealth University (VCU) on the supported employment program indicate that those States that received grants to conduct statewide supported employment demonstration projects generally achieved a greater capacity to develop supported employment options within their States than those States that did not receive grants. For example, VCU data showed that 75.7 percent of the total number of individuals in supported employment in fiscal year 1990 were served in the 27 States that had been awarded five-year statewide systems change grants in fiscal years 1985 and 1986. The remaining 24.3 percent of these individuals were served by States that received only title VI, part C funding.

Priority

The purpose of statewide supported employment demonstration projects is to stimulate the development of systems changes to increase supported employment options for individuals with the most severe disabilities. Authorized activities under these projects include the following: (1) Securing or facilitating the conversion of State dollars under existing programs to fund extended services. (2) Providing technical assistance and training to agencies developing supported employment programs and to employers, parents, and consumers. (3) Promoting interagency collaboration and agreements to support the provision of supported employment services.

The Secretary has funded 44 grants to 38 different States in FY 1985, FY 1986, and FY 1990. To date, 12 States have not received grants under this program for statewide supported employment demonstration projects. Only these 12 States are eligible to apply under this competition. The States are Alabama, Hawaii, Idaho, Massachusetts, Mississippi, Missouri, Ohio, Rhode Island, South Carolina, South Dakota, Texas, and West Virginia.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations: 34 CFR Part 380.

Program Authority: 29 U.S.C. 777a(d).

(Catalog of Federal Domestic Assistance Number 84.128, Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities and Technical Assistance Projects)

Dated: September 20, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–23329 Filed 9–23–93; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Financial Assistance: Aluminum Company of America (ALCOA)

AGENCY: Idaho Operations Office, Department of Energy

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy announces that pursuant to 10 CFR 600.14(f) it plans to negotiate and award cooperative agreement DE–FC07–93ID13238 to Aluminum Company of America (ALCOA). This new cooperative agreement is the result of an unsolicited proposal (Number P9300015).

FOR FURTHER INFORMATION CONTACT: LINDA A. HALLUM, CONTRACT SPECIALIST, (208) 526–5545; U.S. DEPARTMENT OF ENERGY, 785 DOE PLACE, MS 1221, IDAHO FALLS, ID 83401–1562.

SUPPLEMENTARY INFORMATION: The overall objectives of the project are to show the technical and economic viability of an aluminum spray-forming process in proof-of-principle tests at pilot-scale, to investigate alloys responsive to expanded market opportunities, and to develop an investment strategy for technology transfer. Included are bench- and pilot-scale process investigations to show commercial readiness, development of alloys to stimulate market expansion, production and evaluation of products, an economic assessment, project management, and safety procedure development and adherence. Sought deliverables are proof of technical and economic viability and a plan to commercialize aluminum spray-forming. This proposed work goes beyond the objectives achieved in earlier DOE-sponsored spray-forming research. The acceptance of this unsolicited proposal is justified under 10 CFR 600.14(e). The project, as proposed, represents a unique or innovative approach that is significantly different than that used by other investigators. DOE has no recent, current, or planned solicitations under which this proposal would be eligible. This award will be for five years at a total estimated cost of $18,565,182, of which 30% will be cost-shared. Statutory authority for this award is Public Law 100–680, Steel Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

Procurement Request Number: 07–93ID13238.000.

Dated: September 9, 1993.

Dolores J. Ferri,

Director, Procurement Services Division.

[FR Doc. 93-23475 Filed 9-23-93; 8:45 am]

BILLING CODE 6450-01-M

Noncompetitive Financial Assistance Grant With Southwest Research Institute

AGENCY: Department of Energy (DOE) Albuquerque Operations Office (AL).

ACTION: Notice of Noncompetitive Financial Assistance Application to the Southwest Research Institute.

SUMMARY: Based upon a determination pursuant to 10 CFR part 600.7(b)(2)(i)(B), which authorizes a financial assistance award to be made noncompetitively if the activity to be funded would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of that activity would enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such an activity, AL gives notice of its plans to award a three-year grant to the Southwest Research Institute for a proposal entitled: "Particulate Formation in Diesel Engine Combustion." The total estimated cost to DOE is $349,894. The distribution and availability of funds is subject to budget limitations. The public purpose to be served by this award is to provide valuable insight into the basic combustion mechanisms and how these results might be applied to the more general diesel combustion problem of engine manufacturers trying to meet current and imminent standards for diesel particle emissions. DOE is sponsoring such projects under the Office of Industrial Technologies.

DATES: This will be a three-year grant starting in 1993.

FOR FURTHER INFORMATION CONTACT: M. Laurene Dubuque, U.S. Department of Energy, Albuquerque Operations Office, Contracts and Procurement Division, P.O. Box 5400, Albuquerque, NM 87185-5400, Telephone: (505) 845-4301.

Issued in Albuquerque, NM, September 14, 1993.

Richard A. Marquez,

Assistant Manager for Management and Administration.

[FR Doc. 93-23491 Filed 9-23-93; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Project No. 349-024 Alabama]

Alabama Power Co.; Amended Notice of Availability of Environmental Assessment

September 20, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application to amend the license for the Martin Dam Project to permit excavation of two slough areas by Mr. Roy Granger. The staff of OHL's Division of Project Compliance and Administration has prepared a Draft Environmental Assessment (EA) for the proposed action. In the Draft EA, staff concludes that approval after-the-fact of the proposal to excavate one slough with required mitigation, and denial to excavate a second plan slough is the preferred alternative and would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available at the Commission's Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street, NE., Washington, DC 20426, telephone (202) 208-1371.

Agencies, non-governmental organizations or individuals are invited to file comments pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA) and the Commission's regulations implementing NEPA (18 CFR part 380). Any comments, conclusions, or recommendations that draw upon studies, reports or other working papers should be supported by appropriate documentation.

An original and eight copies of the comments should be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The comments should be filed by not later than October 15, 1993 and should reference Project 349-024.

This notice amends the comment date of the Notice of Availability of Environmental Assessment issued September 3, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93-23405 Filed 9-23-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD93-13997T Colorado-61]

Department of the Interior, Bureau of Land Management; NGPA Amended Notice of Determination by Jurisdictional Agency Designating of Tight Formation

September 20, 1993.

Take notice that on September 17, 1993, the United States Department of Interior, Bureau of Land Management (BLM) amended its notice of determination that was filed in the above-referenced proceedings on August 16, 1993, pursuant to § 271.703(c)(3) of the Commission's regulations. The August 16, 1993 notice determined that a portion of the Upper Lewis Shale Formation (Blue Gravel Sand) in Moffat County, Colorado, does not qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA).

The August 16, 1993 notice of determination was amended by a filing received September 3, 1993, reducing the geographical area. The September 17, 1993 amended notice of determination further reduces the geographical area recommended to be denied tight formation designation. The amended area now covers only the 1,700 acres, more or less, of Federal Lands described as follows:

Township 9 North, Range 91 West

Section 23: E/2
Section 24: W/2
Section 25: All
Section 26: NE/4
Section 35: E/2

The notice of determination also contains BLM's findings that the referenced portion of the Pictured Cliffs Formation does not meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 10 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93-23404 Filed 9-23-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93–726–000]

ANR Pipeline Co., and Viking Gas Transmission Co.; Notice of Application

September 20, 1993.

Take notice that on September 14, 1993, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243 and Viking Gas Transmission Company (Viking), 825 Rice Street, St. Paul, Minnesota 55117, filed in Docket No. CP93–726–000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service between ANR, formerly Michigan Wisconsin Pipe Line Company, and Viking, formerly Midwestern Gas Transmission Company, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that in ANR Docket No. CP66–109 and Viking Docket No. CP66–119, the Commission authorized an exchange agreement between ANR and Viking dated July 17, 1967. It is further stated that the service is designated as ANR Rate Schedule X–1 and Viking Rate Schedule EX–2.

The term of the exchange agreement expired on November 1, 1992, and was not extended, it is stated. Accordingly, ANR and Viking request permission to abandon Rate Schedules X–1 and EX–2, as described above, effective November 1, 1992.

No facilities are proposed to be abandoned herein.

Any person desiring to be heard or to make any protest within reference to said application should on or before October 12, 1993, file with the Federal Energy Regulatory Commission, Washington, DC. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in 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 the 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 application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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 ANR and Viking to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23403 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–724–000]

Arkla Energy Resources Co.; Request Under Blanket Authorization

September 20, 1993.

Take notice that on September 14, 1993, Arkla Energy Resources Company (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP93–724–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate delivery point facilities in Lee County, Arkansas, for service to Arkansas Louisiana Gas Company (ALG), under AER's blanket certificate issued in Docket No. CP82–384–000, *et al.*, 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.

AER proposes to upgrade an existing tap and meter station and convert it to a town border delivery point. It is stated that the existing facilities were installed in 1986 to serve one domestic customer of ALG. It is asserted that the upgraded facilities would enable AER to make deliveries to ALG's Felton Town Border Station. It is explained that the facilities would be used for the delivery of up to 100 Mcf of natural gas on a peak day and up to 12,000 Mcf on an annual basis. The construction cost is estimated at $21,201, and it is stated that ALG would reimburse AER for all construction costs. It is asserted that the volumes to be delivered though the proposed facilities would be within ALG's certificated entitlements from AER and that AER has sufficient capacity to accomplish the deliveries without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23402 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

[Docket No. TA94–1–23–001]

September 20, 1993.

Take notice that on September 15, 1993, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing certain revised substitute tariff sheets included in Appendix A attached to the filing. Such sheets are proposed to be effective November 1, 1993.

Eastern Shore states the subject filing amends its annual PGA filing as filed in Docket No. TA94–1–23–000 on August 30, 1993. Specifically, the amended filing corrects Eastern Shore's Account No. 191—Unrecovered Purchased Gas Cost balance as of June 30, 1993, and the related Demand Surcharge calculation.

Eastern Shore states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR section 385.211). All such protests should be filed on or before September 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-23409 Filed 9-23-93; 8:45]

BILLING CODE 6717-01-M

[Docket No. CP93-725-000]

Natural Gas Pipeline Co. of America and Columbia Gulf Transmission Co.; Application

September 20, 1993.

Take notice that on September 14, 1993, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 1273, Charleston, West Virginia 25325, jointly filed in docket No. CP93-725-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange arrangement which was authorized in Docket No. CP78-302, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants propose to abandon the services between their companies, effective October 13, 1992, being performed under a natural gas exchange agreement dated March 27, 1978, on file as Natural's Rate Schedule X-99 and Columbia Gulf's Rate Schedule X-54, and which involve the exchange of up to 39,900 Mcf per day. Applicants state that the requested effective date corresponds to the date provided in the agreement dated July 28, 1992, by which they terminated the gas exchange agreement. Applicants explain that they no longer require the exchange services.

Applicants state that, under the exchange arrangement:

(1) Natural made available, for exchange with Columbia Gulf, natural gas (which Natural purchased in East Cameron Block 34, offshore Louisiana) to Columbia Gulf at the Chalklev delivery point in Cameron Parish, Louisiana, and such gas was redelivered by Columbia Gulf to Columbia Gas transmission Corporation (Columbia Gas) at the interconnection of the facilities of Columbia Gulf and Columbia Gas at Leach, located in Boyd County, Kentucky, and

(2) Columbia Gulf made available equivalent volumes of natural gas for exchange with Natural (which Columbia Gas purchased in High Island Blocks A-342, A-343 and A-337, offshore Texas) at (a) the onshore terminus of the U-T Offshore System located in Cameron Parish, Louisiana, (b) the Mobil Cameron Meadows Plant located in Cameron Parish, Louisiana and (c) the Texaco Henry Plant located in Vermilion Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in 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 the 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 application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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 Natural and Columbia Gulf to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc 93-23401 Filed 9-23-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93-613-999]

Northwest Pipeline Corp.; Application

September 21, 1993.

Take notice that on August 2, 1993, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP93-613-000, an application pursuant to section 7(b) and 7(c) of the Natural Gas Act to construct and operate facilities and to abandon certain facilities, so that Northwest can provide 102,000 Dth equivalent per day of new firm service to Northwest Natural Gas Company (Northwest Natural), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, Northwest requests an order granting a certificate of public convenience and necessity authorizing Northwest to construct and operate the following facilities so that Northwest can expand its mainline and Grants Pass Lateral to accommodate 102,000 Dth per day of new firm service under a long-term transportation agreement with Northwest Natural dated June 17, 1993:

1. Mainline:

Approximately 11.3 miles of new 30-inch pipeline in two segments on Northwest's mainline in southern Washington.

Crossover taps to one of the new loop lines from two existing meter stations.

2. Grants Pass Lateral

5,700 standard sea-level horsepower of new compression, with appurtenances, at the existing Washougal compressor station.

Approximately 13.5 miles of 20-inch loop pipeline in one segment, near Gresham, Oregon.

One new meter station (Johnson Creek) on the new loop.

Upgrades of 6 existing meter stations and a crossover tap to the new loop line from one additional existing meter station.

Northwest also requests an order granting permission and approval to abandon certain facilities at four existing meter stations on the Grants Pass Lateral that are proposed to be replaced with upgraded facilities.

Northwest estimates the total cost for this Northwest Natural Expansion Project to be $45.0 million. Northwest further estimates that it will cost approximately $7,000 to remove the metering facilities proposed to be abandoned. Northwest estimates that the total cost of the facilities proposed to abandoned is $11,521 with an estimated salvage value of $6,085.

Northwest states that its proposed facilities are required for an additional 10,000 Dth per day of capacity on Northwest's mainline from the Stanfield interconnect with Pacific Gas Transmission Company (PGT) to the Portland, Oregon area, and for 102,000 Dth per day of additional lateral capacity southward on the Grants Pass Lateral.

Northwest states that, if concurrent approval and construction of the Northwest Natural Expansion Project

and the System Expansion II Project facilities occurs as planned, a larger 6,960 standard sea-level horsepower compressor unit will be installed to accommodate the combined needs of the two projects, and a 30-inch rather than 20-inch loop line will be constructed, all with costs allocated to the Northwest Natural Expansion Project based on the costs attributable to construction of a 5,700 horsepower unit and a 20-inch loop.

Northwest indicates that Northwest Natural decided not to participate in Northwest's System Expansion II project and it does not now consider that project an acceptable alternative to this proposed expansion. Northwest further indicates that the parties believe this project should be considered a stand-alone project with respect to Expansions II even though such facilities will be constructed concurrently with this project.

Northwest proposes to finance the construction cost of this expansion with short-term bank borrowing. Northwest proposes to convert the short-term bank borrowing to an appropriate mix of long-term debt and equity which will provide an overall corporate capital structure of approximately 45% long-term debt and 55% equity.

It is indicated that Northwest and Northwest Natural have entered into a long-term transportation agreement dated June 17, 1993 (primary term of 15 years from the in-service date and year to year thereafter) under Northwest's TF–1 Rate Schedule, for 102,000 Dth per day of contract demand. Northwest states that the transportation agreement provides for firm receipts from PGT at Stanfield. It is further indicated that the transportation agreement contains provisions under which Northwest Natural may terminate its participation in this project if, prior to commencement of construction, the Commission determines that the proposed facilities will be consolidated for rate treatment with either Northwest's System Expansion II project or with an incrementally treated Expansion I Project.

Northwest states that Northwest Natural plans to acquire additional gas supplies form the province of Alberta, Canada through its participation in expansions of the PGT and Alberta Natural Gas Company Ltd. (ANG) systems. Northwest maintains that its proposed expansion project will provide downstream capacity from Northwest's Stanfield interconnection with PGT to Northwest Naturals service area. Northwest states that Northwest Natural has finalized three supply contracts with Alberta suppliers for a total of 46 MMcf per day to be received at Kingsgate. It is indicated that the gas will be transported on the PGT system to the interconnection between PGT and Northwest at Stanfield upon completion of the current PGT system expansion scheduled for November, 1993.

Northwest states that other supply contractors are being finalized by Northwest Natural with various Alberta suppliers for an additional 56 Mmcf per day to match both Northwest Natural's subscription to PGT's proposed 1995 expansion program and the additional supplies needed to support the new Northwest Natural Expansion Project. Northwest indicates that the necessary export and import authorizations will be sought for this 56 Mmcf per day when supply contracts are finalized.

Northwest requests the Commission to provide a preliminary determination concerning the appropriate future rate treatment for the Northwest Natural Expansion facilities (i.e. rolled-in versus incremental) and to approve the initial rates for transportation under the new Northwest Natural expansion transportation agreement.

Northwest states that the expansion transportation agreement is subject to Northwest's open-access Rate Schedule TF–1 and will be implemented under Northwest's blanket transportation certificate and subpart G of part 284.

Northwest proposes two different alternatives for its initial rates under the agreement, depending upon whether Northwest's System Expansion I project ultimately receives final approval for rolled-in or incremental treatment in Northwest's pending rate proceeding in Docket No. RP93–5–000. Northwest states that, in either case, Northwest would begin collecting reservation charges under the subject agreement effective with the in-service date of the proposed facilities.

If the Expansion I project remains treated on a rolled-in basis in Docket No. RP93–5, Northwest requests approval for initial rates under the expansion transportation agreement to be its maximum Rate Schedule TF–1 rates, including applicable surcharges, which are in effect at the time service commences under the agreement.

If the Expansion I project is treated on an incremental basis in Docket No. RP93–5, Northwest requests approval for initial rates under the expansion transportation agreement to be incremental rates calculated to recover all the costs of the Northwest Natural Expansion Project facilities on a stand-alone basis. Northwest states that, in this case, the proposed incremental rates would be a base reservation charge of $8.5116 per MMBtu of contract demand plus all applicable surcharges. Northwest further states that the base rate would be equivalent to 27.98 cents per MMBtu on a 100 percent load factor basis.

Northwest states that, since this project and Northwest's planned System Expansion II Project are scheduled to be built concurrently and will involve certain common construction locations, it is preparing the required environmental report as a single document covering both projects. Northwest further states that this report will be filed with Northwest's System Expansion II application. Northwest requests that the Commission grant a waiver, to the extent a waiver is necessary, to allow this application to reference the environmental exhibit in the System Expansion application.

Northwest also requests that the Commission convene a technical conference, if necessary, after expiration of the protest/intervention period to allow all active parties the opportunity to identify and address substantive, non-environmental issues.

Northwest requests the use of expedited procedures leading to a preliminary determination on non-environmental issues, including the issues of future rate treatment and initial rates, by February 1, 1994, and final certificate order by September 1, 1994, so that this expansion project can be completed and placed in service by November 1, 1995.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in 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 the 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 application if no motion to intervene is

filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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 Northwest to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23449 Filed 9-23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–673–000]

Northwest Pipeline Corp.; Application

September 21, 1993.

Take notice that on August 18, 1993, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP93–673–000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act to construct and operate facilities and to abandon certain facilities, so that Northwest can provide 258,488 Dth equivalent per day of new firm transportation service under 31 executed, long-term agreements with 26 shippers, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, Northwest requests an order granting a certificate of public convenience and necessity authorizing Northwest to construct and operate the following facilities so that Northwest can expand its transmission system to accommodate 258,488 Dth per day of firm contract demand under long-term transportation agreements:

1. Mainline

—Approximately 48.8 miles of new pipeline loop (3.5 miles of 30-inch and 45.3 miles of 24-inch) in 5 major segments;
—A total of 71,760 standard sea-level horsepower of additional compression, with appurtenances, at the new Huntington Compressor Station and at 9 existing compressor stations;
—Compressor stations;
—Modifications of existing compressor equipment and/or piping at 12 existing compressor stations (including 6 of the 9 stations with proposed additional compression);
—Upgrades and/or crossover taps to loop lines for 18 existing meter stations;
—Two new meter stations (Longview Fibre Meter Station and CoGas Meter Station).

2. Olympia to Shelton Lateral

—A total of 1,343 standard sea-level horsepower of compression at the new Tumwater Compressor Station;
—Upgrade of the existing Shelton Meter Station.

3. Weyerhaeuser Lateral (New)

—Approximately 7.7 miles of 12-inch and 16-inch pipeline for new lateral;
—New Weyerhaeuser Meter Station at end of lateral.

4. Grants Pass Lateral

—Approximately 13.5 miles of new 30-inch pipeline loop in place of the 20-inch loop previously proposed in Docket No. CP93–613–000;
—Approximately 28.2 miles of new 20-inch pipeline loop in 5 major segments;
—Modification of existing compressor equipment and/or piping at 4 existing compressor stations;
—One new meter station (Springfield Utility Board Meter Station);
—Upgrade and/or crossover taps to loop lines for 4 existing meter stations;
—1,260 standard sea-level horsepower of additional compression at the Washougal Compressor Station by installing a new 6,960 horsepower unit instead of the 5,700 horsepower unit proposed in Docket No. CP93–613–000.

5. Wenatchee Lateral

—Upgrade of the existing Yakima Meter Station.

6. Spokane Lateral

—Upgrade of the existing Burbank Heights Meter Station;
—Modify existing Mesa Compressor Station.

7. Othello Lateral

—Approximately 4.8 miles of new 4-inch pipeline loop;
—Upgrade of the existing Othello Meter Station.

8. Moses Lake Lateral

—Upgrade of the existing Moses Lake Meter Station.

9. La Grande Lateral

—Approximately 1.6 miles of new 4-inch pipeline loop;
—Upgrade of the existing La Grande Meter Station.

10. Reno Lateral

—A total of 6,033 standard sea-level horsepower of new compression at two existing compressor stations (Little Valley and Owyhee)

Northwest also requests an order granting permission and approval to abandon certain facilities at 20 existing meter stations and one compressor station that are proposed to be replaced with upgraded facilities.

Northwest estimates the total cost for this Northwest System Expansion II Project to be $228.6 million. Northwest further estimates that it will cost approximately $57,600 to remove the metering facilities proposed to be abandoned. Northwest estimates that the total cost of the facilities proposed to be abandoned is $112,998 with an estimated salvage value of $50,330.

As an alternative to the foregoing certificate request, if the contemporaneous Northwest Natural Expansion Project (Docket No. CP93–613–000) is not approved and built, Northwest requests that the certificate authorization granted herein include the following "Mainline" looping and "Grant Pass Lateral" facilities instead of the above-listed facilities in those two categories.

1a. Mainline

—Approximately 52.8 miles of new pipeline loop (7.5 miles of 30-inch and 45.3 miles of 24-inch) in 6 major segments;
—A total of 67,070 standard sea-level horsepower of additional compression, with appurtenances, at the new Huntington Compressor Station and at 8 existing compressor stations;
—Modifications of existing compressor equipment and/or piping at 12 existing compressor stations (including 6 of the 8 stations with proposed additional compression);
—Upgrades and/or crossover taps to loop lines for 20 existing meter stations;
—Two new meter stations (Longview Fibre Meter Station and CoGas Meter Station).

4a. Grants Pass Lateral

—Approximately 23.9 miles of new pipeline loop (13.5 miles of 30-inch and 10.4 miles of 20-inch) in 3 major segments;
—4,690 standard sea-level horsepower of additional compression at the Washougal Compressor Station;
—Modification of existing compressor equipment and/or piping at 4 existing compressor stations;
—One new meter station (Springfield Utility Board Meter Station);

—Crossover taps to loop lines for the Southeast Portland and Creswell Meter Stations;
—Upgrade the existing South Eugene Meter Station.

Northwest estimates the cost of the alternative facility case at approximately $227.0 million.

Under both the above primary and alternative project proposals, Northwest states that the estimated total costs include approximately $9.6 million for a new Weyerhaeuser Lateral which will be reimbursed incrementally by Weyerhaeuser Company (Weyerhaeuser) and Mission Energy Company (Mission Energy) under their transportation agreements.

Northwest indicates that it will construct and operate, under § 2.55(a) of the Commission's Regulations, telecommunications equipment at one off-site location to satisfy the additional voice and data communication requirements between the proposed new Huntington Compressor Station and Northwest's SCADA control center in Salt Lake City, Utah.

Northwest further indicates that the proposed additional compression at the Little Valley Compressor Station on the Reno Lateral is a mobile compressor unit. Northwest requests Commission approval to temporarily move the proposed mobile compressor unit from the Little Valley Compressor Station (when it is not needed at that location) and to utilize this mobile unit as a temporary replacement for out-of-service compressor units at other compressor stations on Northwest's system.

Northwest proposes to finance the construction cost of this expansion with short-term bank borrowings. Northwest proposes to convert the short-term bank borrowings to an appropriate mix of long-term debt and equity which will provide an overall corporate capital structure of approximately 45% long-term debt and 55% equity.

Northwest states that it held an open-season in the fall of 1992 which provided a non-discriminatory opportunity for all potential customers to make long-term commitments for firm service which would be made available by the Expansion II Project. It is indicated that Northwest and 26 shippers have entered into 31 long-term transportation agreements (primary term of 15 years from the in-service date and year to year thereafter) under Northwest's TF–1 Rate Schedule, for 258,488 Dth per day of contract demand.

The following table summarizes the services to be provided by Northwest under 31 blanket transportation service agreements upon completion of the proposed system expansion.

TABLE 1—EXPANSION II TRANSPORTATION SHIPPERS/AGREEMENTS

Shipper	Type	Contract demand	Supply		Delivery points
			Domestic	Canada	
1. Boise Cascade Corp.	End-User ..	15,000	.....	15,000	NWN 12,500. CNG 2,500.
2. Caesars Tahoe	End-User ..	83	.....	83	Palute.
3. Cascade Natural Gas	LDC	21,340	10,670	10,670	CNG.
4. CoGas, Inc.	Elec Gen ..	1,530	.....	1,530	CoGas.
5. Cyanco	End-User ..	1,035	.....	1,035	Palute.
6. Eagle-Picher Minerals	End-User ..	1,840	.....	1,840	Palute 1220. CNG 620.
7. Georgia Pacific Corp.	End-User ..	1,500	750	750	CNG.
8. Harrahs Reno	End-User ..	435	.....	435	Palute.
8a. Harrahs Tahoe	End-User ..	83	.....	83	Palute.
9. IGI Resources	LDC	80,000	25,000	55,000	IGC.
9a. IGI (for Boise Cascade)	End-User ..	1,000	.....	1,000	WWP.
10. J. H. Baxter & Co.	End-User ..	160	67	93	CNG.
11. J.R. Simplot Co.	End-User ..	250	125	125	CNG.
12. Longview Fibre Co.	End-User ..	50	25	25	CNG.
12a. Longview Fibre Co.	Elec Gen ..	18,000	9,000	9,000	CNG.
13. Mission Energy Co.	Elec Gen ..	20,000	20,000	.....	Weyer.
14. Nestle Food Co.	End-User ..	2,000	1,000	1,000	CNG.
14a. Nestle Food Co.	End-User ..	3,000	1,500	1,500	CNG.
15. Newmont Gold Co.	End-User ..	6,500	1,500	5,000	Palute.
16. Oregon Steel Mills	End-User ..	5,000	.....	5,000	OSM.
17. Potlatch Corp.	End-User ..	3,000	1,500	1,500	WWP.
18. R.R. Donnelly & Sons	End-User ..	455	.....	455	Palute.
19. Roseburg Forest Prod.	End-User ..	2,250	1,125	1,125	Roseburg.
20. Springfield Utility Brd.	Elec Gen ..	10,080	.....	10,080	Springfield.
21. Wash. St. Penitentiary	End-User ..	75	31	44	CNG.
22. Wash. Water Power	LDC	7,000	4,200	2,800	Palute.
23. Western Polymer Corp.	End-User ..	160	67	93	CNG.
24. Weyerhaeuser Co.	End-User ..	13,020	5,000	8,020	Rose. 5,200. NWN 7,500. CNG 320.
24a. Weyerhaeuser Co.	Elec Gen .. End-User ..	30,000	25,000	5,000	Wey. 20,000. NWN 10,000.
25. Willamette Ind.	End-User .. Elec Gen ..	12,400	.....	600 11,800	NWN. Willamette.
26. Winnemucca Farms	End-User ..	1,242	.....	1,242	Palute.
Total	.....	258,488	106,560	151,928	

It is further indicated that the transportation agreements contain a one-time termination option for the shippers in the event the Commission issues an order within 8 months after the filing of Northwest's application which indicates that incremental rate treatment is appropriate for the Expansion II facilities.

Northwest states that nine of the expansion transportation agreements involve deliveries to Northwest's existing interconnect with Paiute Pipeline Company's (Paiute) interstate line at Northwest's Nevada Reno Meter Station near the Idaho/Nevada border.

Northwest indicates that Paiute's existing firm capacity to transport gas from Northwest is approximately equal to Northwest's existing delivery obligation. Northwest further indicates that Paiute held an open-session to identify shippers interested in firm service on a further expansion of its system and plans to soon seek certificate authority to expand its system to accommodate new firm service. Northwest understands that Paiute's contemplated expansion will be for less capacity than the capacity increment Northwest proposes to add for deliveries to Paiute. Northwest states that, since the expansion shippers on Northwest's system could opt to utilize either interruptible capacity or released firm capacity on Paiute's existing downstream facilities, neither the firm transportation capacities nor firm shipper commitments on the two systems need match precisely.

Northwest requests the Commission to provide a preliminary determination concerning the appropriate future rate treatment for the Northwest System Expansion II Project facilities, except for the proposed Weyerhaeuser Lateral (i.e. rolled-in versus incremental).

Northwest states that the expansion transportation agreements are subject to Northwest's open-access Rate Schedule TF–1 and will be implemented under Northwest's blanket transportation certificates and Subpart G of part 284.

Northwest proposes two different alternatives for its initial rates under transportation agreements, depending upon whether the Commission's preliminary rate treatment determination favors rolled-in or incremental treatment. Northwest states that, in either case, Northwest would begin collecting reservation charges under the subject agreements effective with the in-service date of the proposed expansion project. Northwest also states that the transportation agreements with Weyerhaeuser and Mission Energy will be subject to an additional incremental charge to fully recover the costs of the proposed new Weyerhaeuser Lateral.

If the Commission makes a preliminary determination supporting rolled-in rate treatment for this project, Northwest requests approval for initial rates under the expansion transportation agreements to be its maximum Rate Schedule TF–1 rates, including applicable surcharges, which are in effect at the time service commences under the agreements.

If the Commission makes a preliminary determination supporting incremental rate treatment for this project, Northwest states that it would submit an amendment to request approval for specific initial rates for service under the expansion transportation agreements, designed on an incremental basis to recover the costs of the expansion facilities.

Northwest states that, if Northwest subsequently filed an amendment, an incremental rate for the primary case facilities would be a base reservation charge of $16.4964 per MMBtu of contract demand plus all applicable add-ons. Northwest further states that the base rate would be equivalent to 54.23 cents per MMBtu on a 100 percent load factor basis. Under the alternative facility design case, Northwest states that the incremental rate would be a monthly reservation charge of $17.0772 per MMBtu (equivalent to 56.14 cents per MMBtu on a 100 percent load factor basis).

Northwest requests approval for its initial rate under its expansion agreements with Weyerhaeuser and Mission Energy to include a Facility Cost-of-Service Charge, in addition to the applicable base Rate Schedule TF–1 rates. Northwest states that the Facility Cost-of-Service Charge provides for the complete reimbursement by Weyerhaeuser and Mission Energy of the cost of the proposed new Weyerhaeuser Lateral over the 15 year term of the agreements.

Northwest also requests that the Commission convene a technical conference, if necessary, after expiration of the protest/intervention period to allow all active parties the opportunity to identify and address substantive, non-environmental issues.

Northwest requests the use of expedited procedures leading to a preliminary determination of non-environmental issues, including the issues of future rate treatment and initial rates, by February 1, 1994, and final certificate order by September 1, 1994, so that this expansion project can be completed and placed in service by November 1, 1995.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 12, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in 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 the 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 application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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 Northwest to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23451 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–618–000]

Pacific Gas Transmission Co.; Application

September 21, 1993.

On August 5, 1993, Pacific Gas Transmission Company (PGT), 160 Spear Street, San Francisco, California 94105–1570, filed in Docket No. CP93–618–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a Certificate of Public Convenience and Necessity authorizing PGT to build and operate facilities and

authorizing the interstate transportation of natural gas transported thereby for certain customers located in the Pacific Northwest, California, and Nevada, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

PGT seeks authorization to construct and operate certain pipeline, metering and compression facilities that will provide approximately 299,450 MMBtu/d annual service and 35,600 MMBtu/d of winter-only service. The proposed facilities will add a total of approximately 100 miles of 12-inch pipeline and an addition of approximately 30,000 horsepower of compression divided between PGT's existing Station 4 (Sandpoint, Idaho), and Station 6 (Rosalia, Washington). The estimated cost of the project, in "as-spent" dollars, is $92.8 million. PGT proposes to place these facilities, called PGT's "1995 construction Program" into service on November 1, 1995.

PGT states that its 1995 Construction Program is inextricably related to, and dependent upon, PGT's 1993 Pipeline Expansion Project facilities, authorized in Docket No. CO89–460–000 *et al.*, which are currently under construction and scheduled for commercial operations in November 1993, that will provide service under PGT's Rate Schedule T–3. Accordingly, PGT requests authorization to provide this new service under its Rate Schedule T–3.

PGT states that it has executed twenty (20), twenty and one-half (20.5), and thirty (30) year firm transportation agreements with twelve (12) shippers for the proposed firm transportation service on the 1995 Construction Program facilities. PGT states that the firm agreements with these twelve shippers account for all of the firm capacity on the 1995 Construction Program facilities proposed herein. These shippers are: Cascade Natural Gas Corporation, the City of Alturas, IGI Resources Inc., Lassen Municipal Utility District, Northwest Natural Gas Company, Portland General Electric Company, Reno Hilton, Sierra Pacific Power Company, Sierra Pacific Resources, the City of Susanville, The Washington Water Power Company ("Water Power") (four separate contracts), and Wes Cana Transportation (U.S.) Inc.

PGT states that the shippers utilizing the PGT proposed facilities will be responsible for: (1) Arranging for gas supply and end-use markets where necessary; (2) obtaining the proper import authorizations from the Office of Fossil Energy of the Department of Energy for the importation of natural gas; (3) obtaining the proper export licenses from the National Energy Board and removal permits from Canadian provincial authorities. PGT will receive gas requested by these shippers at various receipt points, primarily the International Boundary, and will deliver gas on their behalf at various delivery points also nominated by these shippers.

PGT states that additional supplies of firm Canadian source gas are principally being sought for system supply by local distribution companies or for direct end-use principally, but not exclusively, in electric generation. Certain of these customers in the Pacific Northwest, Nevada, and California also intend to utilize this capacity to provide increased gas supply diversity, security, and system reliability as well as to introduce natural gas service to additional local communities. PGT states that downstream transportation service to Nevada and northeastern California will be provided by the proposed Tuscarora Pipeline Company ("Tuscarora") which will originate at PGT's Malin meter station and deliver gas to several municipal utilities in northeastern California and to various shippers in the Reno, Nevada area.

The Commission staff will convene a technical conference, if necessary, after expiration of the protest/intervention period to allow all active parties the opportunity to identify and address substantive non-environmental issues.

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, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 12, 1993. 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 Conference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23150 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–151–002]

Tennessee Gas Pipeline Co.; Compliance Filing

September 20, 1993.

Take notice that on September 15, 1993, Tennessee Gas Pipeline Company (Tennessee) tendered filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, revised tariff sheets to become effective September 1, 1993.

Tennessee states that the purpose of this filing is to comply with the Commission's August 31, 1993 "Order Accepting and Suspending Tariff Sheets, Subject to Refund and Conditions, Rejecting Tariff Sheet, and Establishing a Technical Conference" in Docket Nos. RP93–151–000, RP93–151–001, and RS92–23–013 and to make conforming changes to its tariff.

Tennessee states that copies of its filing were served on all parties to these proceedings, customers, and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before September 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23411 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–192–001]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 20, 1993.

Take notice that on September 16, 1993, Texas Eastern Transmission Corporation (Texas Eastern), tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, with a proposed effective date of October 3, 1993:

Sub Second Revised Sheet No. 463
Sub Second Revised Sheet No. 471
Sub Second Revised Sheet No. 938

Texas Eastern states that on September 3, 1993, Texas Eastern submitted as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, tariff sheets proposing to establish new

discrete, open-access transportation rate schedules for transportation on new pipeline facilities known as the "Viosca Knoll Lateral" (September 3 Filing). The September 3 Filing is currently pending Commission approval.

Texas Eastern states that it has discovered an error, unrelated to the substantive issues in Docket No. RP93–192 addressed in the September 3, Filing, on Second Revised Sheet No. 463, Second Revised Sheet No. 471 and Second Revised Sheet No. 938. Such errors are more specifically defined on Appendix A to the filing.

Accordingly, to correct such errors, Texas Eastern states that it submits, as part of its FERC Gas Tariff, Sixth Revise Volume No. 1, the above captioned tariff sheets.

Texas Eastern respectfully requests that the Commission waive all necessary rules and regulations to permit the above referenced tariff sheets to become effective on the October 3, 1993, which is the same date proposed in the September 3 Filing.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before September 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23408 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–104–006]

Transwestern Pipeline Co.; Proposed Changes In FERC Gas Tariff

September 20, 1993.

Take notice that on September 16, 1993, Transwestern Pipeline Company (Transwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with a proposed effective date of October 1, 1993:

3rd Revised Sheet No. 5D
3rd Revised Sheet No. 5D(ii)
3rd Revised Sheet No. 5D(iii)
3rd Revised Sheet No. 5D(iv)

On July 30, 1993 the Commission issued its "Order Resolving Take-or-Pay Settlement Cost Issues and Granting and Denying Rehearing in Part" in Docket No. RP91–104–000, et al. in which the Commission approved Transwestern's proposed allocation of costs to William Natural Gas Co. included in Transwestern's second Order No. 500 filing, but denied Transwestern's allocation to Williams of any costs in subsequent filings. Transwestern states the above-referenced tariff sheets are being filed to comply with the Commission's order. The tariff sheets make the following required modifications: (i) Modify the TCR Fee portion of TCR Amount Two, Four, Five and Seven to remove amounts allocated to Williams; and (ii) modify the TCR Fee portion of TCR Amount Two, Four, Five, and Seven to reallocate the amounts to its remaining customers.

Transwestern states that copies of the filing were served on its gas utility customers, interested state commissions, and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before September 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–23406 Filed 9–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–685–000]

Tuscarora Gas Transmission Co.; Application

September 21, 1993.

Take notice that on August 27, 1993, Tuscarora Gas Transmission Company (Tuscarora), 6100 Neil Road, P.O. Box 30150, Reno Nevada 89520–3057, filed in Docket No. CP93–685–000 an application pursuant to section 7(c) of the Natural Gas Act, for authorization to: (1) Construct, own, and operate a new, 229 mile, 20-inch diameter natural gas pipeline extending from an interconnection with Pacific Gas Transmission Company (PGT) near Malin, Oregon to the Tracey Power Plant owned by Sierra Pacific Power Company in Storey County, Nevada, (2) transport natural gas on an open access, self implementing basis, with pregranted abandonment authority, and (3) construct, own, operate, and abandon certain facilities on a self implementing basis as permitted by part 157, Subpart F of the Commission's Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Tuscarora proposes to construct, own, and operate the following facilities:

(a) About 229 miles of 20-inch diameter pipeline and appurtenant facilities extending from a point of interconnection with PGT near Malin, Oregon in Klamath County, to the Tracy Powor Plant in Storey County, Nevada (Mainline Facilities);

(b) About 5.3 miles of 4-inch diameter pipeline and appurtenant facilities extending from a point on the Mainline Facilities to a point near Alturas, California, all in Modoc County;

(c) About 10.7 miles of 6-inch diameter pipeline and appurtenant facilities extending from a point on the Mainline Facilities to a point near Susanville, California, all in Lassen County;

(d) About 5.5 miles of 4-inch diameter pipeline and appurtenant facilities extending from a point on the Mainline Facilities to a point proximate to the Sierra Army Depot near Herlong, California, all in Lassen County; and

(e) Five meter stations of various sizes located in Modoc and Lassen Counties, California and Washoe and Storey Counties, Nevada.

The estimated cost of the proposed facilities is about $125.3 million. Tuscarora proposes to finance the project with 70% debt and 30% equity. Tuscarora expects to finance the debt portion through intermediate bank loans.

Tuscarora proposes to provide firm and interruptible transportation on an non-discriminatory, open access basis. Pursuant to Part 284, Subpart G of the Commission's Regulations, and to do so under the terms and conditions of the *pro forma* tariff attached to its application. Thirteen of fourteen potential customers have entered into precedent agreements for a total of 113,050 Dth per day of firm transportation. The customers and requested volumes are:

Customer	Volume Dth/day
Sierra Pacific Power Company	95,000

Customer	Volume Dth/day
Sierra Pacific Resources	4,770
City of Alturas, California	500
City of Susanville, California	5,500
Sierra Army Depot [1]	800
Washoe Medical Center	1,800
Veteran's Administration Medical Center	350
St. Mary's Regional Medical Center	450
SABH Water Heater Group	380
Reno Area Hotel and Gaming Facilities	
Reno Hilton	1,800
Nugget	900
El Dorado	500
Nevada Properties (Peppermill)	300
Total	113,050

[1] Sierra Army Depot does not have a precedent agreement.

Tuscarora's proposed firm and interruptible rates are:

FT

Reservation Charge ($/month) $15.9323

Commodity Charge:

Maximum ($/Dth) $0.000

Minimum ($/Dth) $0.000

IT

Maximum ($/Dth) $0.5238

Minimum ($/Dth) $0.0000

Tuscarora says that all of the shippers have executed agreements for upstream transportation on PGT. The shippers have also nominated capacity on Alberta Natural Gas Company Ltd. (ANG) and NOVA Corporation of Alberta (NOVA).

Tuscarora requests that the Commission issue a preliminary determination on non-environmental issues by March 1, 1994 and a final certificate by November 1, 1994.

The Commission staff will convene a technical conference, if necessary, after expiration of the protest/intervention period to allow all active parties the opportunity to identify and address substantive non-environmental issues.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 or § 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 party 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 3, 7, and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If 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 Tuscarora to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93-23452 Filed 9-23-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP93-109-006]

Williams Natural Gas Co.; Compliance Filing

September 20, 1993.

Take notice that on September 15, 1993, Williams Natural gas Company (WNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with a proposed effective date of November 1, 1993:

Second Substitute Eighteenth Revised Sheet No. 9

Second Substitute Second Revised Sheet No. 115

Second Substitute Fourth Revised Sheet Nos. 116 and 117

Second Substitute Second Revised Sheet No. 118

Second Substitute Fifth Revised Sheet No. 119

WNG states that this filing was originally made on September 1, 1993, WNG inadvertently omitted Sheet Nos. 115-118 from the list of tariff sheets being filed. WNG states that the instant filing is being made to correct that omission.

WNG states that Second Substitute Eighteenth Revised Sheet No. 9 is filed to make clear that the GRI Charge will not apply to gathering only services. Second Substitute Fifth Revised Sheet No. 119 is filed to make clear that the Reservation Charge under Rate Schedule FTS will not apply to volumes transported only on the gathering system(s). WNG had previously included such a provision with respect to the Commodity Charge under Rate Schedules FTS and ITS. Sheet Nos. 115-118 are being filed for pagination purposes only.

WNG states that a copy of its filing was served on all parties in this docket and on all jurisdictional customers and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before September 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93-23407 Filed 9-23-93; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Mutual Assistance Program; Proposed Cooperative Agreement

AGENCY: Western Area Power Administration, DOE.

ACTION: The Western Area Power Administration (Western)/Arizona Power Authority (APA) Integrated Resource Planning (IRP) Mutual Assistance Program Notice of Proposed Cooperative Agreement.

SUMMARY: The Department of Energy announces that, pursuant to 10 CFR 600.7(b), eligibility for a cooperative agreement to develop and implement cofunded IRP activities within the State of Arizona has been restricted to APA.

ADDRESSES: Requests for further information should be submitted to the following address: Ms. Mary Prebble, Contract Specialist, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401. (303) 231-1683. Purchase Requisition Number: GG-PR-23314.

SUPPLEMENTARY INFORMATION: Western's Energy Services Program is designed to ensure wise stewardship of the Federal hydropower resources and to encourage energy efficiency and the development of renewable energy resources in accordance with the National Energy

Policy Act of 1992, which requires the development of IRP by all Western long-term firm power customers. To meet these ends, Western offers a number of Energy Services Program activities to its customers, including educational workshops and seminars, equipment loan programs, cost sharing of energy efficiency projects, and IRP technical support.

Joint program sponsorship with APA is one of the methods that Western uses to effectively deliver its energy services activities to customers within the 15-State marketing area.

Western's Phoenix Area Office has cosponsored joint energy efficiency activities with APA since 1985. Programs cosponsored to date include workshops on subjects such as pump efficiency, infrared thermography, irrigation principles, trade related scheduling operations, and technical assistance studies. Such joint participation mutually benefits the State, the Federal Government, and Western customers through the pooling of resources to provide cost-effective energy services activities in the State of Arizona.

APA is committed to promoting energy efficiency and renewable energy development in the State of Arizona and providing IRP technical assistance. Its resources, technical ability, and statewide credibility put it in the best position to manage this cooperative program.

SOLICITATION NUMBER: DE–RP65–93WG23399.

SCOPE OF PROJECT: The Western/APA IRP Mutual Assistance Program is designed to allow joint sponsorship of energy services and IRP activities within the State of Arizona by Western and APA. The cooperative agreement will provide cost-shared funding for the development and implementation of energy services and IRP activities in four general categories: IRP development; technical assistance and technical transfer activities; demand-side management (DSM) cooperatives and IRP cooperatives; and technology development assistance projects. Activities funded under this program may include, but are not limited to: Educational workshops and seminars related to IRP; development and management of an IRP resource library; development of DSM models to support IRP analysis; technical support for Western's Resource Planning Guide; localized peer-match program in support of IRP and DSM development; on-site IRP technical assistance; pilot-testing of DSM and renewable energy projects; and coordination with other Government agencies.

Issued at Golden, Colorado, September 13, 1993.

William H. Clagett,

Administrator.

[FR Doc. 93–23476 Filed 9–23–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4733–8]

Agency Information Collection Activities Under OMB Review

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 the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before October 25, 1993.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of this ICR contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: 1993 Screener Questionnaires for the Transportation Equipment Cleaning Industry (EPA ICR No. 1660.01).

Abstract: This is a new data collection effort to support the development of technology-based effluent limitations guidelines for the transportation equipment cleaning industry (TECI). The development of effluent guidelines is part of a program established under the Federal Water Pollution Control Act of 1972, to "restore and maintain the chemical, physical and biological integrity of the Nation's waters". Presently, EPA is required by court order to develop effluent limitations for this industry, which are scheduled to be proposed by 1996. The survey is being administered to a statistically valid sample of the population using two screener questionnaires to target two distinct subpopulations of the TECI consisting of: (1) The aircraft exterior cleaning, and aircraft/pavement de-icing and anti-icing subpopulation; and (2) the interior cleaning of transportation equipment subpopulation. Responses to this survey will be mandatory pursuant to section 308 of the Clean Water Act.

Upon approval of this ICR, the screener survey will be sent by mail to owners/operators of TECI operations to gather information that includes: (1) Identification/address information, (2) applicability of the facility to the TECI universe, (3) characteristics of wastewater discharge, (4) the volume of workload, (5) information on total revenues, and (6) technical information directly related to each of the two subpopulations (exterior cleaning/anti-icing or de-icing of airlines, and interior cleaning of other transportation equipment).

The questionnaires will be used by the EPA to: (1) Determine which facilities are within the scope of the TECI effluent guidelines; (2) stratify the industry by wastewater characteristics, economic characteristics, and/or operational characteristics; (3) select a statistically representative sample of respondents for a more detailed questionnaire to be administered by late 1994; and (4) select facilities for influent and effluent wastewater sampling. Additionally, the information will be used to select a limited number of facilities for further study thereby greatly reducing the burden on the industry overall.

Burden Statement: Public reporting burden for this collection of information is estimated to average 3.3 hours per response including time for reviewing instructions, gathering and compiling the data needed, and completing and reviewing the screener surveys.

Respondents: Owners/operators of transportation cleaning businesses.

Estimated Number of Respondents: 4,000 owners/operators.

Estimated Number of Responses per Respondent: 1.

Frequency of Collection: One-time.

Estimated Total Annual Burden on Respondents: 13,200 hours.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden to:

Sandy Farmer, U.S.Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460.

and

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: September 20, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–23434 Filed 9–23–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL-4732-1]

Agency Information Collection Activities Under OMB Review

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 the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before October 25, 1993.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of this ICR, contact Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: New Source Performance Standard (NSPS) for Grain Elevators (subpart DD)–Information Requirements (EPA ICR No. 1130.04; OMB No. 2060-0082). This is a request for renewal of a currently approved information collection.

Abstract: The provisions of this subpart apply to each affected facility at any grain terminal elevator or any grain storage elevator. The affected facilities are each truck unloading station, truck loading station, barge and ship unloading station, barge and ship loading station, railcar loading station, railcar unloading station, grain dryer, and all grain handling operations.

The Owner or operator of an affected facility must provide EPA, or the delegated State regulatory authority, with one-time notifications, such as the anticipated date of the initial startup, and the initial performance test, and must keep records, as required of all facilities subject to the general NSPS requirements. For example, the owner or operator must maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility as well as the nature and cause of the malfunction (if known) and corrective measures taken.

Burden Statement: The burden for this collection of information is estimated to average 42.6 hours per response for reporting and 1.5 hours per recordkeeper annually. This estimate includes the time needed to review instructions, develop a recall plan, create and gather data, and review and store the information.

Respondents: Owners or operators of grain elevators.

Estimated No. of Respondents: 1.

Estimated No. of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 135.

Frequency of Collection: Initial reporting only.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460.

and

Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: September 17, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93-23435 Filed 9-23-93; 8:45 am]

BILLING CODE 6560-50-F

[ER-FRL-4624-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 6, 1993 Through September 10, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1993 (58 FR 18392).

Draft EISs

ERP No. D-AFS-L65204-ID

Rating EO2, Fuzzy-Bighorn Timber Harvest Project, Implementation, Clearwater National Forest, Pierce Ranger District, Clearwater County, ID.

Summary: EPA expressed environmental objections due to the timber sale's impact on water quality and air quality. EPA requested a more detailed discussion of the monitoring plan to assure that the Forest Plan water quality standards and Idaho Water Quality Standards will be met. EPA is concerned about the effects of prescribed burning on air quality. EPA requested additional information on prescribed burning and the associated air quality impacts to downwind sensitive areas.

ERP No. D-BOP-L81008-WA

Rating EC2, King County Federal Detention Center, Site Selection, Operation and Construction, City of Seattle or the City of SeaTac, King County, WA.

Summary: EPA expressed environmental concerns and requested additional information on land acquisition, storm water runoff, the identification of wetlands and the state exemption from zoning regulations.

ERP No. D-COE-E32192-NC

Rating EC2, Wilmington Harbor Channel Widening and Navigation Improvement, Cape Fear River, Port of Wilmington, New Hanover and Brunswick Counties, NC.

Summary: EPA expressed environmental concerns regarding potential adverse impacts associated with the use of explosives to evacuate the enlarged channel together with the consequences of converting adjacent freshwater wetland communities to more brackish tolerant species. EPA requested additional discussion of these issues in the final document.

ERP No. D-NPS-L61196-AK

Rating LO, Denali (South Slope) National Park and Preserve Development Concept Plan, Implementation, Mantanuska-Susitna Borough, AK.

Summary: EPA reviewed the project and did not identify any potential environmental impacts.

ERP No. D-SFW-K67019-NV

Rating LO, Desert National Wildlife Ranger Mineral Withdrawal Project, Implementation, Clark and Lincoln Counties, NV.

Summary: EPA expressed a lack of objections with the proposed action.

ERP No. D-SFW-L64041-OR

Rating EC2, Hart Mountain National Antelope Refuge Comprehensive Management Plan, Implementation, Lake County, OR.

Summary: EPA expressed environmental concerns regarding the project's impacts on water quality and air quality. EPA had requested additional clarification on these issues as well as, the effects of wildlife population increases on upland vegetation, the effects of recreational use increases on wildlife and vegetation,

project mitigation measures and project monitoring.

Final EISs

ERP No. F-COE-E36172-MS

Abiaca Creek Watershed Project, Demonstration Erosion Control Project and Sediment and Flood Control Measures, Implementation, Yazoo Basin, Mathews Brake National Wildlife Refuge, Carroll, Holmes and Leflore Counties, MS.

Summary: EPA had no environmental objection to the proposed project.

ERP No. FS-AFS-L82010-00

Pacific Northwest Region National Forests Nursery Pest Control Management Plan, New Information concerning the Use of Additional Chemicals at Wind River Nursery, Gifford Pinchot National Forest and J. Herbert Stone Nursery, Rouge River National Forest, Implementation, several Counties, OR and Skamania County, WA.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the preparing agency.

Dated: September 21, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93-23432 Filed 9-23-93; 8:45 am]

BILLING CODE 6560-50-U

[ER-FRL-4624-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075. Weekly receipt of Environmental Impact Statements Filed September 13, 1993 Through September 17, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930317, FINAL EIS, AFS, MT, Little Snowies Vegetative Management and Public Access, Fire and Timber Management Practices, Lewis and Clark National Forest, Musselshell Ranger District, City of Harlowton, Fergus and Golden Valley Counties, MT, Due: October 25, 1993, Contact: John D. Gorman (406) 632-4391.

EIS No. 930318, DRAFT EIS, COE, NC, Fairfield Bridge Replacement Project, Implementation, Atlantic Intracoastal Waterway, Hyde County, NC, Due: November 08, 1993, Contact: Hugh Heine (919) 251-4070.

EIS No. 930319, FINAL EIS, NRC, UT, Uranium and Thorium Byproduct Material Disposal Project, Construction and Operation, Licenses, Salt Lake City, Tooele County, UT, Due: October 25, 1993, Contact: Myron H. Fliegel (301) 504-2155.

EIS No. 930320, DRAFT SUPPLEMENT, FHW, MD, Boston Street Corridor (a part of the former I-83 Corridor Project) Transportation Improvements, Chester Street to Conkling Street, Additional Information concerning New Alternatives Under Consideration, Approval and Funding, East Baltimore, Baltimore County, MD, Due: November 15, 1993, Contact: David Lawton (410) 962-4440.

EIS No. 930321, DRAFT EIS, AFS, WA, Pebble and Little Granite Timber Sales, Implementation, Mountain Analysis Area, Okanogan National Forest, Tonasket, Twisp and Winthrop Ranger Districts, Okanogan County, WA, Due: November 08, 1993, Contact: Craig Bobzien (509) 996-2266.

EIS No. 930322, DRAFT EIS, COE, VA, Southeastern Public Service Authority of Virginia Regional Landfill Expansion Project, COE Section 404 Permit Issuance, Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Isle of Wight and Southampton Counties, VA, Due: November 08, 1993, Contact: Pamela Painter (804) 441-7654.

EIS No. 930323, FINAL SUPPLEMENT, BLM, CA, Ward Valley Low-Level Radioactive Waste Disposal Facility, Site Selection, Construction and Operation, Funding and Right-of-Way Grants, San Bernardino County, CA, Due: October 25, 1993, Contact: Dick Johnson (916) 978-4720.

EIS No. 930324, DRAFT EIS, FAA, NJ, Newark International Airport Installation and Operation of an Instrument Landing System on Runway 11, Funding and Airport Layout Plan Approval, Essex and Union Counties, NJ, Due: November 08, 1993, Contact: Thomas Hom (718) 553-1505.

EIS No. 930325, FINAL EIS, UAF, MI, Wurtsmith Air Force Base Disposal and Reuse, Implementation, Iosco County, MI, Due: October 25, 1993, Contact: Lt. Col. Gary Baumgartel (210) 536-3869.

EIS No. 930326, FINAL EIS, UAF, GA, Moody Air Force Base Beddown of a Composite Wing for F-16, A/OA-10 and C-130 Aircraft, Implementation, Lowndes and Lanier Counties, GA, Due: October 25, 1993, Contact: Stephanie Stevenson (804) 764-7844.

EIS No. 930327, FINAL EIS, FHW, UT, West Valley Highway Transportation Improvement, 9000 South to 12600 South, Funding and Right-of-Way Acquisition, Salt Lake County, UT, Due: October 25, 1993, Contact: Roy O. Nelson (801) 963-0184.

Dated: September 21, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93-23431 Filed 9-23-93; 8:45 am]

BILLING CODE 6560-50-U

[FRL-4735-8]

NPDES General Permit for Storm Water Discharges Associated With Industrial Activity Located in the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency (EPA), Region II.

ACTION: Notice of final NPDES general permit modification.

SUMMARY: The Director, Water Management Division, of the Environmental Protection Agency (EPA), Region II (the "Director") is issuing a final permit modification incorporating changes in the National Pollutant Discharge Elimination System (NPDES) general permit (PRR000000) for storm water discharges associated with industrial activity located in the Commonwealth of Puerto Rico (PR). In this action, EPA is deleting existing quarterly monitoring requirements, re-establishing baseline general permit monitoring and reporting requirements, making certain permit format/organization changes, establishing a storm water sampling protocol, and correcting some pollution prevention plan deadlines. Also, EPA is including minor modifications and has revised Part XI.B of the general permit in this final action.

DATES: This general permit modification shall be effective on October 1, 1993.

ADDRESSES: The complete administrative record is located at the Environmental Protection Agency, Region II, Water Permits and Compliance Branch (2WM-WPC), 26 Federal Plaza, room 845, New York, New York 10278. In addition, copies of the public record are also available at the EPA Region II Caribbean Field Office, Office 2A, Podiatry Center Building, 1413 Fernández Juncos Avenue, Santurce, Puerto Rico 00907. The record may be inspected and copied at the offices between 9 a.m. and 4 p.m., Monday through Friday or by calling EPA's offices in New York at (212) 264-2911 or in Puerto Rico at (809) 729-6843. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information on the final NPDES general permit modification contact José

A. Rivera or Anne K. Reynolds of EPA's New York office at (212) 264–2911.

SUPPLEMENTARY INFORMATION:

I. Background
II. Today's Action
III. Response to Comments
IV. Minor Permit Modifications
V. Economic Impact
VI. Paperwork Reduction Act
VII. Regulatory Flexibility Act

I. Background

On August 16, 1991, a draft NPDES general permit for storm water discharges associated with industrial activity located in PR was published in the **Federal Register** (56 FR 40948), and that notice served as a request for State 401 Certification (56 FR 40991). A specific formal request for State 401 Certification from EPA and a copy of the draft general permit were sent to the Environmental Quality Board (EQB) of PR on November 1, 1991.

EQB issued on September 14, 1992 the 401 Certification known as the "General Water Quality Certificate" (GWQC) for storm water discharges associated with industrial activity in accordance with Section 401 of the Clean Water Act (CWA). The special conditions included in the GWQC were intended to assure that a permittee of the general permit would comply with the applicable requirements of PR Law and Sections 301(b)(1)(c) and 401(d) of the CWA.[1] This GWQC provided, in part, that all permittees of the general permit conduct quarterly monitoring and report such results quarterly.

On September 16, 1992, EPA issued the final NPDES general permit for storm water discharges associated with industrial activity located in PR. This permit was published in the **Federal** Register on September 25, 1992 (57 FR 44438). In order to incorporate the 401 Certification special conditions which were included in the GWQC, EPA included Part XI in the general permit (57 FR 44459). Part XI revised, among others, the monitoring and reporting requirements of the general permit consistent with the GWQC's Special Condition Number 13.

However, under PR procedures, the 401 Certification issued on September 14, 1992 was reconsidered, and a revised and final 401 Certification ("revised GWQC") was issued[2] and submitted to EPA on November 10, 1992. That action finalized the State 401 Certification process. Although the revised GWQC contains all previous 19 Special Conditions included in the September 14, 1992 Certification, the revised GWQC changed the Special Condition Number 13 deleting and adding certain requirements.

On April 14, 1993, EPA published in the **Federal Register** a draft general permit modification (58 FR 19427) describing a number of proposed changes. Also, on April 15, 1993, EPA published in "El Nuevo Día" newspaper an informal Notice advising the general public of EPA's intention to modify the baseline general permit.

EPA's proposed changes fall into five broad categories. The first category includes certain changes to incorporate substantive changes to the EQB's revised GQWC (i.e. deletion of quarterly monitoring, and addition of conditions regarding access to pollution prevention plans, revision of the pollution prevention plans, right of entry, and establishment of monitoring on a case-by-case basis). The second category involves certain permit format/organization changes to retain the requirements established by EQB's 401 Certification Special Conditions No. 14 and 16 (rain gauge and volume estimates). The third category includes certain changes to keep the sample type conditions established in Part XI.B.5 of the general permit. The fourth change adds the EQB and EPA Caribbean Field Office addresses. The fifth category corrects pollution prevention plans deadlines established in Part XI.B.3 of the general permit.

The April 14, 1993 **Federal Register** notice provided a thirty day public comment period. In addition, EPA held two storm water outreach seminars in San Juan and Mayaguez, PR on May 4 and 6, 1993, respectively. In those seminars, EPA informally explained the proposed modifications to the regulated community and interested parties. The public comment period expired on May 14, 1993. EPA received three comment letters. (The reader may refer to the **Response to Comments** section of today's notice where EPA addresses all comments.)

II. Today's Action

Part VIII.B of the general permit (57 FR 44456) established that permit modifications be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. In accordance with 40 CFR 122.62(a)(3)(iii), EPA determined a cause for modification of the general permit. EPA's determination to modify the general permit was based on a modified State 401 Certification.

40 CFR 124.55(b) states that if a certification is received after final Agency (EPA) action on the permit, the Director may modify the permit on request of the permittee only to the extent necessary to delete any conditions based on a condition in a certification invalidated by an appropriate State board, in this instance EQB. On November 18, 1992, a formal request for permit modification was made.

In today's notice, EPA is finalizing the general permit modification process. Only those conditions of Part XI.B.3, 5 and 6 of the general permit were modified. This notice provides the language of the final general permit modification, includes response to comments on the April 14, 1993 proposed permit modification and addresses corrections to the general permit.

In addition, in order to avoid confusion, today's notice includes the complete and final version of Part XI.B of the general permit. Permittees must refer to Part XI.B of today's action and not to Part XI.B of the September 25, 1992 **Federal Register**. The final general permit modifications and corrections may be found in Appendix A (General Permit Modification) of this notice.

For EPA's NPDES general permit actions, a public notice is required to be published in the **Federal Register** (see 40 CFR 124(c)(2)(i). Therefore, today's notice is being published in the **Federal Register**.

III. Response to Comments

In accordance with 40 CFR 124.15, the Director has made a determination to modify the general permit. This notice includes response to comments and serves as a notification to all permittees and each person who has submitted written comments (40 CFR 124.17).

In accordance with 40 CFR 124.71(a), a formal evidentiary hearing is not available to challenge any NPDES general permit issued under 40 CFR 124.15. Persons affected by a general permit may not challenge the conditions of a general permit as of right in further agency proceedings. They may instead either challenge the general permit in court, or apply for an individual NPDES permit under 40 CFR 122.21 as authorized in 40 CFR 122.28 and then

[1] 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. Today's final general permit modification implements the revised 401 Certification.

[2] EPA provided the full texts of Special Condition No. 13 from EQB's original September 14, 1992 GWQC and from the revised November 10, 1992 GWQC.

request a formal hearing on the issuance or denial of an individual permit.

The following persons submitted written comments regarding the proposed general permit modification:

Name and Affiliation

(1) Keith Tingberg, Schering-Plough Corp
(2) John L. Wittenborn, Jeffrey L. Leiter, Jeffrey S Longsworth, Collier, Shannon, Rill & Scott
(3) Maria M. Irrizary, Sigfredo Torres, Unites States Geological Survey

The following is the response to comments raised by the above parties:

Comment #1

The proposed general permit modification includes a revised "Special Condition No. 13 from EQB's latest General Water Quality Certificate." Paragraph B of Special Condition 13 states that if EQB reviews the Storm Water Pollution Prevention Plan (SWPPP) and notifies the plan's owner that it does not comply with a permit condition, the plan's owner has no more than 60 days to make the necessary changes and submit a written certification of the completed revisions.

This proposed "maximum 60-day revision" requirement is unreasonable and not realistic given the construction activities that may be required in implementing a site's SWPPP. Portions of the SWPPP may include structural changes to a site such as the installation of storage tanks and secondary containment structures (dikes, curbing, etc.), alteration of a facility's drainage system (for tank car and tank truck loading and unloading areas), and modification of a site's collection and piping system for storm water conveyance.

These types of engineering projects would not be "implementable" on a short-term basis due to design, planning, and construction aspects of the work involved. Moreover, we see the proposed "maximum 60-day revision" requirement as being targeted to correct more administrative tasks of complying with the general permit conditions.

Therefore, we believe that Paragraph B of Special Condition No. 13 should be rewritten to read as: "the plan's owner will have a maximum of sixty (60) days to submit a plan of action to make those changes identified in EQB's notification letter." Final dates for project completion can then be agreed to in a reasonable timeframe by the plan's owner and EQB on a case-by-case basis.

We feel that this language change in the proposed NPDES general permit modification will allow this portion of the program to result in reasonable and achievable timeframes for the completion of facility construction projects needed to comply with any storm water general permit condition.

Response

In response to the commentator's issues, EPA has discussed the comments with EQB officials. EQB's policy in this matter is that if EQB reviews a pollution prevention plan, EQB will provide permittees up to sixty days after review of the pollution prevention plan to make necessary changes to the written plan in accordance with EQB's comments and to submit a written notification that such changes were incorporated in the plan.

EQB did not intend to establish the sixty day period as a timeframe for completing necessary structural and/or non-structural changes in the facility. EPA believes that an imprecise translation of the Spanish version of the EQB revised GWQC into English has caused this problem. EPA, with EQB concurrence, has decided to modify the proposed language in Part XI.B.3 in order to clarify EQB's intent. Part IV.B.3 is revised to read as follows:

"* * * After receiving a written notification from EQB requiring modifications to the plan, the permittee will have a maximum of sixty (60) days to make the necessary changes to the written plan and submit a written certification to EQB, the Regional Office and EPA Caribbean Field Office stating that the changes were incorporated in the plan."

In addition, EPA would like to highlight a requirement of the general permit which is related to this issue, but which is not a part of this modification. Part XI.B.2 of the general permit incorporates Commonwealth Special Condition III.C and reads as follows:

"If the construction of any treatment system of waters composed entirely of storm water is necessary, the permittee shall obtain the approval from the Environmental Quality Board (EQB) of the engineering report, plans and specifications."

In the event that a specific Best Management Practice (BMP) is required by EQB, permittees must comply with the above conditions. In such cases, EQB will address these types of changes on a case-by-case basis.

EPA would like to take this opportunity to discuss the current policy when EPA decides to obtain, review and require changes to pollution prevention plans. In Part XI.B.3, EPA revises Part IV (storm water pollution prevention plans) of the baseline general permit. Part IV.B (signature and plan review) of the general permit authorizes the Director to obtain, review and require changes to pollution prevention plans as deemed necessary. In Part IV.B.3, the Director, or authorized representative:

"may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part [pollution prevention plan requirements]. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires [sic] modifications in order to meet the minimum requirements of this Part. Within 30 days of such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made * * *"

EPA believes that a 30-day period will be sufficient for many of the non-structural types of changes anticipated in pollution prevention plans. However, EPA agrees that some changes may warrant a longer or shorter period. EPA notes that the baseline general permit provides flexibility for EPA to establish alternate time periods for permittees to devise and implement modifications to pollution prevention plans. In general, EPA will consider factors such as whether the change is procedural in nature or will require structural modifications, the extent of the modifications, and the environmental risk of the discharge when establishing alternative time periods for modifying pollution prevention plans. For both cases, the permittee shall submit to the Director a written certification that the requested changes have been made.

If EPA decides to require non-structural changes to the pollution prevention plan, EPA will provide the permittee with 30 days of notification to modify the pollution prevention plan and to implement non-structural changes. For structural changes, EPA will provide the permittee with 30 days to modify the pollution prevention plan, and up to 180 days to implement and comply with the required requirements. For both cases, the permittee shall submit to the Director a written certification that the requested changes have been made.

Comment #2

A second comment from the commentator deals with monitoring requirements imposed by the baseline general permit. For facilities required to monitor storm water on a specified basis (facilities identified in Parts VI.B.2 A through F, for example), the permit conditions should allow a reduction in monitoring frequency or the removal of monitoring based on the submission of data by the petitioner. That is, if storm water monitoring data exhibits

compliance (including the attainment of applicable water quality standards in the receiving body of water), then the monitoring requirements should be reduced in frequency or eliminated from the petitioner's permit conditions in an effort to minimize the high costs of meeting the general permit conditions.

Response

EPA believes that the monitoring requirements are reasonable, that the sampling results will be useful in the implementation of the tiered permitting strategy,[3] and that the sampling results will allow for evaluation of the effectiveness of pollution prevention plan implementation. (See Fact Sheet in **Federal Register** on September 9, 1992, 57 FR 41289.) Also, the commentator has not presented a workable proposal which would establish clear criteria for reduction or elimination of monitoring requirements. For these reasons, EPA will not change the general permit requirements in response to this comment.

In addition, EQB's November 10, 1992 revised GWQC Special Condition Number 13.d references EPA's baseline general permit monitoring requirements. Therefore, maintenance of the baseline monitoring requirements is necessary to incorporate the PR 401 Certification.

Comment #3

Collier, Shannon, Rill & Scott submitted comments on behalf of the following clients with approved group permit applications with member facilities in the Commonwealth of Puerto Rico: Chemical Specialties Manufacturers Association ("CSMA"—Group #619), National Juice Products Association ("NJPA"—Group #789) and National Tank Truck Carriers, Inc. ("NTTC"—Group #790). CSMA, NJPA and NTTC support EPA's proposal to delete existing quarterly monitoring and reporting requirements established for the Commonwealth of Puerto Rico's general permit. In addition, the commentator raised some issues regarding the storm water group application process.

Response

EPA acknowledges the comments regarding the deletion of quarterly monitoring and reporting. Regarding the comments about the storm water group application process, the comments are not related to the proposed general permit modification, so EPA is not responding to them. However, EPA encourages the commentator to participate in the public comment period for the NPDES multi-sector permit.

Comment #4

The Caribbean District of the U.S. Geological Survey (USGS) raised questions about the proposed general permit modification to change the length of the dry period for sampling between storms from 72 hours to 48 hours. USGS mentioned that the purpose of the comment is to verify the appropriateness and accuracy of the proposed change as well as the applicability to a tropical island. The National Oceanic and Atmospheric Administration (NOAA) divides the Island (Puerto Rico) into seven different rainfall regions, namely: North Coastal, South Coastal, Northern Slopes, Southern Slopes, Eastern Interior, Western Interior, and Outlying Islands. USGS included a table that identified "Annual Rainfall Precipitation for Selected Stations Located in Mainland Puerto Rico". USGS examined data from two stations from the network operated by the USGS, located in two different divisions of the Island, namely, Río Piedras and Humacao. The data examined was collected in 1992. Estimates of annual precipitation for these two stations were presented. Also, USGS provided figures that show rainfall data, accumulated daily precipitation and dry periods versus time during the 1991–92 water year.

When a statistical analysis of each of the stations is done, the data show that the dry periods vary considerably for each location. The average dry period (in hours) between measurable rain incidents for Río Piedras station is 29.68 and for Humacao station is 17.71. The maximum dry periods (in days) between measurable rain incidents for Río Piedras station is 24.89 and for Humacao station is 14.27. For the two stations examined, the ratio of the minimum dry period proposed by EPA to the average dry period found at each station is 1.6 for the Río Piedras station and 2.7 for the Humacao station. Therefore, the proposed reduction in the length of the dry periods between sampling events seems inappropriate for Puerto Rico. EPA should further examine this parameter, and consider establishing different values for the different rainfall regimes on the island. The USGS operates a network of 70 continuous recording rainfall gauges throughout Puerto Rico, its offshore islands and the U.S. Virgin Islands. The USGS proposes that before establishing the final protocol for Puerto Rico as to the sampling requirements for the time period between rainfall events, an analysis of this data should be considered.

Response

EPA thanks USGS for the rainfall information provided in the letter. USGS has provided information which indicates that permittees should be able to allow a 72 hour dry period prior to sampling in the two regions which they analyzed (Río Piedras and Humacao). However, USGS has not demonstrated that the 72 hour requirement can be met island-wide, during normal business hours. In an attempt to strike a balance in this matter, EPA has changed the final language in the general permit which requires permittees to attempt to meet the 72 hour requirement, but which allows samples to be taken after a 48 hour dry period if necessary. The following is the new language[4] for the Sample Type condition of the general permit:

4. *Sample Type*

a. Permittees should sample the discharge during normal business hours. In the event that the discharge commences during normal business hours, the permittee shall attempt to meet the sampling requirements even if this requires sampling after normal business hours.

b. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected), a minimum of one grab sample may be taken.

c. Except as provided in paragraph b. above, data shall be reported for both a grab sample and a composite sample. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude.

(1) For the first half of the sampling period, all such samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

(2) In the event that the permittee is unable to satisfy the conditions of paragraph c.(1) above during the first half of the sampling period, beginning

[3] EPA discussed the storm water permitting strategy in the April 2, 1992 **Federal Register** Notice entitled "National Pollutant Discharge Elimination System Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated with Industrial Activity; Final Rule" (57 FR 11397).

[4] EPA is incorporating this condition into the general permit at Part XI.B.5, which revises Part VI.B.4 of the permit.

on the first day of the second half of the sampling period, the permittee shall collect samples from a storm event that occurs at least 48 hours from the previously measurable event.

d. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable.

e. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes. Composite samples are not required for pH, cyanide, whole effluent toxicity, fecal coliform, and oil and grease.

f. The permittee must document the conditions under which the storm water samples were taken, how many manual grab samples were taken for the composite sample, and the date of sampling, and must attach this documentation to the sampling results. The permittee should attempt to meet the above protocol and collect samples beginning on the first day of the sampling period in order to ensure compliance with the specified sampling protocol and requirements.

g. Alternatively, if no samples are taken during the sampling period, EPA will consider that the permittee has met its sampling requirement if it certifies that it was not possible to meet the above sampling protocol. However, the permittee is required to submit the required reports in accordance with Part VI.D of this permit.

EPA decided not to divide the island into different rainfall zones which would establish different values at this time. EPA believes that in doing so, the Agency would create an administrative burden, since the Agency would have to keep track of permittees in different zones and it would be very difficult to corroborate compliance when establishing such sophisticated rainfall division. This Tier I general permit was issued as an administrative tool to reduce the burden on the Agency and the regulated community. This final action intends to keep the general permit as simple as possible, while incorporating changes that are responsive to this comment.

IV. Minor Permit Modifications

Today's notice also provides technical corrections to the NPDES general permit.

On page 44453, column three of the general permit, the title *"Part VIII.—Standard Permit Conditions"* is renumbered *"Part VII.—Standard Permit Conditions"*.

The expiration date for the general permit has been revised in Part VII.B. This section is revised to read as follows:

B. Continuation of the Expired General Permit

This permit expires on midnight, September 24, 1997. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees must submit a new NOI in accordance with the requirements of Part II of this permit, using a NOI form provided by the Director (or photocopy thereof) between July 25, 1997 and September 24, 1997 to remain covered under the continued permit after September 24, 1997. Facilities that had not obtained coverage under the permit by September 24, 1997 cannot become authorized to discharge under the continued permit.

These revisions correct inadvertent errors from the general permit and are not substantive changes in the scope or content of the affected provision. Therefore, in accordance with 40 CFR 122.63, public notice and comment on these revisions is not necessary.

V. Economic Impact (Executive Order 12291)

Although the Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8(b) of the Order, all final general permit modifications will lower the burden on the Federal Government, Commonwealth of Puerto Rico Government and the regulated community by reducing the frequency of sampling and reporting.

VI. Paperwork Reduction Act

EPA has reviewed the proposed requirements on regulated facilities in this general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The Region did not prepare an Information Collection Request (ICR) document for today's final general permit modification because the information collection requirements in this general permit has been already approved by the Office of Management and Budget in submission made for the NPDES permit program under the provisions of the Clean Water Act.

VII. 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. No Regulatory Flexibility Analysis is required, however, 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 final modifications to the general permit will make the general permit more flexible and less burdensome for permittees. Accordingly, I hereby certify, pursuant to 5 U.S.C. 605(b), that these permit modifications 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: September 3, 1993.

William J. Muszynski,

Acting Regional Administrator.

Appendix A—General Permit Modifications

NPDES Permit Number PRR000000

Authorization to Discharge Under the National Pollutant 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 permit, operators of storm water discharges "associated with industrial activity", located in the Commonwealth of Puerto Rico are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit modification shall become effective on October 1, 1993.

This permit and the authorization to discharge shall expire at midnight, September 24, 1997.

Signed and issued this 31 day of August, 1993.

Richard L. Caspe,

Director, Water Management Division, U.S. Environmental Protection Agency, Region II.

This signature is for the permit conditions in Parts I through X and for any additional conditions in Part XI

which apply to facilities located in the Commonwealth of Puerto Rico.

* * * * *

Part XI. State Specific Conditions

* * * * *

B. *Puerto Rico.* Puerto Rico 401 Certification special permit conditions revise the permit as follows:

1. Part I. Coverage Under This Permit

A. *Permit Area.* The permit covers all areas administered by EPA Region II in the Commonwealth of Puerto Rico.

* * * * *

2. Part III. Special Conditions

* * * * *

C. *Commonwealth Special Conditions*

1. If the construction of any treatment system of waters composed entirely of storm water is necessary, the permittee shall obtain the approval from the Environmental Quality Board (EQB) of the engineering report, plans and specifications.

2. The permittee shall operate all air pollution control equipment in compliance with the applicable provisions of the Regulation for the Control of Atmospheric Pollution, as amended, to avoid water pollution as result of air pollution fallout.

3. The permittee shall submit to EQB with a copy to the Regional Office, the following information regarding its storm water discharge associated with industrial activity; the number of storm water discharges associated with industrial activity covered by this permit, and a drawing indicating the drainage area of each storm water discharge associated with industrial activity outfall and its respective sampling point:

a. For industrial activities that have begun on or before October 1, 1992, the permittee is required to submit the information listed above no later than November 16, 1992.

b. For industrial activities that have begun after October 1, 1992, the permittee is required to submit the information listed above within forty five (45) days of submission of the NOI.

4. The sampling point(s) for the storm water discharges associated with industrial activity shall be labeled with a 18 in. x 12 in. (minimum dimensions) sign that reads as follows:

"Punto de Muestreo de Agua de Lluvia"

3. Part IV. Storm Water Pollution Prevention Plans

* * * * *

A. *Deadlines for Plan Preparation and Compliance*

1. Except as provided in paragraphs IV.A.3 (oil and gas operations), 4 (facilities denied or rejected from participation in a group application), 5 (special requirements) and 6 (later dates) the plan for a storm water discharge associated with industrial activity that is existing on or before October 1, 1992:

a. Shall be prepared on or before April 1, 1993 (and updated as appropriate);

i. No later than April 1, 1993, the permittee shall submit to the EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating that the plan was developed in accordance with the requirements established in this permit. All certification, except those prepared by professional engineer licensed in Puerto Rico, shall be submitted with a sworn statement attesting to the professional qualifications of the individual who developed the plan.

b. Shall provide for implementation and compliance with the terms of the plan on or before October 1, 1993;

i. No later than October 1, 1993, the permittee shall submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating that the plan was implemented in accordance with the conditions and requirements established in this permit. The certification should be signed by the person who fulfills the signatory requirements in accordance with Part VII.G of this permit.

2. a. The plan for any facility where industrial activity commences after October 1, 1992, but on or before December 31, 1992 shall be prepared, and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit on or before thirty (30) days after NOI submittal (and updated as appropriate);

i. Within thirty (30) days of NOI submittal, the permittee shall submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating that the plan has been developed and implemented in accordance with the conditions and requirements established in this permit. The certification should be signed by the person who fulfills the signatory requirements in accordance with Part VII.G of this permit.

b. The plan for any facility where industrial activity commences on or after January 1, 1993 shall be prepared, and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit, on or before the date of submission of a NOI to be covered under this permit (and updated as appropriate);

i. Within thirty (30) days of NOI submittal, the permittee shall submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating that the plan has been developed and implemented in accordance with the conditions and requirements established in this permit. The certification should be signed by the person who fulfills the signatory requirements in accordance with Part VII.G of this permit.

3. The plan for storm water discharges associated with industrial activity from an oil and gas exploration, production, processing, or treatment operation or transmission facility that is not required to submit a permit application on or before October 1, 1992 in accordance with 40 CFR 122.26(c)(1)(iii), but after October 1, 1992 has a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6, shall be prepared and except as provided elsewhere in this permit, shall provide for compliance with the terms of the plan and this permit on or before the date thirty (30) calendar days after the first knowledge of such release (and updated as appropriate);

a. Within thirty (30) days of the first knowledge of such release, the permittee shall submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating that the plan has been developed and implemented in accordance with the conditions and requirements established in this permit. The certification should be signed by the person who fulfills the signatory requirements in accordance with Part VII.G of this permit.

* * * * *

B. *Signature and Plan Review*

* * * * *

2. The permittee shall make plans available upon request to the Director, or authorized representative, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system. In addition, EQB has the authority to request from facilities covered by this permit, a copy of the plan certified by a professional, as requested in Part IV., when deemed necessary.

3. The Director, or authorized representative, may notify the permittee at any time that the plan does not meet

one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made. In addition, EQB may request a copy of the plan and may review it. EQB may notify the owner of the plan that it complies or does not comply with one or more of the permit conditions. After receiving a written notification from EQB requiring modifications to the plan, the permittee will have a maximum of sixty (60) days to make the necessary changes to the written plan and submit a written certification to EQB, the Regional Office and EPA Caribbean Field Office stating that the changes were incorporated in the plan.

C. *Keeping Plans Current*

1. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 (description of potential pollutant sources) of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by EPA in the same manner as Part IV.B (above).

2. In addition to Part IV.C.1 (above), the plan should be reviewed at least once every three (3) years to determine the need to update the plan:

a. If no event occurs which requires the modification of the plan, the engineer or qualified professional who performs the corresponding review must submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating the plan has been reviewed and based upon such review no modification of the plan has been necessary, or;

b. If events have occurred which require the modification of the plan, the engineer or qualified professional who performs the corresponding revision must submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating the modifications performed to the plan. As soon as the modifications performed to the plan are implemented, the person who fulfills the signatory requirements in accordance with Part VII.G of this permit, shall submit to EQB with copies to the Regional Office and EPA Caribbean Field Office, a certification stating that the modifications of the plan have been implemented.

c. All certification, except those prepared by a professional engineer licensed in Puerto Rico, shall be submitted with a sworn statement attesting to the professional qualifications of the individual who developed the plan.

* * * * *

4. Part V. Numeric and Narrative Effluent Limitations

* * * * *

B. *All Permittees.* The discharge(s) composed entirely of storm water shall not cause the presence of oil sheen in the receiving body of water.

C. *All Permittees.* The storm water discharges associated with industrial activity covered by this permit, will not cause violation to the applicable water quality standard in the receiving body of water.

5. Part VI. Monitoring and Reporting Requirements

* * * * *

B. *Monitoring Requirements*

1.

* * * * *

b. The Director can provide written notice to any facility otherwise exempt from the sampling requirements of Parts VI.B.2 (semi-annual monitoring requirements) or VI.B.3 (annual monitoring requirements), that it shall conduct the annual discharge sampling required by Part VI.B.3.d (additional facilities), or specify an alternative monitoring frequency or specify additional parameters to be analyzed. For all other industries not specifically identified in the final GP applicable to Puerto Rico, but subject to the permit requirements, EQB may require monitoring of all those substances deemed necessary after a case by case determination. However, any EQB action to establish such monitoring requirements shall not become effective unless and until EPA Region II provides written notice to the facility in accordance with this paragraph.

* * * * *

2. *Semi-Annual Monitoring Requirements.* Beginning on October 1, 1992 and lasting through the expiration date of this permit, permittees with facilities identified in Parts VI.B.2.a through f. must monitor those storm water discharges identified below at least semi-annually (2 times per year) except as provided in VI.B.5 (sampling waiver), VI.B.6 (representative discharge), and VI.C.1 (toxicity testing). Permittees with facilities identified in Parts VI.B.2.a through f. (below) must report in accordance with Part VI.D (reporting: where to submit). In addition to the parameters listed below, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event. For permittees identified in Parts VI.B.2.a through f., an estimate of the total volume (in gallons) of the discharge sampled shall be provided. For permittees identified in Part VI.B.2.b, d., e. and f., an estimate of the size of the drainage area [in square feet] and an estimate of the runoff coefficient of the drainage area [e.g. low (under 40%), medium (40% to 65%) or high (above 65%)] shall also be provided;

* * * * *

3. *Annual Monitoring Requirements.* Beginning on October 1, 1993 and lasting through the expiration date of this permit, permittees with facilities identified in Parts VI.B.3.a through d. (below) must monitor those storm water discharges identified below at least annually (1 time per year) except as provided in VI.B.5 (sampling waiver), and VI.B.6 (representative discharge). Permittees with facilities identified in Parts VI.B.3.a through d. (below) are not required to submit monitoring results, unless required in writing by the Director. However, such permittees must retain monitoring results in accordance with Part VI.E (retention of records). In addition to the parameters listed below, the permittee shall provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the size of the drainage area [in square feet] and an estimate of the runoff coefficient of the drainage area [e.g. low (under 40%), medium (40% to 65%) or high (above 65%)];

* * * * *

4. *Sample Type.*

a. Permittees should sample the discharge during normal business hours. In the event that the discharge commences during normal business hours, the permittee shall attempt to meet the sampling requirements even if this requires sampling after normal business hours.

b. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.

c. Except as provided in paragraph b. above, data shall be reported for both a grab sample and a composite sample. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude.

(1) For the first half of the sampling period, all such samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

(2) In the event that the permittee is unable to satisfy the conditions of paragraph c(1) above during the first half of the sampling period, beginning on the first day of the second half of the sampling period, the permittee shall collect samples from a storm event that occurs at least 48 hours from the previously measurable event.

d. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable.

e. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes. Composite samples are not required for pH, cyanide, whole effluent toxicity, fecal coliform, and oil and grease.

f. The permittee must document the conditions under which the storm water samples were taken, how many manual grab samples were taken for the composite sample, and the date of sampling, and must attach this documentation to the sampling results. The permittee should attempt to meet the above protocol and collect samples beginning on the first day of the sampling period in order to ensure compliance with the specified sampling protocol and requirements.

g. Alternatively, if no samples are taken during the sampling period, EPA will consider that the permittee has met its sampling requirement if it certifies that it was not possible to meet the above sampling protocol. However, the permittee is required to submit the required reports in accordance with Part VI.D of this permit.

* * * * *

9. *Rain Gauge.*

a. All permittees with storm water discharges associated with industrial activity that have begun on or before October 1, 1992, should install a rain gauge by November 1, 1992.

b. For permittees where industrial activity has begun after October 1, 1992, the rain gauge must be installed on or before the date of submission of the NOI.

c. The permittee must keep daily records of the rain, indicating the date and amount of rainfall (inches in 24 hours). A copy of these records shall be submitted to EQB with copies to the Regional Office and EPA Caribbean Field Office, in accordance with Part VI.D of this permit. The reports are due the 28th day of January, April, July and October. The first report may cover less than three months and shall be attached to the Discharge Monitoring Reports (DMRs) when appropriate.

* * * * *

D. *Reporting: Where to Submit.*

1.

* * * * *

d. Signed copies of discharge monitoring reports required under Parts VI.D.1.a, VI.D.1.b, and VI.D.1.c, individual permit applications, reports of daily records of rain and all other reports required herein, shall be submitted to the Regional Office, EQB and EPA Caribbean Field Office at the following addresses:

United States EPA, Region II, Water Management Division, (2WM–WPC), Storm Water Staff, 26 Federal Plaza, New York, NY 10278

Water Quality Area, P.R. Environmental Quality Board, P.O. Box 11488, Santurce, Puerto Rico 00910

EPA Caribbean Field Office, Office 2A, Podiatry Center Building, 1413 Fernández Juncos Avenue, Santurce, Puerto Rico 00907

* * * * *

6. Part VII. Standard Permit Conditions

* * * * *

B. *Continuation of the Expired General Permit.* This permit expires on midnight, September 24, 1997. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees must submit a new NOI in accordance with the requirements of Part II of this permit, using a NOI form provided by the Director (or photocopy thereof) between July 25, 1997 and September 24, 1997 to remain covered under the continued permit after September 24, 1997. Facilities that had not obtained coverage under the permit by September 24, 1997 cannot become authorized to discharge under the continued permit.

* * * * *

G. *Signatory Requirements.* All Notices of Intent, Notices of Termination, storm water pollution prevention plans, reports, certifications or information either submitted to the Director or EQB (and/or the operator of a large or medium municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed.

* * * * *

2. All reports required by the permit and other information requested by the Director or EQB shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

* * * * *

O. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit. Also, proper operation and maintenance includes, but is not limited, to effective performance based on designed facility removals, adequate funding, effective management, qualified operator staffing, adequate training, adequate laboratory and process controls.

* * * * *

Q. *Inspection and Entry.* The permittee shall allow the Director or an

authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and

4. EQB reserves the right to inspect the implementation of the pollution prevention plans (see Part IV), on a case by case basis.

* * * * *

[FR Doc. 93-23436 Filed 9-23-93; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-997-DR]

Illinois; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA-997-DR), dated July 9, 1993, and related determinations.

EFFECTIVE DATE: September 1, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective August 31, 1993.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93-23448 Filed 9-23-93; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-997-DR]

Illinois; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois, (FEMA-997-DR), dated July 9, 1993, and related determinations.

EFFECTIVE DATE: September 14, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: This notice of a major disaster for the State of Illinois dated July 9, 1993, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 9, 1993.

Schuyler for Public Assistance. (Already designated for Individual Assistance.)

Notice is hereby given that the incident period for Mason County is reopened. The incident for this county is April 13, 1993, and continuing.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93-23447 Filed 9-23-93; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-995-DR]

Missouri; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Missouri, (FEMA-995-DR), dated July 9, 1993, and related determinations.

EFFECTIVE DATE: September 17, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Missouri, dated July 9, 1993, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 9, 1993:

Barton County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93-23446 Filed 9-23-93; 8:45 am]
BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Central Bancshares of the South, Inc.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) 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 acquire or control voting securities or assets of a company engaged 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 each of these applications must be received at the Reserve Bank indicated for the application or the

offices of the Board of Governors not later than October 8, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Central Bancshares of the South, Inc., Birmingham, Alabama; to acquire The Peoples Holding Company, Fort Walton Beach, Florida, and its wholly-owned subsidiary, Liberty Interim, FSB, Fort Walton Beach, Florida, pursuant to § 225.25(b)(9) of the Board's Regulation Y. Upon consummation of the proposal, Peoples will be merged into Central Bancshares' acquisition subsidiary, PHC Acquisition, Inc., Birmingham, Alabama, and Liberty Interim will be merged into Central Bancshares' thrift subsidiary, Central Bank of the South, FSB, Fort Walton Beach, Florida.

2. Central Bancshares of the South, Inc., Birmingham, Alabama; to acquire First Federal Savings Bank of Northwest Florida, Fort Walton Beach Florida, a federal stock savings bank pursuant to § 225.25(b)(9) of the Board's Regulation Y. Upon its acquisition, Company will be merged with Central Bank of the South, FSB, Birmingham, Alabama, an interim federal thrift to be formed by Central. The resulting institution will operate with the charter of First Federal Savings Bank and the name Central Bank of the South, FSB.

Board of Governors of the Federal Reserve System, September 20, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–23418 Filed 9–23–93; 8:45 am]

BILLING CODE 6210–01–F

Donald E. Kuehl, 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 October 14, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Donald E. Kuehl, Watertown, Wisconsin; to acquire an additional 10.98 percent of the voting shares of Community Investment Bancorporation, Inc., Lebanon, Wisconsin, for a total of 25.78 percent, and thereby indirectly acquire Lebanon State Bank, Lebanon, Wisconsin.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Charles F. Tidwell, Glenwood, Arkansas; to acquire 68.4 percent of the voting shares of Caddo Holding Company, Glenwood, Arkansas, and thereby indirectly acquire Caddo First National Bank, Glenwood, Arkansas.

Board of Governors of the Federal Reserve System, September 20, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–23419 Filed 9–23–93; 8:45 am]

BILLING CODE 6210–01–F

The Peoples Holding Company; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has 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.

The 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 8, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. The Peoples Holding Company, Fort Walton Beach, Florida; to engage *de novo* through its subsidiary, Liberty Interim, FSB, Fort Walton Beach, Florida, an interim federal thrift, which will be formed for the purpose of merging with Liberty Bank of Fort Walton Beach, Fort Walton Beach, Florida, thereby converting Liberty Bank to a thrift institution pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 20, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–23420 Filed 9–23–93; 8:45 am]

BILLING CODE 6210–01–F

Signal Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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 acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 18, 1993.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Signal Bancshares, Inc., West St. Paul, Minnesota; to merge with Goodhue County Financial Corporation, Red Wing, Minnesota, and thereby indirectly acquire Goodhue County National Bank, Red Wing, Minnesota.

1n connection with this application, Applicant also proposes to acquire Consumers Credit Corporation, Red Wing, Minnesota, and thereby engage in making and servicing loans such as would be made by a consumer finance company pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the State of Minnesota.

Board of Governors of the Federal Reserve System, September 20, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–23421 Filed 9–23–93; 8:45 am]

BILLING CODE 6210–01–F

Southern National Corporation, 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 October 18, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Southern National Corporation, Lumberton, North Carolina; to merge with Regency Bancshares, Inc., Hickory, North Carolina, and thereby indirectly acquire First Savings Bank, Inc., SSB, Hickory, North Carolina, and Davidson Savings Bank, Inc., SSB, Lexington, North Carolina.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Sterling Bancorporation, Inc., Wilmington, Delaware; and Sterling Bancshares, Inc., Houston, Texas; to acquire Enterprise Bank-Houston, Houston, Texas. In connection with this application, Applicants also propose to merge with Guardian Bancshares, Inc., Houston, Texas, and thereby indirectly acquire Guardian Bank of Houston, Houston, Texas.

Board of Governors of the Federal Reserve System, September 20, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–23422 Filed 9–23–93; 8:45 am]

BILLING CODE 6210–01–F

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will hold its Fall 1993 meeting on Monday, November 1, 1993, through Wednesday, November 3, 1993, in Chicago, Illinois. The meeting sessions will take place from 8:30 a.m. until 5 p.m. on Monday and Tuesday and from 8:30 a.m. until 12 p.m. on Wednesday. The sessions will be held at the Allerton Hotel, 701 North Michigan Avenue, Chicago, Illinois 60611. The purpose of this meeting is to discuss the Federal Depository Library Program. The meeting is open to the public.

A limited number of hotel rooms have been reserved at the Allerton for anyone needing hotel accommodations. Telephone: (800) 621–8311 or (312) 440–1500; fax: (312) 440–1819. Please specify the Depository Library Council when you contact the hotel. Room cost per night is $79.00.

Michael F. DiMario,

Acting Public Printer.

[FR Doc. 93–23385 Filed 9–23–93; 8:45 am]

BILLING CODE 1505–1–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–74]

Quarterly Public Health Assessments Completed and Public Health Assessments To Be Conducted in Response to Requests From the Public

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice contains the following: 1. A list of sites for which ATSDR has completed a public health assessment, or issued an addendum to a previously completed public health assessment, during the period April-June 1993. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL) and non-NPL sites for which ATSDR has prepared public health assessments in response to requests from the public (petitioned sites). 2. A list of sites for which ATSDR, during the same period, has accepted a request from the public to conduct a public health assessment. Acceptance for a request for the conduct of a public health assessment is based on a determination by the Agency that there is a reasonable basis for conducting a public health assessment at the site.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600

Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments, public health assessments with addenda, and petitioned public health assessments which were accepted by ATSDR during January-March 1993, was published in the Federal Register on June 21, 1993, (58 FR 33821). The quarterly announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 90). This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9604(i)), and appeared in the Federal Register on February 13, 1990, (55 FR 5136).

Availability

The completed public health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487–4650. There is a charge determined by NTIS for these public health assessments. The NTIS order numbers are listed in parentheses after the site name.

1. Public Health Assessments or Addenda Completed or Issued

Between April 1, 1993 and June 30, 1993, public health assessments or addenda to public health assessments were issued for the sites listed below:

NPL Sites

California

El Toro Marine Corps Air Station—Santa Ana—(PB93–180123)
National Semiconductor Corporation—Santa Clara—(PB93–207371)
Ralph Gray Trucking Company—Westminster—(PB93–207163)

Connecticut

Kellogg-Deering Well Field—Norwalk—(PB93–198935)
U.S. Naval Submarine Base, New London—Groton—(PB93–197986)

Iowa

Midwest Manufacturing/North Farm—Kellogg—(PB93–207389)

New York

Hertel Landfill—Plattekill—(PB93–198943)
Mattiace Petrochemical Company—Glenwood Landing—(PB93–197937)

Ohio

Powell Road Landfill—Dayton—(PB93–185569)

Pennsylvania

C&D Recycling—Freeland—(PB93–208098)
USA Letterkenny Southeast Area—Chambersburg—(PB93–197994)
USA Letterkenny—Property Disposal Office Area—Chambersburg—(PB93–197994)

South Carolina

Kalama Specialty—Burton—(PB93–207199)
Wamchem Incorporated—Burton—(PB93–207181)

Texas

Geneva Industries/Fuhrmann Energy—Houston—(PB93–186823)

Utah

Petrochem Recycling Corporation/Ekotek—Salt Lake City—(PB93–180099)

Virginia

U.S. Defense General Supply Center—Richmond—(PB93–184786)

Washington

Fort Lewis (Landfill Number 5)—Fort Lewis—(PB93–208932)
Moses Lake Wellfield Contamination—Moses Lake—(PB93–206415)
Tulalip Landfill—Marysville—(PB93–198398)

Wisconsin

Hunts Disposal—Caledonia—(PB93–208924)

Petitioned Sites—(Non-NPL Sites)

Illinois

Ottawa Radiation Areas—Ottawa—(PB93–188423)

Missouri

Union Carbide (Byers Warehouse)—St. Joseph—(PB93–189157)

New Jersey

Global Landfill—Old Bridge—(PB93–186815)

West Virginia

Shaffer Equipment Company—Minden—(PB93–197952)

2. Petitions for Public Health Assessments Accepted

Between April 1, 1993, and June 30, 1993, ATSDR determined that there was a reasonable basis to conduct public health assessments for the sites listed below in response to requests from the public. As of June 30, 1993, ATSDR initiated public health assessments at these sites.

Connecticut

Beacon Point Landfill—Stratford
Broadway Street—Stratford
Elm Street, Lot K Asbestos—Stratford
Ferry Boulevard—Stratford
Fourth and Fifth Streets—Stratford
Honeyspot Road Extension—Stratford
Lordship Boulevard Area Asbestos—Stratford
Raybestos Memorial Field—Stratford
Raybestos-Manhattan Plant/Raymark—Stratford
Shore Road—Stratford
Shore Beach Park Area—Stratford
Sikorsky Memorial Airport Asbestos—Stratford
Stratford Landfill Area—Stratford
Stratford Square Shopping Center—Stratford
Wooster Playing Field—Stratford

Dated: September 17, 1993.

Walter R. Dowdle,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 93–23394 Filed 9–23–93; 8:45 am]

BILLING CODE 4160–70–P

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETING: The following advisory committee meeting is announced:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. October 25, 1993, 8 a.m., Holiday Inn, International Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; John L. Gueriguian, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3490.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 15, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The meeting will be devoted to the presentation and discussion of new drug application 20–168, recombinant human growth hormone, Nutropin®, Genentech Inc., for the indication of long-term treatment of children who have growth failure associated with chronic renal failure.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: September 20, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–23387 Filed 9–23–93; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1993:

Name: Council on Graduate Medical Education

Time: October 21–22, 1993, 8:30 a.m.

Place: Conference Room D & E, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Open for entire meeting.

Purpose: Provides advice and recommendations to the Secretary and to the Committees on Labor and Human Resources, and Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, with respect to: (A) The supply and distribution of physicians in the United States; (B) current and future shortages of physicians in medical and surgical specialties and subspecialties; (C) issues relating to foreign medical graduates; (D) appropriate Federal policies regarding (A), (B), and (C) above; (E) appropriate efforts to be carried out by medical and osteopathic schools, public and private hospitals and accrediting bodies regarding matters in (A), (B), and (C) above; (F) deficiencies in the needs for improvements in, existing data bases concerning supply and distribution of, and training programs for physicians in the United States.

Agenda: The Council will hear presentations on agency updates from the Health Resources and Services Administration, the Health Care Financing Administration, the Department of Veterans Affairs, and the Council on Graduate Medical Education's (COGME) Executive Secretary. There will be an election for a new COGME Chairman.

There will be discussion and approval of the Fourth Report, and report publication and dissemination plans. A presentation on physician Workforce Reform is expected.

Updates will be presented on the work groups; Approaches to assessing the Impact of physician assistants and nurse practitioners on physician workforce requirements, physician assistants and nurse practitioners; managed care implications for workforce requirements and the training environment; and women in medicine.

Anyone requiring information regarding the subject Council should contact Marc L. Rivo, M.D., M.P.H. Executive Secretary, telephone (301) 443–6190; or F. Lawrence Clare, M.D., M.P.H., Deputy Executive Secretary, telephone (301) 443–6326, Council

on Graduate Medical Education, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, room 4C–25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Agenda Items are subject to change as priorities dictate.

Dated: September 20, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93–23386 Filed 9–23–93; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting of the National Advisory Council on Aging

Notice is hereby given of a change in the schedule for the meeting of the National Advisory Council on Aging, National Institute on Aging, September 29–30, 1993, to be held at the National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland published in the Federal Register on September 1 (46208 Vol. 58, No. 168). This meeting was scheduled to be open to the public on Wednesday, September 29, from 8 to 9:30 a.m. and again from 1 p.m. until recess and again on Thursday, September 30 from 8 a.m. until adjournment. The meeting was scheduled to be closed on Wednesday, September 29 from 9:30 a.m. to 12 noon.

The meeting will now be open to the public on Wednesday, September 29, from 8 to 10:30 a.m. and again from 2 p.m. until recess. The meeting will be open on Thursday, September 30 from 8 a.m. until adjournment. The closed portion of the meeting will take place on Wednesday, September 29 from 10:30 a.m. to 1 p.m.

Dated: September 21, 1993.

Susan K. Fieldman,

Committee Management Officer, NIH.

[FR Doc. 93–23561 Filed 9–23–93; 8:45 am]

BILLING CODE 4140–01–F

Public Health Service

Request for Nominations for Voting Members on National Vaccine Advisory Committee

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) is requesting nominations to fill three vacancies on the National Vaccine Advisory Committee. The Committee advises the National Vaccine Program and was established by title XXI, subtitle I, section 2105 of the Public Health Service Act, enacted by Pub. L. 99–660, The National Vaccine Injury Compensation Act of 1986 [42 U.S.C. 300AA–1 et seq.].

DATES: Nominations are to be submitted by November 12, 1993.

ADDRESSES: All nominations for membership should be sent to Jeannette R. De Lawter (address below).

FOR FURTHER INFORMATION CONTACT: Jeannette R. De Lawter, Committee Management Specialist, National Vaccine Advisory Committee, National Vaccine Program, Office of the Assistant Secretary for Health, 200 Independence Avenue, SW., HHH Building, room 730–E, Washington, DC 20201; Telephone Number: (202) 401–8141; Fax number: (202) 690–5761.

SUPPLEMENTARY INFORMATION: The National Vaccine Program is requesting nominations of voting members for three vacancies on the National Vaccine Advisory Committee. Nominated individuals should have expertise in vaccine research or the manufacture of vaccines, or should be physicians, or members of parent organizations concerned with immunization, or representatives of State or local health agencies, or public health organizations. Members will be invited to serve four-year terms.

The National Vaccine Advisory Committee (1) studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States, (2) recommends research priorities and other measures the Director of the Program should take to enhance the safety and efficacy of vaccines, (3) advises the Director of the Program in the implementation of sections 2102, 2103, and 2104 of the Public Health Service Act, and (4) identifies annually for the Director of the Program the most important areas of government and nongovernment cooperation that should be considered in implementing these sections.

In keeping with normal departmental policy, nominees generally should not currently be serving on another DHHS advisory committee, although exceptions will be considered.

Nomination Procedures: Any interested person may nominate one or more qualified persons for membership on the National Vaccine Advisory Committee. The nominee should be aware of the nomination, willing to serve as a member of the committee, and appear to have no conflict of interest that would preclude committee membership. A curriculum vitae of the nominee should be submitted with the nomination.

Dated: September 20, 1993.

Philip R. Lee,

Assistant Secretary for Health.

[FR Doc. 93–23443 Filed 9–23–93; 8:45 am]

BILLING CODE 4160–17–M

Announcement of a Cooperative Agreement With Howard University To Develop Data Collection Tools and Procedures for the Community Services Network Project

SUMMARY: The Office of the Assistant Secretary for Health, Office of Disease Prevention and Health Promotion (ODPHP) announces the availability of fiscal year (FY) 1993 funds for a sole source cooperative agreement with Howard University to develop a series of data collection tools and procedures for documenting the activities associated with the deployment of a pilot Community Services Network in the District of Columbia. The Community Service Network is a research project aimed at learning how contemporary computer and communication technologies can support and enhance the coordination of health and human services at the community level. The pilot network is designed to support the collaborative activities of the Health and Human Services Coalition of the District of Columbia. The purpose of this cooperative agreement is to 1) analyze the activities taking place on a pilot computer network that links community health and human services providers and 2) gauge the effectiveness of the Community Services Network concept as a model for integrating services. Approximately $100,000 is available in FY 1993 to support this project It is expected that the award will begin on or about September 15, 1993 and will be made for a 12-month project period.

U.S. Public Health Service Involvement.

PHS staff involvement will be as follows:

- Meeting with the recipient on a regular basis for purposes of establishing and redefining goals and other activities throughout the project period;
- Providing technical assistance to the recipient; and
- Serving as liaison between the recipient and the PHS, other Federal agencies, and other sources.

Authority

This cooperative agreement is authorized under the Public Health Service Act, section 301 [42 U.S.C. 241].

Applicant Organization

Assistance will be provided only to Howard University. No other applications are solicited. Howard University is uniquely qualified to receive this award because it is the only member of the Health and Human Services Coalition of the District of Columbia that has the resources to analyze the pilot network. In addition, Howard University is coordinating the input of the Coalition into the development of the network applications software as well as managing the technical aspects of the pilot network, which is already in progress.

Executive Order 12372 Review

The Intergovernmental Review Requirements of Executive Order 12372, as established by DHHS regulations in 45 CFR part 100, are not applicable to this program.

Catalog or Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.990.

Where to Obtain Additional Information

If you are interested in obtaining additional information regarding this program, please contact Mr. Stephen Downs, Office of Disease Prevention and Health Promotion, Dept. of Health and Human Services, 2132 Switzer Building, 330 C St. SW, Washington, DC 20201, (202) 205–5793. For business and grants management assistance, contact Ms. Cindy Oswald, (301) 443–8626.

Dated: September 9, 1993.

James A. Harrell,

Deputy Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 93–23442 Filed 9–23–93; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–93–1917; FR–3350–N–50]

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.

ADDRESSES: For further information, contact Mark Johnston, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–4300; 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 has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, 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 properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S. Army:* Robert Conte, Dept. of Army, Military Facilities, DAEN–ZCI–P; Rm. 1E671, Pentagon, Washington, DC 20310–2600; (703) 693–4583; (This is not a toll-free number).

Dated: September 17, 1993.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 9/24/93

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. T00221
Fort McClellan
Fort McClellan Co: Calhoun AL 36205–5000
Location: Take left turn off Baltzell Gate Road.
Landholding Agency: Army

Property Number: 219110042
Status: Underutilized
Comment: 4125 sq. ft.; one story wood frame; needs major rehab; termite infested; presence of asbestos; off-site use only.

Bldg. T00796
Fort McClellan
Fort McClellan Co: Calhoun AL 36205–5000
Location: Intersection of 19th and 20th Streets.
Landholding Agency: Army
Property Number: 219110043
Status: Unutilized
Comment: 1340 sq. ft.; one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldg. T00883
Fort McClellan
3rd Avenue
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219110044
Status: Unutilized
Comment: 760 sq. ft.; one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldgs. T01121, T01123, T01124
Fort McClellan
MacArthur Avenue
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Numbers: 219110048–219110050
Status: Unutilized
Comment: 2400 sq. ft. each; two story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. 8913, Fort Rucker
7th Avenue
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219140025
Status: Unutilized
Comment: 3100 sq. ft., 1 story wood, most recent use—chaplain's conference room, off-site use only

Bldg. 8914, Fort Rucker
7th Avenue
Ft. Rucker Co: Dale AL 36362-
Landholding Agency: Army
Property Number: 219140026
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood, most recent use—chaplain's headquarters, off-site use only.

Bldgs. TO3202–TO3203, TO3206–TO3208, TO3211, TO3213, TO3216–TO3217
Cowboy & Crusader Street
Fort Rucker Co: Dale AL 36362-
Landholding Agency: Army
Property Numbers: 219210001–219210009
Status: Unutilized
Comment: 5310 sq. ft. each, two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03214, Fort Rucker
Cowboy & Crusader Streets
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219230001
Status: Unutilized
Comment: 3306 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asgbestos, off-site use only.

Bldg. T03215, Fort Rucker
Cowboy & Crusader Streets
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219230002
Status: Unutilized
Comment: 3452 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only.

Bldg. 9303, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219310300
Status: Unutilized
Comment: 1250 sq. ft., 1 story wood structure, needs rehab, most recent use—storage, off-site use only

Bldg. T–1892, Fort McClellan
Anniston Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219330234
Status: Underutilized
Comment: 2250 sq. ft., 1 story, needs major rehab, most recent use—office, off-site use only.

Arizona

Bldgs. 70117–70120
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Numbers: 219120306–219120309
Status: Excess
Comment: 3434 sq. ft. each, 1 story wood structures, presence of asbestos, most recent use—general instructional

Bldg. 70225—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Number: 219120310
Status: Excess
Comment: 3813 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83006—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Number: 219120311
Status: Excess
Comment: 2062 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83007—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Number: 219120312
Status: Excess
Comment: 2000 sq. ft., 2 story wood structure, presence of asbestos, most recent use - admin. gen. purpose

Bldg. 83008—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Number: 219120313
Status: Excess
Comment: 2192 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83015—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Number: 219120314
Status: Excess
Comment: 2325 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 81001
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240720
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. 81017
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240721
Status: Unutilized
Comment: 2269 sq. ft., 1 story wood frame, possible asbestos, most recent use—classroom, scheduled to become vacant in 6 months, off-site use only

Bldg. 81020
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240722
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240723
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. 81010
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240724
Status: Unutilized
Comment: 1955 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 81013
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240725
Status: Unutilized
Comment: 1955 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 81024
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240726
Status: Unutilized
Comment: 1265 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 81025
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240727

Status: Unutilized
Comment: 1265 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 66151
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240728
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240729
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240730
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240731
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. 85007
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240732
Status: Unutilized
Comment: 4385 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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240733
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240734
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240735
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240736
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240739
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240740
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240741
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240742
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240743
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240744
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240745
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240746
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240747
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240748
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240749
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240750
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240751
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240752
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240753
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71213
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240754
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
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240755
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82009
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219240756
Status: Unutilized
Comment: 2444 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 70216, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310287
Status: Excess
Comment: 3725 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70215, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310288
Status: Excess
Comment: 3706 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70214, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310289
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
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310290
Status: Excess
Comment: 3534 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70220, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310291
Status: Excess
Comment: 1249 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70218, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310292
Status: Excess
Comment: 3475 sq. ft., 1-story wood, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 70217, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310293
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
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310294
Status: Excess
Comment: 2318 sq. ft., 1-story wood, presence of asbestos, most recent use—admin.

Bldg. 31211, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310295
Status: Excess
Comment: 4459 sq. ft., 1-story wood, presence of asbestos and lead paint, most recent use—admin.

Bldg. 84103, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310296
Status: Excess
Comment: 984 sq. ft., 1-story, presence of asbestos and lead paint, most recent use—admin.

Bldg. 67101, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310297
Status: Excess
Comment: 2216 sq. ft., 1-story wood, presence of asbestos and lead paint, most recent use—classroom

Bldg. 30012, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. 90328, Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635-
Landholding Agency: Army
Property Number: 219310299
Status: Excess
Comment: 144 sq. ft., 1-story wood, most recent use—storage

Bldg. S–120
Yuma Proving Ground
Yuma Co: Yuma/LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219320202
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
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635
Landholding Agency: Army
Property Number: 219330235
Status: Unutilized
Comment: 1068 sq. ft., 1 story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 83102
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635
Landholding Agency: Army
Property Number: 219330236
Status: Unutilized
Comment: 984 sq. ft., 1 story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 84010
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635
Landholding Agency: Army
Property Number: 219330237
Status: Unutilized
Comment: 2147 sq. ft., 1 story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 82008
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635
Landholding Agency: Army
Property Number: 219330238
Status: Unutilized
Comment: 2193 sq. ft., 2 story wood, presence of asbestos, most recent use—baracks, off-site use only

California

Bldg. 186
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720-5001
Landholding Agency: Army
Property Number: 219120317
Status: Unutilized
Comment: 996 sq. ft., 1 story steel, off-site use only, most recent use—storage

Bldg. 196
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120318
Status: Unutilized
Comment: 1029 sq. ft., stucco structure, off-site use only, most recent use—storage

Bldg. 197
Los Alamitos Armed Forces Reserve Center

Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120319
Status: Unutilized
Comment: 720 sq. ft. 1 story stucco structure, off-site use only, most recent use—storage, possible asbestos

Colorado

Bldg. T–3449
Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219320205
Status: Unutilized
Comment: 7528 sq. ft., 1 story wood frame, needs rehab, off-site removal only, most recent use—storage.

Bldg. T–6010
Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219320206
Status: Unutilized
Comment: 2830 sq. ft., 1 story wood frame, needs rehab, off-site removal only, most recent use—storage.

Bldg. T–6034
Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219320208
Status: Unutilized
Comment: 1328 sq. ft., 1 story concrete frame, needs rehab, off-site removal only, most recent use—offices.

Bldg. PR019A, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330239
Status: Unutilized
Comment: 800 sq. ft., 1-story concrete block, needs major rehab, most recent use—storage, off-site use only

Bldg. S–6074, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330240
Status: Unutilized
Comment: 2000 sq. ft., 1-story metal, most recent use—storage, off-site use only

Bldg. T–202, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330241
Status: Unutilized
Comment: 400 sq. ft., 1-story wood, needs rehab, most recent use—storage, off-site use only

Bldg. T–205, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330242
Status: Unutilized
Comment: 384 sq. ft., 1-story sheet metal, needs rehab, most recent use—storage, off-site use only

Bldg. T–1801, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330243
Status: Unutilized
Comment: 144 sq. ft., 1-story concrete/wood, needs rehab, most recent use—storage, off-site use only

Bldg. T–6095, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330244
Status: Unutilized
Comment: 2988 sq. ft., 1-story wood, presence of asbestos, most recent use—storage, off-site use only

Bldg. T–6103, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330245
Status: Unutilized
Comment: 10140 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. S–6252, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330246
Status: Unutilized
Comment: 21381 sq. ft., 2-story concrete block, needs major rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. S–6253, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330247
Status: Unutilized
Comment: 25283 sq. ft., 2-story concrete block, needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. T–9202, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330248
Status: Unutilized
Comment: 800 sq. ft., 1-story, concrete block, needs major rehab, most recent use—storage, off-site use only

Bldg. T–1440, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330249
Status: Unutilized
Comment: 6578 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—administration, off-site use only

Bldg. T–6051, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330250
Status: Unutilized
Comment: 2988 sq. ft., 1-story wood, presence of asbestos, most recent use—administration, off-site use only

Bldg. T–6138, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330251
Status: Unutilized
Comment: 7630 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—administration, off-site use only

Bldg. T–6139, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330252
Status: Unutilized
Comment: 2240 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. T–1919, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330253
Status: Unutilized
Comment: 2035 sq. ft., 1-story wood, presence of asbestos, most recent use—housing, off-site use only

Bldg. T–2200, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330254
Status: Unutilized
Comment: 6892 sq. ft., 2-story wood, presence of asbestos, most recent use—training facility, off-site use only

Bldg. 3567, T–3568 Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330255–219330256
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—training facility, off-site use only

Bldg. T–3570, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330257
Status: Unutilized
Comment: 1852 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—training facility, off-site use only

Bldg. T–1800, Fort Carson
Colorado Springs, CO, El Paso, Zip: 80913-
Landholding Agency: Army
Property Number: 219330258
Status: Unutilized
Comment: 5185 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—maintenance shop, off-site use only

Georgia

Bldgs. 5390, 5392, 5391
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219010137, 219010151–219010152
Status: Unutilized
Comment: 2432 sq. ft. ea; most recent use—dining room; needs rehab.

Bldg. 5362
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219010147
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 4605
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219011493
Status: Unutilized
Comment: 915 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4487
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219011681
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army

Property Number: 219011683
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219011694
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219011704
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflamable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Fort Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219011710
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldgs. 1235, 1236
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Numbers: 219014887–219014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014889
Status: Unutilized
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 2591
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014906
Status: Unutilized
Comment: 1663 sq. ft.; 1 story building; needs rehab; most recent use—General storehouse.

Bldgs. 3005–3010
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Numbers: 219014907–219014912
Status: Unutilized
Comment: 7688 sq. ft. each; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3080
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014913
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 3081
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014914
Status: Unutilized
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4491
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014916
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4633
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014919
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4634
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014920
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4649
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219014922
Status: Unutilized
Comment: 2250 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 95
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120253
Status: Unutilized
Comment: 1006 sq. ft., 1 story, most recent use—fire station annex, needs rehab

Bldg. 1234
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120254
Status: Unutilized
Comment: 16148 sq. ft., 2 story, most recent use—officer's club, needs rehab

Bldg. 1684
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120255
Status: Unutilized
Comment: 2671 sq. ft., 1 story, needs rehab, most recent use—administration/general purpose.

Bldgs. 1827
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 2190120257
Status: Unutilized
Comment: 943 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2150
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120258
Status: Unutilized
Comment: 3909 sq. ft., 1 story, needs rehab, most recent use—general inst. bldg.

Bldgs. 2212, 2213
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Numbers: 219120259–219120260
Status: Unutilized
Comment: 4720 sq. ft. each, 2 story, needs rehab, most recent use—drug abuse center.

Bldg. 2214
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120261
Status: Unutilized
Comment: 2253 sq. ft., 1 story, needs rehab, most recent use—enlisted persons dining room.

Bldg. 2215
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120262
Status: Unutilized
Comment: 1844 sq. ft., 1 story, needs rehab, most recent use—day room.

Bldg. 2409
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120263
Status: Unutilized
Comment: 9348 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2548
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120264
Status: Unutilized
Comment: 2337 sq. ft., 1 story, needs rehab, most recent use—clinic w/o beds.

Bldg. 2590
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120265
Status: Unutilized
Comment: 3132 sq. ft., 1 story, needs rehab, most recent use—vehicle maintenance shop.

Bldg. 3828
Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219120266
Status: Unutilized
Comment: 628 sq. ft., 1 story, needs rehab, most recent use—general storehouse.

Bldgs. 3084, 3086, 3089, 3092, 3094, 3097, 2601
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army

Property Numbers: 219220687–219220692, 219220784
Status: Unutilized
Comment: 4720 sq. ft. ea., 2 story, most recent use—barracks. needs major rehab, off-site removal only.

Bldg. 499, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220693
Status: Unutilized
Comment: 840 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1252, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1253, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220695
Status: Unutilized
Comment: 617 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1678, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220697
Status: Unutilized
Comment: 9342 sq. ft.; 1 story; most recent use—storehouse;
needs major rehab, off-site removal only.

Bldg. 1733, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220698
Status: Unutilized
Comment: 9375 Sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldgs. 3083, 3093, 3100, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220699, 219220701–219220702
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3091, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220700
Status: Unutilized
Comment: 1635 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3856, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220703
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4941, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220708
Status: Unutilized
Comment: 2485 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 4943, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220709
Status: Unutilized
Comment: 960 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 5214, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220711
Status: Unutilized
Comment: 1520 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220712
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3011, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220713
Status: Unutilized
Comment: 2775 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3012, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220714
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldgs. 3085, 3088, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220715–219220716
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldgs. 3087, 3095, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220717–219220718
Status: Unutilized
Comment: 1884 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 3246, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220719
Status: Unutilized
Comment: 973 sq. ft., 1 story, most recent use—tailor shop, needs major rehab, off-site removal only.

Bldg. 3730, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220720
Status: Unutilized
Comment: 13587 sq. ft., 1 story, most recent use—gym, needs major rehab, off-site removal only.

Bldg. 2537, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220726
Status: Unutilized
Comment: 820 sq. ft., 1 story, most recent use—storage, needs major rehab, off-site removal only.

Bldgs. 4882, 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220727–219220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, needs repair, off-site removal only.

Bldgs. 1230, 1231 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219220729–219220730
Status: Unutilized
Comment: 4386 sq. ft. ea., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 5396 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220734
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 247, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220735
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only.

Bldgs. 4977, 4978 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219220736–219220737
Status: Unutilized
Comment: 192 sq. ft. ea., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 3099, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220738
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—administration, needs major rehab, off-site removal only.

Bldg. 1240, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220741
Status: Unutilized
Comment: 1197 sq. ft., 1 story, most recent use—recreation, needs major rehab, off-site removal only.

Bldg. 3743, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220743
Status: Unutilized
Comment: 6954 sq. ft., 1 story, most recent use—recreation center, needs major rehab, off-site removal only.

Bldgs. 3805, 3806 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219220744–219220745
Status: Unutilized
Comment: 2330 sq. ft. ea., 1 story, most recent use—recreation bldg., needs major rehab, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4946, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220748
Status: Unutilized
Comment: 3444 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldgs. 4947–4949 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219220749–219220751
Status: Unutilized
Comment: 3444 sq. ft. ea., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 1724, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220754
Status: Unutilized
Comment: 7873 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1758, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220755
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1680, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220756
Status: Unutilized
Comment: 9243 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1682, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220757
Status: Unutilized
Comment: 9250 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 3817, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220758
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 3082, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220761
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldgs. 4884, 4964, 4966 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219220762–219220764
Status: Unutilized
Comment: 2000 sq. ft. ea., 1 story, most recent use—headquarters bldgs., need repairs, off-site removal only.

Bldg. 4679, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220767
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only.

Bldg. 4883, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220768
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use - supply bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 2513, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220770
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2526, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220771
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2589, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220772
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only.

Bldg. 4976, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220778
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—gas station, need repairs, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4627, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219220786
Status: Unutilized
Comment: 1676 sq. ft., 1 story, most recent use—sentry station, needs major rehab, off-site removal only.

Bldg. 517, Fort Gillem
Forest Park, GA, Clayton, Zip: 30051-
Landholding Agency: Army
Property Number: 219310314
Status: Underutilized
Comment: 455 sq. ft., 1-story concrete frame, needs rehab, most recent use—dispatch office, off-site use only

Bldg. 629, Fort Gillem
Forest Park, GA, Clayton, Zip: 30051-
Landholding Agency: Army
Property Number: 219310316
Status: Underutilized
Comment: 600 sq. ft., 1-story concrete frame, needs rehab, most recent use—storage, off-site use only

Bldgs. 4114, 4117–4118, 4125–4126, 4129–4130, 4137–4138, 4140 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310407–219310416
Status: Unutilized

Comment: 4425 sq. ft. ea., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldgs. 4002, 4004, 4008–4010, 4012, 4015, 4020 4106, 4115–4116, 4127–4128, 4139, 4149–4150 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310417–219310432
Status: Unutilized
Comment: 4720 sq. ft. ea., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldgs. 4030, 4029 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310433–219310434
Status: Unutilized
Comment: 7688 sq. ft. ea., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4017, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310435
Status: Unutilized
Comment: 7700 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldgs. 4112, 4119, 4124, 4141, 4136, 4131 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310436–219310441
Status: Unutilized
Comment: 1144 sq. ft. ea., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4108, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310442
Status: Unutilized
Comment: 1171 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 1835, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310443
Status: Unutilized
Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldgs. 4013, 4007 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310444
Status: Unutilized
Comment: 1884 sq. ft. ea., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4107, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310446
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—day room, off-site use only

Bldg. 3072, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310447
Status: Unutilized
Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldgs. 4001, 4103 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310448–219310449
Status: Unutilized
Comment: 1635 sq. ft. ea., 1-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 3004, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310450
Status: Unutilized
Comment: 2794 sq. ft., 1-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldgs. 4019, 4018, 3003, 3002 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310451–219310454
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4109, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310455
Status: Unutilized
Comment: 2253 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4014, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310456
Status: Unutilized
Comment: 2794 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4006, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310457
Status: Unutilized
Comment: 3023 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldgs. 4135, 4123, 4111 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310458–219310460
Status: Unutilized
Comment: 3755 sq. ft. ea., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4023, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4040, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310463
Status: Unutilized
Comment: 1815 sq. ft., 1-story, needs rehab, most recent use—admin., off-site use only

Bldg. 4026, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310464
Status: Unutilized
Comment: 2330 sq. ft., 1-story, needs rehab, most recent use—admin., off-site use only

Bldg. 4067, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin., off-site use only

Bldg. 4025, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310466
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—admin., off-site use only

Bldgs. 4110, 4122, 4134 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310467–219310469
Status: Unutilized
Comment: 1017 sq. ft. ea., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4021, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310470
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 2501, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310471
Status: Unutilized
Comment: 4073 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4060, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310472
Status: Unutilized
Comment: 16900 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4113, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310473
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—storage, off-site use only

Bldg. 10439, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310474
Status: Unutilized
Comment: 1010 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10304, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310475
Status: Unutilized
Comment: 1040 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10847, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310476
Status: Unutilized
Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10768, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310477
Status: Unutilized
Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 2683, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310478
Status: Unutilized
Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 2504, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310479
Status: Unutilized
Comment: 729 sq. ft., 1-story, needs rehab, most recent use—snack bar, off-site use only

Bldg. 4035, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310480
Status: Unutilized
Comment: 3375 sq. ft., 1-story, needs rehab, most recent use—recreation, off-site use only

Bldg. 4027, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310481
Status: Unutilized
Comment: 3750 sq. ft., 1-story, needs rehab, most recent use—recreation, off-site use only

Bldg. 4066, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310482
Status: Unutilized
Comment: 4388 sq. ft., 1-story, needs rehab, most recent use—recreation, off-site use only

Bldg. 2422, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310484
Status: Unutilized
Comment: 3328 sq. ft., 1-story, needs rehab, most recent use—fire station, off-site use only

Bldg. 4205, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310485
Status: Unutilized
Comment: 3378 sq. ft., 1-story, needs rehab, most recent use—fire station, off-site use only

Bldg. 4031, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Number: 219310486
Status: Unutilized
Comment: 2381 sq. ft., 1-story, needs rehab, most recent use—exchange branch, off-site use only

Bldgs. 4121, 4133, 4143 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310487–219310489
Status: Unutilized
Comment: 1017 sq. ft. ea., 1-story, needs rehab, most recent use—arms bldgs., off-site use only

Bldgs. 4105, 4005 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905-
Landholding Agency: Army
Property Numbers: 219310490–219310491
Status: Unutilized
Comment: 1416 sq. ft. ea., 1-story, needs rehab, most recent use—arms bldgs., off-site use only

Bldgs. 13503, 14502
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320209–219320210
Status: Unutilized
Comment: 7036 sq. ft., 2 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—residential.

Bldg. 481
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320211
Status: Unutilized
Comment: 1325 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—offices.

Bldg. 10417
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320212
Status: Unutilized
Comment: 2668 sq. ft., 1 story wood frame, presence of asbestos, need repairs, off-site use only, most recent use—offices.

Bldg. 10502
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320213
Status: Unutilized
Comment: 1580 sq. ft., 1 story wood frame, presence of asbestos, need repairs, off-site use only, most recent use—offices.

Bldg. 10503
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320214
Status: Unutilized
Comment: 2516 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—offices.

Bldg. 10602
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320215
Status: Unutilized
Comment: 2000 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—offices.

Bldg. 14503
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320216
Status: Unutilized
Comment: 1075 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, most recent use—offices.

Bldg. 20501
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320217
Status: Unutilized
Comment: 2116 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, most recent use—offices.

Bldg. 20502
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320218
Status: Unutilized
Comment: 3195 sq. ft., 1 story wood frame, presence of asbestos, need repairs, off-site use only, most recent use—offices.

Bldg. 21501
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320219
Status: Unutilized
Comment: 7394 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—offices.

Bldg. 21502
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320220
Status: Unutilized
Comment: 1315 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, most recent use—offices.

Bldg. 21504
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320221
Status: Unutilized
Comment: 7036 sq. ft., 2 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—offices.

Bldg. 22502
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320222
Status: Unutilized
Comment: 3271 sq. ft., 1-story wood frame, presence of asbestos, off-site use only, most recent use—offices.

Bldg. 25304
Fort Gordon

Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320223
Status: Unutilized
Comment: 2788 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, most recent use—office/storage.

Bldg. 25307
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320224
Status: Unutilized
Comment: 1556 sq. ft., 1 story wood frame, presence of asbestos, needs roof repairs, off-site use only, most recent use—offices.

Bldg. 26306
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320225
Status: Unutilized
Comment: 1272 sq. ft., 1 story wood frame, possible asbestos, need repairs, off-site use only, most recent use—storage.

Bldg. 29503
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320226
Status: Unutilized
Comment: 2456 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, most recent use—offices.

Bldg. 33406
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320227
Status: Unutilized
Comment: 3456 sq. ft., 1 story wood frame, presence of asbestos, needs roof repairs, off-site use only, most recent use—offices.

Bldg. 33436
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320228
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
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320229
Status: Unutilized
Comment: 2668 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—storage.

Bldg. 39502
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320230
Status: Unutilized
Comment: 1316 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—offices.

Bldg. 45308
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320231
Status: Unutilized
Comment: 6044 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—community center.

Bldg. 14301
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320232
Status: Unutilized
Comment: 2788 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—storage.

Bldg. 25301
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320233
Status: Unutilized
Comment: 1196 sq. ft., 1 story wood frame, possible asbestos, need repairs, off-site use only, most recent use—storage.

Bldgs. 26301, 27301
Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219320234–219320235
Status: Unutilized
Comment: 2788 sq. ft., 1 story wood frame, presence of asbestos, needs roof repairs, off-site use only, most recent use—storage.

Bldgs. 354–356, 376 Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330259–219330262
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. 377, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330263
Status: Unutilized
Comment: 4768 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 13501, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330264
Status: Unutilized
Comment: 2516 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—offices, off-site use only

Bldg. 18704, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330265
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 18717, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330266
Status: Unutilized
Comment: 2468 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 18801, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330267
Status: Unutilized
Comment: 2536 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19601, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330268
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19602, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330269
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 24501, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330270
Status: Unutilized
Comment: 3580 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 25103, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330271
Status: Unutilized
Comment: 2100 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 25105, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330272
Status: Unutilized
Comment: 1025 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 25503, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330273
Status: Unutilized
Comment: 6816 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 31504, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330274
Status: Unutilized
Comment: 7036 sq. ft., 2-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 33415, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330275
Status: Unutilized
Comment: 2036 sq. ft., 1-story wood, needs rehab, presence of asbestos, most recent use—offices, off-site use only

Bldg. 34502, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-

Landholding Agency: Army
Property Number: 219330276
Status: Unutilized
Comment: 7036 sq. ft., 2-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 35503, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330277
Status: Unutilized
Comment: 2500 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 37505, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330278
Status: Unutilized
Comment: 17370 sq. ft., 2-story wood, needs rehab, possible asbestos, most recent use—offices, off-site use only

Bldg. 39503, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330279
Status: Unutilized
Comment: 1316 sq. ft., 1-story wood, needs rehab, possible asbestos, most recent use—offices, off-site use only

Bldg. 18707, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330280
Status: Unutilized
Comment: 2468 sq. ft., 1-story wood, presence of asbestos, most recent use—classrooms, off-site use only

Bldg. 18708, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330281
Status: Unutilized
Comment: 3772 sq. ft., 1-story wood, presence of asbestos, most recent use—classrooms, off-site use only

Bldg. 18718, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330282
Status: Unutilized
Comment: 2468 sq. ft., 1-story wood, presence of asbestos, most recent use—classrooms, off-site use only

Bldg. 18720, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330283
Status: Unutilized
Comment: 2632 sq. ft., 1-story wood, presence of asbestos, most recent use—classrooms, off-site use only

Bldgs. 18721–18724, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330284–219330287
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood, presence of asbestos, most recent use—classrooms, off-site use only

Bldg. 12712, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330288
Status: Unutilized
Comment: 15500 sq. ft., 1-story concrete block, needs rehab, presence of asbestos, most recent use—gymnasium, off-site use only

Bldgs. 332–333, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330289–219330290
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 334, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330291
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
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330292
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
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330293
Status: Unutilized
Comment: 5157 sq. ft., 1-story wood, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 352, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330294
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only

Bldg. 18703, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330295
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood, presence of asbestos, most recent use—storage, off-site use only

Bldg. 18705, Fort Gordon
Ft. Gordon, GA, Richmond, Zip: 30905-
Landholding Agency: Army
Property Number: 219330296
Status: Unutilized
Comment: 2632 sq. ft., 1-story wood, presence of asbestos, off-site use only

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approx. 600 feet from Main Gate on Aliamanu Drive
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Comment: 45216 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
Fort Shafter
Honolulu Co: Honolulu HI 96818
Landholding Agency: Army
Property Number: 219320236
Status: Unutilized
Comment: 39 sq. ft., most recent use—sentry station, off-site use only

Indiana

Bldg. 703–1C
Indiana Army Ammunition Plant
Charlestown Co: Clark IN
Location: Gate 22 off Highway 22
Landholding Agency: Army
Property Number: 219013761
Status: Underutilized
Comment: 4000 sq. ft.; 2 story brick frame; possible asbestos; most recent use—exercise area.

Bldg. 1011 (Portion of)
Indiana Army Ammunition Plant
Charlestown Co: Clark IN
Location: East of State Highway 62 at Gate 3
Landholding Agency: Army
Property Number: 219013762
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)
Indiana Army Ammunition Plant
Charlestown Co: Clark IN
Location: South end of 3rd Street, East of Highway 62 at entrance gate.
Landholding Agency: Army
Property Number: 219013763
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
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240717
Status: Unutilized
Comment: 1954 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—heating facility

Bldg. 2531
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240718
Status: Unutilized
Comment: 119746 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—storage

Bldgs. 7215, 7216
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219330297
Status: Unutilized
Comment: roadside shelters, no utilities, located on Indiana State Highway Right of Way

Kansas

Bldg. T–2539 Fort Riley
Ft. Riley, KS, Geary, Zip: 66442-
Landholding Agency: Army

Property Number: 219310249
Status: Unutilized
Comment: 1327 sq. ft. each, 1-story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. T–2549, Fort Riley
Ft. Riley, KS, Geary, Zip: 66442-
Landholding Agency: Army
Property Number: 219310251
Status: Unutilized
Comment: 3082 sq. ft., 1-story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. T–2343, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219320237
Status: Unutilized
Comment: 3148 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Kentucky

Bldg. 0001
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320238
Status: Unutilized
Comment: 3535 sq. ft., 2 story, secured area w/alternate access, most recent use—administration.

Bldg. 00003
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320239
Status: Unutilized
Comment: 3500 sq. ft., 2 story, secured area w/alternate access, most recent use—administration.

Bldg. 00004
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320240
Status: Unutilized
Comment: 7800 sq. ft., 2 story, secured area w/alternate access, most recent use—administration.

Bldg. 00008
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320241
Status: Unutilized
Comment: 3500 sq. ft., 2 story, secured area w/alternate access, most recent use—administration.

Bldg. 00009
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320242
Status: Unutilized
Comment: 900 sq. ft., 2 story, secured area w/alternate access, most recent use—administration/CPO.

Bldg. 00017
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320243
Status: Unutilized
Comment: 46285 sq. ft., 1 story, secured area w/alternate access, most recent use—administration.

Bldg. 00018
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320244
Status: Unutilized
Comment: 2664 sq. ft., 1 story, secured area w/alternate access, most recent use—administration.

Bldg. 00019
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320245
Status: Unutilized
Comment: 5310 sq. ft., 1 story, secured area w/alternate access, most recent use—administration.

Bldg. 00023
Fort Campbell
Vicinity Ohio & Chaffee Avenue
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320246
Status: Unutilized
Comment: 3143 sq. ft., 1 story, secured area w/alternate access, most recent use—administration.

Bldg. 102
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320247
Status: Unutilized
Comment: 8971 sq. ft., 2 story, secured area w/alternate access, most recent use—billets.

Bldg. 108
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320248
Status: Unutilized
Comment: 12580 sq. ft., 2 story, secured area w/alternate access, most recent use—general instruction bldg.

Bldg. 128
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320249
Status: Unutilized
Comment: 18864 sq. ft., 2 story, secured area w/alternate access, most recent use—billets.

Bldg. 130
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320250
Status: Unutilized
Comment: 17894 sq. ft., 2 story, secured area w/alternate access, most recent use—general instruction/billets.

Bldg. 132
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320251
Status: Unutilized
Comment: 17736 sq. ft., 2 story, secured area w/alternate access, most recent use—general instruction/billets.

Bldg. 134
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320252
Status: Unutilized
Comment: 18546 sq. ft., 2 story, secured area w/alternate access, most recent use—general instruction/billets.

Bldg. 135
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320253
Status: Unutilized
Comment: 11389 sq. ft., 2 story, secured area w/alternate access, most recent use—general instruction bldg.

Bldg. 136
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320254
Status: Unutilized
Comment: 18864 sq. ft., 2 story, secured area w/alternate access, most recent use—general instruction bldg.

Bldgs. 2839, 2841
Fort Campbell
Old Hospital Area
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320255–219320256
Status: Unutilized
Comment: 8042 sq. ft., 2 story, secured area w/alternate access, most recent use—enlisted quarters.

Bldg. 6122
Fort Campbell
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320257
Status: Unutilized
Comment: 2732 sq. ft., 1 story, secured area w/alternate access, most recent use—vehicle maintenance shop.

Bldg. 6123
Fort Campbell
Ft. Campbell, KY, Christian, Zip: 42223-
Landholding Agency: Army
Property Number: 219320258
Status: Unutilized
Comment: 4020 sq. ft., 1 story, secured area w/alternate access, most recent use—vehicle maintenance shop.

Louisiana

Bldg. 7214, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100

Landholding Agency: Army
Property Number: 219320260
Status: Unutilized
Comment: 19301 sq. ft., 2-story, needs rehab, most recent use—storage

Bldg. 7410, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320261
Status: Unutilized
Comment: 2591 sq. ft., 1-story, needs rehab, most recent use—storage

Bldg. 7411, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320262
Status: Unutilized
Comment: 2450 sq. ft., 1-story, needs rehab, most recent use—storage

Bldgs. 7426–7427, 7430, 7444–7448, 7660, 7662 Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Numbers: 219320263–219320270, 219320277, 219320283
Status: Unutilized
Comment: 4957 sq. ft. ea., 2-story, needs rehab, most recent use—storage

Bldg. 7462, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320271
Status: Unutilized
Comment: 1688 sq. ft., 1-story, needs rehab, most recent use—storage

Bldgs. 7472–7473, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Numbers: 219320272–219320273
Status: Unutilized
Comment: 2093 sq. ft. ea., 1-story, needs rehab, most recent use—storage

Bldgs. 7474–7475, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Numbers: 219320274–219320275
Status: Unutilized
Comment: 1875 sq. ft. ea., 1-story, needs rehab, most recent use—storage

Bldgs. 7476–7677, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Numbers: 219320276–219320278
Status: Unutilized
Comment: 2233 sq. ft., 1-story, needs rehab, most recent use—storage

Bldg. 1805, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320279
Status: Unutilized
Comment: 9294 sq. ft., 1-story, needs rehab, most recent use—admin.

Bldg. 1731, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320280
Status: Unutilized
Comment: 7470 sq. ft., 2-story, needs rehab, most recent use—admin.

Bldg. 1730, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320281
Status: Unutilized
Comment: 5006 sq. ft., 2-story, needs rehab, most recent use—admin.

Bldg. 7461, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320284
Status: Unutilized
Comment: 1688 sq. ft., 1-story, needs rehab, most recent use—dining facility

Bldg. 4402, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320285
Status: Unutilized
Comment: 1196 sq. ft., 1-story, needs rehab, most recent use—office

Bldg. 4407, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320286
Status: Unutilized
Comment: 1647 sq. ft., 1-story, needs rehab, most recent use—office

Bldg. 4408, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320287
Status: Unutilized
Comment: 1100 sq. ft., 1-story, needs rehab, most recent use—office

Bldg. 7464, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320288
Status: Unutilized
Comment: 2093 sq. ft., 1-story, needs rehab, most recent use—company hdqts.

Bldg. 7465, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320289
Status: Unutilized
Comment: 1688 sq. ft., 1-story, needs rehab, most recent use—office

Bldg. 658, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320290
Status: Unutilized
Comment: 4765 sq. ft., 1-story, needs rehab, most recent use—child support center

Bldg. 659, Fort Polk
Ft. Polk, LA, Vernon Parish, Zip: 71459–7100
Landholding Agency: Army
Property Number: 219320291
Status: Unutilized
Comment: 5135 sq. ft., 1-story, needs rehab, most recent use—child support center

Maryland

Bldgs. E5878, E5879
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010-5425
Landholding Agency: Army
Property Numbers: 219012652, 219012653
Status: Unutilized.
Comment: 213 sq. ft. each; structural deficiencies; possible abestos; and contamination.

Bldg. 10302
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012666
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5975
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012677
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structural deficiencies most recent use—training exercises/ chemicals and explosives; potential use—storage.

Bldg. 6599
Fort George G. Meade
Zimborski Road
Fort Meade Co: Anne Arundel MD 20755-
Landholding Agency: Army
Property Number: 219014852
Status: Unutilized
Comment: 4173 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access.

Bldg. 6687
Fort George G. Meade
Mapes and Zimborski Roads
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219220446
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only

Bldg. 584
Fort George G. Meade
Chamberlain Avenue
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219310241
Status: Unutilized
Comment: 2284 sq. ft., 1 story wood frame, needs rehab, most recent use—child support center

Bldg. 594
Fort George G. Meade
9th Street
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219310242
Status: Unutilized
Comment: 1828 sq. ft., 1 story wood frame, needs rehab, most recent use—admin/child support

Bldgs. 303–308, 323–328, 333–337
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320293
Status: Unutilized
Comment: 4720 sq. ft. ea., 2 story wood frame, possible asbestos, most recent use—barracks/classrooms, fair to good condition, off-site use only

Bldg. 309
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320294
Status: Unutilized
Comment: 2324 sq. ft., 1 story wood frame, possible asbestos, fair to good condition, off-site use only

Bldgs. 312, 319
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320295
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
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320296
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
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320297
Status: Unutilized
Comment: 2208 sq. ft., 1 story wood frame, possible asbestos, most recent use—storage, fair condition, off-site use only

Bldg. 2239
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320298
Status: Unutilized
Comment: 24528 sq. ft., 1 story concrete block, possible asbestos, most recent use—mess hall, needs rehab, off-site use only

Bldg. 9600
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320299
Status: Unutilized
Comment: 80 sq. ft., metal/wood sentry station, needs rehab, off-site use only

Bldg. 2175
Aberdeen Proving Ground
Harford County MD 21005–5001
Landholding Agency: Army
Property Number: 219320300
Status: Underutilized
Comment: 2879 sq. ft., 1 story, needs rehab, most recent use—storehouse

Bldg. 2176
Aberdeen Proving Ground
Harford County MD 21005–5001
Landholding Agency: Army
Property Number: 219320301
Status: Unutilized
Comment: 4425 sq. ft., 1 story, needs rehab, most recent use—admin.

Bldg. 3036
Aberdeen Proving Ground
Harford County MD 21005–5001
Landholding Agency: Army
Property Number: 219320302
Status: Unutilized
Comment: 11016 sq. ft., 1 story, needs rehab, most recent use—gym, presence of asbestos

Michigan

Bldg. 300, Arsenal Acres
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Number: 219220448
Status: Unutilized
Comment: 52 sq. ft., sentry station, secured area w/alternate access.

Bldg. 301, Arsenal Acres
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Number: 219220449
Status: Unutilized
Comment: 3125 sq. ft., 2–story colonial style home, secured area w/alternate access.

Bldgs. 302, 303
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Numbers: 219220450–219220451
Status: Unutilized
Comment: 2619 sq. ft. ea., 2–story colonial style home, secured area w/alternate access.

Bldgs. 304, 305
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Numbers: 219220452–219220787
Status: Unutilized
Comment: 2443 sq. ft. ea., 2–story colonial style home, secured area w/alternate access.

Mississippi

Bldg. VB201
Vicksburg Reserve Center
Vicksburg MS 39180–0055
Landholding Agency: Army
Property Number: 219330308
Status: Unutilized
Comment: 15444 sq. ft., 1 story metal frame, most recent use—army reserve center, off-site use only

Bldg. VB202
Vicksburg Reserve Center
Vicksburg MS 39180–0055
Landholding Agency: Army
Property Number: 219330309
Status: Unutilized
Comment: 800 sq. ft., 1 story metal frame, most recent use—admin., off-site use only

Bldg. VB213
Vicksburg Reserve Center
Vicksburg MS 39180–0055
Landholding Agency: Army
Property Number: 219330310
Status: Unutilized
Comment: 180 sq. ft., 1 story concrete block, most recent use—storehouse, off-site use only

Missouri

Bldg. T451
Fort Leonard Wood
Ft. Leonard Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219220568
Status: Underutilized
Comment: 4640 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, not handicapped accessible, most recent use—admin/general purpose.

Bldg. T3057
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219220580
Status: Underutilized
Comment: 2650 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, not handicapped accessible, most recent use—admin/general purpose.

Bldg. T2383
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230228
Status: Underutilized
Comment: 9267 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—general purpose.

Bldg. T1376
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230237
Landholding Agency: Army
Status: Underutilized
Comment: 1296 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—Hdqtrs building.

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230260
Status: Underutilized
Comment: 18270 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—storehouse.

Bldg. T1311
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230261
Status: Underutilized
Comment: 2740 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—storehouse.

Bldg. T1333
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230263
Status: Underutilized
Comment: 1144 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—storehouse.

Bldgs. T1238, T1245, T1256–T1257
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Numbers: 219320303–219320306
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—admin., possible asbestos, off-site use only

Bldgs. T1270, T1329
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Numbers: 219320307, 219330300
Status: Unutilized
Comment: 1296 sq. ft., 1 story, most recent use—admin., possible asbestos, off-site use only

Bldg. T427
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000

Landholding Agency: Army
Property Number: 219330299
Status: Underutilized
Comment: 10245 sq. ft., 1 story, presence of asbestos, most recent use—post office, off-site use only

Bldg. T1688
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330301
Status: Unutilized
Comment: 4720 sq. ft., 2 story, presence of asbestos, most recent use—admin., off-site use only

Bldg. T2206
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330302
Status: Unutilized
Comment: 1440 sq. ft., 1 story, presence of asbestos and contamination, most recent use—storage, off-site use only

Bldg. T2209
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330303
Status: Unutilized
Comment: 288 sq. ft., 1 story, presence of asbestos, most recent use—storage, off-site use only

Bldg. T2357
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330304
Status: Underutilized
Comment: 1296 sq. ft., 1 story, presence of asbestos, most recent use—hdqtrs bldg., off-site use only

Bldgs. T2360, T2364
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330305
Status: Underutilized
Comment: 1144 sq. ft. each, 1 story, presence of asbestos, most recent use—admin., off-site use only

Bldg. T2368
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330306
Status: Underutilized
Comment: 3663 sq. ft., 1 story, presence of asbestos, off- site use only

Bldg. T3005
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330307
Status: Underutilized
Comment: 2220 sq. ft., 1 story, presence of asbestos, most recent use—motor repair shop, off-site use only

Nebraska

Bldg. RG–1
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210292
Status: Unutilized
Comment: 1080 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–2
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210293
Status: Unutilized
Comment: 576 sq. ft., 1 story garage, secured area with alternate access

Bldg. RG–3
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210294
Status: Unutilized
Comment: 936 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–4
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210295
Status: Unutilized
Comment: 1040 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–5
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210296
Status: Unutilized
Comment: 490 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–6
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210297
Status: Unutilized
Comment: 510 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Nevada

Bldgs. 00425–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Numbers: 219011946–219011952, 219011954, 219011956, 219011959, 219011961, 219011964, 219011968, 219011970, 219011974, 219011976–219011978, 219011980, 219011982, 219011984, 219011987, 219011990, 219011994, 219011996
Status: Unutilized
Comment: 1310–1640 sq. ft. each, one floor residential, semi/wood construction, good condition.

New Mexico

Bldgs. 108–109, 118–119
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Numbers: 219330327–219330328, 219330330– 219330331
Status: Unutilized
Comment: 3561 sq. ft. ea., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 117
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330329
Status: Unutilized
Comment: 1688 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldgs. 148–150
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Numbers: 219330332–219330334
Status: Unutilized
Comment: 3570 sq. ft. ea., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 357
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330335
Status: Unutilized
Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 1758
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330336
Status: Unutilized
Comment: 1620 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 1768
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330337
Status: Unutilized
Comment: 15333 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28281
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330338
Status: Unutilized
Comment: 1856 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28282
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330339
Status: Unutilized
Comment: 1850 sq. ft., 3-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 32980
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army

Property Number: 219330340
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 34252
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330341
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 418
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330342
Status: Unutilized
Comment: 3690 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 420
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330343
Status: Unutilized
Comment: 2407 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 890
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330344
Status: Unutilized
Comment: 9011 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1348
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330345
Status: Unutilized
Comment: 720 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1738
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330346
Status: Unutilized
Comment: 1500 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1765
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330347
Status: Unutilized
Comment: 600 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 21542
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330348
Status: Unutilized
Comment: 945 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 22118
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330349
Status: Unutilized
Comment: 1341 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 22253
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330350
Status: Unutilized
Comment: 216 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 28267
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330351
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 29195
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330352
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldgs. 34219, 34221
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Numbers: 219330353–219330354
Status: Unutilized
Comment: 720 sq. ft. ea., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 145
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330355
Status: Unutilized
Comment: 2954 sq. ft., 1-story, presence of asbestos, most recent use—chapel, off-site use only

Bldg. 1754
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330356
Status: Unutilized
Comment: 6974 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 19242
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330357
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34227
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330358
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34244
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330359
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 21105
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330360
Status: Unutilized
Comment: 239 sq. ft., presence of asbestos, most recent use—veterinarian facility, off-site use only

Bldg. 21106
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330361
Status: Unutilized
Comment: 405 sq. ft., 1-story, presence of asbesetos, most recent use—veterinarian facility, off-site use only

Bldg. 21310
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330362
Status: Unutilized
Comment: 1006 sq. ft., 1-story, presence of asbestos, most recent use—transmitter bldg., off-site use only

Bldg. 29890
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330363
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—frequency monitoring station, off-site use only

Bldg. 1868
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330364
Status: Unutilized
Comment: 41 sq. ft., 1-story, presence of asbestos, most recent use—scale house, off-site use only

Bldg. 528
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330365
Status: Unutilized
Comment: 225 sq. ft., 1-story, presence of asbestos, most recent use—decontamination shelter, off-site use only

Bldg. 1834
White Sands Missile Range

White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330366
Status: Unutilized
Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only

Bldg. 1300
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330367
Status: Unutilized
Comment: 1500 sq. ft., 1-story, presence of asbestos, most recent use—indoor small arms range, off-site use only

Bldg. 23100
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330368
Status: Unutilized
Comment: 40 sq. ft., 1-story, presence of asbestos, most recent use—sentry station, off-site use only

Bldg. 29196
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330369
Status: Unutilized
Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg., off-site use only

Bldg. 30774
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330370
Status: Unutilized
Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 33136
White Sands Missile Range
White Sands, NM, Dona Ana, Zip: 88002-
Landholding Agency: Army
Property Number: 219330371
Status: Unutilized
Comment: 18 sq. ft., off-site use only

New York

Bldg. 503
Fort Totten
Ordnance Road
Bayside Co: Queens NY 11357-
Landholding Agency: Army
Property Number: 219012564
Status: Underutilized
Comment: 510 sq ft., 1 floor, most recent use—storage, needs major rehab/no utilities.

Bldg. 323
Fort Totten
Story Avenue
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012567
Status: Underutilized
Comment: 30000 sq ft., 3 floors, most recent use—barracks & mess facility, needs major rehab.

Bldg. 304
Fort Totten
Shore Road
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012570
Status: Underutilized
Comment: 9610 sq ft., 3 floors, most recent use—hospital, needs major rehab/utilities disconnected.

Bldg. 211
Fort Totten
211 Totten Avenue
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012573
Status: Underutilized
Comment: 6329 sq ft., 3 floors, most recent use—family housing, needs major rehab, utilities disconnected.

Bldg. 332
Fort Totten
Theater Road
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012578
Status: Underutilized
Comment: 6288 sq ft., 1 floor, most recent use—theater w/stage, needs major rehab, utilities disconnected.

Bldg. 504
Fort Totten
Ordnance Road
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012580
Status: Underutilized
Comment: 490 sq ft., 1 floor, most recent use—storage, no utilities, needs major rehab.

Bldg. 322
Fort Totten
322 Story Avenue
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012583
Status: Underutilized
Comment: 30000 sq ft., 3 floors, most recent use—barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 326
Fort Totten
326 Pratt Avenue
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012586
Status: Underutilized
Comment: 6000 sq ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab.

23 Residential Apartment Bldgs
Stewart Gardens, Stewart Army Subpost
Army Wherry Family Housing
New Windsor Co: Orange NY 12553
Location: Y and Garden Loop Streets
Landholding Agency: Army
Property Number: 219330315
Status: Unutilized
Comment: 2 story family housing, concrete block/wood, needs rehab, off-site use only

12 Detached Garages
Stewart Gardens, Stewart Army Subpost
Army Wherry Family Housing
New Windsor Co: Orange NY 12553
Property Number: 219330316
Status: Unutilized
Comment: 1 story garages, concrete block/wood, needs rehab, off-site use only

30 Storage Sheds
Stewart Gardens, Stewart Army Subpost
Army Wherry Family Housing
New Windsor Co: Orange NY 12553
Property Number: 219330317
Status: Unutilized
Comment: 1 story aluminum/wood storage sheds, good condition, off-site use only.

Bldg. 1202
Stewart Army Subpost
D Street
New Windsor Co: Orange NY 12553
Property Number: 219330318
Status: Unutilized
Comment: 1453 sq. ft., 1 story concrete/wood, needs rehab, presence of asbestos, most recent use—office, off-site use only.

Bldgs. 1204, 1206, 1208
Stewart Army Subpost
D Street
New Windsor Co: Orange NY 12553
Property Numbers: 219330319–219330321
Status: Unutilized
Comment: 4349 sq. ft., 2 story concrete/wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 1404
Stewart Army Subpost
Bruenig Road
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219330322
Status: Unutilized
Comment: approx. 8776 sq. ft., 2 story concrete/wood, needs major rehab, presence of asbestos, off-site use only.

Bldg. 2500
Stewart Army Subpost
4th Street
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219330323
Status: Unutilized
Comment: approx. 4350 sq. ft., 2 story concrete/wood/brick veneer, needs major rehab, presence of asbestos, off-site use only.

Bldg. 709
U.S. Military Academy
709 Worth Place
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330324
Status: Unutilized
Comment: approx. 1400 sq. ft., 2 story, need repairs, most recent use—storage, off-site use only.

Bldg. 621
U.S. Military Academy
North Athletic Field
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330325
Status: Unutilized
Comment: 1478 sq. ft., 1 story, concrete/aluminum, most recent use—storage shed, off-site use only.

Bldg. 623
U.S. Military Academy
North Athletic Field
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330326
Status: Unutilized

Comment: 200 sq. ft., 1 story, concrete/aluminum, most recent use—storage shed, off-site use only.

North Carolina

Bldgs. A–4625, A–4628
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219320308–219320309
Status: Unutilized
Comment: 2794 sq. ft. ea., 1 story, most recent use—mess, need repairs, off-site use only.

Bldg. C–4731
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219320310
Status: Unutilized
Comment: 780 sq. ft., concrete block press box, off-site use only.

Bldg. A–5425
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219330311
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, needs repair, most recent use—storage, off-site use only.

Bldg. O–9710
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219330312
Status: Unutilized
Comment: 974 sq. ft., metal trailer, need repairs, most recent use—living quarters, off-site use only.

Bldg. O–9711
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219330313
Status: Unutilized
Comment: 403 sq. ft., 1 story wood cabin, need repairs, most recent use—living quarters, off-site use only.

Bldg. O–9712
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219330314
Status: Unutilized
Comment: 730 sq. ft., wood garage, need repairs, off-site use only.

Ohio

15 Units Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266
Landholding Agency: Army
Property Number: 219230354
Status: Unutilized
Comment: 7–3 bedroom units (1824 sq. ft. ea.) 8–4 bedroom units (2430 sq. ft. ea.), 2 story wood frame, presence of asbestos, off-site use only.

7 Units Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266
Landholding Agency: Army
Property Number: 219230355
Status: Unutilized
Comment: One–4 stall garage and Six–3 stall garages, off-site use only, presence of asbestos.

Bldg. P–3
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662
Landholding Agency: Army
Property Number: 219320311
Status: Unutilized
Coment: 10752 sq. ft., 1 story brick, most recent use—office, possible asbestos.

Bldg. P–4
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662
Landholding Agency: Army
Property Number: 219320312
Status: Unutilized
Comment: 2508 sq. ft., 1 story brick, most recent use—vehicle maintenance shop.

Bldg. P–2
Hayes U.S. Army Reserve Center
Fremont Co: Sandusky OH 43420
Landholding Agency: Army
Property Number: 219320314
Status: Unutilized
Comment: 3956 sq. ft., 1 story brick, most recent use—office, possible asbestos.

Bldg. P–3
Hayes U.S. Army Reserve Center
Fremont Co: Sandusky OH 43420
Landholding Agency: Army
Property Number: 219320315
Status: Untilized
Comment: 1259 sq. ft., 1 story brick, most recent use—vehicle maintenance shop, possible asbestos.

Oklahoma

Bldg. T–2545, Fort Sill
2544 Sheridan Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011255
Status: Unutilized
Comment: 1994 sq. ft.; asbestos; wood frame; 2 floors, no operating sanitary facilities; most recent use—barracks.

Bldg. T–2606
Fort Sill
2606 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011273
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–3507
Fort Sill
3507 Sheridan Road
Lawton Co: Comanche OK 73503-5100
Landholding Agency: Army
Property Number: 219011315
Status: Unutilized
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—chapel

Bldgs. T–3779, T–3780
Fort Sill
3779 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Numbers: 219011343, 219011344
Status: Unutilized
Comment: 4720 sq ft each; possible asbestos, wood frame, 2 floors, most recent use—barracks.

Bldg. T–4720
Fort Sill
4720 Hartell Blvd.
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011405
Status: Unutilized
Comment: 13225 sq. ft.; visual asbestos; wood frame; 2 floors; most recent use—recreation bldg.

Bldg. T–4919
Fort Sill
4919 Post Road
Lawton Co: Comanche OK 73503-
Landholding Agency: Army
Property Number: 219014842
Status: Unutilized
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab.

Bldg. T–4523, Fort Sill
4523 Wilson Road
Lawton Co: Comanche OK 73503
Landholding Agency: Army
Property Number: 219014933
Status: Unutilized
Comment: 1639 sq. ft., 1 story wood frame, needs rehab, possible asbestos, most recent use—storage.

Bldg. T–283, Fort Sill
283 Knox Road
Lawton Co: Comanche OK 73053–5100
Landholding Agency: Army
Property Number: 219220608
Status: Unutilized
Comment: 2419 sq. ft., wood frame, 2 story, off-site removal only, most recent use—classroom.

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–3621, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220613
Status: Unutilized
Comment: 2265 sq. ft. ea., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. P–7452, Fort Sill
Lake Elmer Thomas Rec Area
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220619
Status: Unutilized
Comment: 450 sq. ft., metal frame, 1 story, off-site removal only, most recent use—garage.

Bldg. T–314, Fort Sill
314 Fowler Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240652
Status: Unutilized
Comment: 2798 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin supply.

Bldg. T–315, Fort Sill
315 Fowler Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240653
Status: Unutilized

Comment: 2787 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—training aids center.

Bldg. T–3541, Fort Sill
3541 Tacy Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240654
Status: Unutilized
Comment: 3673 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin/supply.

Bldg. T–2702, Fort Sill
2702 Thomas Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240655
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
3311 Naylor Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240656
Status: Unutilized
Comment: 1468 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin.

Bldg. T–3545, Fort Sill
3545 Tacy Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240657
Status: Unutilized
Comment: 1647 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general instruction.

Bldg. T–942, Fort Sill
942 Quinette Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240658
Status: Unutilized
Comment: 149 sq. ft., 1 story metal frame, needs rehab, off-site use only, most recent use—gas station bldg.

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–1050, T–1051 Fort Sill
1050 Quinette Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219240660–219240661
Status: Unutilized
Comment: 6240 sq. ft. ea., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldgs. T–3703 thru T–3705, T–3709 Fort Sill
3703 Walker Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219240662–219240665
Status: Unutilized
Comment: 4524 sq. ft. ea., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldg. T–5121, Fort Sill
5121 Post Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240666
Status: Unutilized
Comment: 8156 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldgs. T–2703, T–2704 Fort Sill
2703 Thomas Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219240667–219240668
Status: Unutilized
Comment: 5520 sq. ft. ea., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2740, Fort Sill
2740 Miner Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240669
Status: Unutilized
Comment: 8210 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2745, Fort Sill
2745 Miner Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240670
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
2633 Miner Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240672
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
2701 Thomas Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240673
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
2907 Marcy Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240674
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
2928 Custer Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240675
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
4050 Pitman Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240676
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T–5110 Fort Sill
5110 Post Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240677
Status: Unutilized
Comment: 457 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. P–3032 Fort Sill
3032 Haskins Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240678
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general storehouse.

Bldg. T–5115, Fort Sill
5115 Post Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240679
Status: Unutilized
Comment: 1260 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storehouse.

Bldg. T–3302, Fort Sill
3302 Naylor Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240680
Status: Unutilized
Comment: 114 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—flammable storage.

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T–3540, Fort Sill
3540 Tacy Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240682
Status: Unutilized
Comment: 3833 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—classroom

Bldg. T–3708, Fort Sill
3708 Walker Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240683
Status: Unutilized
Comment: 4526 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—day room.

Bldg. T–2911, Fort Sill
291 Craig Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army

Property Number: 219240684
Status: Unutilized
Comment: 2284 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—dispensary.

Bldg. T–260, Fort Sill
260 Corral Road
Lawton, OK, Comanche, Zip: 73503–5000
Landholding Agency: Army
Property Number: 219240776
Status: Unutilized
Comment: 4838 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—admin.

Bldg. T–228, Fort Sill
228 Corral Road
Lawton, OK, Comanche, Zip: 73503–5000
Landholding Agency: Army
Property Number: 219240777
Status: Unutilized
Comment: 4884 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—storage.

Bldg. T–2933, Fort Sill
2933 Marcy Road
Lawton, OK, Comanche, Zip: 73503–5000
Landholding Agency: Army
Property Number: 219240778
Status: Unutilized
Comment: 13545 sq. ft., 1 story wood frame off-site use only, possible asbestos, most recent use—theatre w/stage.

Bldg. P–653, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219310303
Status: Unutilized
Comment: 3680 sq. ft., 1 story wood frame, needs rehab, most recent use—garage, off-site use only

Bldgs. T–3633, T–3635, T–3636, T–3649, T–3650, T–3652, T–3653
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Numbers: 219310304–219310310
Status: Unutilized
Comment: 5324 sq. ft. each, 2 story wood frame, needs rehab, most recent use—barracks, off-site use only

Bldg. P2946, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320317
Status: Unutilized
Comment: 842 sq. ft., 1-story wood frame, possible asbestos, most recent use—bath house, off-site use only

Bldg. T–3543, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320318
Status: Unutilized
Comment: 3202 sq. ft., 1-story wood frame, possible asbestos, most recent use—personnel support facility, off-site use only

Bldg. T–3555, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320319
Status: Unutilized
Comment: 1646 sq. ft., 2-story wood frame, possible asbestos, most recent use—admin., off-site use only

Bldg. T–3630, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320320
Status: Unutilized
Comment: 2974 sq. ft., 1-story wood frame, possible asbestos, most recent use—classroom, needs rehab, off-site use only

Bldgs. T–3634, T–3639 Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Numbers: 219320321–219320322
Status: Unutilized
Comment: 4525 sq. ft., 2-story wood frame, possible asbestos, most recent use—barracks, needs rehab, off-site use only

Bldg. T–3640, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320323
Status: Unutilized
Comment: 1311 sq. ft., 1-story wood frame, possible asbestos, most recent use—admin/supply, needs rehab, off-site use only

Bldgs. T–3641, T–3642 Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Numbers: 219320324–219320325
Status: Unutilized
Comment: 1255 sq. ft., 1-story wood frame, possible asbestos, most recent use—day rooms, needs rehab, off-site use only

Bldg. T–3643, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320326
Status: Unutilized
Comment: 1259 sq. ft., 1-story wood frame, possible asbestos, most recent use—day room, off-site use only

Bldg. T–3644, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320327
Status: Unutilized
Comment: 1-story wood frame, possible asbestos, off-site use only

Bldgs. T–3646, T–3647 Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Numbers: 219320328–219320329
Status: Unutilized
Comment: 1257 sq. ft., 1-story wood frame, possible asbestos, most recent use—day room, off-site use only

Bldg. T–3648, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320330
Status: Unutilized
Comment: 1311 sq. ft., 1-story wood frame, possible asbestos, most recent use—admin/supply, needs rehab, off-site use only

Bldg. T–3655, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320331
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood frame, possible asbestos, most recent use—barracks, off-site use only

Bldg. T–3667, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320332
Status: Unutilized
Comment: 2850 sq. ft., 1-story wood frame, possible asbestos, most recent use—storage, needs rehab, off-site use only

Bldg. T–4722, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320333
Status: Unutilized
Comment: 13500 sq. ft., 2-story wood frame, possible asbestos, most recent use—band training facility, off-site use only

Bldg. T–5122, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320334
Status: Unutilized
Comment: 1-story wood frame, possible asbestos, off-site use only

Bldg. P–6220, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320335
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
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320336
Status: Unutilized
Comment: 352 sq. ft., 1-story wood frame, possible asbestos, most recent use—range house, off-site use only

Bldg. P–6600, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320338
Status: Unutilized
Comment: 1102 sq. ft., 1-story brick frame, possible asbestos, most recent use—FE maintenance shop, off-site use only

Bldg. P–6601, Fort Sill
Lawton, OK, Comanche, Zip: 73501–5100
Landholding Agency: Army
Property Number: 219320339
Status: Unutilized
Comment: 1606 sq. ft., possible asbestos, most recent use—boy scout bldg., off-site use only

Bldg. P–2610, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330372
Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only

Bldg. 4722, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330373
Status: Unutilized
Comment: 3375 sq. ft., 2-story, possible asbestos, most recent use—admin., off-site use only

Bldg. T5015, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330374
Status: Unutilized
Comment: 1412 sq. ft., 1-story wood, possible asbestos, most recent use—admin/supply, off-site use only

Bldg. T5014, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330375
Status: Unutilized
Comment: 2418 sq. ft., 2-story, possible asbestos, most recent use—barracks, off-site use only

Bldg. T5017, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330376
Status: Unutilized
Comment: 1176 sq. ft., 1-story, possible asbestos, most recent use—day room, off-site use only

Bldgs. T232, T236 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219330377–219330378
Status: Unutilized
Comment: 2868 sq. ft. ea., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T312, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330379
Status: Unutilized
Comment: 1970 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T1652, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T1665, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330381
Status: Unutilized
Comment: 1305 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T1949, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330382
Status: Unutilized
Comment: 500 sq. ft., iron/metal bldg., possible asbestos, most recent use—storage, off-site use only

Bldg. T2034, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330383
Status: Unutilized
Comment: 401 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2705, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330384
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2706, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330385
Status: Unutilized
Comment: 2156 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2707, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330386
Status: Unutilized
Comment: 2148 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2708, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330387
Status: Unutilized
Comment: 2153 sq. ft., 2-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T2709, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330388
Status: Unutilized
Comment: 2112 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2713, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330389
Status: Unutilized
Comment: 114 sq. ft., iron/metal bldg., possible asbestos, most recent use—storage, off-site use only

Bldgs. T2756, T2757 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219330390–219330391
Status: Unutilized
Comment: 5172 sq. ft. ea., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T3026, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330392
Status: Unutilized
Comment: 2454 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3651, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330393
Status: Unutilized
Comment: 2770 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3706, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330394
Status: Unutilized
Comment: 1947 sq. ft., 2-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3707, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330395
Status: Unutilized
Comment: 2910 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3710, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330396
Status: Unutilized
Comment: 1176 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3712, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330397
Status: Unutilized
Comment: 1021 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3713, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330398
Status: Unutilized
Comment: 1013 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3714, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330399
Status: Unutilized
Comment: 1159 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3718, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330400
Status: Unutilized
Comment: 1195 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4035, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330401
Status: Unutilized
Comment: 867 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4474, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330402
Status: Unutilized
Comment: 1159 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5011, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330403
Status: Unutilized
Comment: 1556 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5016, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330404
Status: Unutilized

Comment: 2825 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5120, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330405
Status: Unutilized
Comment: 1471 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5123, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330406
Status: Unutilized
Comment: 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5124, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330407
Status: Unutilized
Comment: 1287 sq. ft, 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5125, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330408
Status: Unutilized
Comment: 2101 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5126, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330409
Status: Unutilized
Comment: 1108 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldgs. T5245 thru T5248, T5252 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219330410–219330413, 219330417
Status: Unutilized
Comment: 3081 sq. ft. ea., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5249 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330414
Status: Unutilized
Comment: 2920 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldgs. T5250 thru T5251 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219330415–219330416
Status: Unutilized
Comment: 3257 sq. ft. ea., 1 story, possible asbestos, most recent use—storage, site use only.

Bldg. T5628 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330418
Status: Unutilized
Comment: 2016 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5637 Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

South Carolina

Bldg. 2505, Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219320340
Status: Unutilized
Comment: 2358 sq. ft, 1 story wood frame, most recent use—storage, off-site use only.

Bldg. 3365, Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219320341
Status: Unutilized
Comment: 9810 sq. ft., 2 story wood frame, most recent use—post thrift shop, off-site use only.

Bldg. E5884, Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219320344
Status: Unutilized
Comment: 240 sq. ft., 1 story wood frame, most recent use—range house, off-site use only.

Tennessee

Robert Joel Ridings
US Army Reserve Center
920 Cherokee Avenue
Nashville Co: Davidson TN 37207-
Landholding Agency: Army
Property Number: 219011667
Status: Excess
Comment: 40,000 sq. ft.; 3.67 acres; concrete block; utilities disconnected; site vandallized.

Texas

Harlingen USARC
1920 East Washington
Harlingen, TX, Cameron, Zip: 78550-
Landholding Agency: Army
Property Number: 219120304
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–3350, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220397
Status: Underutilized
Comment: 992 sq. ft., 1-story wood structure, possible asbestos, off-site removal only.

Bldg. P–3824, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220398
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. P–2430, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220435
Status: Underutilized
Comment: 6093 sq. ft., 1-story concrete and tile structure, off-site removal only.

Bldgs. 7180, 7193, 7183–7192 Fort Bliss
El Paso, TX, El Paso, Zip: 79916-
Landholding Agency: Army
Property Numbers: 219310394–219310405
Status: Unutilized
Comment: 645 sq. ft. each, 1-story, needs rehab, most recent use—auto garage, off-site use only

Bldg. 7194, Fort Bliss
El Paso, TX, El Paso, Zip: 79916-
Landholding Agency: Army
Property Number: 219310406
Status: Unutilized
Comment: 1593 sq. ft., 1-story, needs rehab, most recent use—family housing, off-site use only

Bldgs. 441–442, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544-
Landholding Agency: Army
Property Numbers: 219320345–219320346
Status: Unutilized
Comment: 6033 sq. ft., 2-story wood frame, most recent use—offices, needs rehab, off-site use only

Bldg. 2331, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544-
Landholding Agency: Army
Property Number: 219320347
Status: Unutilized
Comment: 2000 sq. ft., 1-story wood frame, most recent use—R&U shop, needs rehab, off-site use only

Bldg. 2814, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544-
Landholding Agency: Army
Property Number: 219320348
Status: Unutilized
Comment: 1500 sq. ft., 1-story wood frame, most recent use—offices, needs rehab, off-site use only

Bldg. 2816, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544-
Landholding Agency: Army
Property Number: 219320349
Status: Unutilized
Comment: 1450 sq. ft., 1-story wood frame, most recent use—storage, needs rehab, off-site use only

Bldg. 4168, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544-
Landholding Agency: Army
Property Number: 219320350
Status: Unutilized
Comment: 2100 sq. ft., 1-story teel frame, most recent use—vehicle wash platform, needs rehab, off-site use only

Bldgs. 56172–56174, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544-
Landholding Agency: Army
Property Numbers: 219320351–219320353
Status: Unutilized
Comment: 1350 sq. ft. ea, 1-story wood frame, most recent use—classroom/storage, needs rehab, off-site use only

Bldg. 440, Fort Bliss
El Paso, TX, El Paso, Zip: 79916-
Landholding Agency: Army
Property Number: 219320355
Status: Unutilized
Comment: 1651 sq. ft., 1-story brick, most recent use—education facility, off-site use only

Bldg. 445, Fort Bliss
El Paso, TX, El Paso, Zip: 79916-
Landholding Agency: Army
Property Number: 219320356
Status: Unutilized
Comment: 1358 sq. ft., 1-story brick, most recent use—youth center, off-site use only

Bldg. 1164, Fort Bliss
El Paso, TX, El Paso, Zip: 79916-
Landholding Agency: Army
Property Number: 219330420
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
Ft. Hood, TX, Coryell, Zip: 76544-
Landholding Agency: Army
Property Number: 219330421
Status: Unutilized
Comment: 6733 sq. ft., 1 story wood, most recent use—commissary, off-site use only.

Bldgs. 7037–7039, Fort Hood
Ft. Hood, TX, Coryell, Zip: 76544-
Landholding Agency: Army
Property Numbers: 219330422–219330424
Status: Unutilized
Comment: 120 sq. ft., most recent use—aircraft truck fuel bldgs., off-site use only.

Bldg. 7040, Fort Hood
Ft. Hood, TX, Coryell, Zip: 76544-
Landholding Agency: Army
Property Number: 219330425
Status: Unutilized
Comment: 100 sq. ft., most recent use—oil storage bldg., off-site use only.

Virginia

Bldg. T–6015
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee Co: Prince George VA 23801-
Landholding Agency: Army
Property Number: 219012376
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. T–229, Fort Monroe
Ft. Monroe VA 23651
Landholding Agency: Army
Property Number: 219310301
Status: Underutilized
Comment: 4364 sq. ft., 1 story wood frame, needs rehab, most recent use—storage, off-site use only

Bldg. T–1069, Fort Story
Ft. Story Co: Princess Ann VA 23459–5000
Landholding Agency: Army
Property Number: 219310302
Status: Unutilized
Comment: 2095 sq. ft., 1 story wood frame, needs rehab, most recent use—storage, off-site use only

Bldg. T–250
Fort Monroe, VA 23651
Landholding Agency: Army
Property Number: 219320358
Status: Underutilized
Comment: 2415 sq. ft., 1 story wood, need repairs, most recent use—storage, off-site use only.

Bldg. T–251
Fort Monroe, VA 23651
Landholding Agency: Army
Property Number: 219320359
Status: Underutilized
Comment: 2178 sq. ft., 1 story wood, most recent use—storage, off-site use only.

Bldg. 630, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219320360
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, needs rehab, most recent use—office, off-site use only.

Bldgs. 636, 639 Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Numbers: 219320361, 219320364
Status: Unutilized
Comment: 2592 sq. ft. ea., 1 story wood, needs rehab, most recent use—office, off-site use only.

Bldg. 637, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219320362
Status: Unutilized
Comment: 2740 sq. ft., 1 story wood, needs rehab, most recent use—admin., off-site use only.

Bldg. 638, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219320363
Status: Unutilized
Comment: 1600 sq. ft., 1 story wood, needs rehab, most recent use—communications, off-site use only.

Bldg. 835, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219320365
Status: Unutilized
Comment: 1472 sq. ft., 1 story, needs rehab, most recent use—office, off-site use only.

Bldg. 1533, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219320366
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, needs rehab, most recent use—storage, off-site use only.

Bldg. 510, Fort Story
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219320367
Status: Unutilized
Comment: 7800 sq. ft., 2 story wood, needs rehab, most recent use—barracks, off-site use only.

Bldg. 1509, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219330426
Status: Unutilized
Comment: 3200 sq. ft., 2 story wood, needs major rehab, off- site use only.

Bldg. 1550, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219330427
Status: Unutilized
Comment: 2592 sq. ft., 1 story wood, needs major rehab, most recent use—storage, off-site use only.

Bldg. 1713, Fort Eustis
Newport News, VA 23604
Landholding Agency: Army
Property Number: 219330428
Status: Unutilized
Comment: 3763 sq. ft., 1 story wood, needs major rehab, off- site use only.

Washington

Reserve Center, Longview
14 Port Way
Longview Co: Cowlitz WA 98632
Landholding Agency: Army
Property Number: 219320368
Status: Unutilized
Comment: 17304 sq. ft., 1 story training facility.

Wisconsin

Bldgs. T–01069, T–01071—T–01080, T–01082—T–01084
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013502, 219013521–219013533
Status: Unutilized
Comment: 4829 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10122
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013436
Status: Unutilized
Comment: 1900 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10123
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013437
Status: Unutilized
Comment: 2405 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10127
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013440
Status: Unutilized
Comment: 1148 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P–10137
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013442
Status: Unutilized
Comment: 192 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldgs. T–01095—T–01097
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army

Property Numbers: 219013453–219013455
Status: Unutilized
Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10118
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013450
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10120
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013451
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10113
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013456
Status: Unutilized
Comment: 2393 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–10101, T–10102—T–10103
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013460–219013462
Status: Unutilized
Comment: 3944 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10124
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013467
Status: Unutilized
Comment: 3115 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–10125—T10126
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013468–219013469
Status: Unutilized
Comment: 3590 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10110
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013470
Status: Unutilized
Comment: 2548 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—vehicle storage.

Bldgs. T–01085—T–01086
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013534–219013535
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01065—T–01067
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013498–219013500
Status: Unutilized
Comment: 4793 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01068
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013501
Status: Unutilized
Comment: 4848 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10112
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013508
Status: Unutilized
Comment: 1273 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—morgue.

Bldg. T–01098
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013513
Status: Unutilized
Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01081
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013541
Status: Unutilized
Comment: 7133 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. 2112, Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219210310
Status: Underutilized
Comment: 582 sq. ft., 1 story, most recent use—ice house, needs repair.

Bldg. 443 Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219210380
Status: Underutilized
Comment: 2750 sq. ft. ea., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 434 Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219210379
Status: Underutilized
Comment: 2682 sq. ft. ea., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldgs. 353, 554 Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Numbers: 219320369, 219320371
Status: Underutilized
Comment: 3663 sq. ft. ea, 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose

Bldg. 456, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320370
Status: Unutilized
Comment: 1250 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose

Bldg. 7174, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320372
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
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320373
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
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320374
Status: Unutilized
Comment: 4800 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse

Bldg. 1361, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320375
Status: Underutilized
Comment: 3709 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—vehicle storage

Bldgs. 1364, 1469, 1471 Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Numbers: 219320376–219320378
Status: Underutilized
Comment: 4416 sq. ft. ea., 1-story, presence of asbestos, needs rehab, used

intermittently by Army, most recent use—vehicle storage
Bldg. 449, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320379
Status: Underutilized
Comment: 1750 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—confinement facility
Bldg. 457, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320380
Status: Underutilized
Comment: 573 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—officer's quarters
Bldg. 900, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320381
Status: Underutilized
Comment: 13417 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—theater with dressing room
Bldg. 1365, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320382
Status: Underutilized
Comment: 2688 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—maintenance shop
Bldg. 2214, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320383
Status: Underutilized
Comment: 1360 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—storage shed
Bldg. 7238, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320384
Status: Underutilized
Comment: 2898 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—riding stable
Bldgs. 355, 556 Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Numbers: 219320385–219320386
Status: Underutilized
Comment: 3748 sq. ft. ea., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—unit chapel
Bldgs. 354, 448, 551, 555 Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Numbers: 219320387, 219320389, 219320391–219320392
Status: Underutilized
Comment: 1750 sq. ft. ea., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—admin/supply
Bldg. 434, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320388
Status: Underutilized
Comment: 2682 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—admin/supply
Bldg. 455, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320390
Status: Underutilized
Comment: 2750 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—admin/supply
Bldg. 1734, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320393
Status: Underutilized
Comment: 13620 sq. ft., 2-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—admin/supply
Bldgs. 351, 552 Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Numbers: 219320394–219320395
Status: Underutilized
Comment: 2255 sq. ft. ea., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—clinic w/o beds
Bldg. 450, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320396
Status: Underutilized
Comment: 2350 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—dining
Bldg. 352, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320397
Status: Underutilized
Comment: 7428 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—exchange branch
Bldg. 553, Fort McCoy
Ft. McCoy, WI, Monroe, Zip: 54656-
Landholding Agency: Army
Property Number: 219320398
Status: Underutilized
Comment: 7200 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—exchange branch

Land (by State)

Kansas

Parcel 1
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012333
Status: Underutilized
Comment: 14.4+ acres.

Parcel 3
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012336
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
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012339
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/ training exercises: steep/wooded area.

Parcel 6
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Landholding Agency: Army
Property Number: 219012340
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/ training exercises.

Parcel F
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012552
Status: Unutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Minnesota

Land
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112-
Landholding Agency: Army
Property Number: 219120269
Status: Underutilized
Comment: Approx. 25 acres, possible contamination, secured area with alternate access.

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized

Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Location: South-southwest of Hawthorne along HWAAP'S South Magazine Area at western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012058
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

New Jersey

Land—Camp Kilmer
Plainfield Avenue
Edison Co: Middlesex NJ 08817
Landholding Agency: Army
Property Number: 219230357
Status: Underutilized
Comment: approx. 10 acres in the center portion of site, most recent use—ballfields/recreation.

Land—Camp Kilmer
Plainfield Avenue
Edison Co: Middlesex NJ 08817
Landholding Agency: Army
Property number: 219230358
Status: Underutilized
Comment: approx. 10 acres in the southwest corner of site, most recent use—reserve training, wooded area.

Ohio

5 acres
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662
Landholding Agency: Army
Property Number: 219320313
Status: Unutilized
Comment: 5 acres including paved roads, parking, sidewalks, etc.

3 acres
Hayes U.S. Army Reserve Center
Fremont Co: Sandusky OH 43420
Landholding Agency: Army
Property Number: 219320316
Status: Unutilized
Comment: 3 acres including paved roads, parking, sidewalks, etc.

Tennessee

Milan Army Ammunition Plant
Milan Co: Carroll TN 38358-
Location: Plant boundary in the northeast corner of the plant & housing area
Landholding Agency: Army
Property Number: 219010547
Status: Excess
Comment: 17.2 acres; right of entry legal constraint

Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Land
Milan Army Ammunition Plant
NE corner of plant & housing area
Milan Co: Carroll TN 38358
Landholding Agency: Army
Property Number: 219240780
Status: Unutilized
Comment: 17.2 acres, secured area w/ alternate access, most recent use—buffer zone.

Texas

Vacant Land, Fort Sam Houston
All of Block 1800, Portions of Blocks 1900, 3100 and 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220438
Status: Unutilized
Comment: 250.33 acres, 85% located in floodplain, possibility of unexploded ordnance.

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Bldgs. 240, 246, 260, 267, 502, 507
Fort Richardson
Ft. Richardson Co: Anchorage AK
Landholding Agency: Army
Property Numbers: 219240766–219240771
Status: Unutilized
Comment: 13059 sq. ft. ea., 3 story wood frame, asbestos/lead paint, off-site use only, most recent use—residential.

California

Bldg. 60
Los Alamitos Armed Forces Reserve Center
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120315
Status: Unutilized
Comment: 1024 sq. ft., 2 story concrete/wood plaster, possible asbestos, off-site use only, most recent use—nose hanger

Bldg. 95
Los Alamitos Armed Forces Reserve Center
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 21912316
Status: Unutilized
Comment: 392 sq. ft., 1 story raised portable, off-site use only, most recent use—radar maint. shop

Colorado

Bldg. T–1445, Fort Carson
Colorado Springs Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 219320204
Status: Unutilized
Comment: 2255 sq. ft., 1 story wood frame, needs rehab, off- site use removal only, most recent use—admin.

Georgia

Bldg. 2500, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219310483
Status: Unutilized
Comment: 50390 sq. ft., 1 story, needs rehab, most recent use—laundry facility, off-site use only

Maryland

Bldgs. TMA4, TMA5, TMA8, TMA9
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320292
Status: Unutilized
Comment: approx. 800 sq. ft. steel plate, gravel base ammunition storage area, fair condition

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. P–2001, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District

Bldg. P–2007, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220391
Status: Underutilized
Comment: 13,058 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. T–189, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220402
Status: Underutilized
Comment: 11,949 sq. ft., 4-story brick structure, within National Landmark Historic District, possible lead contamination

Bldg. T–2066, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220424
Status: Underutilized
Comment: 4720 sq. ft., 1-story wood structure, within National Landmark Historic District, possible asbestos

Virginia

Bldg. T3004, Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Number: 219310317
Status: Unutilized
Comment: 2350 sq. ft., 1-story wood frame, needs repair, most recent use—clinic

Bldgs. T3022—T3024 Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Numbers: 219310318–219310320
Status: Unutilized
Comment: 5310 sq. ft. each, 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3026, Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Number: 219310321
Status: Unutilized
Comment: 3550 s. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3025, T3040–T3041, T3049–T3050
Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Numbers: 219310322–219310326
Status: Unutilized
Comment: 2950 sq. ft. each, 1-story wood frame, needs repair, most recent use—dining room

Bldgs. T3029–T3030, T3037–T3039, T3042–T3048, T3051–T3054, T3027–T3028 Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Numbers: 219310327–219310344
Status: Unutilized
Comment: 5310 sq. ft. each, 2-story wood frame, needs repair, most recent use—barracks

Bldgs. T3031–T3036, T3057 Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Numbers: 219310345–219310351
Status: Unutilized
Comment: 2987 sq. ft. each, 1-story wood frame, needs repair, most recent use—admin./supply

Bldg. T3055, Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Number: 219310352
Status: Unutilized
Comment: 2488 sq. ft., 1-story wood frame, needs repair, most recent use—admin./supply

Bldg. TT3001, Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Number: 219310353
Status: Unutilized
Comment: 3302 sq. ft., 1-story wood frame, most recent use—chapel

Bldg. TA3002, Fort Pickett
Blackstone, VA, Nottoway, Zip: 23824-
Landholding Agency: Army
Property Number: 219310354
Status: Unutilized
Comment: 360 sq. ft., 1-story wood frame, most recent use—clinic

Bldg. 178, Fort Monroe
Ft. Monroe, VA 23651
Landholding Agency: Army
Property Number: 219320357
Status: Unutilized
Comment: 1470 sq. ft., 1 story, need repairs, most recent use—entomology facility, off-site use only.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 270
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120324
Status: Unutilized
Comment: 90 sq. ft., concrete/aluminum, off-site use only, most recent use—aircraft steam cleaning bldg.

Maryland

Bldg. 101
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910-
Landholding Agency: Army
Property Number: 219012678
Status: Underutilized
Comment: 18438 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 104
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910-
Landholding Agency: Army
Property Number: 219012679
Status: Underutilized
Comment: 12495 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 107
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910-
Landholding Agency: Army
Property Number: 219012680
Status: Unutilized
Comment: 4107 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Bldg. 120
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910-
Landholding Agency: Army
Property Number: 219012681
Status: Underutilized
Comment: 2442 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Land (by State)

Texas

Land—Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070
Landholding Agency: Army
Property Number: 219014814
Status: Unutilized
Comment: 43.08 acres, includes buildings/structures/parking and air strip.

Unsuitable Properties

Buildings (by State)

Alabama

71 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898-
Landholding Agency: Army
Property Number: 219014000, 219014003–219014005, 219014009, 219014012, 219014015–219014051, 219014057, 219014060, 219014068–219014080, 219014291–219014292, 219110109, 219120247–219120250, 219140614–219140615, 219230190, 219330001–219330002
Status: Unutilized
Reason: Secured Area

Bldg. T00862
Fort McClellan
Off 21st Street between 2nd & 3rd Avenue
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219130019
Status: Unutilized
Reason: Extensive deterioration

Two Bedroom Apt.
Anniston Army Depot
Wherry Housing—Terrace Homes Apt.
Anniston Co: Calhoun AL 36201-
Landholding Agency: Army
Property Number: 219130108
Status: Excess
Reason: Extensive deterioration

77 Bldgs.
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044-
Landholding Agency: Army
Property Number: 219210018–219210094
Status: Excess
Reason: Secured Area

L006T1, L006T2, L006T3
Troy Municipal Airport
Troy Co: Pike AL 36081
Landholding Agency: Army
Property Number: 219220294
Status: Unutilized
Reason: Extensive deterioration

14 Bldgs., Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219220341–219220344, 219310016, 219320001, 219330003–219330010
Status: Unutilized
Reason: Extensive deterioration

27 Bldgs.
Phosphate Development Works
Muscle Shoals Co: Colbert AL 35660–1010
Landholding Aagency: Army
Property Number: 219220789–219220815
Status: Unutilized
Reason: Extensive deterioration

18 Bldgs., Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219310006–219310014, 219330011–219330019
Status: Unutilized
Reason: Extensive deterioration

Alaska

16 Bldgs.
Fort Greely
Ft. Greely AK 99790-
Landholding Agency: Army
Property Number: 219210124–219210125, 219220319–219220332
Status: Unutilized
Reason: Extensive deterioration

Bldg. 47022, Fort Richardson
Ft. Richardson Co: Anchorage AK 99505
Landholding Agency: Army
Property Number: 219220351
Status: Unutilized
Reason: Within airport runway clear zone

15 Bldgs., Fort Richardson
Ft. Richardson Co: Anchorage AK 99505
Landholding Agency: Army
Property Number: 219220352, 219220355, 219230185–219230186, 219240270–

219240272, 219310015, 219320002–219320008
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

Bldgs. 1126, 1578, Fort Wainwright
Ft. Wainwright Co: Fairbanks AK 99505
Landholding Agency: Army
Property Number: 219230183–219230184
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1144, Fort Wainwright
Ft. Wainwright Co: Fairbanks/North AK 99703
Landholding Agency: Army
Property Number: 219240273
Status: Unutilized
Reason: Secured Area, Within airport runway clear zone

Bldgs. 5001, 5002, Fort Wainwright
Ft. Wainwright Co: Fairbanks/North AK 99703
Landholding Agency: Army
Property Number: 219240274–219240275
Status: Unutilized
Reason: Secured area, Floodway

Bldg. 1501, Fort Greely
Ft. Greely AK 99505
Landholding Agency: Army
Property Number: 219240327
Status: Unutilized
Reason: Secured Area

Bldg. 914, Fort Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 219240330
Status: Unutilized
Reason: Secured Area, Within airport runway clear zone, Structural Damage

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015-
Location: 12 miles west of Flagstaff, Arizona on I-40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015-
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area

Bldgs. 22330, 84001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635-
Landholding Agency: Army
Property Number: 219210016–219210017
Status: Excess
Reason: Extensive deterioration

Bldgs. T–2005, T–2006, S–2085, S–6078
Yuma Proving Ground
Yuma Co: Yuma/LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219320009–219320010, 219330020–219330021
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

Arkansas

Fort Smith USAR Center
Fort Smith
1218 South A Street
Fort Smith Co: Sebastian AR 72901-
Landholding Agency: Army
Property Number: 219014928
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Army Reserve Center
Hwy 79 North
Camden Co: Calhoun AR 71701–3415
Landholding Agency: Army
Property Number: 219220345
Status: Unutilized
Reason: Extensive deterioration

California

Bldgs. P–177, P–178, 325, S–308, S–308A, T–308B
Fort Hunter Liggett
Jolon Co: Monterey CA 93928-
Landholding Agency: Army
Property Number: 219012414–219012415, 219012600, 219240284–219240285, 219240287
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, (Some are in a secured area.)

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367-
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367-
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Oakland Army Base
Oakland Co: Alameda CA 94626–5000
Landholding Agency: Army
Property Number: 219013903–219013906, 219120048–219120051, 219140568
Status: Unutilized
Reason: Secured Area

Bldgs. S–108, S–20, S–290
Sharpe Army Depot
Lathrop Co: San Joaquin CA 95331-
Landholding Agency: Army
Property Number: 219014290, 219230178–219230179
Status: Underutilized
Reason: Secured Area

Bldg. S–184
Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928-
Landholding Agency: Army
Property Number: 219014602
Status: Underutilized
Reason: Secured Area

16 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113-
Landholding Agency: Army
Property Number: 219014705, 219014708–219014710, 219014713–219014717, 219014719–219014721, 219230180–219230182, 219320012
Status: Unutilized
Reason: Secured Area

Bldg. P–88
Sierra Army Depot
Road Oil Storage
Herlong Co: Lassen CA 96113-
Landholding Agency: Army
Property Number: 219014707
Status: Unutilized
Reason: Oil Storage Tank

Bldgs. 173, 177, 197
Roth Road—Sharpe Army Depot
Lathrop Co: San Joaquin CA
Landholding Agency: Army
Property Number: 219014940–219014942
Status: Unutilized
Reason: Secured Area

Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367-
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area

Bldg. 81
Los Alamitos Armed Forces Reserve Center
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120276
Status: Unutilized
Reason: Detached latrine

10 Bldgs., Sharpe Site
Lathrop Co: San Joaquin CA 95331-
Landholding Agency: Army
Property Number: 219140262–219140266, 219240151–219240155
Status: Unutilized
Reason: Secured Area

Bldg. T–187, Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928
Landholding Agency: Army
Property Number: 219240321
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 84, Sierra Army Depot
Herlong Co: Lassen CA 96113
Landholding Agency: Army
Property Number: 219320011
Status: Unutilized
Reason: Structural damage

Bldgs. 25, 36, 224, 257, Tracy Facility
Tracy Co: San Joaquin CA 95376
Landholding Agency: Army
Property Number: 219330022–219330025
Status: Unutilized
Reason: Secured Area

10 Bldgs., Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army

Property Number: 219330026–219330035
Status: Unutilized
Reason: Secured Area, Extensive Deterioration

Colorado

70 Bldgs.
Pueblo Army Depot
Pueblo Co: Pueblo CO 81001-
Location: 14 miles East of Pueblo City on Highway 50
Landholding Agency: Army
Property Number: 219012209, 219012211, 219012214, 219012216, 219012221, 219012223–219012224, 219012226–219012228, 219012230–219012231, 219012233, 219012235–219012237, 219012239–219012257, 219012260–219012275, 219012287, 219012290–219012298, 219012300, 219012743, 219012745, 219012747–219012748, 219120058–219120061
Status: Unutilized
Reason: Secured Area

26 Bldgs., Pueblo Depot Activity
Pueblo CO 81001
Landholding Agency: Army
Property Number: 219240466–219240482
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 230
Fitzsimons Army Medical Center
Aurora Co: Adams CO 80045–5001
Landholding Agency: Army
Status: Unutilized
Reason: Secured Area

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314-
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905-
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack

34 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905-
Landholding Agency: Army
Property Number: 219220264–219220269, 219220279, 219220281, 219220291–219220293, 219320020–219320029, 219330048–219330060
Status: Unutilized
Reason: Extensive deterioration

Bldgs. GT001, GT002, GT003, GT004, 11726–11727
Fort Gordon
Augusta Co: Richmond GA 30905-
Landholding Agency: Army
Property Number: 219210136, 219210138–219210139
Status: Unutilized
Reason: Secured Area

6 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220333–219220338
Status: Unutilized
Reason: Detached lavatory

Bldg. 1673, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220742
Status: Unutilized
Reason: Extensive deterioration

10 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219240282, 219310091, 219310093–219310094, 219310098–219310099, 219310101, 219310105–219310107, 219320030–219320033
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs., Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219330037–219330047
Status: Unutilized
Reason: Extensive Deterioration

Hawaii

PU-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa Co: Wahiawa HI 96786-
Landholding Agency: Army
Property Number: 219014836–219014837
Status: Unutilized
Reason: Secured Area

P–3384 East Range
Schofield Barracks
East Range Road
Wahiawa Co: Wahiawa HI 96786-
Landholding Agency: Army
Property Number: 219030361
Status: Unutilized
Reason: Secured Area

Bldg. T–1510, Fort Shafter
Honolulu Co: Honolulu HI 96819
Landholding Agency: Army
Property Number: 219320035
Status: Unutilized
Reason: Extensive deterioration

Bldg. 754–C, Schofield Barracks
Wahiawa Co: Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219320034
Status: Unutilized
Reason: Extensive deterioration

Illinois

609 Bldgs. and Groups
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436-
Landholding Agency: Army
Property Number: 219010153–219010317, 219010319–219010407, 219010409–219010413, 219010415–219010439, 219011750–219011879, 219011881–219011908, 219012331, 219013076–219013138, 219014722–219014781, 219030277–219030278, 219040354, 219140441–219140446, 219210146, 219240457–219240465, 219330062–219330094
Status: Unutilized
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway.

Bldg. 725
Fort Sheridan
Highwood Co: Lake IL 60037–5000
Landholding Agency: Army
Property Number: 219013769
Status: Underutilized
Reason: Secured Area

Bldgs. 58, 59 and 72, 69, 64, 105
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108
Status: Unutilized
Reason: Secured Area

Bldg. 133, Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299-
Landholding Agency: Army
Property Number: 219210100
Status: Underutilized
Reason: Extensive deterioration

Bldgs. 250, 253, Savanna Army Depot Activity
Savanna Co: Carroll IL 61074
Landholding Agency: Army
Property Number: 219230126–219230127
Status: Unutilized
Reason: Extensive deterioration

Indiana

246 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown Co: Clark IN 47111-
Landholding Agency: Army
Property Number: 219010913–219010920, 219010924–219010928, 219010929–219010936, 219010952, 219010955, 219010957, 219010959–219010960, 219010962–219010964, 219010966–219010967, 219010969–219010970, 219011449, 219011454, 219011456–219011457, 219011459–219011464, 219013764, 219013848, 219014608–219014621, 219014622–219014653, 219014655–219014661, 219014663–219014683, 219030315, 219120168–219120171, 219140425–219140440, 219210152–219210155, 219230034–219230037, 219320036–219320111
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Most are within a secured area.)

58 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966-
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033
Status: Unutilized
Reason: Secured Area

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2635, Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240322
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Iowa

46 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638-
Landholding Agency: Army
Property Number: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material.)

27 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219330061
Status: Unutilized
Reason: Extensive deterioration

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357-
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

218 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219040039, 219040045, 219040048–219040051, 219040053, 219040055, 219040063–219040067, 219040072–219040080, 219040086–219040099, 219040102, 219040111–219040112, 219040118–219040119, 219040121–219040124, 219040126, 219040128–219040133, 219040136–219040137, 219040139–219040140, 219040143, 219040149–219040154, 219040156, 219040160–219040165, 219040168–219040170, 219040180, 219040182–219040185, 219040190–219040191, 219040202, 219040205–219040207, 219040208, 219040210–219040221, 219040234–219040239, 219040241–219040254, 219040256–219040257, 219040260, 219040262–219040267, 219040270–219040279, 219040282–219040319, 219040321–219040323, 219040325–219040327, 219040330–219040335, 219040349, 219040353, 219140569–219140577, 219140580–219140591, 219140594, 219140599–219140601, 219140606–219140612
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

21 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219040007–219040008, 219040010–219040012, 219040014–219040027, 219040030–219040031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Bldg. 9002
Sunflower Army Ammunition Plant
35525 W. 103rd Street
DeSoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219110073
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

5 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442-
Landholding Agency: Army
Property Number: 219240032, 219240078–219240080, 219310207
Status: Unutilized
Reason: Extensive deterioration

11 Latrines
Sunflower Army Ammunition Plant
35425 West 103rd
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219140578–219140579, 219140593, 219140595–219140598, 219140602–219140605
Status: Unutilized
Reason: Detached Latrine

219 Bldgs., Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018
Landholding Agency: Army
Property Number: 219240333–219240437
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511-
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area, Sewage treatment facility

Bldg. 12
Lexington—Blue Grass Army Depot
Lexington Co: Fayette KY 40511-
Location: 12 miles Northeast of Lexington Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

23 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121-
Landholding Agency: Army
Property Number: 219320112–219320134
Status: Unutilized
Reason: Extensive deterioration

Bldgs. TO5650, TO6136, TO6382, TO6486
Fort Campbell
Ft. Campbell Co: Christian KY 42223-
Landholding Agency: Army
Property Number: 219210132–219210135
Status: Unutilized
Reason: Secured Area
Comment: Extensive deterioration

17 Bldgs., Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219240450–219240456, 219320135–219320143, 219320259
Status: Unutilized
Reason: Extensive deterioration

Bldg. 06862, Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219240782
Status: Unutilized
Reason: Detached latrine

Louisiana

26 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023-
Landholding Agency: Army
Property Number: 219011668–219011670, 219011700, 219011714–219011716, 219011735–219011737, 219012112, 219013571–219013572, 219013863–219013869, 219110124, 219110127, 219110131, 219110135–219110136, 219120290
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

Staff Residences
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023-
Landholding Agency: Army
Property Number: 219120284–219120286
Status: Excess
Reason: Secured Area

Bldg. A–102
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023
Landholding Agency: Army
Property Number: 219230087
Status: Unutilized
Reason: Extensive deterioration

14 Bldgs.
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023
Landholding Agency: Army
Property Number: 219240137–219240150
Status: Unutilized
Reason: Secured Area

Bldgs. T–2924, 7421, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219240323, 219320282
Status: Unutilized
Reason: Extensive deterioration

Maryland

56 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011406–219011417, 219012608, 219012610, 219012612,

219012614, 219012616–219012617, 219012619, 219012623, 219012625–219012629, 219012631, 219012633–219012635, 219012637–219012642, 219012645–219012651, 219012655–219012664, 219013773, 219014711–219014712, 219030316, 219110140, 219240329
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material) (Some are in a floodway)

P501
Installation #24235
Ballast House
La Plata Co: Charles MD 20646-
Location: At the end of the access road
Landholding Agency: Army
Property Number: 219011643
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

1 Bldg.
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755-
Landholding Agency: Army
Property Number: 219014789
Status: Unutilized
Reason: Secured Area

Bldg. 10401
Aberdeen Proving Ground
Aberdeen Area
Harford Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110138
Status: Unutilized
Reason: Sewage treatment plant

Bldg. 10402
Aberdeen Proving Ground
Aberdeen Area
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110139
Status: Unutilized
Reason: Sewage pumping station

Bldgs. 142–146, USARC Gaithersburg
8510 Snouffers School Road
Gaithersburg Co: Montgomery MD 20879–1624
Landholding Agency: Army
Property Number: 219120009–219120013
Status: Unutilized
Reason: Secured Area

49 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755-
Landholding Agency: Army
Property Number: 219130059, 219140458, 219140460–219140461, 219140465, 219140467, 219140472, 219140510, 219210123, 219220126–219220127, 219220142, 219220146–219220148, 219220153, 219220161, 219220171–219220173, 219220190–219220193, 219220195–219220197, 219240121, 219310021–219310033, 219320144, 219330112–219330118
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 129, 144, 132, 135 Fort Ritchie
Ft. Ritchie Co: Washington MD 21719–5010
Landholding Agency: Army
Property Number: 219310058–219310059, 219330109–219330110
Status: Underutilized
Reason: Secured Area

Bldg. 4900, Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219230089
Status: Unutilized
Reason: Within airport runway clear zone

Massachusetts

Material Technology Lab
405 Arsenal Street
Watertown Co: Middlesex MA 02132-
Landholding Agency: Army
Property Number: 219120161
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldgs. T–102, T–110, T–111, Hudson Family Hsg
Natick RD&E Center
Bruen Road
Hudson Co: Middlesex MA 01749
Landholding Agency: Army
Property Number: 219220105–219220107
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured Area

Michigan

Bldgs. 602, 604
US Army Garrison Selfridge
Mt. Clemens Co: Macomb MI 48043-
Landholding Agency: Army
Property Number: 219012355–219012356
Status: Unutilized
Reason: Within airport runway clear zone, Floodway, Secured Area

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090-
Landholding Agency: Army
Property Number: 219014605
Status: Underutilized
Reason: Secured Area

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area, Extensive deterioration

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area

Minnesota

42 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112-
Landholding Agency: Army
Property Number: 219120165–219120167, 219210014–219210015, 219220227–219220235, 219240328, 219310055–219310056, 219320145–219320156, 219330096–219330108
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material.)

Mississippi

Bldgs. 8301, 8303–8305, 9158
Mississippi Army Ammunition Plant
Stennis Space Center Co: Hancock MS 39529–7000
Landholding Agency: Army
Property Number: 219040438–219040442
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Missouri

Lake City Army Ammo. Plant
59, 59A, 59C, 59B
Independence Co: Jackson MO 64050-
Landholding Agency: Army
Property Number: 219013666–219013669
Status: Unutilized
Reason: Secured Area

Bldg #1, 2, 3
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120069
Status: Unutilized
Reason: Secured Area

2 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219140422–219140423
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. T3019
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330111
Status: Unutilized
Reason: Extensive Deterioration

Nebraska

13 Bldgs.
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68802-
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013849–219013861
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1L–19, 1CH19, 1P019, A0001, A0004
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219230092–219230094, 219310238–219310239
Status: Unutilized

Reason: Extensive deterioration
Bldg. A0002
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219310240
Status: Unutilized
Reason: Standby Generator Bldg.

Nevada

7 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219011953, 219011955, 219012061–219012062, 219012106, 219013614, 219230090
Status: Unutilized
Reason: Secured Area

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415-
Location: East side of Decatur Street-North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

51 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219012009, 219012013, 219012021, 219012044, 219013615–219013651, 219013653–219013656, 219013658–219013661, 219013663, 219013665
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

62 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Location: North Mag. Area
Landholding Agency: Army
Property Number: 219120150
Status: Unutilized
Reason: Secured Area

259 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Location: South & Central Mag. Areas
Landholding Agency: Army
Property Number: 219120151
Status: Unutilized
Reason: Secured Area

Facility No. 00169, 00A38
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219240276, 219330119
Status: Unutilized
Reason: Extensive deterioration

New Jersey

183 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Location: Route 15 north
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010667, 219010669–219010721, 219012423–219012424, 219012426–219012428, 219012430–219012431, 219012433–219012472, 219012474–219012475, 219013787, 219014306–219014307, 219014311, 219014313–219014321, 219030269, 219140617
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

18 Bldgs.
Armament Reserve Dev. and Engineering Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806-
Landholding Agency: Army
Property Number: 219012756–219012760, 219012763–219012767, 219230118–219230125
Status: Excess
Reason: Secured Area

24 Bldgs.
Fort Monmouth
Wall Co: Monmouth NJ 07719-
Landholding Agency: Army
Property Number: 219012829–219012833, 219012837, 219012841–219012842, 219013786, 219210102, 219230177,219320157, 219330129–219330140
Status: Unutilized
Reason: Secured Area

10 Bldgs., Military Ocean Terminal
Bayonne Co: Hudson NJ 07002-
Location: Foot of 32nd Street and Route 169.
Landholding Agency: Army
Property Number: 219013890–219013896, 219330141–219330143
Status: Unutilized
Reason: Floodway, Secured Area

Bldgs. 820C, 3598
Armament Research, Dev & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219240315–219240316
Status: Unutilized
Reason: Secured Area, Extensive deterioration

New Mexico

Bldgs. 21384, 28356, 32010, 32984
White Sands Missile Range
White Sands Co: Dona Ana NM 88802
Landholding Agency: Army
Property Number: 219330144–219330147
Status: Unutilized
Reason: Extensive Deterioration

New York

Bldgs. 10, 20, 40
Watervliet Arsenal
Watervliet Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 219012514, 219012516, 219012519
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 25
Watervliet Arsenal
Watervliet Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 219012521
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Comment: contamination

Bldg. 110
Fort Totten
110 Duane Road
Bayside Co: Queens NY 11359-
Landholding Agency: Army
Property Number: 219012589
Status: Unutilized
Reason: contamination

Bldgs. 202, 204, Fort Totten
Bayside Co: Queens NY 11357-
Landholding Agency: Army
Property Number: 219210130–219210131
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. 110, Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439
Status: Unutilized
Reason: Secured Area

Bldgs. 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240440–219240443
Status: Unutilized
Reason: Secured Area
Extensive deterioration

Bldg. 124
U.S. Military Academy
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330148
Status: Unutilized
Reason: Extensive deterioration

North Carolina

18 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219230097, 219310054, 219320160–219320166, 219330120–219330128
Status: Unutilized
Reason: Extensive deterioration

Ohio

63 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148
Status: Unutilized
Reason: Secured Area

Bldgs. T–404, T–78, T–79, T–97, T–80, 309, 317
Defense Construction Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219240331, 219310034–219310039
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

11 Bldgs., Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219320400–219320410

Status: Unutilized
Reason: Extensive deterioration

Oklahoma

547 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013792, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

P–3042, Fort Sill
3042 Austin Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219130060
Status: Unutilized
Reason: Structurally unsound

20 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503-
Landholding Agency: Army
Property Number: 219140524–219140525, 219140527–219140529, 219140535, 219140545–219140548, 219140550–219140555, 219320167–219320169, 219320337
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–3711, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240082
Status: Unutilized
Reason: Detached latrine

18 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310053, 219320170–219320171, 219330149–219330160
Status: Unutilized
Reason: Secured Area

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838-
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area

24 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838-
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 219320201
Status: Unutilized
Reason: Secured Area

Pennsylvania

Defense Personnel Support Ctr.
2800 South 20th Street
Philadelphia Co: Philadelphia PA 19101–8419
Landholding Agency: Army
Property Number: 219011664
Status: Underutilized
Reason: Other environmental, Secured Area
Comment: Friable asbestos

Hays Army Ammunition Plant
300 Miffin Road
Pittsburgh Co: Allegheny PA 15207-
Landholding Agency: Army
Property Number: 219011666
Status: Excess
Reason: Secured Area

58 Bldgs.
Fort Indiantown GAP
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219140267–219140324
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. 82001, Reading USARC
Reading Co: Berks PA 19604–1528
Landholding Agency: Army
Property Number: 219320173
Status: Unutilized
Reason: Extensive deterioration

South Carolina

Bldg. J5818, Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219310064
Status: Unutilized
Reason: Detached latrines

4 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219310069, 219310076, 219310079, 219320179
Status: Unutilized
Reason: Extensive deterioration

Tennessee

Bldg. 100
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422-
Landholding Agency: Army
Property Number: 219010475
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

23 Bldgs.
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422-
Landholding Agency: Army
Property Number: 219010477, 219010479–219010500
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable on explosive material)

24 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

30 Bldgs.
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37422
Landholding Agency: Army
Property Number: 219240127–219240136
Status: Unutilized
Reason: Secured Area

9 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449. 219320182–219320185, 219330176–219330177
Status: Unutilized
Reason: Secured Area

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Texas

Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76079-
Landholding Agency: Army
Property Number: 219011665
Status: Unutilized
Reason: Other
Comment: easement to city of Saginaw for sewer pipeline ending 5/15/2023

18 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 0021A, 0027A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661-
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548
Status: Underutilized
Reason: Secured Area

Bldg. 9042
Possum Kingdom Rec Area
Star Route, Box 200
Grayford Co: Palo Pinto TX 76045-
Landholding Agency: Army
Property Number: 219040397
Status: Unutilized
Reason: Detached latrine

Bldg. 9046
Possum Kingdom Rec Area
Star Route, Box 200
Grayford Co: Palo Pinto TX 76045-
Landholding Agency: Army

Property Number: 219040399
Status: Unutilized
Reason: Sewage treatment plant

Bldg. 9047
Possum Kingdom Rec Area
Star Route, Box 200
Grayford Co: Palo Pinto TX 76045-
Landholding Agency: Army
Property Number: 219040400
Status: Unutilized
Reason: Chlorine Building

13 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219120064, 219130002, 219140255, 219230109–219230115, 219320193–219320194, 219330163
Status: Unutilized
Reason: Secured Area

Bldg. T–5000
Camp Bullis
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220100
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Swimming Pools
Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219230108
Status: Unutilized
Reason: Extensive deterioration

Bldg. 56512, Fort Hood
Ft. Hood Co: Coryell TX 76544
Landholding Agency: Army
Property Number: 219310166
Status: Unutilized
Reason: Detached latrine

5 Bldgs., Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 219320354, 219330164–219330166, 219330175
Status: Unutilized
Reason: Extensive deterioration

Bldgs. P–239, T–2056, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330161–219330162
Status: Unutilized
Reason: Extensive Deterioration

8 Bldgs., Fort Hood
Ft. Hood Co: Coryell TX 76544
Landholding Agency: Army
Property Number: 219330167–219330174
Status: Unutilized
Reason: Pump Station

Utah

23 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012115, 219012138, 219012140, 219012150, 219012153, 219012159, 219012162, 219012165–219012166, 219012172, 219012752, 219030366, 219120283, 219240263, 219310040–219310049
Status: Unutilized
Reason: Secured Area

17 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012143–219012144, 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012163, 219012171, 219012742, 219012751, 219014938, 219120281, 219240265–219240267
Status: Underutilized
Reason: Secured Area

12 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022-
Landholding Agency: Army
Property Number: 219013996–219013999, 219130008, 219130011–219130013, 219130015–219130018
Status: Underutilized
Reason: Secured Area

15 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022-
Landholding Agency: Army
Property Number: 219014693, 219130009–219130010, 219130014, 219220204–219220207, 219330179–219330185
Status: Unutilized
Reason: Secured Area

Bldg. 104
Tooele Army Depot, North Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219120014
Status: Underutilized
Reason: Extensive deterioration

17 Bldgs.
Tooele Army Depot, South Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219120015–219120217, 219240264, 219240268, 219320195–219320196
Status: Unutilized
Reason: Extensive deterioration

Virginia

164 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141-
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141-
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Comment: Latrine, detached structure

68 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801-
Landholding Agency: Army
Property Number: 219120035–219120037, 219130006, 219230106, 219240083–219240118, 219330191–219330228
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

Bldg. T–221
Vint Hill Farms Station
Warrenton Co: Fauquier VA 22186-
Landholding Agency: Army
Property Number: 219210142
Status: Unutilized
Reason: Extensive deterioration

13 Bldgs.
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103
Status: Unutilized
Reason: Secured Area

4 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801
Landholding Agency: Army
Property Number: 219220312, 219220314, 219220316–219220317
Status: Underutilized
Reason: Extensive deterioration

44 Bldgs., Fort A.P. Hill
Bowling Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219240288–219240314
Status: Underutilized
Reason: Detached latrines

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

32 Bldgs., Fort Pickett
Blackstone Co: Nottoway VA 23824
Landholding Agency: Army
Property Number: 219310133–219310159, 219310161–219310165
Status: Unutilized
Reason: Extensive deterioration

Bldg. 106, Fort Monroe
Ft. Monroe VA 23651
Landholding Agency: Army
Property Number: 219330186
Status: Unutilized
Reason: Extensive Deterioration

Bldgs. 1704, 1709, 1711, 2601, Fort Eustis
Newport News VA 23604
Landholding Agency: Army
Property Number: 219330187–219330190
Status: Unutilized
Reason: Extensive Deterioration

Washington

Bldg. TUMO75, Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army

Property Number: 219330229
Status: Unutilized
Reason: Secured Area

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913-
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Other environmental, Secured Area
Comment: friable asbestos

154 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913-
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other environmental, Secured Area
Comment: friable asbestos

Bldg. P–10111
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013443
Status: Unutilized
Reason: Structure is boiler plant for hospital.

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area

3 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878
Status: Unutilized
Reason: Secured Area

Bldgs. 6513–27, 6823–2, 6861–4
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

122 Bldgs., Fort McCoy
US Hwy. 21
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219210103–219210104, 219210106, 219210108–219210109, 219210111, 219210115, 219240181–219240203, 219240205–219240262, 219310208–219310237, 219330230–219330233
Status: Unutilized
Reason: Extensive deterioration

17 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219220295–219220311
Status: Unutilized
Reason: Secured Area

Bldg. 2126, Fort McCoy
Ft. McCoy Co: Monroe WI 54656
Landholding Agency: Army
Property Number: 219320200
Status: Underutilized
Reason: Detached latrine

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044-
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area

Alaska

Campbell Creek Range
Fort Richardson
Anchorage Co: Greater Anchorage AK 99507
Landholding Agency: Army
Property Number: 219230188
Status: Unutilized
Reason: Inaccessible

Illinois

Group 66A
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436-
Landholding Agency: Army
Property Number: 219010414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Parcel 1
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436-
Location: South of the 811 Magazine Area, adjacent to the River Road.
Landholding Agency: Army
Property Number: 219012810
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Parcel No. 2, 3
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436-
Landholding Agency: Army
Property Number: 219013796–219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Parcel No. 4, 5, 6
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436-
Landholding Agency: Army
Property Number: 219013798–219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Homewood USAR Center
18760 S. Halsted Street
Homewood Co: Cook IL 60430-
Landholding Agency: Army
Property Number: 219014067
Status: Underutilized
Reason: Secured Area

38,000 sq. ft. & 4,000 sq. ft. of Land
Rock Island Arsenal
South Shore Moline Pool Miss. River
Moline Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219240317–219240318
Status: Unutilized
Reason: Floodway

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966-
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Land—Plant 2
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219330095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010-5425
Landholding Agency: Army
Property Number: 219012630, 219012632
Status: Underutilized
Reason: Floodway, Secured Area

Nebraska

Land
Cornhusker Army Ammunition Plant
Potash Road
Grand Island Co: Hall NE 68802-
Location: 4 miles west of Grand Island.
Landholding Agency: Army
Property Number: 219013785
Status: Underutilized
Reason: Floodway

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806-
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area

New York

Watervliet Arsenal
Watervliet Co: Albany NY 12189–4050
Location: East of Main Arsenal Reservation
Landholding Agency: Army
Property Number: 219012508
Status: Excess

Reason: Easement to N.Y. State, 6–lane highway construction.

Oklahoma

McAlester Army Ammo. Plant
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501-
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Pennsylvania

Lickdale Railhead
Fort Indiantown Gap
Lickdale Co: Lebanon PA 17038-
Landholding Agency: Army
Property Number: 219012359
Status: Excess
Reason: Floodway

Tennessee

Land
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN
Landholding Agency: Army
Property Number: 219013791
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN
Location: Area around VAAP—outside fence in buffer zone.
Landholding Agency: Army
Property Number: 219013880
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Utah

Land—32 Acres
Tooele Army Depot
Tooele Co: Tooele UT 84084
Landholding Agency: Army
Property Number: 219240269
Status: Unutilized
Reason: Secured Area

Virginia

Fort Belvoir Military Reservation—5.6 Acres
South Post located West of Pohick Road
Fort Belvoir Co: Fairfax VA 22060-
Location: Rightside of King Road
Landholding Agency: Army
Property Number: 219012550
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area
Comment: 5.6 acres

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913-
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area

[FR Doc. 93–23366 Filed 9–23–93; 8:45 am]

Billing Code 4210–29–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–920–03–4120–03; COC 54558]

Notice of Coal Lease Offering by Sealed Bid; COC 54558

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of competitive coal lease sale.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that certain coal resources in the lands hereinafter described in Delta and Gunnison Counties, Colorado, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30) U.S.C. 181 et seq.).

DATES: The lease sale will be held at 11 a.m., Thursday, November 4, 1993. Sealed bids must be submitted no later than 10 a.m., Thursday, November 4, 1993.

ADDRESSES: The lease sale will be held in the Conference Room, Fourth Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado. Sealed bids must be submitted to the Cashier, First Floor, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Karen Purvis at (303) 239–3795.

SUPPLEMENTARY INFORMATION: The tract will be leased to the qualified bidder submitting the highest offer, provided that the high bid meets the fair market value determination of the coal resource. The minimum bid for this tract is $100 per acre or fraction thereof. No bid less than $100 per acre or fraction thereof will be considered. The minimum bid is not intended to represent fair market value.

Sealed bids received after the time specified above will not be considered.

In the event identical high sealed bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within 15 minutes following the Sale Official's announcement at the sale that identical high bids have been received.

Fair market value will be determined by the authorized officer after the sale.

Coal Offered

The coal resource to be offered is limited to coal recoverable by underground mining methods in the B coal seam in the following lands:

Sixth Principal Meridian

T. 13 S., R. 90 W.,
Sec. 19, lots 15 to 18, inclusive;
Sec. 30, lots 7 and 8.
T. 13 S., R. 91 W.,
Sec. 23, S½S½NE¼, E½SE¼SW¼, and SE¼;
Sec. 24, S½S½NW¼, and S½;
Sec. 25, lots 1 to 4, inclusive;
Sec. 26 NE¼NE¼

The land described contains 1,011.64 acres, more or less.

Total recoverable reserves are estimated to be 10,044,000 tons. The B seam underground minable coal is ranked as high volatile C bituminous coal. The estimated coal quality for the B seam on an as-received basis is as follows:

Btu—11,595 Btu/lb.
Moisture—7.86%
Sulfur Content—0.58%
Ash Content—10.35%

RENTAL AND ROYALTY: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal mined by underground methods. The value of the coal will be determined in accordance with 30 CFR 206.

NOTICE OF AVAILABILITY: Bidding instructions for the offered tract are included in the Detailed Statement of Coal Lease Sale. Copies of the statement and the proposed coal lease are available upon request in person or by mail from the Colorado State Office at the address given above The case file is available for inspection in the Public Room, Colorado State Office, during normal business hours at the address given above.

Dated: September 16, 1993.

Richard D. Tate,

Chief, Mining Law and Solid Minerals Adjudication Section.

[FR Doc. 93–23383 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–JB–M

[CA–060–5101–10–B016, CACA 27497]

Availability of the Board of Decision for the Cajon Pipeline Project; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with section 202 of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and in compliance with the regulations contained in 40 CFR Part 1505, the Bureau of Land Management, California Desert District, has completed a joint Federal/State Environmental

Impact Statement/Environmental Impact Report (EIS/EIR) for the proposed Cajon Pipeline Project, with the City of Adelanto and has now issued a Record of Decision (ROD). The ROD approves the Cajon Pipeline Project through issuance of a Right-of-Way Grant under authority of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). This Project, as approved, will traverse both Federal and private lands in San Bernardino and Los Angeles Counties in southern California.

ADDRESSES: Copies of the ROD may be requested, in writing, from: District Manager, Bureau of Land Management, 6221 Box Springs Blvd., Riverside, CA 92507–0714, ATTN: Cajon Pipeline Project.

FOR FURTHER INFORMATION CONTACT: Stephen L. Johnson, Special Projects Manager, California Desert District Office, 6221 Box Springs Blvd., Riverside, CA 92507–0714; phone (714) 697–5234.

SUPPLEMENTARY INFORMATION: Discoveries in the Santa Barbara Channel off the coast of California along the Outer Continental Shelf (OCS) and on-shore through thermal enhanced oil recovery in the San Joaquin Valley (SJV) have yielded significant new reserves of heavy, high sulphur crude oil. As a result of these discoveries and the desire of producers to transport this heavy crude to the Los Angeles Basin refineries, a heated pipeline system capable of handling this crude in its "neat" state was considered necessary. Existing pipelines do not have the capacity to handle the anticipated volume. In addition, heavy crude requires the addition of heat to allow it to be efficiently pumped through pipelines, and no heated common carrier pipeline exists today into the Los Angeles Basin. As a result the Cajon Pipeline Company proposed to connect the producers and refiners, by constructing and operating a 142-mile long, 20-inch diameter insulated buried pipeline from 12-Gauge Lake (27 miles west of Barstow), California, to the Los Angeles crude oil terminals in Carson and Long Beach.

An EIS/EIR for the proposed Cajon Pipeline Project was prepared in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Furthermore, in accordance with 40 CFR part 1505 the Bureau of Land Management on September 15, 1993, issued a Record of Decision (ROD) to approve the Project through issuance of a Right-of-Way Grant under authority of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). The approved alignment is the corridor described in the EIS/EIR as the Proposed Action, but modified to include the Sycamore Segment Alternative.

Copies of the ROD are available, upon written request.

Henri R. Bisson,

District Manager.

[FR Doc. 93–23388 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–40–M

[CA–060–5440–10–ZBAF]

Availability of Final Supplemental Environmental Impact Statement on Direct Sale of Land to State of California, San Bernardino County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is given that the Bureau of Land Management (BLM) has prepared a Final Supplemental Environmental Impact Statement (SEIS) to the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), State of California Indemnity Selection & Low-Level Radioactive Waste Facility (April 1991). A draft SEIS was prepared and distributed for a 45-day public review period beginning November 12, 1992. The final EIR/EIS analyzed the environmental impacts of conveying 1,000 acres under a proposed State of California indemnity selection upon conveyance and issuance of all applicable licenses and permits. Those lands would be utilized as a low-level radioactive waste (LLRW) facility at Ward Valley, approximately 23 miles west of the City of Needles and one mile south of Interstate 40. The State of California recently filed an application (CA–30582) for a proposed conveyance through the direct sale process. The sale proposal resulted from a request by the California State Lands Commission that the Bureau suspend processing their indemnity selection pending the California Department of Health Services decision on how to acquire the property. The location, size, and proposed future use of the subject land has not changed from that analyzed in the final EIR/EIS. The final SEIS evaluates only a different proposed method of land conveyance by direct sale. Since there are no other changes from the final EIR/EIS, except the proposed means of conveyance, the final Supplemental EIS does not address technical, scientific or health issues.

DATES: Written comments will be accepted until October 25, 1993.

ADDRESSES: Written comments should be sent to California Desert District, Attn: Ward Valley, 6221 Box Springs, Riverside, CA 92507.

Dated: September 15, 1993

Richard F. Johnson,

Deputy State Director, California State Office.

[FR Doc. 93–23026 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–40–M

[CO–070–4210–05–241A; COC–50898]

Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Colorado

AGENCY: Bureau of Land Management, Glenwood Springs Resource Area.

ACTION: Land classification for R&PP leasing.

SUMMARY: The following public lands in Eagle County, Colorado have been examined and found to be suitable for classification for lease or conveyance to the County of Eagle, Department of the County Sheriff under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The Eagle County Sheriffs' Department proposes to use the lands for a regional law enforcement training center.

Legal Description

A parcel of land lying in T. 4 S., R. 83 W., Section 3 SW¼NW¼ and NW¼SW¼ of the Sixth Principal Meridian, in Eagle County, Colorado, and being more particularly described as follows:

Beginning at the ¼ corner of Section 3, said corner being a 3 inch brass cap (LS 16398) on a 2½ inch pipe; Thence N50°34′33″ E, 1,090.36 feet to the *True Point of Beginning*; thence S05°14′15″ W, 653.39 feet; Thence S17°07′03″ E, 280.05 feet; Thence S85°58′29″ E, 154.81 feet; Thence N34°03′26″ E, 363.00 feet; Thence N09°56′48″ E, 618.40 feet; Thence N87°43′47″ W, 487.70 feet to the *True Point of Beginning*, containing 8.634 acres more or less.

Together with a 60 foot wide ingress egress road being 30.00 feet on both sides of the following described centerline:

Beginning at the point on the centerline of the Milk Creek Road (Eagle County Road #4); Thence S18°11″03″ W, 178.45 feet; Thence S05°40′54″ E, 199.57 feet; Thence S05°45′40″ E, 148.90 feet; Thence S11°46′47″ E, 130.61 feet; Thence S12°08′03″ E, 112.43 feet, Thence S03°21′35″ E, 182.49 feet; Thence S41°19′22″ W, 150.48 feet to the terminus point being on the north line of the above described parcel and bearing S87°43′47″ E, 390.50 feet from the *True Point of Beginning*, containing 0.506 acres more or less.

The lands are not needed for Federal purposes. The classification for lease or conveyance is consistent with current BLM land use planning and would be in the public interest. The lease or conveyance, when issued, will be subject to the following terms and 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 minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

3. All valid existing rights documented on the official public land records at the time of the lease/conveyance.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Glenwood Springs Resource Area, 50629 Highway 6 & 24, P.O. Box 1009, Glenwood Springs, Colorado 81602 (303) 945–2341. Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed action to the District Manager, Grand Junction District Office, Bureau of Land Management, 2815 H Road, Grand Junction, Colorado 81506. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Rich Arcand,

Acting Grand Junction District Manager.

[FR Doc. 93–23381 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–JB–M

[UT–040–03–4212–11, UTU–40541, UTU–46835]

Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, recreation and public purpose conveyance.

SUMMARY: The following public lands in Washington and Kane Counties, Utah have been examined and found suitable for classification and conveyance under provisions of the Recreation and Public Purposes Amendment Act of 1988 (Pub. L. 100–648). The lands to be conveyed and the proposed patentees are as follows:

Patentee: Washington County Solid Waste District #1.

Location: Salt Lake Meridian, T. 42 S., R. 14 W., Sec. 8, SESENE, SESESW, NESE, S2SE, SENWSE, SENWNW; Sec. 9, SWNW, NWSW, N2SWSW, SWSWSW; Sec. 17, N2NENE, SWNENE, NWNE, NWSWNE, E2NW, E2W2NW, SWNWNW, W2SWNW; containing 500.00 acres.

Patentee: Kane County Special Service District #1.

Location: Salt Lake Meridian, T. 44 S., R. 6 W., Sec. 11, Lots 1–5, NWNE; containing 227.79 acres.

The lands described have previously been leased under the Recreation and Purposes Act for use as sanitary landfills and are segregated from all forms of appropriation under the public land laws, including the mining laws.

The purpose of this action is to place primary responsibility for management of these landfills with the local government, state, and the EPA, and to reduce Federal liabilities associated with leased sites. The leases will be converted to patents without a reverter provision. Terms and conditions to indemnify the United States and its officers, agents, representatives, and employees from claims, loss, damage, actions, causes of action, expense, and liability attributable to the disposal of solid waste on, or the release of hazardous substances from the above described land will be included in the patents. All minerals in the land described will be reserved to the United States. A right-of-way thereon will be reserved for ditches and canals constructed by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

DATES: Interested parties may submit comments to the address listed below. Comments will be accepted until November 8, 1993.

ADDRESSES: Detailed information concerning this action is available at the Cedar City District, Bureau of Land Management, 176 East D.L. Sargent Dr., Cedar City, Utah, 84720.

Any adverse comments received during the comment period will be reviewed by the State Director who may vacate or modify this realty action. In the absence of timely adverse comments, this notice will become the final determination of the Department of the Interior on November 23, 1993.

Dated: September 2, 1993.

Gordon R. Staker,

District Manager.

[FR Doc. 93–23439 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–DQ–M

[WY–930–3110–10–K004; WYW 122407]

Realty Action: Exchange; Wyoming; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In notice document FR 93–11911, on page 29432, in the **Federal Register** issue of Thursday, May 20, 1993, make the following correction:

On page 29432, column 1, the legal description following the **SUMMARY** paragraph following the statement, "In exchange, the United States proposes to acquire from the State of Wyoming lands described as", should be changed to read as follows:

Sixth Principal Meridian

T. 26 N., R. 99W.,
Sec. 16 (minerals only).
T. 27 N., R. 100 W.,
Sec. 36 (surface and minerals).

Dated: September 16, 1993.

John A. Naylor,

Chief, Branch of Land Resources.

[FR Doc. 93–23382 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–22–M

Bureau of Reclamation

Continued Development of the Columbia Basin Project

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings on the supplement to the draft environmental impact statement (SDEIS: INT–DES 93–31).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation (Reclamation) has prepared the supplement to the draft environmental impact statement (Supplement) for the continued development of the Columbia Basin Project, Washington.

Reclamation published a draft environmental impact statement (DEIS) on the proposed continued development of the Columbia Basin Project on September 20, 1989. The DEIS evaluated the impacts of continued irrigation development. The Supplement augments the DEIS by providing additional information on Columbia River anadromous fish, a proposed fish

and wildlife plan, and impacts of water diversion not addressed in the DEIS. It also describes the potential impacts of the preferred irrigation alternative, as presented in the DEIS, in combination with two alternative anadromous fish mitigation plans.

DATES AND LOCATIONS: A 90-day review period commences with the publication of this notice. Written comments on the supplement may be submitted to the Regional Environmental Officer, Bureau of Reclamation, Pacific Northwest Region, Pacific Northwest Regional Office, 1150 N. Curtis Road, Boise ID 83706–1234. Public hearings on the supplement will be held on the following dates at the locations indicated.

- November 3, 1993, 7 p.m., Seattle Center, Conference Center Room H, 3rd Floor Center House, 305 Harrison Street, Seattle WA 98109
- November 4, 1993, 7 p.m., Big Bend Community College, Student Center Auditorium, 28th & Chanute, Moses Lake WA 98837

ADDRESSES: Copies of the Supplement may be obtained on request to the following:

- Regional Environmental Officer, Pacific Northwest Regional Office, 1150 North Curtis Road, Boise, ID 83706–1234; telephone: (208) 378–5032
- Project Manager, Columbia Basin Project, Attention CBP–120, PO Box 815, Ephrata WA 98823; telephone: (509) 754–0209

Copies of the Supplement are available for inspection at the following locations:

- Bureau of Reclamation, Columbia Basin Project, 32 C Street NW., Ephrata WA 98823
- Bureau of Reclamation, Pacific Northwest Regional Office, Environmental Management Division, 1150 North Curtis Road, Boise ID 83706–1234
- Bureau of Reclamation, Denver Office Library, Denver Federal Center, 6th and Kipling, Building 67, room 167, Denver CO 80225–0007
- Bureau of Reclamation, Technical Liaison Division, Department of the Interior, 1849 C Street NW., room 7456, Washington DC 20240; telephone: (202) 208–4662
- National Agricultural Library Building, Beltsville MD

Libraries

Big Bend Community College Library, Grant County Airport, Moses Lake, Washington
Columbia Basin College Library, 2600 North 20th, Pasco, Washington
Coulee City Public Library, 501 West Main, Coulee City, Washington
Eastern Washington State University Library, Cheney, Washington
Ephrata Public Library, 45 Alder Street NW., Ephrata, Washington
City of Grand Coulee Library, 306 Midway, Grand Coulee, Washington
Kirkland Public Library, 406 Kirkland Avenue, Kirkland, Washington
Lind Public Library, Lind, Washington
Mesa Public Library, Mesa, Washington
Mid-Columbia Public Library, Kennewick Branch, 405 South Dayton, Kennewick, Washington
Moses Lake Public Library, 418 East 5th, Moses Lake, Washington
Multnomah County Law Library, 2021 SW. 4th Avenue, Portland, Oregon
Odessa Public Library, 104 West First, Odessa, Washington
Othello Public Library, 512 East Main, Othello, Washington
Pasco Public Library, 1320 West Hopkins, Pasco, Washington
Quincy Public Library, 108 B Southwest, Quincy, Washington
Ritzville Public Library, 302 West Main, Ritzville, Washington
Royal City Public Library, 365 Camelia, Royal City, Washington
Soap Lake Public Library, 32 Main E., Soap Lake, Washington
Seattle Downtown Public Library, 1000 Fourth, Seattle, Washington
Main Spokane Public Library, West 906 Main Avenue, Spokane, Washington
University of Washington Library, Seattle, Washington
Warden Public Library, 208 South Main, Warden, Washington
Washington State University Library, Pullman, Washington
Wilson Library, Western Wasington University, Bellingham, Washington
Wilson Creek Public Library, Wilson Creek, Washington

FOR FURTHER INFORMATION CONTACT: Lola Sept, Environmental Management Division, Pacific Northwest Region, 1150 North Curtis, Boise ID 83706–1234; telephone: (208) 378–5032.

SUPPLEMENTARY INFORMATION: The DEIS, published in 1989, addressed two action alternatives: (1) Providing irrigation service to an additional 538,600 acres (identified as Alternative 1 or the Full Developoment Alternative); and (2) a more limited expansion of 87,000 acres along the east bank of the East Low Canal (identified as Alternative 2 or the East Low Canal Alternative). The Supplement modifies Alternative 2 by adding an Anadromous Fish Plan (AFP) and a Specific Fish and Wildlife Plan and evaluating the impacts of those additions. The Supplement also provides new information on Columbia River anadromous fish resources and impacts that were not addressed in the DEIS such as impacts of irrigation diversions on Lake Roosevelt and other upstream reservoirs.

The Supplement evaluates the impacts of two alternative AFP's which call for making available an additional discharge from Grand Coulee Dam during May, June, and July to assist downstream fish migration. Alternative 2A would provide 87,000 acres additional irrigation coupled with a 1.6-million-acre-foot flow augmentation, and Alternative 2B would provide 87,000 acres additional irrigation along with a 216,000-acre-foot flow augmentation. The AFP ultimately adopted will become an integral part of the irrigation project if either action alternative is selected.

HEARING PROCESS INFORMATION: Organizations and individuals wishing to present statements at the hearings should contact the Bureau of Reclamation, Pacific Northwest Regional Office, Attention: PN–151S, 1150 North Curtis Road, Boise ID 83706–1234; telephone: (208) 378–5032; to announce their intention to participate. Requests for scheduled presentations will be accepted through 4 p.m. on October 22, 1993. Requests should indicate at which hearing the speaker wishes to appear.

Speakers will be called upon to present their comments in the order in which they were received by Reclamation. Requests to speak may also be made at each hearing and will be called after the advance requests. Oral comments will be limited to 10 minutes per individual.

Written comments from those unable to attend or those wishing to supplement their oral presentations at the hearing should be received by Reclamation's Pacific Northwest Regional Office at the above address by the end of the 90-day comment period for inclusion in the hearing record.

Dated: September 9, 1993.

J. William McDonald,

Assistant Commissioner—Resources Management.

[FR Doc. 93–23486 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

Mauricetown, NJ; Designation of New Jersey Coastal Heritage Trail Route

In accordance with Public Law 100–515 (October 20, 1988), the National Park Service, U.S. Department of the Interior, designates the following sites to

constitute the maritime theme trail of the New Jersey Coastal Heritage Trail:

- U.S. Coast Guard Station, Atlantic City, Atlantic County
- Barnegat Lighthouse State Park, Barnegat Light, Ocean County
- Cape May Point Lighthouse, Cape May Point, Cape May County
- Delaware Bay Schooner Project, Port Norris and Bivalve, Cumberland County
- Finn's Point National Cemetery, Salem, Salem County
- Finn's Point Rear Range Light, US Fish and Wildlife Service, Salem, Salem County
- Fort Monmouth, US Army Communications—Electronics Museum, Fort Monmouth, Monmouth County
- Fort Mott State Park, Salem, Salem County
- Fort Hancock, Sandy Hook Lighthouse & Keepers Cottage, Spermaceti Cove Station, Sandy Hook Unit, Gateway National Recreation Area, Fort Hancock, Monmouth County
- Hereford Inlet Lighthouse, North Wildwood, Cape May County
- Perth Amboy Harbor Walk, under development, Perth Amboy, Middlesex County
- Steamboat Dock Museum, under development, Keyport, Monmouth County
- Tom's River Seaport Society Museum, Toms River, Ocean County
- Twin Lights Historic Site, Highlands, Monmouth County

The New Jersey Coastal Heritage Trail is being developed as a partnership effort with the State of New Jersey. The trail area extends from the Raritan Bay area south to Cape May, generally to the east of the Garden State Parkway and then along the coast and south of Route 49 to Deepwater. For ease of visitation, the area has been divided into five regions as follows:

Sandy Hook Region:
Perth Amboy south through Monmouth County to Manasquan Inlet Barnegat Bay Region: Ocean and Burlington Counties
Absecon Region: Atlantic County
Cape May Region: Eastern Cape May County from Ocean City south to Cape May Point and up the western edge of Cape May County to Norbury's Landing
Delsea Region: Cumberland and Salem counties south of Route 49 and extending into western Cape May county as far as Norbury's Landing on the Delaware Bay coast.

Welcome Centers for each region are under development with interim facilities opening this year at Fort Mott State Park for the Delsea Region, at Cheesequake State Park for the Sandy Hook Region and at the Ocean View Service Area on the Garden State Parkway for the Cape May Region. The first theme route will open September 27, 1993. Brochures and exhibits will be available in all Regional Welcome Centers.

Brochures are available by writing New Jersey Division of Travel and Tourism, CN 826, Trenton, New Jersey 08625–0826 or New Jersey Coastal Heritage Trail, PO Box 118, Mauricetown, New Jersey 08329.

John J. Reynolds,

Acting Director.

[FR Doc. 93–23479 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–70–M

Delaware and Lehigh Navigation Canal National Heritage Corridor

AGENCY: Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, National Park Service, DOI.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission.

DATES: October 20, 1993 at 1:30 p.m.

INCLEMENT WEATHER RESCHEDULE DATE: None.

ADDRESSES: Residence of Commissioner Carole J. Walbert, 87 Broadway, Jim Thorpe, PA 18229.

FOR FURTHER INFORMATION CONTACT: Millie Alvarez, Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 East Church Street, room P–208, Bethlehem, PA 18018, (215) 861–9345.

SUPPLEMENTARY INFORMATION: The Commission was established by Public Law 100–692 to assist the Commonwealth and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historical and natural resources. The Commission will report to the Secretary of the Interior and to Congress. The agenda for the meeting will focus on the planning process.

The meeting will be open to the public. Any member of the public may file a written statement concerning agenda items. The statement should be addressed to Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, 10 E. Church Street, room P–208, Bethlehem, PA 18018, Attention: Millie Alvarez.

Minutes of the meeting will be available for inspection four weeks after the meeting, at the above-named address.

B.J. Griffin,

Regional Director, Mid-Atlantic Region.

[FR Doc. 93–23477 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–70–M

Mississippi River Coordinating Commission/Mississippi National River and Recreation Area

AGENCY: National Park Service, Department of the Interior.

ACTION: Changes in meeting schedule for the Mississippi River Coordinating Commission. Extension of public review period for draft comprehensive management plan and draft environmental impact statement; Mississippi National River and Recreation Area.

SUMMARY: This notice sets forth changes in the meeting schedule for the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

Meeting Date and Time: Monday, November 8, 1993, 8:30 a.m. until 5 p.m.

This meeting was previously scheduled for October 14, 8:30 a.m. until 5 p.m.

Addresses: Holiday Inn—International Airport, 3 Appletree Square (I–494 at 34th Avenue), Bloomington, Minnesota.

The agenda for the meeting consists of Commission review and discussion of input received from the public on the draft comprehensive management plan and draft environmental impact statement for the Mississippi National River and Recreation Area.

Associated with the schedule change is an extension of the public review period for the draft comprehensive management plan and draft environmental impact statement for the Mississippi National River and Recreation Area. The draft comprehensive management plan and draft environmental impact statement have been prepared by the Mississippi River Coordinating Commission and the National Park Service per direction of 16 U.S.C. § 460zz–2(i) *et seq.*

The public review and comment period is extended by 30 days, and will now end on October 11, 1993.

SUPPLEMENTARY INFORMATION: Persons who are interested in receiving a copy of the draft comprehensive management plan and draft environmental impact statement should contact the address listed below.

FOR FURTHER INFORMATION CONTACT: JoAnn Kyral, Superintendent, Mississippi National River and

Recreation Area, 175 East Fifth Street, suite 418, St. Paul, Minnesota 55101, (612)–290–4160.

Date: September 13, 1993.

William W. Schenk,

Acting Regional Director, Midwest Region.

[FR Doc. 93–23380 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–70–P

Underground Railroad Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. that a meeting of the Underground Railroad Advisory Committee will be held in Baltimore, Maryland at the Omni Inner Harbor Hotel located at 101 W. Fayette Street on October 20, 1993. The meeting will begin at 9 a.m. and will adjourn at approximately 4 p.m.

The Underground Railroad Advisory Committee was established by Public Law 101–628 to advise the Secretary of the Interior in preparation of a study of alternatives for commemorating and interpreting the Underground Railroad used by slaves escaping to freedom before the conclusion of the Civil War. This will be the third meeting of the Committee. The matters to be discussed at the meeting include:

—The study's progress by the National Park Service including the National Historic Landmark theme study and the second newsletter

—Committee comment on the expanded concepts for resource protection, interpretation, and commemoration of the Underground Railroad

—Schedule for the coming fiscal year

—Development of the interpretive handbook.

The meeting will be open to the public. However, space and facilities to accommodate members of the public are limited and people will be accommodated on a first-come, first-served basis. Anyone may file a written statement concerning the matters to be discussed at the commission meetings. For further information about the meeting or submitting statements, contact Mr. John Paige, Underground Railroad Study Team Captain, National Park Service, Denver Service Center-TEA, P.O. Box 25287, Denver, CO 80225–0287. Telephone 303/969–2356.

Dated: September 20, 1993.

James W. Stewart,

Acting Associate Director for Planning and Development, Washington Office.

[FR Doc. 93–23478 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–312 (Final) (Remand)]

Softwood Lumber From Canada; Reopening of Record on Remand

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to reopen the record on remand in this investigation with respect to the issue of price effects.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3093. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: On July 26, 1993, the U.S.-Canada Binational Panel issued its decision in the matter of Softwood Lumber from Canada, USA–92–1904–02. That case involved review of the Commission's July, 1992 affirmative determination in Softwood Lumber from Canada, Inv. No. 701–TA–312 (Final). The Panel remanded the Commission's final determination, and directed the Commission to "make a determination about causation of material injury by reason of imports of subsidized softwood lumber from Canada" not inconsistent with the Panel's opinion.

The Panel's opinion contains instructions concerning the issues the Commission is required to consider on remand. In order to assist it in making its determination on remand, the Commission is reopening the record on remand in this investigation with respect to the issue of price effects, and requesting that parties file briefs. Information obtained during the remand investigation will be released to parties under the administrative protective order in effect in the original investigation. Briefs should be concise, limited to the issue of price effects, and thoroughly referenced to information on the record in the original investigation or information obtained during the remand investigation. Briefs shall be limited to twenty (20) pages, and must be filed no later than the close of business on October 12, 1993. No further submissions will be permitted unless otherwise ordered by the Commission.

Written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain business proprietary information (BPI) must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

This action is taken under the authority of section 701 of the Tariff Act of 1930, as amended, (19 U.S.C. 1671).

By order of the Commission.

Issued: September 22, 1993.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–23645 Filed 9–24–93; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. The name of the parent corporation is: ProSource, Inc. The principal office address of the parent corporation is: 550 Biltmore Way, 10th floor, Coral Gables, FL 33134.

2. The wholly-owned subsidiaries of ProSource, Inc. which will participate in the operations are:

Name	Sate of incorporation
ProSource Services Corporation, d/b/a ProSource Distribution Services.	Delaware.
ProSource Distribution Services, Inc., d/b/a Valley ProSource.	Delaware.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–23463 Filed 9–23–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32332]

Honey Creek Railroad, Inc.; Acquisition and Operation Exemption; Line of Consolidated Rail Corp.

Honey Creek Railroad, Inc. (Honey Creek), a non-carrier, has filed a notice of exemption to acquire and operate approximately 5.95 miles of rail line owned by Consolidated Rail Corporation in Henry County, IN. The line extends generally between milepost 104.1, which is located at the intersection of the line with the main line of the Norfolk & Western Railway Company, and milepost 110.05, which is located at the intersection of the line with County Road 660N, all of which is located in Prairie, Jefferson, and Sulphur Springs Townships. This exemption became effective on September 3, 1993.[1]

Any comments must be filed with the Commission and served on: William B. Keaton, Esq., Keaton and Keaton, P.C., 126 West Second Street, Rushville, IN 46173–1874.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: September 14, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–23462 Filed 9–23–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Revision of a Currently Approved Collection

(1) Non-Immigrant Checkout Letter,

(2) Form G–146. Immigration and Naturalization Service,

(3) On occasion,

(4) Individuals or households. This form is used in making inquiry of persons in the U.S. or abroad concerning the whereabouts of aliens and/or departure information wanted by the Immigration and Naturalization Service, when initial investigation to locate the alien or verify his/her departure has been unsuccessful.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Immigration User Fee,

(2) No form number. Immigration and Naturalization Service,

(3) Monthly, quarterly, annually,

(4) Businesses or other for-profit. This information requested from commercial air carriers, commercial vessel operators, and tour operators is necessary for effective budgeting, financial management, monitoring and auditing of user fee collections. No forms are required. Only data readily available from accounting records necessary to conduct daily business are required.

(5) 2,550 annual responses at .25 hours per response,

(6) 637.5 annual burden hours,

(7) Not applicable under 3504(h).

Reinstatement of a Previously Approved Collection for Which Approval Has Expired

(1) National Needs Assessment Survey,

(2) No form number. Office of Justice Programs, National Institute of Justice,

(3) Every three years,

(4) State or local governments. This survey is the vehicle by which NIJ collects current information on the needs of, and the problems of criminal justice practitioners. This enables NIJ to meet its Congressional mandate to conduct research on current and future problems of state and local criminal justice agencies. Public comment on these items is encouraged.

Dated: September 20, 1993.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 93–23461 Filed 9–23–93; 8:45 am]

BILLING CODE 4410–10–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,

[1] The parties had expected to consummate the proposed transaction on or before September 4, 1993, but stated that they would not do so before the effective date of this notice.

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, NW., room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers 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 I

Maryland
MD930043 (Sept. 24, 1993)
Pennsylvania
PA930040 (Sept. 24, 1993)
Pennsylvania
PA930041 (Sept. 24, 1993)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

District of Col
DC930001 (Feb. 19, 1993)
Florida
FL930035 (Feb. 19, 1993)
Florida
FL930037 (Feb. 19, 1993)
Florida
FL930038 (Feb. 19, 1993)
Florida
FL930039 (Feb. 19, 1993)
Florida
FL930040 (Feb. 19, 1993)
Florida
FL930042 (Feb. 19, 1993)
Florida
FL930044 (Feb. 19, 1993)
Massachusetts
MA930001 (Feb. 19, 1993)
Massachusetts
MA930002 (Feb. 19, 1993)
Massachusetts
MA930003 (Feb. 19, 1993)
Maryland
MD930001 (Feb. 19, 1993)
Maryland
MD930002 (Feb. 19, 1993)
Maryland
MD930010 (Feb. 19, 1993)
Maryland
MD930011 (Feb. 19, 1993)
Maryland
MD930015 (Feb. 19, 1993)
Maryland
MD930017 (Feb. 19, 1993)
Maryland
MD930019 (Feb. 19, 1993)
Maryland
MD930025 (Feb. 19, 1993)
Maryland
MD930031 (Feb. 19, 1993)
Maryland
MD930034 (Feb. 19, 1993)
Maryland
MD930035 (Feb. 19, 1993)
Maryland
MD930036 (Feb. 19, 1993)
Maryland
MD930037 (Feb. 19, 1993)
Maryland
MD930039 (Feb. 19, 1993)
New Jersey
NJ930002 (Feb. 19, 1993)
New York
NY930002 (Feb. 19, 1993)
New York
NY930003 (Feb. 19, 1993)
New York
NY930005 (Feb. 19, 1993)
New York
NY930006 (Feb. 19, 1993)
New York
NY930009 (Feb. 19, 1993)
New York
NY930010 (Feb. 19, 1993)
New York
NY930011 (Feb. 19, 1993)
New York
NY930012 (Feb. 19, 1993)
New York
NY930015 (Feb. 19, 1993)
New York
NY930016 (Feb. 19, 1993)
New York
NY930019 (Feb. 19, 1993)
New York
NY930020 (Feb. 19, 1993)
New York
NY930022 (Feb. 19, 1993)
New York
NY930025 (Feb. 19, 1993)
Pennsylvania
PA930001 (Feb. 19, 1993)
Pennsylvania
PA930002 (Feb. 19, 1993)
Pennsylvania
PA930003 (Feb. 19, 1993)
Pennsylvania
PA930007 (Feb. 19, 1993)
Pennsylvania
PA930008 (Feb. 19, 1993)
Pennsylvania
PA930009 (Feb. 19, 1993)
Pennsylvania
PA930010 (Feb. 19, 1993)
Pennsylvania
PA930015 (Feb. 19, 1993)
Pennsylvania
PA930016 (Feb. 19, 1993)
Pennsylvania
PA930017 (Feb. 19, 1993)
Pennsylvania
PA930018 (Feb. 19, 1993)
Pennsylvania
PA930019 (Feb. 19, 1993)
Pennsylvania
PA930020 (Feb. 19, 1993)
Pennsylvania
PA930021 (Feb. 19, 1993)
Pennsylvania
PA930022 (Feb. 19, 1993)
Pennsylvania
PA930023 (Feb. 19, 1993)
Pennsylvania
PA930024 (Feb. 19, 1993)
Pennsylvania
PA930026 (Feb. 19, 1993)
Pennsylvania
PA930028 (Feb. 19, 1993)
Pennsylvania

PA930029 (Feb. 19, 1993)
Pennsylvania
PA930030 (Feb. 19, 1993)
Tennessee
TN930005 (Feb. 19, 1993)
Virginia
VA930014 (Feb. 19, 1993)
Virginia
VA930025 (Feb. 19, 1993)
Virginia
VA930026 (Feb. 19, 1993)
Virginia
VA930030 (Feb. 19, 1993)
Virginia
VA930039 (Feb. 19, 1993)
Virginia
VA930048 (Feb. 19, 1993)
Virginia
VA930052 (Feb. 19, 1993)
Virginia
VA930063 (Feb. 19, 1993)

Volume II

Iowa
IA930005 (Feb. 19, 1993)
Indiana
IN930002 (Feb. 19, 1993)
Indiana
IN930003 (Feb. 19, 1993)
Indiana
IN930004 (Feb. 19, 1993)
Indiana
IN930006 (Feb. 19, 1993)
Louisiana
LA930001 (Feb. 19, 1993)
Louisiana
LA930004 (Feb. 19, 1993)
Louisiana
LA930005 (Feb. 19, 1993)
Louisiana
LA930009 (Feb. 19, 1993)
Louisiana
LA930012 (Feb. 19, 1993)
Louisiana
LA930014 (Feb. 19, 1993)
Louisiana
LA930015 (Feb. 19, 1993)
Louisiana
LA930018 (Aug. 9, 1993)
Texas
TX930003 (Feb. 19, 1993)
Texas
TX930019 (Feb. 19, 1993)
Wisconsin
WI930006 (Feb. 19, 1993)
Wisconsin
WI930007 (Feb. 19, 1993)
Wisconsin
WI930012 (Feb. 19, 1993)
Wisconsin
WI930013 (Feb. 19, 1993)
Wisconsin
WI930018 (Feb. 19, 1993)

Volume III

Alaska
AK930001 (Feb. 19, 1993)
Colorado
CO930004 (Feb. 19, 1993)
Colorado
CO930005 (Feb. 19, 1993)
Colorado
CO930008 (Feb. 19, 1993)
Colorado
CO930009 (Feb. 19, 1993)
Colorado
CO930011 (Feb. 19, 1993)
Colorado
CO930014 (Feb. 19, 1993)
Montana
MT930001 (Feb. 19, 1993)
Montana
MT930002 (Feb. 19, 1993)
Montana
MT930004 (Feb. 19, 1993)
Montana
MT930005 (Feb. 19, 1993)
Montana
MT930006 (Feb. 19, 1993)
Montana
MT930007 (Feb. 19, 1993)
Montana
MT930008 (Feb. 19, 1993)
Montana
MT930009 (Aug. 6, 1993)
Montana
MT930010 (Aug. 6, 1993)
Montana
MT930011 (Aug. 6, 1993)
Montana
MT930011 (Aug. 6, 1993)
Montana
MT930012 (Aug. 6, 1993)
Montana
MT930014 (Aug. 6, 1993)
Montana
MT930015 (Aug. 6, 1993)
Montana
MT930016 (Aug. 6, 1993)
Montana
MT930017 (Aug. 6, 1993)
Montana
MT930018 (Aug. 6, 1993)
Montana
MT930019 (Aug. 6, 1993)
Montana
MT930020 (Aug. 6, 1993)
Utah
UT930033 (Mar 26, 1993)

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. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 17th day of September, 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–23237 Filed 9–23–93; 8:45am]

BILLING CODE 4510–27–M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Philippi Development, Inc.

[Docket No. M–93–242–C]

Philippi Development, Inc., Route 12, Box 245, Morgantown, West Virginia 26505 has filed a petition to modify the application of 30 CFR 75.1103–4(a) (automatic fire sensor and warning device systems; installation; minimum requirements) to its Sentinel Mine (I.D. No. 46–04168) located in Barbour County, West Virginia. The petitioner proposes to install a low-level carbon monoxide detection system as an early warning fire detection system in all belt entries where a monitoring system would identify a sensor location instead of each belt flight. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

2. Cyprus Cumberland Resources Corporation

[Docket No. M–93–243–C]

Cyprus Cumberland Resources Corporation, 9100 East Mineral Circle, Englewood, Colorado 80112 has filed a petition to modify the application of 30 CFR 75.380(d)(3) (escapeways; bituminous and lignite mines) to its Cumberland Mine (I.D. No. 36–05018) located in Greene County, Pennsylvania. Due to heaved floor in the 52 Main East air courses between 6 and 14 room, the petitioner proposes to maintain an escapeway with less than 5 feet from the mine floor to the mine roof. The petitioner proposes to eliminate trimming and grading of the mine floor in the affected area and to conduct emergency evacuations according to procedures that will enable miners to escape uninhibited by the escapeway width. The petitioner states that application of the standard would result in diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternate method would

provide at least the same measure of protection as would the mandatory standard.

3. Mountain View Coal Company

[Docket No. M–93–244–C]

Mountain View Coal Company, 6 West Main Street, Goodspring, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.1002–1(a) (location of other electric equipment, requirements for permissibility) to its R & S Slope (I.D. No. 36–07850) located in Schuylkill County, Pennsylvania. The petitioner proposes to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation any time the methane concentration at the equipment reaches 0.5 percent, either during operation or preshift examination. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

4. K.T.K. Mining and Construction Company

[Docket No. M–93–245–C]

K.T.K. Mining and Construction Company, P O. Box 1409, Pikeville, Kentucky 41502 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its No. 8 Mine (I.D. No. 15–17190) located in Pike County, Kentucky. The petitioner proposes to maintain a 4 foot wide secondary escapeway where the miner can stand upright and walk 585 feet up the slope. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

5. New Warwick Mining Company

[Docket No. M–93–246–C]

New Warwick Mining Company, R.D. 1, Box 167A, Mount Morris, Pennsylvania 15349 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Warwick Mine No. 3 (I.D. No. 36–02374) located in Greene County, Pennsylvania. The petitioner proposes to plug and mine through oil and gas wells. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

6. 3 Boy Coal

[Docket No. M–93–247–C]

3 Boy Coal, P O Box 1798, Corbin, Kentucky 40702 has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its Mine No. 1 (I.D. No. 15–17301) located in Whitley County, Kentucky. The petitioner proposes to monitor continuously with a hand-held deck-mounted methane and oxygen detector instead of using a methane monitoring system on permissible three-wheel tractors with drag bottom buckets. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

7. Sunnyside Coal Company

[Docket No. M–93–248–C]

Sunnyside Coal Company, P.O. Box 99, Sunnyside, Utah 84539 has filed a petition to modify the application of 30 CFR 75.380(d) (3) and (4) (escapeways; bituminous and lignite mines) to its Mine No. 1 (I.D. No. 42–00093) located in Carbon County, Utah. The petitioner proposes to bring the secondary escapeway from the upper seam at 8½ Left into the belt entry under the belt and up the walkway side of the belt for a distance of 500 feet and back under the belt at 7½ Left. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

8. Island Creek Coal Company

[Docket No. M–93–249–C]

Island Creek Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.1100–2(2)(b) (quantity and location of firefighting equipment) to its VP–3 Mine (I.D. No. 44–01520) located in Buchanan County, Virginia. The petitioner proposes to locate a fire hose of sufficient length so that any affected area on the belt can be covered from the most proximate fire hose outlet; to maintain 700 feet of fire hose at a location in the immediate area of the longwall belt drive; to remove portions of the stoppings or provide stopping doors at or near the fire hose outlets, so that crosscuts leading to fire hose outlets from the belt entry would be passable; and to mark each fire hose outlet for easy identification in both the track and the belt entries. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

9. Island Creek Coal Company

[Docket No. M–93–250–C]

Island Creek Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.1100–2(2)(b) (quantity and location of firefighting equipment) to its VP–5 Mine (I.D. No. 44–03795) located in Buchanan County, Virginia. The petitioner proposes to locate a fire hose of sufficient length so that any affected area on the belt can be covered from the most proximate fire hose outlet, to maintain 700 feet of fire hose at a location in the immediate area of the longwall belt drive; to remove portions of the stoppings or provide stopping doors at or near the fire hose outlets, so that crosscuts leading to fire hose outlets from the belt entry would be passable; and to mark each fire hose outlet for easy identification in both the track and the belt entries. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

10. Garden Creek Pocahontas Company

[Docket No. M–93–251–C]

Garden Creek Pocahontas Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.1100–2(2)(b) (quantity and location of firefighting equipment) to its VP–6 Mine (I.D. No. 44–04517) located in Buchanan County, Virginia. The petitioner proposes to locate a fire hose of sufficient length so that any affected area on the belt can be covered from the most proximate fire hose outlet; to maintain 700 feet of fire hose at a location in the immediate area of the longwall belt drive; to remove portions of the stoppings or provide stopping doors at or near the fire hose outlets, so that crosscuts leading to fire hose outlets from the belt entry would be passable; and to mark each fire hose outlet for easy identification in both the track and the belt entries. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

11. The Harriman Coal Corporation

[Docket No. M–93–252–C]

The Harriman Coal Corporation, 101 N Centre Street, Pottsville, Pennsylvania 17901–2911 has filed a petition to modify the application of 30 CFR 77 409(b) (shovels, draglines, and tractors) to its Penag/Goodspring No. 1 Mine East (I.D. No. 36–06440) located in Schuylkill County, Pennsylvania. The petitioner proposes to operate its Caterpillar Excavators, Model 245 without handrails on the outside of walkways. The petitioner asserts that the proposed alternate method would provide at least the same measure of

protection as would the mandatory standard.

12. Island Creek Coal Company

[Docket No. M–93–253–C]

Island Creek Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its VP–3 Mine (I.D. No. 44–01520) located in Buchanan County, Virginia. The petitioner proposes to use high-voltage cables to power longwall equipment inby the last open crosscut. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

13. Island Creek Coal Company

[Docket No. M–93–254–C]

Island Creek Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75 1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its VP–5 Mine (I.D. No. 44–03795) located in Buchanan County, Virginia. The petitioner proposes to use high-voltage cables to power longwall equipment inby the last open crosscut. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

14. Garden Creek Pocahontas Company

[Docket No. M–93–255–C]

Garden Creek Pocahontas Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its VP–6 Mine (I.D. No. 44–04517) located in Buchanan County, Virginia. The petitioner proposes to use high-voltage cables to power longwall equipment inby the last open crosscut. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

15. Fleming Enterprises, Inc.

[Docket No. M–93–256–C]

Fleming Enterprises, Inc., P.O. Box 1389, Clintwood, Virginia 24228 has filed a petition to modify the application of 30 CFR 75.1710–1 (canopies or cabs; self-propelled electric face equipment; installation requirements) to its Mine No. 1 (I.D. No. 15–17095) located in Knott County, Virginia. The petitioner proposes to operate electric face equipment without cabs or canopies due to the undulating coal seam conditions that exist and are projected for this mine. The petitioner states that application of the standard would result in a diminution of safety to the equipment operator.

16. Drummond Company, Inc.

[Docket Nos. M–93–257–C through M–93–261–C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35202 has filed a petition to modify the application of 30 CFR 77.1109(c)(1) (quantity and location of firefighting equipment) to its Flat Top Mine (I.D. No. 01–00627) and its Chetopa Mine (I.D. No. 01–00323) both located in Jefferson County, Alabama; its Cedrum Mine (I.D. No. 01–01270) and its Cedrum Mine No. 2 (I.D. No. 01–01985) both located in Walker County, Alabama, and its Arkadelphia Mine (I.D. No. 01–00163) located in Cullman County, Alabama. The petitioner proposes to use an Ansul A–101–30 fire suppression system on its 992–C Caterpillar front-end loaders instead of portable fire extinguishers. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

17. Morton International, Inc., Morton Salt

[Docket No. M–93–07–M]

Morton International, Inc., Morton Salt, 2401 Pennsylvania Avenue, NW., Washington, DC 20037 has filed a petition to modify the application of 30 CFR 57.22235 (actions at 1.0 percent methane) to its Weeks Island Mine and Mill (I.D. No. 16–00970) located in Iberia County, Louisiana. The petitioner requests relief from application of the standard to abandoned areas. The petitioner proposes to maintain methane levels throughout the active areas of the mine adjacent to abandoned areas at or below applicable standards; to provide additional training to miners on the prohibition of entry into abandoned areas; and to examine weekly and monitor for methane in active areas adjacent to abandoned areas to determine whether corrective actions are needed. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

18. Twin Mountain Rock Company

[Docket No. M–93–08–M]

Twin Mountain Rock Company, 1000 Kiewit Plaza, Omaha, Nebraska 68131 has filed a petition to modify the application of 30 CFR 56/57.12028 (testing grounding systems) to its Twin Mountain Rock-Des Moines Quarry (I.D. No. 29–00194) located in Union County, New Mexico and its Twin Mountain Rock-Red Hills Quarry (I.D. No. 04–03623) located in Inyo County, California. The petitioner requests a variance from the standard for all permanent buildings, offices, and facilities that are not subject to vibration and which cannot be moved without substantial disassembly. The petitioner proposes to test all electrical systems in permanent facilities for continuity and resistance and record resistance readings; to check and tighten all ground connections and bonding for proper grounding of electrical circuits; to test the continuity and resistance of equipment conductors and the connections immediately after installation, repair, and modification; to visually inspect the grounding system annually to insure that all ground connections are tight; and to verify and record the ground resistance of each circuit at intervals of five years from the initial equipment grounding conductor resistance test. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

19. Guernsey Stone and Construction Company

[Docket No. M–93–09–M]

Guernsey Stone and Construction Company, 1000 Kiewit Plaza, Omaha, Nebraska 68131 has filed a petition to modify the application of 30 CFR 56/57.12028 (testing grounding systems) to its Guernsey Stone Quarry (I.D. No. 48–00004) located in Platte County, Wyoming. The petitioner requests a variance of the standard for all permanent buildings, offices, and facilities that are not subject to vibration and which cannot be moved without substantial disassembly. The petitioner proposes to test all electrical systems in permanent facilities for continuity and resistance and record resistance readings; to check and tighten all ground connections and bonding for proper grounding of electrical circuits; to test the continuity and resistance of equipment conductors and the connections immediately after

installation, repair, and modification, to visually inspect the grounding system annually to insure that all ground connections are tight, and to verify and record the ground resistance of each circuit at intervals of five years from the initial equipment grounding conductor resistance test. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

20. Meridian Aggregates Company

[Docket No. M–93–10–M]

Meridian Aggregates Company, P.O. Box 155, Granite Canon, Wyoming 82059–0155 has filed a petition to modify the application of 30 CFR 56/57.12028 (testing grounding systems) to its Granite Canyon Quarry (I.D No. 48–00018) located in Laramie County, Wyoming. The petitioner requests a variance of the standard for all permanent buildings, offices, and facilities that are not subject to vibration and which cannot be moved without substantial disassembly. The petitioner proposes to test all electrical systems in permanent facilities for continuity and resistance and record resistance readings; to check and tighten all ground connections and bonding for proper grounding of electrical circuits; to test the continuity and resistance of equipment conductors and the connections immediately after installation, repair, and modification; to visually inspect the grounding system annually to insure that all ground connections are tight; and to verify and record the ground resistance of each circuit at intervals of five years from the initial equipment grounding conductor resistance test. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

21. Baldwin Contracting Company, Inc.

[Docket No. M–93–11–M]

Baldwin Contracting Company, 1764 Skyway, Chico, California 95928 has filed a petition to modify the application of 30 CFR 56.14107(a) (moving machine parts) to its Pentz Pit Mine (I.D. No. 04–01699) located in Butte County, California. The petitioner proposes to continue using guarding already in place and which encloses all the moving machinery and parts. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203 All comments must be postmarked or received in that office on or before October 25, 1993. Copies of these petitions are available for inspection at that address.

Dated: September 20, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93–23474 Filed 9–23–93; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93–077]

NASA Advisory Council, Minority Business Resource Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

DATES: October 6, 1993, 9 a.m. to 4 p.m.

ADDRESSES: Goddard Space Flight Center, Visitors Center Auditorium, Greenbelt Road, Greenbelt, MD 20771.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph C. Thomas, III, Office of Small and Disadvantaged Business Utilization, National Aeronautics and Space Administration, room 9K70, 300 E Street SW., Washington, DC 20546, (202) 358–2088.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Overall Vision for the Committee
—Emerging Issues for Small Disadvantaged Business and NASA Priorities for 1993
—Report from Committee Working Groups on Disabled Business
—Invitation for Suggestions by Individuals in Attendance

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: September 20, 1993.

Timothy M. Sullivan,

Advisory Committee Management Officer.

[FR Doc. 93–23415 Filed 9–23–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SES Performance Review Board

AGENCY: National Archives and Records Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the National Archives and Records Administration (NARA) Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas, Deputy Assistant Archivist for Management and Administration, National Archives and Records Administration, 7th and Pennsylvania Ave. NW , Washington, DC 2048, (202) 501–5100

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5), U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The following have been selected as acting members of the Performance Review Board of the National Archives and Records Administration: Linda N Brown, Assistant Archivist for Public Programs; James W. Moore, Assistant Archivist for Records Administration; David F. Peterson, Assistant Archivist for Federal Records Centers; Kenneth C. Holecko, Assistant Director for Human Resources, U.S. Marshals Service; and George Farr, Director, Division of Preservation and Access, National Endowment for the Humanities.

Dated: September 17, 1993.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 93–23441 Filed 9–23–93; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Literacy Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby

given that a meeting of the Literature Advisory Panel (Fellowships for Creative Writers: Poetry Section) to the National Council on the Arts will be held October 6–8, 1993 from 9 a.m. to 5:30 p.m. on October 6, 1993, 9 a.m. to 6:30 p.m. on October 7, 1993, and 9 a.m. to 5 p.m. on October 8, 1993. These meetings will be held in Room M–14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of these meetings will be open to the public from 3 p.m. to 5 p.m. on October 8, 1993 for policy discussion.

The remaining portions of these meetings from 9 a.m. to 5:30 p.m. on October 6, 1993, from 9 a.m. to 6:30 p.m. on October 7, 1993, and 9 a.m. to 3 p.m. on October 8, 1993 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvenia Avenue NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: September 20, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–23392 Filed 9–23–93; 8:45 am]

BILLING CODE 7537–01–P

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–436), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Fellowships for Creative Writers: Prose Section) to the National Council on the Arts will be held October 13–15, 1993 from 9 a.m. to 5:30 p.m. on October 13, 1993, 9 a.m. to 6:30 p.m. on October 14, 1993, and 9 a.m. to 5 p.m. on October 15, 1993. These meetings will be held in room M–14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of these meetings will be open to the public from 3 p.m. to 5 p.m. on October 15, 1993 for policy discussion.

The remaining portions of these meetings from 9 a.m. to 5:30 p.m. on October 13, 1993, from 9 a.m. to 6:30 p.m. on October 14, 1993, and 9 a.m. to 3 p.m. on October 15, 1993 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: September 20, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–23493 Filed 9–23–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Care of Collections A Section) to the National Council on the Arts will be held on November 9–10, 1993, from 9 a.m. to 5 p.m. on November 9, 1993, and from 9 a.m. to 5:30 p.m. on November 10, 1993. These meetings will be held in room 730, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of these meetings will be open to the public from 9 a.m. to 10 a.m. on November 9, 1993 for opening remarks and policy discussion.

The remaining portions of these meetings from 10 a.m. to 5 p.m. on November 9, 1993, and from 9 a.m. to 5:30 p.m. on November 10, 1993 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5439.

Dated: September 20, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–23492 Filed 9–23–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Care of Collection B Section) to the National Council on the Arts will be held on November 16, 1993 from 9 a.m. to 5:30 p.m. This meeting will be held in room M–14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC., 20506.

A portion of this meeting will be open to the public from 9 a.m. to 10 a.m. for opening remarks and policy discussion.

The remaining portion of this meeting from 10 a.m. to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the Panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5439.

Dated: Sept. 20, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–23494 Filed 9–23–93; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Care of Collection B Section) to the National Council on the Arts will be held on November 16, 1993 from 9 a.m. to 5:30 p.m. This meeting will be held in room M–14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public from 9 a.m. to 10 a.m. for opening remarks and policy discussion.

The remaining portion of this meeting from 10 a.m. to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the descretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5439.

Dated: September 20, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–23399 Filed 9–23–93; 8:45 am]

BILLING CODE 7537–01–M

OFFICE OF MANAGEMENT AND BUDGET

Objectives of Federal Financial Reporting Concepts Statement

AGENCY: Office of Management and Budget.

ACTION: Notice of document availability.

SUMMARY: This Notice indicates the availability of the first Statement of Federal Financial Accounting Concepts, "Objectives of Federal Financial Reporting," adopted by the Office of Management and Budget (OMB). The concept statement was recommended by the Federal Accounting Standards Advisory Board and adopted in its entirety by OMB.

ADDRESSES: Copies of the Statement of Federal Financial Accounting Concepts No. 1, "Objectives of Federal Financial Reporting," may be obtained for $6.00 each from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone: 202–783–3238), Stock No. 041–001–00412–2. Statement of Federal Financial Accounting Standards No. 1, "Accounting for Selected Assets and Liabilities," may also be obtained for $4.00 each from the above address, Stock No. 041–001–00403–3.

FOR FURTHER INFORMATION CONTACT: Ronald Longo, (telephone: 202–395–3993), Office of Federal Financial Management, Office of Management and Budget, 725–17th Street, NW.—room 10235, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: This Notice indicates the availability of the first Statement of Federal Financial Accounting Concepts, "Objectives of Federal Financial Reporting." The concept statement was recommended by the Federal Accounting Standards Advisory Board (FASAB) in July 1993, and adopted in its entirety by the Office of Management and Budget (OMB).

Under a Memorandum of Understanding among the General Accounting Office, the Department of the Treasury, and OMB on Federal Government Accounting Standards, the Comptroller General, the Secretary of the Treasury, and the Director of OMB decide upon principles and standards after considering the recommendations of FASAB. After agreement to specific principles and standards, they are to be published in the **Federal Register** and distributed throughout the Federal Government.

John B. Arthur,

Assistant Director for Administration.

[FR Doc. 93–23398 Filed 9–23–93; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF PERSONNEL MANAGEMENT

Request for Reclearance of Information Collection RI 92–19

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title

44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Form RI 92–19, Application for Deferred or Postponed Retirement, is used by separated employees to apply for either a deferred or a postponed FERS annuity benefit. The information collected via this application is used by the Office of Personnel Management, Federal Employees' Retirement System, to determine if a deferred or postponed annuity is payable to an employee separated from the Federal service.

Approximately 960 RI 92–19 are processed annually, each requiring approximately 60 minutes to complete, for a total burden of 960 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

Daniel Green, Chief, FERS Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street NW., room 4429, Washington, DC 20415,
and
Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

For information regarding administrative coordination—contact: Mary Beth Smith-Toomey, Chief, Administrative Management Branch, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 93–23316 Filed 9–23–93; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Generalized System of Preferences (GSP); Public Hearings Regarding Country Practice Reviews

AGENCY: Office of the United States Trade Representative.

ACTION: Announcement of timetable for public hearings to consider country practice reviews continued from the 1992 Annual Review of GSP.

SUMMARY: The purpose of this notice is to announce the timetable for the public hearings on certain country practice reviews continued from the 1992 Annual Review of GSP.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. The telephone number is (202) 395–6971. Copies of the petitions and responses submitted during the 1992 Annual Review are available for review by appointment with the USTR public reading room. Public versions of documents submitted in accordance with the timetable set forth in this notice will be available for review by appointment with the USTR public reading room shortly following filing deadlines. Appointments may be made from 10 a.m. to noon and 1 p.m. to 4 p.m. by calling (202) 395–6186.

SUPPLEMENTARY INFORMATION:

I. Reviews Extended From the 1992 Annual Review

On June 25, 1993, at the conclusion of the 1992 Annual Review of GSP, it was announced that certain country practice reviews would be extended for relatively short time periods. Specifically, the worker rights reviews of El Salvador, Guatemala, Malawi, Oman, and Thailand, and the intellectual property rights review of Honduras were extended until December 15, 1993. The worker rights review of Indonesia was extended until February 15, 1994. In order to conclude public hearings sufficiently in advance of these dates, the GSP Subcommittee of the TPSC will conduct them according to the timetable set forth in section II of this notice.

Other reviews from the 1992 Annual Review were extended for longer periods. Specifically, the worker rights reviews of Bahrain and Fiji, and the intellectual property reviews of Dominican Republic and Guatemala were extended until the conclusion of the 1993 Annual Review. A notice announcing the timetable for these reviews, as well as petitions accepted for the 1993 Annual Review will be published separately.

II. Deadline for Receipt of Requests To Participate in the Public Hearings

The GSP Subcommittee of the TPSC invites submissions regarding the subject matter of the reviews described in the first paragraph of Section I. All such submissions should conform to 15 CFR part 2007, particularly §§ 2007.0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3).

Hearings will be held on November 3, 1993 beginning at 10 a.m. at a location in Washington, DC to be announced. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or can be purchased from the reporting company. No electronic media coverage will be allowed.

All interested parties wishing to make an oral presentation at the hearings must submit the name, address, and telephone number of the witness(es) representing their organization to the Chairman of the GSP Subcommittee by 5 p.m. October 20, 1993. Requests to present oral testimony in connection with the public hearings must be accompanied by fourteen (14) copies, in English, of all written briefs or statements, and must also be received by 5 p.m. on October 20. Oral testimony before the GSP Subcommittee will be limited to five minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if they conform with the regulations cited above and are submitted in fourteen (14) copies, in English, no later than 5 p.m. November 10, 1993. Parties not wishing to appear at the public hearings may submit post-hearing written briefs or statements also by November 10. Rebuttal briefs should be submitted in fourteen (14) copies, in English, by 5 p.m. November 17, 1993.

Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the USTR public reading room, except for information granted "business confidential" status pursuant to 15 CFR 2203.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. If the document contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of every page (either "public version" or "non-confidential").

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 93–23400 Filed 9–23–93; 8:45 am]

BILLING CODE 3901–01–M

Request for Public Comment on Strategies To Address Increased Exports of Primary Aluminum From Newly Independent States

AGENCY: Office of the United States Trade Representative.

ACTION: Request for public comment on U.S. Government strategies to address increased exports of primary aluminum from Russia, Ukraine, Azerbaijan and Tajikistan; and European Community restrictions on imports form these countries.

SUMMARY: The United States Trade Representative (USTR) invites written comments from the public on aluminum production activities in Russia, Ukraine, Azerbaijan and Tajikistan; the effects of such activities, including increased exports, on the global aluminum market and U.S. aluminum industry; the recent action by the European Community to restrict imports from those countries; and whether (and, if so, how) the U.S. Government should address the effects of such activities.

DATES: Written comments from the public are due on or before October 12, 1993.

FOR FURTHER INFORMATION CONTACT: Don Eiss, Deputy Assistant U.S. Trade Representative for Industry, (202) 395–5656; Catherine A. Novelli, Director for Eastern Europe and Independent States, (202) 395–3074.

SUPPLEMENTARY INFORMATION: On August 7, 1993, the European Community unilaterally acted to place temporary quantitative imports restrictions on exports of primary aluminum from the countries of the former Soviet Union.[1] Commission Regulation No. 2227/93 limits such exports to 60,000 metric tons through November 1993. As a practical matter, these restrictions will limit exports of primary aluminum from Russia, Ukraine, Azerbaijan and Tajikistan.

The U.S. Government is undertaking an assessment of the effects of aluminum-producing activities in Russia, Ukraine, Azerbaijan and Tajikistan on the world aluminum market, in the short and long terms, and the effects of aluminum exports from these countries on the U.S. aluminum industry, including the impact of the EC's unilateral action to restrict imports from these countries, with a view to determining what appropriate action should be taken, if any, on a unilateral, bilateral, or multilateral level, to address such effects.

Members of the U.S. aluminum industry, and other interested members of the public, are invited to submit written comments on the issues raised by the EC action; the developments in the global aluminum market that prompted such action, in particular the effects on the world aluminum market and the U.S. aluminum industry of primary aluminum production in, and exports from, Russia, Ukraine, Azerbaijan and Tajikistan; and potential strategies, if any are needed, to address such effects. Comments must be filed by October 12, 1993. Comments must be in English and provided in twenty copies to: Carolyn Frank, Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, room 414, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked "Business Confidential" at the top of the cover page or letter and each page on each of the twenty copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the file which is open to public inspection.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 93–23518 Filed 9–23–93; 8:45 am]

BILLING CODE 3190–01–M

[1] The regulation applies to imports of unwrought aluminum originating in Armenia, Azerbaijan, Belarus, Georgia, Kazkhstan, Kyrgystan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Estonia, Latvia and Lithuania.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32923; File No. SR–CBOE–93–35]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Fee Reductions

September 20, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 2, 1993, the Chicago Board Options Exchange, Inc. ("CBOE" 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 Exchange. 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 CBOE proposes to amend its fee reduction plan as said plan has been in effect since July 1, 1992. The text of the proposed rule change is available at the Office of the Secretary, CBOE, 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 CBOE included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Section (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

The purpose of this rule change is to amend the Exchange's fee reduction plan ("Plan") which, since it was first adopted, has provided that if Exchange volume levels exceed a predetermined threshold at the end of any fiscal quarter, certain fees will be reduced in the following quarter according to an established schedule. The proposed amendments to the Plan are the result of the Exchange's annual budget review and are intended to respond to the capital needs of the Exchange for the coming fiscal year. The proposed rule change amends the current fee reduction thresholds and amounts and incorporates a fee reduction for membership dues. In all other respects, the Plan remains unchanged. The threshold for fee rebates will continue to be reviewed and adjusted annually.

The Plan as proposed to be amended will apply to the fiscal year commencing July 1, 1993.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e)(1) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed 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, NW., Washington, DC 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, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File NO. SR–CBOE–93–35 and should be submitted by October 15, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23480 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–M

[1] 17 CFR 200.30–3(a)(12) (1992).

[Release No. 34–32922; File No. SR–Phlx–91–05]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Modification of Exchange Rules Permitting a Member to Reject the Execution of Certain Trades

September 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 20, 1991, as amended on March 26, 1993 and September 15, 1993, the Philadelphia Stock Exchange ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rules change as described in Items I and II, 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 Phlx proposes to amend Commentary .05 to Phlx Rule 1019 to provide that a member may only reject or "bust" an options transactions executed off the specialist's book if the member notifies the specialist of such intentions and the member receives written floor official approval of the rejection based on a showing of good cause in relation to the specialist's responsibility to maintain a fair and orderly market.[1]

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

The Phlx proposes to amend Commentary .05 to Phlx Rule 1019 to provide that a member may only reject or "bust" an options transaction executed off the specialist's book if the member notifies the specialist of such intentions and the member receives floor official approval of the rejection based on a showing of good cause in relation to the specialist's responsibility to maintain a fair and orderly market. The Exchange states that Commentary .05 to Exchange Rule 1019 which permits a member to reject a trade has rarely been invoked. Accordingly, the Phlx believes that no significant customer protection would be lost by the provision's deletion.

However, in recognition that there may be circumstances in which it may be appropriate to permit a Phlx member to reject or "bust" a trade, the proposal provides that a Phlx member will continue to be able to reject a trade as long as the member receives written floor official approval to validate the rejection. The proposal provides that for such approval to be given the member must show good cause for the floor official to form the belief that the execution was in relation with the specialist's responsibility to maintain a fair and orderly market.

The Exchange believes that the proposed rule change is consistent with the provisions of the Act, and the rules and regulations thereunder, and, in particular, with section 6(b)(5), which provides that the rules of the Exchange be designed to promote the maintenance of a fair and orderly market, facilitate transactions in securities and remove impediments to and perfect the mechanism of a free and open market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose a burden on competition.

[1] The proposal originally provided for the deletion of the provision permitting a member to reject or "bust" a trade executed off a specialist's book. The proposal, however, was amended on March 26, 1993, and September 15, 1993, to provide that a member could continue to reject a trade executed off the specialist's book as long as the member receives written floor official approval of the rejection based on a showing of good cause. See letters from Gerald D. O'Connell, Vice President, Market Surveillance, to Thomas Gira, Branch Chief, Division of Market Regulation ("Division"), Commission, dated April 21, 1992, and from Edith Hallahan, Special Counsel, Regulatory Services, Phlx, to Richard Zack, Branch Chief, Division, Commission, dated September 14, 1993

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

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, the requirements of section 6.[2] Specifically, the Commission believes that requiring an Exchange member to obtain written floor official approval before an options transaction, that was executed off the specialist's book, can be rejected is consistent with section 6 (b)(5) of the Act in that it facilitates transactions in securities and protects investors and the public interest by limiting the instances in which a trade can be rejected to those in which there is a showing of good cause. The Commission believes that although there are instances in which a member should be permitted to reject a trade executed off the specialist's book, limiting those instances to cases in which there is a showing of good cause and written floor official approval enhances the stability of the market place, which results in the protection of investors and the public interest. Further, the Commission does not believe it is unreasonable for the Phlx to determine that members should only be permitted to reject trades upon a showing of good cause in relation to the specialists obligation to maintain orderly markets.

The Commission finds good cause for approving the proposed rule change, including Amendment Nos. 1 and 2 to the proposed rule change, prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register in order to permit the Phlx to implement the procedures for rejecting trades as soon as possible. The Commission notes that the proposed rule change is substantially similar to current Exchange rules governing the rejection of trades executed off the specialist's book. The current proposal only adds the requirement that there be floor official approval upon a showing of good cause. The Commission, thus, believes that no new issues are raised by the current proposal. Therefore, the Commission believes that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6(b)(5) of the Act.[3]

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, NW., Washington, DC 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 Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 15, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change (SR–Phlx–91–05) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23481 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–M

[File No. 500–1]

Order of Suspension of Trading

September 21, 1993.

In the Matter of Future Communications, Inc.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Future Communications, Inc., a New Jersey corporation with executive offices located at 2144 Royal Lane, suite 400, Dallas, Texas 75229, and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, the valuation of the company's assets, liabilities of the company and recent acquisitions and transactions announced by the company and about recent market activity in the securities of the company. The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of Future Communications, Inc.

Therefore, it is ordered, Pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Future Communications, Inc., over-the-counter and otherwise, is suspended for the period from 9:30 a.m. (E.D.T.) on September 21, 1993, through 11:59 p.m. (E.D.T.) on October 4, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23482 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19720; 812–8578]

Lehman Brothers Inc.; Temporary Order and Notice of Application

September 17, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or Commission").

ACTION: Temporary order, and notice of application for an order of exemption for a period of one year, under the Investment Company Act of 1940 (the "Act").

APPLICANT: Lehman Brothers Inc.

RELEVANT ACT SECTIONS: Exemption from section 9(a) under section 9(c).

SUMMARY OF APPLICATION: Applicant has been granted a temporary conditional order, and has requested an order for a period of one year, under section 9(c) exempting applicant from section 9(a) to the extent necessary to permit applicant to employ an individual who is subject to a securities-related injunction.

FILING DATE: The application was filed on September 16, 1993.

HEARING OR NOTIFICATION OF HEARING: Interested persons may request a hearing on the application by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 12, 1993, and should be accompanied by proof of service on

---

[2] 15 U.S.C. 78f (1988).

[3] 15 U.S.C. 78f(b)(5) (1988).

[4] 15 U.S.C. 78s(b)(2) (1988).

[5] 17 CFR 200.30–3(a)(12) (1992).

applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, American Express Tower C, World Financial Center, New York, NY 10285.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a registered broker-dealer and registered investment adviser.[1] Applicant is a wholly owned subsidiary of Lehman Brothers Holdings Inc. ("Holdings"). Applicant is the principal underwriter for Lehman Brothers Institutional Funds Group Trust and Lehman Brothers Funds, Inc. (the "Lehman Investment Companies"). Lehman Brothers Global Asset Management Inc., a wholly owned subsidiary of Holdings, serves as investment adviser to the Lehman Investment Companies.

2. Applicant and its predecessor entities employed Klaus Broesel ("Broesel") as a registered representative in applicant's Frankfurt, Germany office beginning in July 1978. Broesel was initially an account executive servicing, at various times, between five and ten large German institutional investors. In 1989, Broesel became head of institutional equity sales in applicant's Frankfurt office, with responsibility for all equity sales to clients in Germany and Austria.

3. Only July 13, 1990, the Commission instituted a civil action captioned *SEC* v. *Heider*, 90 Civ. No. 4636, in federal district court in the Southern District of New York. The complaint alleged that the defendants named therein, together with certain other unnamed individuals, had purchased call option contracts for the common stock of Contel Corporation ("Contel Options") while in possession of material non-public information. Broesel was not specifically named in the action. Broesel purchased Contel Options, however, through personal accounts that he maintained at two financial institutions in Switzerland. Each of those accounts is identified in the complaint.

4. The district court entered final judgment against certain defendants on February 21, 1991 (the "Final Judgment"). As one of the purchasers of Contel Options, through an account and in the amount specified in the Final Judgment, Broesel is, by its terms, subject to the Final Judgment. The Final Judgment provides, among other things, that Broesel is permanently enjoined from engaging in certain manipulative or deceptive practices in connection with the offer or sale of securities in violation of section 10(b) of the Securities Exchange Act of 1934 and rule 10b–5 thereunder. Applicant suspended Broesel in October 1992.

5. Apart from the action described above, applicant is aware of no other securities-related complaints or lawsuits involving Broesel, whether arising out of this prior employment or otherwise.

6. Applicant currently is not disqualified from acting in any of the capacities specified in section 9(a) of the Act. Applicant proposes, however, to employ Broesel pending the outcome of the Commission's ongoing investigation of the Contel matter. Accordingly, applicant requests an exemption from the provisions of section 9(a) for a period of one year from the date of the approval of the application to permit it to reinstate Broesel as a registered representative servicing institutional clients in its Frankfurt office. Applicant also requests a temporary exemption for a period ending the earlier of ninety days from the issuance of the temporary order, or until the Commission takes final action on the request for the one year exemption. If the requested relief is granted, Broesel will assume the same responsibilities that he had at the time of his suspension. Applicant will not employ Broesel in any capacity related directly to applicant's investment companies or investment advisory operations.

Applicant's Legal Analysis

1. Section 9(a)(2) of the Act, in pertinent part, prohibits any person who has been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of a security from acting as an employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company. A company with an employee or other affiliated person ineligible to serve in any of these capacities under section 9(a)(2) is similarly ineligible under section 9(a)(3).

2. Section 9(c) provides that the Commission shall grant an application for an exemption from the disqualification provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that these provisions, as applied to the applicant, are unduly or disproportionately severe or that the conduct of the applicant has been such as not to make it against the public interest or protection of investors to grant such application.

3. Applicant asserts that the application of the prohibitions of section 9(a) to applicant by reason of the employment of Broesel would be unduly and disproportionately severe. Applicant also asserts that the conduct of applicant has been such as to make it not against the public interest or the protection of investors to grant the requested relief.

4. Applicant states that the conduct complained of by the Commission on the part of Broesel does not relate to investment company activities. Applicant has no knowledge of any other securities-related complaints or lawsuits against Broesel.

5. Applicant asserts that a temporary exemption would be appropriate in this case. Without the requested relief, applicant states that Broesel would be deprived of the opportunity to continue to serve as an employee of applicant. In addition, applicant asserts that the provisions of section 9(a) would be unduly and disproportionately unfair as applied to applicant because they would deprive applicant of Broesel's services in an area totally unrelated to investment company or investment advisory activities.

6. In making the application, applicant acknowledges, understands, and agrees that the application and any exemption issued by the Commission shall be without prejudice to, and shall not limit, the Commission's rights in any manner to any Commission litigation or enforcement action under the federal securities laws, or the consideration by the Commission of any application for exemptions from statutory requirements.

Applicant's Condition

Applicant agrees that any order granted by the Commission pursuant to

[1] Effective July 30, 1993, applicant changed its name from "Shearson Lehman Brothers Inc." to "Lehman Brothers Inc."

the application will be subject to the condition set forth below:

Applicant will not employ Broesel in any capacity related directly to the provision of investment advisory services for registered investment companies, or acting as a principal underwriter for a registered open-end investment company, or as a principal underwriter or depositor for a registered unit investment trust.

Temporary Order

The Division of Investment Management, pursuant to delegated authority, has considered the matter and finds, under the standards of section 9(c), that applicant has made the necessary showing to justify granting a temporary exemption. Accordingly,

It is ordered, under section 9(c) of the Act, that applicant is hereby temporarily exempted from the provisions of section 9(a) of the Act until the earlier of December 16, 1993 or the date on which the Commission takes final action on the request for an order granting applicant a one year exemption from the provisions of section 9(a).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23484 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25884]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

September 17, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 12, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Mississippi Power & Light Company (70–7914)

Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39215–1640, an electric public-utility subsidiary company of Entergy Corporation, a registered holding company, has filed a post-effective amendment under sections 6(a), 7, 9(a), 10, 12(c) and 12(e) of the Act and Rules 42, 50, 50(a)(5), 62 and 65 thereunder to its application-declaration filed under sections 6(a), 7, 9(a), 10, 12(c) and 12(e) of the Act and Rules 42, 50, 50(a)(5), 62 and 65 thereunder.

By order dated December 19, 1991 (HCAR No. 25432) ("December 1991 Order"), MP&L was authorized, from January 1, 1992 through December 31, 1993, to acquire, in whole or in part, one or more series of MP&L's outstanding first mortgage bonds, general and refunding mortgage bonds, preferred stock, and/or pollution control revenue bonds (collectively, "Outstanding Securities") ("Acquisition Program"). The December 1991 Order reserved jurisdiction over MP&L's proposal, from January 1, 1992 through December 31, 1993, to:

(1) Issue and sell up to $150 million aggregate principal amount of one or more new series of general and refunding mortgage bonds ("Bonds");

(2) Issue and sell up to $37.5 million aggregate par value of preferred stock, cumulative, $100 par value, in one or more new series ("New Preferred");

(3) Enter into transactions relating to the issuance and sale of up to $25 million of tax-exempt bonds ("Tax-Exempt Bonds"), in one or more series; and

(4) Amend its Restated Articles of Incorporation, as amended, to establish a new class of preferred stock having no par value or a nominal par value.

By order dated October 20, 1992 (HCAR No. 25656) ("October 1992 Order"), MP&L was authorized to issue and sell $37.5 million aggregate par value of New Preferred by means of competitive bidding. The October 1992 Order reserved jurisdiction over MP&L's proposal ("Reserved Transactions") to, from January 1, 1992 through December 31, 1993:

(1) Issue and sell up to $150 million aggregate principal amount of one or more new series of Bonds;

(2) Issue and sell up to $37.5 million aggregate par value of New Preferred by negotiated public offering or private placement and the granting of an exception from the competitive bidding requirements of Rule 50;

(3) Enter into transactions relating to the issuance and sale of up to $25 million of Tax-Exempt Bonds, in one or more series; and

(4) Amend its Restated Articles of Incorporation, as amended, to establish a new class of preferred stock having no par value or a nominal par value.

By order dated November 13, 1992 (HCAR No. 25675) ("November 1992 Order"), MP&L was authorized to issue and sell $65 million aggregate principal amount of two new series of Bonds ("New Bonds"), in each case by means of direct private placement. The New Bonds were issued and sold by MP&L on November 20, 1992. The November 1992 Order continued the reservation of jurisdiction over the Reserved Transactions.

By order dated January 15, 1993 (HCAR No. 25737) ("January 1993 Order"), MP&L was authorized to increase the principal amount of the Bonds remaining to be issued and sold by $150 million, to not more than $235 million ("Additional Bonds"), under the same terms and conditions as were then applicable to the Bonds. In addition, MP&L was authorized to conduct preliminary negotiations with respect to the terms of any series of the Additional Bonds to be issued and sold by negotiated public offering or private placement pursuant to the exception under Rule 50(a)(5) from the competitive bidding requirements of Rule 50. The January 1993 Order continued the reservation of jurisdiction over the Reserved Transactions.

By order dated July 26, 1993 (HCAR No. 25859) ("July 1993 Order"), MP&L was authorized to issue and sell up to $60 million aggregate principal amount of a new series of Bonds pursuant to a negotiated public offering. The July 1993 Order continued the reservation of jurisdiction over the Reserved Transactions.

At August 16, 1993, MP&L possessed the authority to issue and sell: $50 million aggregate principal amount of Bonds ("Remaining Bonds"); $17.5 million aggregate par value of New Preferred ("Remaining New Preferred"); and all $25 million aggregate principal amount of the Tax-Exempt Bonds. In

addition, none of the Outstanding Securities have been acquired.

MP&L now proposes to:

(1) Increase the principal amount of the Remaining Bonds to be issued and sold by $250 million to not more than $300 million;

(2) Increase the aggregate par value of the Remaining New Preferred to be issued and sold by $32.5 million, to not more than $50 million;

(3) Amend its Restated Articles of Incorporation, as amended, to increase the number of authorized shares of its preferred stock, $100 par value, by 1.5 million shares; and

(4) Extend the date through which the Remaining Bonds, the Remaining New Preferred and the Tax-Exempt Bonds may be issued, the Acquisition Program may be effected and the Restated Articles of Incorporation, as amended, may be amended (to establish a new class of preferred stock having no par value or a nominal par value) from December 31, 1993 to December 31, 1995, in each case under the same terms and conditions as currently apply to the transactions proposed in this proceeding.

MP&L further requests authorization to begin negotiations, pursuant to an exception form the competitive bidding requirements of Rule 50, pursuant to subsection 50(a)(5) thereunder, with respect to the terms of not more than $300 million principal amount of Bonds and not more than $50 million aggregate par value of New Preferred to be issued and sold in one or more series by negotiated public offering or private placement. It may do so.

Northeast Utilities, et al. (70–8062)

Northeast Utilities, Inc. ("Northeast"), a registered holding company, located at 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, and its nonutility subsidiary companies, Charter Oak energy, Inc. ("Charter Oak"), and COE Development Corporation ("COE Development", collectively, "Applicants"), both located at 107 Selden Street, Berlin, Connecticut, have filed a post-effective amendment under sections 6(a), 7, 9, 10, 12(b), and 32 of the Act and rules 45 and 50(a)(5) thereunder to their application-declaration filed under sections 6(a), 7, 9(a), 10, 12(b), and 13(b) of the Act and rules 45, 87, 90, and 91 thereunder.

By orders dated December 29, 1992 and December 30, 1992 (HCAR Nos. 25721 and 25726, respectively) (collectively, "Order"), Charter Oak is authorized to pursue preliminary development activities with regard to investment and participation in qualifying cogeneration and small power production facilities (collectively, "QFs") as defined in the Public Utility Regulatory Policies Act of 1978 and regulations thereunder throughout the United States and in independent power production facilities ("IPPs"). Charter Oak is also authorized to provide consulting services in relation to QFs and IPPs.

Charter Oak, which invests and participates in QFs and IPPs, and COE Development, which engages in preliminary development of QFs and IPPs, now seek to make investments in and finance the acquisition of exempt wholesale generators ("EWGs") and foreign utility companies ("FUCOs"), as defined in sections 32 and 33 of the Act as amended by the Energy Policy Act of 1992, through investments from Northeast and third party financing. Accordingly, Northeast proposes to make investments in Charter Oak, and Charter Oak to make investments in COE Development, in the amount of $100 million, through December 30, 1994, for preliminary development activities and for acquisitions of interests in QFs, IPPs, EWGs and FUCOs. The $100 million of financing sought represents approximately 11.5% of Northeast's retained earnings of $867,083,000 as of June 30, 1993. The Applicants state that they will not acquire any interests in QFs or IPPs without seeking the prior approval of the Commission.

The investments may take the form of acquisitions of common stock, capital contributions, open account advances, and/or subordinated loans (collectively, "Investments"). Open account advances or subordinated loans would bear interest at a rate based on Northeast's cost of funds in effect on the date of issue, but in no case in excess of the prime rate at a bank designated by Northeast.

Charter Oak, pursuant to the Order, may also obtain debt financing from unaffiliated third parties ("Debt Financing"), as long as the total of all investments together with any Debt Financing does not exceed the total funding authorization of Charter Oak. The Debt Financing will not exceed a term of 15 years or bear a floating interest rate in excess of 125% of the prime rate in effect at the time of issuance or a fixed interest rate more than 350 basis points above that borne by U.S. Treasury securities of comparable maturities. Any Debt Financing backed by Northeast's guarantee, would be limited to a term of 15 years and would be at an interest rate not in excess of the prime rate in effect on the date of issue at a bank designated by Northeast from among the major lenders to the companies in the Northeast system. Charter Oak may also be required to pay commitment and other fees not to exceed 25 basis points per annum on the total amount of the Debt Financing. The Applicants request an exception from the competitive bidding requirements of rule 50 under subsection (a)(5) thereof for the Debt Financing.

The Applicants also propose to issue guarantees and assume the liabilities of subsidiary companies in connection with preliminary development activities for QFs, EWGs and FUCOs. The guarantees and assumptions of liability will be limited to preliminary development activities and will not include guarantees relating to construction financing or permanent financing. Until such time as there is no possibility of a claim against Charter Oak or Northeast, the full contingent amount of any guarantees or assumptions of liabilities would be counted as part of the authorized development activities limit requested by the Applicants herein.

Central and South West Corp., et al. (70–8199)

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75266, a registered holding company, and its wholly owned electric utility subsidiary company, Central Power and Light Company ("CP&L") 539 N. Carancahua Street, Corpus Christi, Texas 78401–2431, have filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, and 12(b) of the Act and Rule 45 promulgated thereunder.

CSW and CP&L ("Applicants") seek authorization for

(i) CSW to establish a new limited-purpose communications subsidiary company—CSW Communications;

(ii) CSW to provide capital contributions and loans to CSW Communications and to guarantee its obligations in an aggregate amount not to exceed $25 million;

(iii) CSW Communications to issue its capital stock to CSW;

(iv) CSW Communications to acquire fiber optic assets from CP&L and to lease fiber optic capacity to CP&L and other companies in the CSW system; and

(v) CSW Communications to lease excess fiber optic capacity to unaffiliated third parties.

The CSW system has undertaken the development of a fiber optics communications network ("Fiber System") to upgrade its microwave communications network. The Fiber

System will provide a more reliable means of voice communication and data transmission among electric power plants, transmission and distribution stations, service and repair facilities, and administrative offices. The Fiber System also will provide the communications infrastructure required for residential demand-side management, other means of load management, and other applications in the electric power business.

It is anticipated that the Fiber System will be constructed in segments over many years. This approach to construction will allow the CSW system to finance it out of internally generated funds and to take advantage of opportunities to construct particular segments on favorable terms. The initial segment of the Fiber System ("Initial Segment") is in the final stages of construction. It runs approximately 185 miles through the Gulf Coast portion of CP&L service territory from Corpus Christi—site of CP&L headquarters and the Lon C. Hill, Barney M. Davis and Nueces Bay electric plants—through Harlingen, near the La Palma electric plant, to McAllen, near the J.L. Bates electric plant.

The Initial Segment consists of one cable containing 42 fibers. The estimated cost of the Initial Segment—exclusive of ancillary electronic, optic and other equipment—is approximately $7,029,532, of which $3,348,704.05 had been invoiced and paid by CP&L as of July 30, 1993. Although the Initial Segment has been constructed directly by CP&L, the CSW system believes it is preferable that the future development, design, construction, ownership, maintenance and operation of the Fiber System be centralized in a special-purpose system-wide communications subsidiary company of CSW.

In support of the application-declaration, the Applicants conducted a Backbone Network Capacity Forecast ("Fiber Study"). For the Initial Segment, the Fiber Study indicates that between 22 and 42 fibers will be needed for CP&L operations by the end of the study period. The exact number will depend on improvements in electronic and optical transmission equipment, load growth, and cost considerations. The Applicants state that, because it is less expensive to install all at once all the fibers that might be required, it is preferable to install 42 fibers now—even if 42 are not needed at present and even if future technical advances ultimately allow CP&L to meet its needs with 22 fibers.

The Applicants state that for the Initial Segment, the material cost of a 42-fiber cable was approximately $2.6 million and that the material cost of a 22-fiber cable was approximately $2.0 million—a difference of $600,000, or under 10% of the cost of the project. Thus a 22-fiber system from Corpus Christi to Harlingen to McAllen, the Applicants state, would cost approximately $6.4 million and a 42-fiber system would cost approximately $7 million. In contrast, the Applicants note, if a 22-fiber system were to be constructed now and a separate 20-fiber system were to be constructed later, then the total cost would be approximately $12.8 million.

The Applicants propose that CSW Communications purchase the Initial Segment from CP&L at cost and lease back, as required on an as-needed basis, 22 of its 42 fibers at cost. The Applicants state that upon the transfer of the Initial Segment from CP&L to CSW Communications, the latter will pay the former all construction costs paid by CP&L to the date of transfer and will assume its payment obligations for costs not yet invoiced. In addition, the Applicants state, CSW Communications will pay CP&L $123,016, its estimated cost for interim financing.

The Applicants propose that after the transfer, CSW Communications will lease fibers—or otherwise provide fiber capacity and service to CP&L—at cost on a per-fiber basis and in compliance with Rules 90 and 91. The projected costs are $6,111,000—for a levelized annual cost per fiber of $33,864. If the purchase option discussed below is exercised, then annual per-fiber cost to CP&L would drop to between $14,682 and $25,318.

The Applicants propose that CSW Communications lease out the fibers not required for near-term use by CP&L. For the Initial Segment, CSW Communications proposes to lease out 20 fibers to CapRock Fiber Network, Ltd. (CapRock), a Texas limited partnership. CapRock is the construction manager for the Initial Segment. The 20 fibers would be leased under an eight-year operating lease. CapRock would in turn sublease the fibers out to non-affiliates of CSW and CP&L for all or part of the lease term. All lease and sublease transactions will be in compliance with applicable requirements relative to communications carriers of the Federal Communications Commission and the Public Utility Commission of Texas.

The rent from CapRock to CSW Communications for the 20 fibers will be determined pursuant to an agreed-upon formula and will depend on total final construction costs of the Initial Segment. Based on present cost assumptions, the annual base rent will be $644,529 with additional rent equal to one-half of net revenues from sub-lease of the 20 leased fibers.[1]

The Applicants state that CapRock will have the right under the lease to purchase a 50% undivided ownership interest in the 20 leased fibers for a price equal to Applicable Construction Costs. Upon exercise of the option, Caprock would continue to lease from CSW Communications the other 50% interest in those 20 fibers and will continue to make payments of additional (but not base) rent to CSW Communications. CSW Communications will have the right to lease back that interest—from time to time and upon reasonable notice to CapRock—at cost to the extent needed by the CSW system. Proceeds from the purchase option will be applied by CSW Communications to reduce the cost basis of the Initial Segment for purposes of Rules 90 and 91 and fiber charges to companies within the CSW System.

The Applicants note that, based on present cost estimates, exercise of the option would reduce the cost of the Initial Segment from $5,006,396 to $2,023,136. CSW Communications would retain a 50% interest in the 20 fibers covered by the option and would have the right to lease back the optioned 50% interest at cost if needed by CP&L. It would not be required to lease back the 50% interest, however, if it were more economical to increase the capacity of the first 22 fibers, to build another fiber optics system, or to obtain telecommunications services from a third party.

CSW proposes to incorporate CSW Communications in Delaware with an authorized capital of up to 1,000 shares of common stock without par value. CSW will subscribe to all such common stock at $1.00 per share. The Applicants also request the Commission to authorize CSW from time to time to provide capital contributions, loans and guarantees of CSW Communications

[1] Under the formula, the exact base rent will be equal to (i) 80% of Applicable Construction Costs amortized over 20 years with a 10% lease factor, plus (ii) total costs of the electronic and optical equipment associated with the leased fibers, amortized over the lease term, with a 10% lease factor. Applicable Construction Costs means (i) the total costs of construction of the Initial Segment—exclusive of the cost of electronic and optical equipment—less (ii) the $250,000 cost of a portion of the Initial Segment not involved in the lease, less (iii) 52.38%—22/42—of the total cost of the fibers in the Initial Segment, fusion splices of such fibers, and the buildings used in the Initial Segment for regeneration stations and points of presence. Based on anticipated total construction costs of $7,029,532, anticipated total costs for fiber and fusion splices of $2,985,140, anticipated total costs of $400,000 for regeneration stations and points of presence, and estimated equipment costs of $928,757, the annual base rent comes to $644,529.

obligations in an aggregate amount not to exceed $25 million. CSW proposes to provide such contributions and loans out of internally generated funds or borrowings. Loans from CSW to CSW Communications will have a per annum interest rate not in excess of the Mellon Bank prime commercial rate plus 3% and will mature within 20 years.

CSW Communications proposes to use portions of the $25 million to finance the development of additional segments of the Fiber System. However, Applicants state that CSW Communications will lease no excess fiber optic capacity in future segments of the Fiber System without separate Commission authorization.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23483 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19721; 811–4412]

Total Growth Trust, Treasuries and Growth Stock Series I; Application for Deregistration

September 17, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Total Growth Trust, Treasuries and Growth Stock Series I.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on July 29, 1993, and amended on September 13, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 12, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of the date of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, c/o Dain Bosworth Incorporated, Dain Bosworth Plaza, 60 South 6th Street, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

Applicant's Representations

1. Applicant is a unit investment trust created under the laws of Minnesota and registered under the Act. On September 23, 1985, applicant filed a notification of registration on Form N–8A pursuant to section 8(a) of the Act. On the same date, applicant filed registration statements on Form N–8B–2 under the Act and Form S–6 under the Securities Act of 1933. The registration statements became effective and the initial public offering took place on December 18, 1985.

2. In compliance with the terms of its indenture, applicant terminated its operation on May 30, 1993. On June 15, 1993, applicant made a liquidating distribution to its security holders. The distribution of $10,382,850 was based on applicant's net asset value.

3. Applicant has retained $13,079 to pay its liquidation expenses, consisting of postage, printing, and certain fees. As of the date of the amendment to the application, expenses were greater than the amount retained, and Dain Bosworth Incorporated will pay the excess.

4. As of the date of the application, applicant had no shareholders, and, except as noted in paragraph 3 above, no assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–23485 Filed 9–23–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program Glynco Jetport; Brunswick, GA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Glynn County Airport Commission under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On February 4, 1993, the FAA determined that the noise exposure maps submitted by the Glynn County Airport Commission under part 150 were in compliance with applicable requirements. On August 3, 1993, the Administrator approved the Glynco Jetport noise compatibility program. All of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

EFFECTIVE DATE: The effective date of the FAA's approval of the Glynco Jetport noise compatibility program is August 3, 1993.

FOR FURTHER INFORMATION CONTACT: Mrs. Catherine M. Nelmes, Program Manager; Atlanta Airports District Office; 1680 Phoenix Parkway, suite 101; Atlanta, Georgia 30349 (Telephone–404/994–5306). Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Glynco Jetport, effective August 3, 1993.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and

affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Atlanta, Georgia.

Glynn County Airport Commission submitted to the FAA on April 21, 1992, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from June 3, 1991, through April 21, 1992. The Glynco Jetport noise exposure maps were determined by FAA to be in compliance with applicable requirements on February 4, 1993. Notice of this determination was published in the Federal Register on February 19, 1993.

The Glynco Jetport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to (or beyond) the year 1993. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on February 4, 1993, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained five proposed actions for noise mitigation off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective August 3, 1993.

Outright approval was granted for all of the specific program elements. The approved actions were all preventative land use strategies, including airport zoning, environmental review process, revised building codes, real estate disclosure, and comprehensive planning in the county.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on August 3, 1993. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Glynn County Airport Commission.

Issued in Atlanta, Georgia, September 2, 1993.

Samuel F. Austin,

Manager, Atlanta Airports District Office.

[FR Doc. 93–23460 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

Approval of Noise Compatibility Program; Reno Cannon International Airport, Reno, NV

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program for Reno Cannon International Airport, submitted by the Airport Authority of Washoe County under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On February 22, 1991, the FAA determined that the Noise Exposure Maps submitted by the Airport Authority of Washoe County under part 150 were in compliance with applicable requirements. On September 1, 1993, the Acting Assistant Administrator for Airports approved the Reno Cannon International Airport Noise Compatibility Program. Twenty-two (22) of the twenty-seven (27) proposed noise abatement measures were approved, three (3) measures were partially approved, one (1) measure was disapproved, and one (1) had no action.

EFFECTIVE DATE: The effective date of the FAA's approval of the Noise Compatibility Program for Reno Cannon International Airport is September 1, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriguez, Planning/Programming Section Supervisor, Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 94010–1303, Telephone (415) 876–2805. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for the Reno Cannon International Airport, effective September 1, 1993.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the

Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Burlingame, California.

The Airport Authority of Washoe County submitted to the FAA on July 31, 1990, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from July 1983 through July 1990. The Reno Cannon International Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on February 22, 1991. Notice of this determination was published in the **Federal Register** on March 11, 1991.

The Reno Cannon International Airport study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1996. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 104(b) of the Act. The FAA began its review of the program on March 5, 1993, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twenty-seven (27) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Acting Assistant Administrator for Airports effective September 1, 1993.

Outright approval was granted for twenty-two (22) of the twenty-seven (27) of the specific program measures. Three (3) measures were partially approved because they were either for purposes other than part 150 or included elements considered to be compatible. One (1) measure was disapproved for the purpose of part 150. No action was taken on one (1) measure regarding the continuation of existing runway use program. The approved program measures included: Maintain existing engine run-up restrictions; continue efforts to encourage military transient training flights not to use RNO; continue effort to implement NANG conversion of aircraft; maintan GA nighttime departure corridors on certain runways; install take-off power application point signs on Runway 34L; initiate efforts to implement visual helicopter procedures; maintain compatible zoning in the Prater Way neighborhood; continue/implement/maintain compatible commercial/industrial zoning in certain areas; adopt airport compatibility overlay zoning; amend building codes; adopt part 150 as a comprehensive plan element; adopt discretionary project review criteria; acquire residential uses; implement a soundproofing program; program monitoring; noise complaint system; and Plan review and evaluation.

These determinations are set forth in detail in a Record of Approval endorsed by the Acting Assistant Administrator for Airports on September 1, 1993. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Airport Authority of Washoe County.

Issued in Hawthorne, California on September 14, 1993.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 93–23459 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

Intent To Prepare an Environmental Impact Statement and Department of Transportation, Section 4(f) Determination; and Opportunity To Request Environmental Scoping Meeting for Airport Master Plan Improvements, Provincetown Municipal Airport, Provincetown, MA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of opportunity for public environmental scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for airport improvements proposed in the Airport Master plan for the Town of Provincetown, Massachusetts. These master plan improvements include extension of turf runway safety areas at each end of the runway (designed to support an aircraft in the event of an undershoot or overshoot of the runway), a 1,000-foot runway extension, relocation of the instrument landing system and approach lights, expansion of the general aviation aircraft parking aprons, and construction of a fire fighting equipment garage. To ensure that all significant issues related to the proposed actions are identified, FAA is

providing an opportunity for a public scoping meeting.

FOR FURTHER INFORMATION CONTACT: John Silva, Manager, Environmental Programs, Airports Division, New England Region, Federal Aviation Administration, 12 New England Executive park, Burlington, Massachusetts 01803. Telephone number: 617–238–7602.

SUPPLEMENTARY INFORMATION: On September 20, 1991, FAA issued a grant to the Provincetown Airport Commission for the purpose of conducting an environmental assessment of Airport Master Plan improvements which might be constructed within a Special Use Permit Area (an area where airport activities are permitted) of the Cape Cod National Seashore (CCNS). On November 12, 1992, FAA conditionally approved an Airport Layout Plan (ALP) for Provincetown Municipal Airport. An ALP is a graphic representation of airport development contained in an Airport Master Plan. The condition requires that FAA complete appropriate environmental study prior to unconditionally approving the ALP.

To respond to concerns of the CCNS, an organization of the National Park Service, the scope of the environmental assessment was limited to those improvements contained within the permit area, even though the master plan recommended some improvements, primarily the extension of a turf runway safety area and potential runway extension, outside the permit area. Following several environmental scoping meetings the CCNS decided that it could participate in an environmental study which investigated impact beyond the permit area. The FAA consequently decided to begin processing the study as an EIS, since approximately sixteen acres of wetland could be significantly adversely affected.

The National Park Service will be a cooperating agency and the Provincetown Airport Commission will be a joint lead agency in the production of the EIS, each as defined by Council on Environmental Quality regulations. The study will also be processed as a Department of Transportation, Section 4(f) Determination, since substantial adverse effects may result to national park resources.

The scope of work for the original environmental assessment has expanded substantially since FAA's decision to prepare an EIS. Two additional scoping meetings, attended by state and federal agencies and the public, were instrumental in FAA revising its scope of work.

Public Scoping Meeting

FAA now provides notice of the opportunity for an additional scoping meeting to ensure that all environmental concerns are identified. Persons desiring such a meeting should contact FAA at the above address or telephone number on or before November 1, 1993. Additional information may be obtained by contacting FAA in the same manner.

Issued in Burlington, Massachusetts, on September 15, 1993.

Vincent A. Scarano,

Manager, Airports Division, FAA, New England Region.

[FR Doc. 93–23458 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

Research, Engineering and Development Advisory Committee, GNSS Technology Subcommittee; Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92–362; 5 U.S.C. App. I), notice is hereby given of a meeting of the GNSS Technology Subcommittee of the Federal Aviation Administration (FAA) Research, Engineering and Development (R, E&D) Advisory Committee to be held Tuesday, October 12, at 10 a.m. The meeting will take place at the Department of Transportation/Nassif Building, 400 Seventh St., SW., Washington, DC 20590, rooms 4436–4440 (Northwest Corner).

The agenda for this meeting will include a status report from each of the working groups: (a) Landing minima; (b) airport surface; (c) traffic flow improvements; (d) en route & terminal area integration; (e) cockpit-based applications; (f) weather and other applications; and (g) interference issues.

Attendance is open to the interested public but limited to space available. With the approval of the Subcommittee Co-Chairmen, members of the public may present oral statements at the meeting. Persons wishing to present oral statements, obtain information, or plan to access the building to attend the meeting should contact Ms. Jan Peters in the Office of the Associate Administrator for System Engineering and Development, FAA/ASD–6, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 287–8543.

Members of the public may present a written statement to the subcommittee at any time.

Issued in Washington, DC, on September 20, 1993.

Martin T. Pozesky,

Executive Director, Research, Engineering and Development Advisory Committee.

[FR Doc. 93–23454 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., First Meeting of Special Committee 180; Design Assurance Guidance for Complex Electronic Hardware Used in Airborne Systems

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for Special Committee 180 meeting to be held September 24, 1993, starting at 9:30 a.m., in the RTCA Conference Room at 1140 Connecticut Avenue, SW., suite 1020, Washington, DC 20036.

The agenda for this meeting is as follows: (1) Introductory Remarks; (2) Presentation by Jim Treacy, Federal Aviation Administration; (3) Review Committee Terms of Reference, RTCA Paper No. 321–93/SC180–1 (enclosed); (4) Identify goals, develop work program and examine milestones; (5) Assign tasks; (6) Other business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue NW., suite 1020, Washington, DC 20036, (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 16, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93–23455 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., Seventh Meeting Special Committee 178; Requirements for Aircraft Ground Surface Position Sensors

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for Special Committee 178 meeting to be held September 21–22, 1993, starting at 9 a.m., in the RTCA Conference Room at 1140 Connecticut Avenue, SW , suite 1020, Washington, DC 20036.

The agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review and approval of

Meeting Agenda; (3) Approve Summary of the Sixth Meeting held August 24–25 RTCA Paper No. 374–93/SC178–26 (enclosed); (4) Working Group 1, John Reeves, Form/Fit Requirements; (5) Working Group 2, Don Stauffer, Function, Reliability, Maintainability Requirements; (6) Working Group 3, Jess Nadel, Communications & Interface Requirements; (7) Breakout session for working groups to finalize their papers; (8) Start on draft of final report; (9) Recap of Session; (10) Other business; (11) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW, suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 16, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93–23456 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., RTCA Technical Management Committee; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub.L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for RTCA Technical Management Committee meeting to be held September 21, 1993, starting at 9 a.m., in the RTCA Conference Room at 1140 Connecticut Avenue, SW, suite 1020, Washington, DC 20036.

The agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approve summary of the August 27 meeting; (3) Consider/approve: (a) Change No. 1 to DO–208, Minimum Operational Performance Standards for Airborne Supplemental Navigation Equipment Using Global Positioning System (GPS). (b) proposed Final Draft of terms of reference for SC–178, Requirements for Airport Surface Movement Sensors (c) Proposed Final Draft of Pamphlet: Protable Hand-Held GPS Receivers—What You Should Know (d) Proposed final draft of Change No. 1 to RTCA/DO–210, Minimum Operational Performance Standards for Aeronautical Mobile Satellite Services (AMSS)—Part A, Purpose and Scope and Equipment Performance Requirements and Part B, Equipment Performance Verification Procedures and Installed Operational Characteristics; (4) Other business; (5) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to persent statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 16, 1993.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 93–23457 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In August 1993, there were 15 applications approved.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 58.29.

PFC Applications Approved

Public Agency: Port of Walla Walla, Walla Walla, Washington.

Application Number: 93–01–I–00–ALW.

Application Type: Impose PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,187,280.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: November 01, 2014.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information submitted in the port's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total enplanements at Walla Walla regional airport.

Brief Description of Project Approved to Impose Only: Terminal facilities development.

Decision Date: August 03, 1993.

For Further Information Contact: Mary Vargas, Seattle Airports District Office, (206) 227–2660.

Public Agency: Port of Pasco, Pasco, Washington.

Application Number: 93–01–C–00–PSC.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,230,731.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: November 01, 1996.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved: Airfield safety, access control, aircraft rescue and firefighting building, snow equipment building, taxiway rehabilitation, safety area grading, land.

Decision Date: August 03, 1993.

For Further Information Contact: Paul Johnson, Seattle Airports District Office, (206) 227–2655.

Public Agency: City of Rhinelander and County of Oneida, Rhinelander, Wisconsin.

Application Number: 93–01–C–00–RHI.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $167,201.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: April 01, 1996.

Class of Air Carriers Not Required to Collect PFC's: Part 135 air taxi/commercial operators.

Determination: Based on information submitted in the county of Oneida and City of Rhinelander's application, the FAA has determined that the proposed class accounts for less than 1 percent of the annual enplanements at the Rhinelander-Oneida County airport.

Brief Description of Projects Approved for Collection and Use: Acquisition of aircraft rescue and firefighting (ARFF) vehicle. Installation of runway end identifier lights, runway 15/33 and precision approach path indicator, runway 33, wheelchair lift, terminal renovation, heating improvements for ARFF and snow removal equipment building, rehabilitate runway 9/27 and taxiway A, sealcoat general aviation apron, PFC administration.

Brief Description of Project Approved-in-Part for Collection and Use: Airport security equipment.

Determination: Approved in part. The vehicle gates are approved. The FAA has determined that the passenger and baggage screening devices, while identified in the public agency's security program, are the responsibility of the air carriers under part 108 accordingly, these devices are not required to meet part 107 standards and are ineligible under airport improvement program criteria (Para 563 of FAA order 5100.38A).

Brief Description of Projects Approved to Impose Only: Sanitary sewer and water to terminal building, acquire snow removal equipment.

Brief Description of Project Approved-in-Part to Impose Only: Anti-icing/deicing facility.

Determination: Approved in part. The FAA has determined that the deicing portion (pad, collection system, and lighting) of the proposed facility is eligible in accordance with the guidance contained in program guidance letter (PGL) 92–5.1 for deicing facilities, and is eligible for the imposition of a PFC. However, the structure (anti-icing portion) has been determined to be ineligible under PGL 92–5.1.

Decision Date: August 04, 1993.

For Further Information Contact: Franklin D. Benson, Manager, Minneapolis Airports District Office, (612) 725–4221.

Public Agency: Central Wisconsin Joint Airport Board, Mosinee, Wisconsin.

Application Number: 93–01–I–00–CWA.

Application Type: Impose PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC revenue: $7,725,600.

Earliest Permissible Charge Effective Cate: November 01, 1993.

Estimated charge expiration date: November 01, 2012.

Class of Air Carriers Not Required to Collect PFC's: On-demand air taxi operators operating aircraft with less than 20 seats.

Determination: Approved. Based on information submitted in the board's application, the FAA has determined that the proposed class accounts for less than 1 percent of central Wisconsin airport's total annual enplanements.

Brief Description of Project Approved to Impose Only: Terminal concourse addition and air carrier ramp expansion.

Brief Description of Project Disapproved: Lengthening runway 17.

Determination: Disapproved. This project does not meet the eligibility for airport improvement program funding as per FAA order 5100.38A, paragraph 521(C)3. This paragraph permits construction additional runway (extension) where a poor runway/taxiway configuration would justify an additional runway (extension). Insufficient justification for this project has been submitted at this time. Accordingly, the FAA has determined that this project does not meet the requirements of section 158.15(B). Therefore, this project is not PFC eligible.

Decision Date: August 10, 1993.

For Further Information Contact: Franklin D. Benson, Manager, Minneapolis Airports District Office, (612) 725–4221.

Public Agency: Metropolitan Washington Airports Authority, Alexandria, Virginia.

Application Number: 93–01–C–00–DCA.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $166,739,071.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: November 01, 2000.

Class of Air Carriers Not Required to Collect PFC's: On Demand Air Taxis, Both Fixed Wing and Rotary.

Determination: Based on information in the application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Washington National Airport.

Brief Description of Projects Approved for Collection and Use at Washington National Airport: Airfield/taxiways paving, acquire property rights, reconstruct runway 36 hold apron, airfield signage, replace runway/taxiway lighting systems, roadways—phase IV, new apron, roadways—phase VI (partial) Thomas Avenue South area realignment, roadways—phase II.

Brief Description of Project Approved to Impose a PFC at Washington National Airport and Use the PFC Revenue at Dulles International Airport: Dulles International airport main terminal extension—west and east.

Brief Description of Project Approved to Impose Only at Washington National Airport: Thirty-five gate north passenger terminal complex.

Decision Date: August 16, 1993.

For Further Information Contact: Robert Mendez, Washington airports district office, (703) 285–2570.

Public Agency: City of Pueblo, Pueblo, Colorado.

Application Number: 93–01–C–00–PUB.

Application Type: Impose and use PFC revenue.

PFC level: $3.00.

Total Approved Net PFC Revenue: $1,200,745.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: August 01, 2010.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved: Acquire snow removal equipment, install taxiway guidance signs, land acquisition (phase I), rehabilitate and overlay apron, apply porous friction course to runway 17/35, acquire ARFF truck, install taxiway signs and ducts.

Decision date: August 16, 1993.

For Further Information Contact: Philip Braden, Denver Airports District Office, (303) 286–5330.

Public Agency: Broome County, Binghamton, New York.

Application Number: 93–01–C–00–BGM.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,872,264.

Earliest Permissible Charge Effective Date: November 01, 1993.

Charge Expiration Date: November 01, 1997.

Class of Air Carriers Not Required to Collect PFC's: Air Taxi Operators (as defined by 14 CFR part 298.3), excluding Commuter Air Carriers (as defined by 14 CFR part 298.2).

Determination: Approved. Based on information contained in the county's application, the FAA has determined that the proposed class accounts for less than 1 percent of Binghamton Regional Airport's total annual enplanements.

Brief Description of Projects Approved for Collection and Use: Airfield Signage Update, Terminal Apron Overlay, Airport Master Plan Study, Runway Sweeper Refurbishment, General Aviation Aprons and Selected Taxiway Overlays, Equipment Replacement.

Brief Description of Projects Approved to Impose Only: Land Acquisition, Equipment Replacement, Maintenance Facility Refurbishment, Emergency Access Road Construction.

Decision Date: August 18, 1993.

For Further Information Contact: Philip Brito, Manager, New York Airports District Office, (718) 553–1882.

Public Agency: Richland-Lexington Airport District, Columbia, South Carolina.

Application Number: 93–01–C–00–CAE.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $32,969,942.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: September 01, 2008.

Class of Air Carriers Not Required to Collect PFC's: FAR Part 135 and 298 Air Taxis.

Determination: Approved. Based on information contained in the District's application, the FAA has determined that the proposed class accounts for less than 1 percent of Columbia International Airport's total annual enplanements.

Brief Description of Projects Approved for Collection and Use: Apron Construction, Security Access Control System, Perimeter Fencing, Airfield Signage, Computerize Airport Layout Plan, PFC Administrative Costs.

Brief Description of Projects Approved-In-Part for Collection and Use: New Passenger Terminal Concourse (T–1); Landside Terminal Building Expansion and Improvements (T–2); and Connector Building/ Commuter Facilities (T–3).

Determination: Approved in part. The public-use portions of terminal buildings are eligible under aip criteria. Gates and related areas of terminals are eligible under specific PFC criteria. The project generally meets the requirements for AIP eligibility in accordance with paragraph 551(D) of FAA order 5100.38A. However, certain areas of the terminal do not meet this criteria. The approval is limited to eligible areas only. Terminal access road modifications and graphics.

Determination: Approved in part. The project is generally AIP eligible in accordance with paragraph 553 of FAA order 5100.38A. However, portions of the roadway serving ineligible facilities have been determined to be ineligible.

Brief Description of Project Approved to Impose Only: Runway/Taxiway 11/29 Overlay.

Brief Description of Project Disapproved to Impose Only: Cargo Apron.

Determination: Disapproved. The FAA has determined that the public agency has not provided justification that this project meets the objectives of section 158.15(a) as required under section 158.25(b)(7).

Decision Date: August 23, 1993.

For Further Information Contact: James Castleberry, Atlanta Airports District Office, (404) 994–5306.

Public Agency: Routt County Board of County Commissioners, Hayden, Colorado.

Application Number: 93–01–C–00–HDN.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $532,881.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: April 01, 1997.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved: Acquire two aircraft rescue and firefighting vehicles, construct parallel taxiway to the end of runway 28, grade and drain partial parallel taxiway, overlay existing apron edge taxiway, and relocate deicing pad; runway safety area grading.

Decision Date: August 23, 1993.

For Further Information Contact: Brad Davis, Denver Airports District Office, (303) 286–5526.

Public Agency: Massachusetts Port Authority, Boston, Massachusetts.

Application Number: 93–01–C–00–BOS.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $598,800,000.

Earliest Permissible Charge Effective Date: November 1, 1993.

Estimated Charge Expiration Date: October 1, 2011.

Class of Air Carriers Not Required to Collect PFC's: Far part 135 air taxi/ commercial operators.

Determination: Approved. Based on information contained in massport's application, the FAA has determined that the proposed class accounts for less than 1 percent of Logan International Airport's total annual enplanements.

Brief Description of Project Approved-in-Part for Collection and Use: Logan modernization program—planning, preliminary design, and environmental analysis.

Determination: Approved in part. The planning portion of this project is AIP eligible planning in accordance with FAA order 5100.38A, para. 406(f) and the remaining portions are generally eligible in accordance with para. 300(b). Certain portions of facilities in the terminal E and new Federal inspection services components of the plan are not AIP eligible, and, accordingly, not PFC eligible.

Brief Description of Projects Approved to Impose Only: Residential sound insulation, roadway system (circulation and terminal E), passenger transfer system, airside-to-airside connector.

Brief Description of Projects Approved-in-Part to Impose Only: Logan modernization program—final design.

Determination: Approved in part. The project meets the nominal requirements for AIP eligibility in accordance with paragraph 300(b) of FAA order 5100.38A and, therefore, PFC eligibility. Certain portions of facilities in the terminal E and new Federal inspection services components are not AIP eligible and, therefore, not PFC eligible.

Terminal E Improvements

Determination: Approved in part. The project meets the nominal requirements for AIP eligibility in accordance with para. 551(d)(2) of FAA order 5100.38A and, therefore, PFC eligibility. The proposed airline club room replacement portions of this project are not AIP eligible, and, accordingly, not PFC eligible.

New Federal Inspection Services Facility

Determination: Approved in part. The project meets the nominal requirements for AIP eligibility in accordance with para. 551(d)(2) of FAA order 5100.38A and, therefore, PFC eligibility. The proposed parking lot replacement portions of this project are not AIP eligible, and accordingly, not PFC eligible.

PFC Bond Issuance Costs

Determination: Approved in part. The project meets the nominal requirements for AIP eligibility in accordance with section 158.13(b). Certain portions of facilities in the terminal E and new Federal inspection services components of the LMP are not AIP eligible, and accordingly, are not PFC eligible. The eligible bond issuance costs are limited to those costs associated with PFC-eligible construction.

PFC Bond Debt Service Reserve and Capitalized Interest.

Determination: Approved in part. The project meets the nominal requirements for AIP eligibility in accordance with section 158.13(b). Certain portions of facilities in the terminal A and new Federal inspection services components of the LMP are not AIP eligible, and, accordingly, are not PFC eligible. The eligible debt service reserve costs are limited to these costs associated with PFC-eligible constuction.

PFC Bond Interest Payments

Determination: Approved in part. The project meets the nominal requirements

for AIP eligibility in accordance with section 158.13(b). Certain portions of facilities in the terminal A and new Federal inspection services components of the LMP are not AIP eligible, and, accordingly, are not PFC eligible. The eligible bond interest payments are those associated with PFC-eligible constuction.

Decision Date: August 24, 1993.

For Further Information Contact: Priscilla Soldan, New England Region, Airports Division, (617) 238–7614.

Public Agency: Gunnison County, Gunnison County, Coloration.

Application Number: 93–01–C–00–GUC.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $702,133.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: March 01, 1998.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved: Expand passenger building, expand the air carrier apron and install a security access control system, acquire new aircraft rescue and firefighting vehicle, construct parallel taxiway to the end of runway 6, acquire land, update airport master plan.

Brief Description of Project Approved-in-Part: Terminal building safety modifications, install taxiway guidance signs, modify the airport electrical vault, and acquire land

Determination: Approved in part. The terminal modifications are not PFC eligible under section 158.15(b) and are not approved.

Brief Description of Projects Disapproved: Overlay runway 6/24, apply porous friction course, and acquire land.

Determination: Disapproved. The notice to proceed for this project was issued on June 11, 1990. The FAA has determined that, if a notice to proceed occurred prior to November 5, 1990, the project is not PFC eligible under section 158.3.

Acquire Snow Removal Equipment

Determination: Disapproved. Available records indicate that this project was initiated prior to November 5, 1990. The FAA has determined that if costs were incurred prior to November 5, 1990, the project is not PFC eligible under section 158.3.

Decision Date: August 27, 1993.

For Further Information Contact: Chris Schaffer, Denver Airports District Office, (303) 286–2865.

Public Agency: Springfield Airport Board, Springfield, Missouri.

Application Number: 93–01–C–00–SGF.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,937,090.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: October 01, 1996.

Class of Air Carriers Not Required to Collect PFC's: On demand air taxi/commercial operators operating exclusively under part 135.

Determination: Approved. Based on the information submitted by the Public Agency, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Springfield Regional Airport.

Brief Description of Projects Approved for Collection and Use: Acquire three aircraft rescue and firefighting vehicles, one Americans with disabilities act disabled lift, and interactive safety and security training equipment, construct general aviation apron and taxiway and relocate taxiway T, construct intermodal facility, rehabilitate and light runway 14/32 and parallel taxiway system, expand air cargo apron, construct perimeter road, reconstruct terminal apron, computer controlled access security system, install airfield signs.

Brief Description of Projects Approved to Impose Only: Construct snow removal equipment building, expand apron and remove hangars, rehabilitate air carrier apron, construct partial parallel taxiway to runway 2/20.

Brief Description of Project Disapproved: Install premier fencing.

Determination: Disapproved. The FAA part 139 inspections have not identified any requirement for the proposed fence. In addition, coordination with the local FAA civil aviation security field office indicates that this project is excess to the needs of the airport and that the security measures currently in place at the airport adequately provide for meeting the airport's part 107 requirements. Therefore this project does not meet the requirements of sections 158.15(a) or 158.15(b) and so, is not PFC eligible.

Decision Date: August 30, 1993.

For Further Information Contact: Ellie Anderson, FAA Central Region Airports Division, (816) 426–7425.

Public Agency: Lexington-Fayette Urban County Airport Board, Lexington, Kentucky.

Application Number: 93–01–C–00–LEX.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $12,378,791.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: May 01, 2003.

Class of Air Carriers Not Required to Collect PFC's: Air carriers operating under part 135 or part 298, on-demand, non-scheduled basis, and not selling tickets to individual passengers.

Determination: Approved. Based on information submitted in the Board's application, the FAA has determined that the proposed class accounts for less than 1 percent of Blue Grass Airport's total annual enplanements.

Brief Description of Projects Approved for Collection and Use: PFC Reimbursable Projects:

(A) Design Air Carrier Apron Expansion;
(B) Purchase replacement aircraft Rescue and firefighting (ARFF) vehicle;
(C) Construct runway monitor system;
(D) Purchase emergency command vehicle;
(E) Replace runway sweeper #1;
(F) Construct firehouse addition;
(G) Construct/reconstruct emergency access roads;
(H) Modify terminal building-phase I;
(I) Purchase ARFF proximity suits; and
(J) Install gate 40 secure access system.

Update Airport Master Plan

Construct air carrier apron expansion, construct detention basin(s).

Recover Local Share AIP: (C) AIP 11 security access system; (D) AIP 12 terminal apron expansion Phase I; and (E) AIP 13 runway/taxiway signage project.

Recover PFC administrative costs, purchase terminal area land, erect new airport beacon, purchase runway sweeper #2, rehabilitate/reconstruct runway 4/22.

Brief Description of Projects Approved to Impose Only: Assess environmental impacts of proposed parallel runway, implement noise abatement program Phase I, construct deicing agent detention system, implement noise abatement program Phase II,

Brief Description of Project Approved-in-Part to Impose Only: Modify terminal building per Americans With Disabilities Act, Phase II.

Determination: Approved for collection of PFC revenue for the lift device, ramp, associated signage, and other portions of this project directly elated to the movement of passengers and baggage in air commerce within the boundaries of the airport. Based on

information provided in the application, the remainder of this project does not meet the eligibility for PFC funding, as described in PGL 93–3.5, because there is no information showing that the remainder of the project is directly substantially related to the movement of passengers in air commerce within the boundaries of the airport.

Brief Description of Project Disapproved: Phase I—new parallel runway design.

Determination: Disapproved. This project does not meet the eligibility for airport improvement program funding per FAA order 5100.38A, paragraph 521(C)2. Insufficient planning has been accomplished at this time to determine if the layout of the proposed runway will expedite traffic. Therefore, the approval of the design of a new runway is premature. Accordingly, the FAA has determined that this project does not meet the requirements of section 158.15(b).

Decision Date: August 31, 1993.

For Further Information contact: Cynthia K. Wills, Memphis Airports Direct Office, (901) 544–3495.

Public Agency: City of Eugene, Oregon.

Application Number: 93–01–C–00–EUG.

Application Type: Impose and use PFC revenue.

PFC level: $3.00.

Total Approved Net PFC Revenue: $3,729,699.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: November 01, 1998.

Class of air carriers not required to collect PFC's: Air/commercial operators with qualifying conditions.

Determination: Approved. Based on information contained in the city's application, the FAA has determined that the proposed class accounts for less than 1 percent of Eugene Airport-Mahlon Sweet Fields total annual enplanements.

Brief Description of Projects Approved for Collection and Use: Runway 16/34 extension, Category II instrument landing system upgrade, land acquisition, Phase II.

Brief Description of Projects Approved to Impose Only: Land acquisition, Phase I, parallel runway 16L/34R, Phase I, taxiway Delta upgrade.

Decision Date: August 31, 1993.

For Further Information Contact: Suzanne Lee-Pang, Seattle airports district office, (206) 227–2654.

Public Agency: Johnstown-Cambria County Airport Authority, Johnstown, Pennsylvania.

Application Number: 93–01–C–00–JST.

Application Type: Impose and use PFC revenue.

PFC level: $3.00.

Total Approved Net PFC Revenue: $307,500.

Earliest Permissible Charge Effective Date: November 01, 1993.

Estimated Charge Expiration Date: February 01, 1998.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the Johnstown-Cambria County Airport Authority's application, the FAA has determined that the proposed class accounts for less than 1 percent of Johnstown-Cambria County Airport's (JST) total annual enplanements.

Brief Description of Projects Approved for collection and use: Overlay runway 10/28, perimeter security fence, overlay and rehabilitate runway 15/33.

Brief Description of Projects Approved: To impose only. Widen taxiway A.

Brief Description: Of project approved in-part to impose only. Expand terminal building.

Determination: The approved amount was reduced due to revised estimates provided by the Johnstown-Cambria County Airport Authority.

Decision date: August 31, 1993.

For Further Information Contact: Larry Walsh, Manager, Harrisburg Airports District Office, (717) 975–3423.

Issued in Washington, DC on September 16, 1993.

Lowell H. Johnson,

Manager, Airports Financial Assistance Division.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State; application no.; airport; city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date *
Alabama:					
92–01–I–00–HSV.; Huntsville Intl—Carl T. Jones Field; Huntsville	03/06/1992	$3	$19,002,366	06/01/1992	11/01/2008
93–02–U–00–HSV.; Huntsvill Intl-Carl T. Jones Field; Huntsville	06/03/1993	3	19,002,366	09/01/1993	11/01/2008
92–01–C–00–MSL.; Muscle Shoals Regional; Muscle Shoals	02/18/1992	3	104,100	06/01/1992	02/01/1995
Arizona:					
92–01–C–00–FLG.; Flagstaff Pullam; Flagstaff	09/29/1992	3	2,463,581	12/01/1992	01/01/2015
California:					
92–01–C–00–ACV.; Arcata; Arcata	11/24/1992	3	188,500	02/01/1993	05/01/1994
92–01–C–00–IYK.; Inyokern; Inyokern	12/10/1992	3	127,500	03/01/1993	09/01/1995
93–01–C–00–LAX.; Los Angeles International; Los Angeles	03/26/1993	3	360,000,000	07/01/1993	07/01/1998
92–01–C–00–Oak.; Metropolitan Oakland Intenational; Oakland	06/26/1992	3	12,343,000	09/01/1992	05/01/1994
93–01–I–00–ONT.; Ontario International; Ontario	03/26/1993	3	49,000,000	07/01/1993	07/01/1998
92–01–C–00–PSP.; Palm Springs Regional; Palm Springs	06/25/1992	3	81,888,919	10/01/1992	11/01/2032
92–01–C–00–SMF.; Sacramento Metropolitan; Sacramento	01/26/1993	3	24,045,000	04/01/1993	03/01/1996
92–01–C–00–SJC.; San Jose International; San Jose	06/11/1992	3	29,228,826	09/01/1992	08/01/1995

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State; application no.; airport; city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
93–02–U–00–SJC.; San Jose International; San Jose	02/22/1993	3	29,228,826	05/01/1993	08/01/1995
93–03–C–00–SJC. San Jose International; San Jose	06/16/1993	3	16,245,000	08/01/1995	05/01/1997
92–01–C–00–SBP.; San Luis Obispo County—McChesney Field; San Luis Obispo	11/24/1992	3	502,437	02/01/1993	02/01/1995
92–01–C–00–STS.; Sonoma County; Santa Rosa	02/19/1993	3	110,500	05/01/1993	04/01/1995
91–01–C–00–TVL.; Lake Tahoe; South Lake Tahoe	05/01/1992	3	928,747	08/01/1992	03/01/1997
Colorado:					
92–01–C–00–COS.; Colorado Springs Municipal; Colorado Springs	12/22/1992	3	5,622,000	03/01/1993	02/01/1996
92–01–C–00–DVX.; Denver International (New); Denver	04/28/1992	3	2,330,734,321	07/01/1992	01/01/2026
93–01–C–00–EGE.; Eagle County Regional; Eagle	06/15/1993	3	572,609	09/01/1993	04/01/1998
93–01–C–00–FNL.; Fort Collins-Loveland; Fort Collins	07/14/1993	3	207,857	10/01/1993	06/01/1996
92–01–C–00–GJT.; Walker Field; Grand Junction	01/151993	3	1,812,000	04/01/1993	03/01/1998
93–01–C–00–MTJ.; Montrose County; Montrose	07/29/1993	3	1,461,745	11/01/1993	02/01/2009
92–01–C–00–SBS.; Steamboat Springs/Bob Adams Field; Steamboat Springs	01/15/1993	3	1,887,337	04/01/1993	04/01/2012
92–01–C–00–TEX.; Telluride Regional; Telluride	11/231992	3	200,000	03/01/1993	11/01/1997
Connecticut:					
93–02–I–00–BDL.; Bradley International; Windsor Locks	07/09/1993	3	12,030,000	10/01/1993	09/01/1995
Florida:					
93–01–C–00–DAB.; Daytona Beach Regional; Daytona Beach	04/20/1993	3	7,967,835	07/01/1993	11/01/1999
92–01–C–00–RSW.; Southwest Florida International; Fort Myers	08/31/1992	3	252,548,262	11/01/1992	06/01/2014
93–02–U–00–RSW.; Southwest Florida International; Fort Myers	05/10/1993	3	252,548,262	11/01/1992	06/01/2014
92–01–C–00–EYW.; Key West International; Key West	12/17/1992	3	945,937	03/01/1993	12/01/1995
92–01–C–00–MTH.; Marathon; Marathon	12/17/1992	3	153,556	03/01/1993	06/01/1995
92–01–C–00–MCO.; Orlando International; Orlando	11/27/1992	3	167,574,527	02/01/1993	02/01/1998
92–01–C–00–PNS.; Pensacola Regional; Pensacola	11/23/1992	3	4,715,000	02/01/1993	04/01/1996
92–01–I–00–SRQ.; Saratoga-Bradenton International; Sarasota	06/29/1992	3	38,715,000	09/01/1992	09/01/2005
92–01–I–00–TLH.; Tallahassee Regional; Tallahassee	11/13/1992	3	8,617,154	02/01/1993	12/01/1998
93–01–C–00–TPA.; Tampa International; Tampa	07/15/1993	3	87,102, 000	10/01/1993	09/01/1999
Georgia:					
91–01–C–00–SAV.; Savannah International; Savannah	01/23/1992	3	39,501,502	07/01/1992	03/01/2004
92–01–I–00–VLD.; Valdosta Regional; Valdosta	12/23/1992	3	260,526	03/01/1993	10/01/1997
Idaho:					
93–01–C–00–SUN.; Friedman Memorial; Hailey	06/29/1993	3	188,000	09/01/1993	09/01/1997
92–01–C–00–IDA.; Idaho Falls Municipal; Idaho Falls	10/30/1992	3	1,500,000	01/01/1993	01/01/1998
92–01–C–00–TWF.; Twin Falls-Sun Valley Regional; Twin Falls	08/12/1992	3	270,000	11/01/1992	05/01/1998
Illinois:					
93–01–C–00–MDW.; Chicago Midway; Chicago	06/28/1993	3	79,920,958	09/01/1993	08/01/2001
93–01–C–00–ORD.; Chicago O'Hare International; Chicago	06/28/1993	3	500,418,285	09/01/1993	10/01/1999

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State; application no.; airport; city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
92–01–I–00–RFD.; Greater Rockford; Rockford	07/24/1992	3	1,177,348	10/01/1992	10/01/1996
92–01–I–00–SPI.; Capital; Springfield	03/27/1992	3	562,104	06/01/1992	02/01/1994
93–02–U–00–SPI.; Capital; Springfield	04/28/1993	3	562,104	06/01/1992	02/01/1994
Indiana:					
92–01–C–00–FWA.; Fort Wayne International; Fort Wayne	04/05/1993	3	26,563,457	07/01/1993	03/01/2015
93–01–C–00–IND.; Indianapolis International; Indianapolis	06/28/1993	3	117,344,750	09/01/1993	07/01/2005
Iowa:					
92–01–C–00–DBQ.; Dubuque Regional; Dubuque	10/06/1992	3	108,500	01/01/1993	05/01/1994
93–01–C–00–SUX.; Sioux Gateway; Sioux City	03/12/1993	3	204,465	06/01/1993	06/01/1994
Louisiana:					
92–01–I–00–BTR.; Baton Rouge Metropolitan, Ryan Field; Baton Rouge	09/28/1992	3	9,823,159	12/01/1992	12/01/1998
93–02–U–00–BTR.; Baton Rouge Metropolitan, Ryan Field; Baton Rouge	04/23/1993	3	9,823,159	12/01/1992	12/01/1998
93–01–C–00–MSY.; New Orleans International/Moisant Field; New Orleans	03/19/1993	0	0	06/01/1993	/ /
Maryland:					
92–01–I–00–BWI.; Baltimore-Washington International; Baltimore	07/27/1992	3	141,866,000	10/01/1992	09/01/2002
Massachusetts:					
92–01–I–00–ORH.; Worcester Municipal; Worcester	07/28/1992	3	2,301,382	10/01/1992	10/01/1997
Michigan:					
92–01–C–00–DTW.; Detroit Metropolitan—Wayne County; Detroit	09/21/1992	3	640,707,000	12/01/1992	06/01/2009
92–01–I–00–ESC.; Delta County; Escanaba	11/17/1992	3	158,325	02/01/1993	08/01/1996
93–01–C–00–FNT; Bishop International; Flint	06/11/1993	3	32,296,45	09/01/1993	09/01/2030
92–01–I–00–GRR., Kent County International; Grand Rapids	09/09/1992	3	12,450,000	12/01/1992	05/01/1998
92–01–C–00–CMX.; Houghton County Memorial; Hancock	04/29/1993	3	162,986	07/01/1993	01/01/1996
93–01–C–00–IWD.; Gogebic County; Ironwood	05/11/1993	3	74,690	08/01/1993	10/01/1998
93–01–C–00–LAN.; Capital City; Lansing	07/23/1993	3	7,355,483	10/01/1993	03/01/2002
92–01–I–00–MQT.; Marquette County; Marquette	10/01/1992	3	459,700	12/01/1992	04/11/1996
92–01–C–00–PLN.; Pellston Regional—Emmet County; Pellston	12/22/1992	3	440,875	03/01/1993	06/01/1995
Minnesota:					
93–01–C–00–BRD.; Brainerd-Crow Wing County Regional; Brainerd	05/25/1993	3	43,000	08/01/1993	12/31/1995
92–01–C–00–MSP.; Minneapolis-St Paul International; Minneapolis	03/31/1992	3	66,355,682	06/01/1992	08/01/1994
Mississippi:					
91–01–C–00–GTR.; Golden Triangle Regional; Columbus	05/08/1992	3	1,693,211	08/01/1992	09/01/2006
92–01–C–00–GPT.; Gulfport-Biloxi Regional; Gulfport-Biloxi	04/03/1992	3	384,028	07/01/1992	12/01/1993
92–01–C–00–PIB.; Hattiesburg-Laurel Regional; Hattiesburg-Laurel	04/15/1992	3	119,153	07/01/1992	01/01/1998
93–01–C–00–JAN.; Jackson International; Jackson	02/10/1993	3	1,918,855	05/01/1993	04/01/1995
92–01–C–00–MEI.; Key Field; Meridian	08/21/1992	3	122,500	11/01/1992	06/01/1994

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State; application no.; airport; city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Missouri:					
92–01–C–00–STL.; Lambert-St. Louis International; St Louis	09/30/1992	3	84,607,850	12/01/1992	03/01/1996
Montana:					
93–01–C–00–BZN.; Gallatin Field; Bozeman	05/17/1992	3	4,198,000	08/01/1993	06/01/2005
92–01–C–00–GTF.; Great Falls International; Great Falls	08/28/1992	3	3,010,900	11/01/1992	07/01/2002
93–02–U–00–GTF.; Great Falls International; Great Falls	05/25/1993	3	3,010,900	11/01/1992	07/01/2002
92–01–C–00–HLN.; Helena Regional; Helena	01/15/1993	3	1,056,190	04/01/1993	12/01/1999
92–01–C–00–MSO.; Missoula International; Missoula	06/12/1992	3	1,900,000	09/01/1992	08/01/1997
Nevada:					
91–01–C–00–LAS.; McCarran International; Las Vegas	02/24/1992	3	944,028,500	06/01/1992	02/01/2014
93–02–C–00–LAS.; McCarran International; Las Vegas	10/13/1992	3	36,500,000	06/01/1992	09/01/2014
New Hampshire:					
92–01–C–00–MHT.; Manchester; Manchester	10/13/1992	3	5,461,000	01/01/1993	03/01/1997
New Jersey:					
92–01–C–00–EWR.; Newark International; Newark	07/23/1992	3	84,600,000	10/01/1992	08/01/1995
New York:					
92–01–I–00–BUF.; Greater Buffalo International; Buffalo	05/29/1992	3	189,873,000	08/01/1992	03/01/2026
92–01–I–00–ITH.; Tompkins County; Ithaca	09/28/1992	3	1,900,000	01/01/1993	01/01/1999
92–01–C–00–JHW., Chautauqua County/Jamestown; Jamestown	03/19/1993	3	434,822	06/01/1993	06/01/1993
92–01–C–00–JFK; John F Kennedy International; New York	07/23/1992	3	109,980,000	10/01/1992	08/01/1995
92–01–C–00–LGA; LaGuardia; New York	07/23/1992	3	87,420,000	10/01/1992	08/01/1995
93–01–C–00–PLB; Clinton County; Plattsburgh	04/30/1993	3	227,830	07/01/1993	01/01/1998
92–01–C–00–HPN; Westchester County; White Plains	11/09/1992	3	27,883,000	02/01/1993	06/01/2022
North Dakota:					
92–01–C–00–GFK; Grand Forks International; Grand Forks	11/16/1992	3	1,016,509	02/01/1993	02/01/1997
Ohio:					
92–01–C–00–CAK; Akron-Canton Regional; Akron	06/30/1992	3	3,594,000	09/01/1992	08/01/1996
92–01–C–00–CLE; Cleveland-Hopkins International; Cleveland	09/01/1992	3	34,000,000	11/01/1992	11/01/1995
92–01–I–00–CMH; Port Columbus International; Columbus	07/14/1992	3	7,341,707	10/01/1992	03/01/1994
92–02–I–00–CMH; Port Columbus International; Columbus	07/19/1993	3	16,270,256	02/01/1994	09/01/1996
93–01–C–00–TOL; Toledo Express; Toledo	06/29/1993	3	2,750,896	09/01/1993	09/01/1996
Oklahoma:					
92–01–C–00–LAW; Lawton Municipal; Lawton	05/08/1992	2	334,078	08/01/1992	01/01/1996
92–01–I–00–TUL; Tulsa International; Tulsa	05/11/1992	3	8,450,000	08/01/1992	08/01/1994
Oregon:					
93–01–C–00–MFR; Medford-Jackson County; Medford	04/21/1993	3	1,066,142	07/01/1993	11/01/1995
92–01–C–00–PDX; Portland International; Portland	04/08/1992	3	17,961,850	07/01/1992	07/01/1994
93–01–C–00–RDM.; Roberts Field; Redmond	07/02/1993	3	1,191,552	10/01/1993	03/01/2000
Pennsylvania:					
92–01–I–00–ABE.; Allentown-Bethlehem-Easton; Allentown	08/28/1992	3	3,778,111	11/01/1992	04/01/1995
92–01–C–00–AOO.; Altoona-Blair County; Altoona	02/03/1993	3	198,000	05/01/1993	02/01/1996

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State; application no.; airport; city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
92–01–C–00–ERI.; Erie International; Erie	07/21/1992	3	1,997,885	10/01/1992	06/01/1997
92–01–I–00–PHL.; Philadelphia International; Philadelphia	06/29/1992	3	76,169,000	09/01/1992	07/01/1995
93–02–U–00–PHL.; Philadelphia International; Philadelphia	05/14/1993	3	76,169,000	08/01/1993	07/01/1995
92–01–C–00–UNV.; University Park; State College	08/28/1992	3	1,495,974	11/01/1992	07/01/1997
Tennessee:					
92–01–I–00–MEM.; Memphis International; Memphis	05/28/1992	3	26,000,000	08/01/1992	12/01/1994
92–01–C–00–BNA.; Nashville International; Nashville	10/09/1992	3	143,358,000	01/01/1993	02/01/2004
Texas:					
93–02–C–00–AUS.; Robert Mueller Municipal; Austin	06/04/1993	2	6,189,300	11/01/1993	06/01/1995
92–01–C–00–ILE.; Killeen Municipal; Killeen	10/20/1992	3	243,339	01/01/1993	11/01/1994
93–01–C–00–LRD.; Laredo International; Laredo	07/23/1993	3	11,983,000	10/01/1993	09/01/2013
93–01–C–00–LBB.; Lubbock International; Lubbock	07/09/1993	3	10,699,749	10/01/1993	02/01/2000
92–01–I–00–MAF.; Midland International; Midland	10/16/1992	3	35,529,521	01/01/1993	01/01/2013
93–01–C–00–SJT.; Mathis Field; San Angelo	02/24/1993	3	873,716	05/01/1993	11/01/1998
Virginia					
92–01–I–00–CHO.; Charlottsville-Albemarle, Charlottsville	06/11/1992	2	255,559	09/01/1992	11/01/1993
92–02–U–00–CHO.; Charlottsville-Albemarle, Charlottsville	12/21/1992	2	255,559	09/01/1992	11/01/1993
Washington:					
93–01–C–00–BLI.; Bellingham International; Bellingham	04/29/1993	3	366,000	07/01/1993	07/01/1994
93–01–C–00–CLM.; William R. Fairchild International; Port Angeles	05/24/1993	3	52,000	08/01/1993	08/01/1994
92–01–C–00–SEA.; Seattle-Tacoma International; Seattle	08/13/1992	3	28,847,488	11/01/1992	01/01/1994
93–01–C–00–GEG.; Spokane International; Spokane	03/23/1993	3	15,272,000	06/01/1993	12/01/1999
93–01–C–00–EAT.; Pangborn Field; Wenatchee	05/26/1993	3	280,500	08/01/1993	10/01/1995
92–01–C–00–YKM.; Yakima Air Terminal; Yakima	11/10/1992	3	416,256	02/01/1993	04/01/1995
West Virginia:					
93–01–C–00–CRW.; Yeager; Charleston	05/28/1993	3	3,256,126	08/01/1993	04/01/1998
92–01–C–00–MGW.; Morgantown Muni-Walter L. Bill Hart; Morgantown	09/03/1992	3	55,500	12/01/1992	01/01/1994
Wisconsin:					
92–01–C–00–GRB.; Austin Straubel International; Green Bay	12/28/1992	3	8,140,000	03/01/1993	03/01/1994
93–01–C–00–MSN.; Dane County Regional-Truax Field; Madison	06/22/1993	3	6,746,000	09/01/1993	03/01/1998
Wyoming					
93–01–C–00–CPR.; Natrona County International; Casper	06/14/1993	3	506,144	09/01/1993	10/01/1996
93–01–C–00–CYS.; Cheyenne; Cheyenne	07/30/1993	$3	$742,261	11/01/1993	08/01/2000
93–01–C–00–GCC.; Gillette-Campbell County; Gillette	06/28/1993	3	331,540	09/01/1993	09/01/1999
93–01–C–00–JAC.; Jackson Hole; Jackson	05/25/1993	3	1,081,183	08/01/1993	02/01/1996
Guam:					
92–01–C–00–NGM.; Agana Nas; Agana	11/10/1992	3	5,632,000	02/01/1993	06/01/1994
Puerto Rico:					

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State; application no.; airport; city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
92–01–C–00–BQN.; Rafael Hernandez; Aguadilla	12/29/1992	3	1,053,000	03/01/1993	01/01/1999
92–01–C–00–PSE; Mercedita; Ponce	12/29/1992	3	866,000	03/01/1993	01/01/1999
92–01–C–00–SJU.; Luis Munoz Marin International; San Juan	12/29/1992	3	49,768,000	03/01/1993	02/01/1997
Virgin Islands:					
92–01–I–00–STT.; Cyril E. King; Charlotte Amalie	12/08/1992	3	3,871,005	03/01/1993	02/01/1995
92–01–I–00–STX.; Alexander Hamilton; Christiansted St Croix	12/08/1992	3	2,280,465	03/01/1993	05/01/1995

*The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 93–23364 Filed 9–23–93; 8:45 am]
BILLING CODE 4910–13–M

Federal Highway Administration

Assessing the Feasibility of a Standardized Diagnostic Device for Maintenance and Inspection of Commercial Motor Vehicles; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces a public briefing on the status of research underway to determine the feasibility of a standardized diagnostic device for maintenance and inspection of commercial motor vehicles (CMVs). This briefing will outline the purposes of the research and report on the results of "Task 1," a review of technical literature and interviews of government and industry officials. The purposes of Task 1 were to: (1) Determine the feasibility of standardized diagnostic technologies; and (2) define what vehicle systems or outputs should be monitored.

DATES: The public meeting will be held on October 18, 1993, from 10 a.m. to 12 noon.

ADDRESSES: 400 7th Street, SW., room 2230, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Stan Hamilton, Federal Highway Administration, Office of Motor Carriers, 400 Seventh Street, SW., room 3103, Washington, DC 20590, (202) 366–0665. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: The FHWA announces a public briefing on the status of ongoing research into the potential benefits and feasibility of developing and demonstrating a standardized electronic diagnostic device and vehicle interface system. This system would be used by truck maintenance personnel and roadside safety and emissions inspectors. The House Appropriations Committee has indicated that funds appropriated for the Department of Transportation be used for such a study. See H.R. Rep. No. 156, 102d Cong., 1st Sess., at 103 (1991).

This diagnostic system could be expected to:

(1) Expedite maintenance and inspection activities;

(2) Provide inspectors with immediate information on vehicle systems' performance; and

(3) Ensure the uniformity of CMV inspections.

Research is being conducted for the FHWA by the American Trucking Associations' Trucking Research Institute (TRI). At the public meeting, the TRI and its subcontractor, the Texas Transportation Institute of the Texas A&M University, will describe the purpose of the research and report on their review of technical literature and interviews with government and industry officials. These activities have been undertaken to determine the feasibility of standardized diagnostic technologies in CMV operations and better define what should be monitored by them.

As currently planned, the remainder of the research will include:

(1) A cost-benefit analysis of implementing such diagnostic systems;

(2) A survey of potential cost-sharing opportunities in the development and implementation of the systems; and

(3) A report of findings and recommendations.

A public briefing to present the final results of this contract is planned near the end of the two-year study.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: September 16, 1993.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 93–23430 Filed 9–23–93; 8:45 am]
BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

September 20, 1993.

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 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0513

Form Numbers: ATF F 5100/2

Type of Review: Extension

Title: Grape Variety Names—Varietal (grape type labeling) and Approval of New Grape Variety Names

Description: The type of grape wine may be described on the label by using the variety name of the grape from which the wine is made. The names of grape varieties are being formally listed in regulations to assure their accuracy and correctiveness. This listing will provide consumers with the most accurate and truthful information and standard names.

Respondents: Businesses or other for-profit, small businesses or organizations
Estimated Number of Respondents: 2
Estimated Burden Hours Per Respondent: 2 hours
Frequency of Response: On occasion
Estimated Total Reporting Burden: 4 hours
Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–23465 Filed 9–23–93; 8:45 am]

BILLING CODE 4810–31–P

Public Information Collection Requirements Submitted to OMB for Review

September 20, 1993.

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 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1209
Regulation ID Number: IA–83–90 Final Regulations
Type of Review: Extension
Title: Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews; Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer
Description: These regulations govern the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer reviews, and disclosures that are necessary because of the tax return preparer's death or incapacity.
Respondents: Businesses or other for-profit, small businesses or organizations
Estimated Number of Recordkeepers: 250,000
Estimated Burden Hours Per Recordkeeper: 1 hour
Frequency of Response: Other
Estimated Total Recordkeeping Burden: 250,000 hours
OMB Number: 1545–1265
Regulation ID Number: IA–120–86 NPRM
Type of Review: Extension
Title: Capitalization of Interest
Description: The regulations require taxpayers to maintain contemporaneous written records of estimates, to file a ruling request to segregate activities in applying the interest capitalization rules, and to request the consent of the Commissioner to change their methods of accounting for the capitalization of interest.
Respondents: individual or households, businesses or other for-profit
Estimated Number of Respondents/Recordkeepers: 1
Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting/Recordkeeping Burden: 1 hour
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer

[FR Doc. 93–23466 Filed 9–23–93; 8:45 am]

BILLING CODE 4830–01–P

Customs Service

(T.D. 93–76)

Customs Approval of Sanson Marine, Inc., as a Commercial Gauger

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Approval of Sanson Marine, Inc., as a Commercial Gauger.

SUMMARY: Sanson Marine, Inc., of Roselle, New Jersey has recently applied to U.S. Customs for approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils under part 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that Sanson Marine, Inc. meets all of the requirements for approval as a commercial gauger.

Therefore, in accordance with Part 151.13(f) of the Customs Regulations, Sanson Marine, Inc. is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: September 8, 1993.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Chief, Technical Branch, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW, Washington, D.C. 20229 (202–927–1060).

Dated: September 15, 1993.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 93–23410 Filed 9–23–93; 8:45 am]

BILLING CODE 4820–02–P

[T.D. 93–73]

Recordation of Trade Name; "REDCO SALES CO."

AGENCY: U.S. Customs Service, Department of the Treasury.

SUMMARY: On Thursday, June 24, 1993, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "REDCO SALES CO.," used by Redco Sales Co., located at 872 Belville Blvd., Naples, Florida 33942 was published in the **Federal Register** (58 FR 34298). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than August 23, 1993. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "REDCO SALES CO.," is recorded as the trade name used by Redco Sales Co., located at 872 Belville Blvd., Naples, Florida 33942.

The trade name is used in connection with multi-purpose protective glasses used in the medical and safety industries.

This product is molded from polycarbonate plastic.

EFFECTIVE DATE: September 24, 1993.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., (Franklin Court), Washington, DC 20229 (202–482–6960).

Dated: September 14, 1993.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 93–23488 Filed 9–23–93; 8:45 am]

BILLING CODE 4820–02–P

UNITED STATES INFORMATION AGENCY

Secondary School Exchange Initiative—Academic Semester Inbound and Semester/Year Outbound

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from U.S. educational, cultural, and other not-for-profit institutions for programs that (A) send American students to the NIS for an academic experience for periods ranging from 3 months to one year; and/or (B) bring to the U.S. for a high school and homestay experience students from the Newly Independent States of the former Soviet Union not to exceed one academic semester. This program is sponsored under the Secondary School Exchange Initiative, as originally authorized under the Freedom Support Act of 1992. Funding for the program is subject to the availability of funding in Fiscal Year 1994. This is a request for proposals only for the program models described above. Requests for proposals in support of other youth exchange programs with the NIS are being published separately.

ANNOUNCEMENT NUMBER: The announcement number is E/P–94–10. Please refer to this number in all correspondence or telephone calls to the Agency.

DATES: Deadline for proposals: All copies of proposals for grants under this request must be received at the U.S. Information Agency by 5 p.m. Washington DC time on Friday, December 17, 1993. Faxed documents will not be accepted, nor will documents postmarked on December 17 but received at a later date. It is the responsibility of each grant applicant to ensure that its proposal is received by the above deadlines. Grant funding should be available after April 1, 1994 in support of projects in which participants will travel no earlier than the summer of 1994.

ADDRESSES: The original, 4 fully tabbed copies and 10 copies (Tabs A–D) of the completed application, including required forms, should be submitted in the format described in the Bureau's application package and mailed to: U.S. Information Agency, Ref: Secondary School Initiative—Two-way Academic Exchanges, Grants Management Division, E/XE, 301 4th Street SW., rm 336, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact Diana Aronson, Division for the Secondary School Initiative, E/PY, room 357, (202) 619–6299; FAX (202) 619–5311, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Overall authority for these exchanges is contained in the Freedom Support Act (Pub. L. 102–391).

Overview

Grant funding is intended to provide an opportunity for students aged 15 to 18½ from the U.S. and the following countries to live with a host family, attend high school, and experience community life in the host country: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan. Grantee organizations are responsible for all aspects of recruitable, selection and programming.

Guidelines

Applicants may apply for either or both of the following categories of program:

A. Outbound Academic Program

Purpose: To provide opportunities for American high school students or immediate graduates to study at the secondary school level in NIS countries. The length of stay may be no less than three months. It is anticipated that $200,000 will be available for this component to partially sponsor up to 100 students, depending on the level of cost-sharing. The overall amount may increase once FY 1994 funds are appropriated.

B. Inbound Academic Program

Purpose: To provide opportunities for NIS high school students to study at secondary level institutions for up to one academic semester. Approximately $1,000,000 is available for this component; however, the actual amount will be determined once funds are appropriated. USIA will not accept proposals for an inbound academic year program under this competition.

There is no prescribed formula for either component of the program. In both cases grantee organizations working with their NIS partners, will: Recruit and select students based on merit using their own criteria; arrange for their placement in schools; select and orient host families; make all travel and logistical arrangements; conduct placement in schools; select and orient host families; make all travel and logistical arrangements; conduct orientation sessions; conduct re-entry and debriefing sessions; supervise students, solve problems, and provide counseling as needed; develop a mechanism for the transfer of academic credit and/or the certification of school attendance; interact with the schools on an ongoing basis; and evaluate the program's success. Proposals should succinctly describe how these elements will be handled, with special attention to the following factors:

—Organizations must demonstrate the capacity to secure quality homestays and school placements for the number of students on which they are bidding in conformance with the regulations governing J visas for secondary school students. The proposal should include a description of the process your organization uses to identify and screen potential host families, as well as your system for making school placements.

—Organizations have the option to disperse students widely or concentrate groups of students in clusters. The purpose of clustering is to facilitate periodic gatherings for ongoing orientation, excursions and cultural programming, as well as supervision and feedback. All proposals should identify the target regions, states and/or communities in which placements will be sought. Proposals using the dispersal method should include a justification for not using the cluster model and explain your placement philosophy. Proposals using clusters should: Specify the cluster size; specify likely locations; and include a description of how clustering will affect the program, such as scheduling periodic gatherings of the students. In the latter case, a sample schedule of gatherings and topics or themes to be addressed should be included.

—Organizations, regardless of the placement plan, may propose periodic gatherings of students locally, regionally or nationally for ongoing orientation, excursions and cultural programming, and supervision and feedback. The proposal should include a tentative itinerary for a sample meeting.

—Inbound students should be sufficiently proficient in English upon arrival in the US to function in a high

school environment. No USIA grant funding will be provided for English training under this program. Preference will be given to proposals that include language skills as a selection criterion for American students going to the NIS. Applicant organizations with alternative approaches to language qualifications should discuss them in the proposal.

Eligibility: Both private not-for-profit organizations and public educational institutions (including secondary schools, school districts and state education agencies) are eligible.

Budget

The organization must submit a comprehensive line item budget. Details are available in the application packet. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. Organizations should be familiar with OMB Circulars A110, A122 and A133.

Cost-sharing is encouraged. Cost-sharing may be in the form of allowable direct or indirect costs. The recipient must maintain written records to support all allowable costs which are claimed as being its contribution to cost participation, as well as cost to be paid by the Federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A110, Attachment E—Cost-sharing and matching should be described in the proposal. In the event the recipient does not provide the minimum amount of cost sharing as stipulated in the recipient's budget, the Agency's contribution will be reduced in proportion to the recipient's contribution.

The recipient's proposal shall include the cost of an audit that:

(1) Complies with the requirements of OMB Circular No. A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions;

(2) Complies with the requirements of American Institute of Certified Public Accountants (AICPA) Statement of Position (SOP) No. 92–9; and

(3) Includes review by the recipient's independent auditor of a recipient-prepared supplemental schedule of indirect cost rate computation, if such a rate is being proposed.

The audit costs shall be identified separately for:

(1) Preparation of basic financial statements and other accounting services; and

(2) Preparation of the supplemental reports and schedules required by OMB Circular No. A–133, AICPA SOP 92–9, and the review of the supplemental schedule of indirect cost rate computation.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contract offices.

Proposals may also be reviewed by the Agency's Office of the General Counsel. Funding decisions are at the discretion of the Associate Director of Educational and Cultural Affairs. Final technical authority for grant awards resides with the Agency's Office of Contracts.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Quality of the Program Idea: Proposals should exhibit originality, substance, rigor and relevance to the Agency's mission and adherence to the criteria and conditions described above.

2. Reasonable, Feasible, and Flexible Objectives: Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. Participant Selection Process: Proposals should clearly demonstrate how students will be selected on the basis of merit and the qualifications needed for a successful program.

4. Multiplier Effect/Impact: Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual linkages.

5. Value to U.S.-Partner Country Relations: USIA's geographic area desk and overseas officers will assess the need, potential, impact and significance in the partner country(ies).

6. Cost Effectiveness: The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

7. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

8. Institution's Track Record/Ability: Proposals should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). The Agency will consider the past performance of prior grantees and the demonstrated potential new applicants.

9. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) which ensures that USIA supported programs are not isolated events.

10. Evaluation Plan: Proposals should provide a plan for evaluation by the grantee institution.

11. Geographic Diversity: The Agency will seek to provide geographic diversity within the NIS and the U.S. through this program.

12. Organizational Standing: An organization submitting a proposal should be in good standing with USIA and the Council on Standards for International Educational Travel. Organizations submitting proposals for placement should have a minimum of four years experience in youth exchanges.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about February 1, 1994. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: September 17, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–23238 Filed 9–23–93; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 184
Friday, September 24, 1993

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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, October 29, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–23571 Filed 9–22–93; 11:49 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, October 22, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–23572 Filed 9–22–93; 11:49 am]

BILLING CODE 6351–01–M

TIME AND DATE: 11:00 a.m., Friday, October 15, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–23572 Filed 9–22–93; 11:49 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, October 8, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–23574 Filed 9–22–93; 11:49 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, October 1, 1993.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–23575 Filed 9–22–93; 11:49 am]

BILLING CODE 6351–01–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 28, 1993, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

A. New Business

1. Regulations

   a. Release of Information (Final).
   b. Debt Collection (Proposed).

2. Other

   a. Merger of AgriBank FCB and Louisville FCB; Conditions for the Merger, and Retirement of Assistance Preferred Stock for Louisville FCB.

Closed Session*

A. New Business

1. Other

   a. FY 1995 Budget.
   Dated September 21, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–23576 Filed 9–22–93; 11:49 am]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:16 a.m. on Tuesday, September 21, 1993, the Corporation's Board of Directors determined, on motion of Director Eugene A. Ludwig (Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum re: Contract to Support the Development and Implementation of Corporate Data Administration Programs.

Consideration in principle of policy for elimination of duplicate examinations.

By the same majority vote, the Board determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: September 21, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–23600 Filed 9–22–93; 2:13 pm]

BILLING CODE 6714–01–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 11:10 a.m. on Tuesday, September 21,

* Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(9).

1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of a certain insured depository institution.

Matters regarding administrative enforcement proceedings.

Application of Pioneer Financial, A Cooperative Bank, Malden, Massachusetts, a State nonmember bank and Bank Insurance Fund member, for consent to merge, under its charter and title, with Advantage Bank for Savings, Winthrop, Massachusetts, a State chartered mutual savings Bank and Bank Insurance Fund member, and for consent to establish the four offices of Advantage Bank for Savings as branches of Pioneer Financial, A Cooperative Bank.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: Sunbelt Savings, FSB, Dallas, Texas (Case No. 412–00066–93–BOD)

Matters relating to the Corporation's corporate and supervisory activities.

A personnel matter.

In calling the meeting, the Board determined, on motion of Director Eugene A. Ludwig (Comptroller of the Currency), seconded by Acting Chairman Andrew C. Hove, Jr., concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), 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, D.C.

Dated: September 21, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–23601 Filed 9–22–93; 2:13 pm]

BILLING CODE 6714–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–93–28]

TIME AND DATE: September 30, 1993 at 2:30 p.m.

PLACE: Room 101, 500 E Street S.W. Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–624 (Final) (Certain Helical Spring Lockwashers from China)—briefing and vote.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary (202) 205–2000.

Issued: September 21, 1993.

Donna R. Koehnke,

Secretary.

[FR Doc. 93–23569 Filed 9–22–93; 11:20 am]

BILLING CODE 7020–02–P

federal register

Friday
September 24, 1993

Part II

Environmental Protection Agency

40 CFR Part 72, et al.
Opting Into the Acid Rain Program;
Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 72, 73, 74, 75 and 78

[FRL–4731–8]

RIN 2060–AD43

Opting Into the Acid Rain Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under title IV of the Clean Air Act (the Act) as amended by Public Law 101–549, the Clean Air Act Amendments of 1990, Congress authorized the U.S. Environmental Protection Agency (EPA) to establish the Acid Rain Program. The principal goal of the program is to achieve significant environmental benefits through reductions in sulfur dioxide (SO_2) and nitrogen oxide (NO_x) emissions, the primary components of acid rain. The Program departs from traditional regulatory methods by introducing an SO_2 allowance trading system that lowers the cost of reducing emissions by creating opportunities in the marketplace. Utility units affected under title IV are allocated allowances based on their historic emissions. Each allowance permits a unit to emit one ton of SO_2 during or after a specified year, provided the unit is also in compliance with other applicable air pollution laws.

Today's action includes proposed provisions for SO_2 combustion sources not otherwise affected by title IV (such as small utility units and industrial boilers) to elect to participate in the allowance market by "opting in" to the Acid Rain Program, as provided under section 410 of the Act. Procedures for SO_2 emitting process sources are reserved for a future rulemaking. In addition, today's proposal contains amendments to the core acid rain rules that were published at 40 CFR parts 72, 73, 75 and 78 on January 11, 1993. Amendments to parts 72, 73 and 75 modify definitions and procedures to make them applicable to the opt-in rule while the part 78 amendment clarifies administrative review procedures.

DATES: All comments on today's proposal must be submitted in writing and in triplicate to EPA by November 23, 1993. The public hearing will be held on Wednesday, October 6, 1993 at 10:00 a.m. to 12:00 noon.

ADDRESSES: Send comments to Air Docket No. A–93–15, 401 M Street, SW., Washington, DC 20460. Comments received on this proposal will be available for reviewing and copying from 8:30 a.m. to 12 p.m. and 1:30 p.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays, in room M–1500, Waterside Mall, 401 M Street, SW., Washington, DC 20460. The public hearing will be held at EPA at the address given above in room 9 North in the Washington Information Center.

FOR FURTHER INFORMATION CONTACT: Acid Rain Hotline (617) 641–5377 or Julie Rosenberg (202) 233–9154, or Adam Klinger (202) 233–9122; mailing address, U.S. EPA, Acid Rain Division (6204J), 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The contents of this preamble are as follows:

I. Authority

II. Background

A. Background on the Acid Rain Program
B. The Opt-in Program
C. Sources Eligible to Opt into the Acid Rain Program
D. Regulatory Objectives for the Opt-in Program
1. Maintaining the Integrity of Title IV SO_2 Emission Goals
2. Lowering the Cost of Acid Rain Control
3. Ensuring Consistency with Requirements for Affected Units
E. Regulatory Approach
1. Relationship with Other Clean Air Act Requirements
2. Separating the Rules for Combustion Sources and Process Sources
3. Public Participation in Rule Development
F. Summary of Procedures for Opting In

III. Summary of Policy Issues

A. Allowance Allocations
1. Data Submission
2. Acceptable Data
3. Opt-in Baseline
4. Emission Rates used in Allowance Calculations
5. Calculating Allowances for the First Partial Year
6. Issuing Allowances
B. Monitoring Requirements
1. Relation to Part 75
2. Monitoring Plan
3. Monitoring Certification
C. Permitting Process
1. Designated Representative
2. Delineating Roles: EPA and the Permitting Authority
3. Procedures for Opting In
4. Withdrawing from the Opt-in Program
5. Limited Term Opt-in
D. Acid Rain Compliance
1. Establishment of Allowance Accounts
2. Compliance Certification and End-of-Year Reporting
E. Allowance Limitations
1. Reduced Utilization and Shutdown
2. Calculating Reduced Utilization
3. Determination of Reduced Utilization
4. Deducting Allowances for Reduced Utilization
5. Thermal Energy Exception
6. Canceling Allowances

IV. Amendments to 40 CFR Parts 72, 73, 75 and 78

A. Definitions and Procedures
B. Appeals Procedures for Acid Rain Program

V. Impact Analyses

A. Executive Order 12291 (EIA)
B. Regulatory Flexibility Act
C. Paperwork Reduction Act

VI. Supporting Information

I. Authority

The Administrator is directed under section 410 of the Clean Air Act to establish a voluntary program whereby combustion sources and process sources not otherwise affected by title IV can participate by "opting in" to the Acid Rain Program.

II. Background

A. Background on the Acid Rain Program

Acid deposition occurs when emissions of sulfur dioxide (SO_2) and oxides of nitrogen are chemically transformed in the atmosphere into sulfuric and nitric acids and return to earth as wet deposition such as rain, fog, or snow, or dry deposition such as fine particles or gases. Acid deposition damages lakes and harms forests and buildings. SO_2 emissions damage ecosystems and materials, contribute to reduced visibility and, at current levels, are suspected of posing a threat to human health.

Title IV of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990, directs EPA to establish the Acid Rain Program to reduce the adverse effects of acidic deposition. Title IV targets the electric-generating industry, which accounts for over two-thirds of SO_2 emissions and over one-third of NO_x emissions in the United States. Specifically, the Act mandates a national cap of 8.95 million tons per year on electric utility SO_2 emissions by the year 2000 (just over half of the 1985 electric utility SO_2 emissions), to be achieved in two phases. Phase I will begin in 1995 and mainly affects large, high-emitting utility plants; these plants are specifically listed in the statute. Phase II will begin in 2000 and affects virtually all existing utility units with output capacity greater than 25 megawatts, and most new utility units.

The centerpiece of the Acid Rain Program is a unique trading system in which allowances are bought and sold at prices determined in the marketplace. Each allowance is a limited authorization to emit one ton of SO_2 during or after a designated year. The majority of utility units—both existing and some new—are allocated

allowances based on their historic fuel use and the emissions limitations specified in the Act. Utility units are required to limit SO_2 emissions to the number of allowances they hold, but since allowances are fully transferrable, utilities may meet their emissions control requirements under the Acid Rain Program in the most cost-effective manner possible. For instance, a utility may decide to (1) Switch to a lower sulfur fuel, (2) install flue gas desulfurization equipment (scrubbers) and bank unused allowances or sell them to other utilities/individuals, (3) buy additional allowances, if necessary to cover expected emissions or (4) implement energy efficiency measures at the plant or encourage customers to undertake them. Other options and combinations of options are possible, providing an unusually high degree of flexibility for affected units to comply with this part of the law. The procedures for transferring and tracking allowances are codified in 40 CFR part 73.

Each affected unit must have a permit in which the source certifies that it will possess a sufficient number of allowances to cover its SO_2 emissions, and will comply with all provisions of the Acid Rain regulations. The permit regulation is codified in 40 CFR part 72.

To ensure nationally mandated reductions in SO_2 and NO_x emissions are achieved, each affected unit must install a continuous emissions monitoring system and collect, record, and report emissions data. The continuous emissions monitoring rule is codified in 40 CFR part 75.

If an affected unit violates the Act by emitting more emissions than it has allowances, the Act requires that the unit pay penalties and submit a plan detailing how and when the excess SO_2 emissions will be offset. These requirements act as a strong incentive for compliance with the mandated emissions reductions of the Acid Rain Program. Excess emissions penalty requirements are codified in 40 CFR part 77. In addition, emissions in excess of allowances may result in enforcement action under section 113 of the Act.

Finally, 40 CFR part 78 contains administrative appeals procedures for resolving disputes over decisions by EPA regarding any aspect of the Acid Rain Program.

B. The Opt-in Program

Although the Acid Rain Program is mandated only for utility sources, section 410 provides opportunities for SO_2-emitting sources not otherwise affected by title IV requirements (e.g., industrial sources) to participate in the Acid Rain Program by "opting in."

As stated below, Congress enacted the opt-in program as a voluntary economic incentive provision to further help lower the cost of complying with the Acid Rain Program. Combustion or process sources not otherwise required to reduce SO_2 emissions can opt in, and are given an economic incentive to do so if they can reduce emissions at costs lower than those for affected utility units. These reductions generate acid rain allowances which can then be transferred to utilities to meet mandatory reduction requirements in the utility sector and, thus, lower the overall cost of the Acid Rain Program.

> (Section 410) adds flexibility and can enlarge the universe of sources for which there are cost-effective reductions in emissions of SO_2 * * *. This section provides a useful additional source of reductions that can be made voluntarily by sources choosing to be affected by the provisions of this title. S.Rep.No. 228, 101st Cong., 1st Sess., at 335 (1989).

In addition, the Act requires that this shifting of SO_2 emissions between opt-in sources and affected utility units not compromise overall title IV SO_2 emission reduction goals. The Senate Committee Report, on page 336, states: "This section is intended to further the objective of achieving true net reductions of SO_2 * * *."

Congress envisioned section 410 as serving the allowance market by generating additional allowances to reduce compliance costs for affected utilities, and encouraging combustion or process sources not otherwise required to reduce their SO_2 emissions to consider cost-effective emission reduction opportunities.

Under section 410, the owner or operator of certain sources of SO_2 emissions that are not affected units can elect to become an affected unit and receive allowances. In accordance with section 410(b) and (c), allowances will be allocated by EPA based on historical emissions and operations during the baseline period of 1985–1987.

Like utilities in the mandatory program, once a combustion or process source opts in, it must hold allowances to cover its emissions. Presumably, the opt-in source will reduce its emissions from its baseline level to generate excess allowances to sell to other affected units. Because opting in is voluntary, only combustion sources or process sources that would profit by selling excess allowances are expected to participate in the program. In addition, since all affected sources must also comply with the other applicable requirements of the Act, revenue generated by selling excess allowances will help opt-in sources to offset costs of compliance with other programs.

C. Sources Eligible To Opt Into the Acid Rain Program

Section 410(a) provides that certain combustion or process sources that emit SO_2 but are not otherwise required to meet the mandatory sulfur dioxide emission limitations of title IV are eligible to opt into the Acid Rain Program, provided they meet all of the requirements contained in the Act and the regulations promulgated by the Administrator. Affected units receiving an exemption from the requirements of the Acid Rain Program under 40 CFR 72.7 or 72.8 are not eligible to participate in the opt-in program. Additionally, sources that become affected under any other part of the Acid Rain Program after opting in will lose their eligibility and their status as an opt-in source.

As mentioned earlier, today's proposed rule sets forth complete regulatory requirements only for combustion sources eligible to opt into the Acid Rain Program. Table 1 illustrates the types of combustion sources that would qualify to opt in.

TABLE 1.—GENERAL ELIGIBILITY FOR OPT-IN COMBUSTION SOURCES

[Eligibility is subject to applicability regulations as in part 72.6]

Type of source	Eligible	Not eligible
Existing utility boiler that serves no generator greater than 25 MW.	X	
New utility boilers with capacity less than 25 MW and burn fuel with sulfur content less than 0.05 percent by weight eligible for exemption under §72.7.		X
Retired Units as exempted under §72.8.		X
Simple Combustion Turbines, as of Enactment (11/90).	X	
Industrial boilers ...	X	
Non-affected cogenerators.	X	
Sources not operating at the time of application.		X

While not defined in the statute, as part of this regulation, EPA defines an opt-in source as a combustion or process

source that elects to become an affected unit under the Acid Rain Program and can fulfill the requirements of the Acid Rain Program. Table 2 provides examples of what constitutes the opt-in combustion source in cases where there are varying configurations at a single site.

TABLE 2.—OPT-IN SOURCE DEFINITIONS

Type of configuration at a single site	Single discrete entity?	What is the opt-in source?
Individual Boiler Emitting to Single Stack.	Yes	Boiler and stack.
Individual Boiler as part of Multiple Boilers Sharing Single Stack.	Yes, to the extent that monitoring is specific to the opt-in source.	Boiler, duct to the stack.
Multiple Boilers Sharing Single Stack.	Yes	All boilers and the stack.
Individual Boiler Emitting to Multiple Stacks.	Yes	Boiler and all stacks.
Multiple Boilers Sharing Multiple Stacks.	Yes	All boilers and all stacks.
Multiple Boilers and Affected Units Sharing Single/Multiple Stacks.	Yes	All boilers and all stacks.

Although not the subject of this rulemaking and not defined in the statute, EPA has identified process sources as stationary sources that emit SO_2 by processing or manufacturing materials.

D. Regulatory Objectives for the Opt-in Program

EPA's goals for the opt-in program are: (1) Maintaining the integrity of the title IV SO_2 emission goals; (2) promoting fungibility of opt-in allowances to help lower the overall cost of acid rain control; and (3) ensuring consistency with requirements for affected utility units. Wherever possible, EPA is proposing procedures that meet all three of these goals. In cases where there are conflicts, however, EPA's priority is to protect the Act's SO_2 emission goals.

1. Maintaining the Integrity of Title IV SO_2 Emission Goals

The SO_2 emission target in the Act—the 10 million ton annual reduction from 1980 levels—is based on what Congress knew about historic and future SO_2 emissions when it was crafting the 1990 Amendments. In setting the emission requirements for the utility sector, Congress relied on projections that estimated that SO_2 emissions from other, non-utility sources would remain steady from 1985 into the future. This expectation of a constant level of non-utility SO_2 emissions reflects a dynamic balancing of emissions caused by fluctuations in economic activity, shutdowns, facility modernization, fuel switching and cleanup.

With the projection that industrial emissions would remain constant (at approximately 5.6 million tons annually), Congress crafted section 410 to provide the opportunity to shift SO_2 emissions—via the allowance trading system—from certain non-affected units to the utility units in the mandatory Acid Rain Program. The shifting was to be done in a way that would neither jeopardize the 10 million ton SO_2 reduction nor increase total emissions. EPA, therefore, has the responsibility to develop the opt-in program in a way that maintains the Act's intended "emissions neutrality."

EPA has interpreted emissions neutrality to mean the opt-in program should not erode the 10 million ton SO_2 emission reduction goal of title IV. To ensure that opt-in allowances do not cause emissions above the Congressionally-mandated limits of 8.95 and 5.6 million tons from utilities and industrial sources, respectively, any opt-in allowance traded must be compensated for by an corresponding emission reduction from an opt-in source. Since opt-in allowances will necessarily be traded to utilities, the total emissions in each sector can vary, but allowances cannot cause industrial emissions to increase above 5.6 million tons. (As explained later in this preamble, the 5.6 million ton limit on SO_2 emissions from industrial sources will be ensured in the future by a mandated emissions inventory and the Administrator's authority to take action if industrial SO_2 emissions approach or exceed 5.6 million tons.)

EPA has tried to examine future emission levels with and without the opt-in program. EPA, however, believes that as a practical matter, it is impossible to know what the emissions of opt-in sources would be in the absence of the opt-in program. Sources have a variety of incentives to increase production, thereby increasing emissions, or to switch to use fuels or processes that could reduce emissions. Nevertheless, for certain policy issues, such as the thermal energy transfer exception discussed later in this preamble, the intent of Congress to capture the planned emission reductions and the implications for additional SO_2 emissions above the goals of the Act are clear enough for EPA to propose restricting the availability of opt-in allowances.

Where there is no persuasive indication of whether EPA should favor approaches supporting emission reductions or emission trading to lower the overall Acid Rain Program compliance costs, EPA applies the emissions neutrality standard to ensure the proposed policy will not jeopardize the 10 million ton SO_2 emission reduction. Finally, when facing choices between lowering overall compliance costs, enhancing program participation, augmenting the fungibility of the allowance market, and maintaining title IV emission principles, EPA has favored proposing provisions that ensure that title IV achieves the emission reductions required by Congress.

2. Lowering the Cost of Acid Rain Control

As stated earlier, Congress intended for the opt-in program to generate allowances from low-cost reductions at what are otherwise non-affected units that would be used to reduce compliance costs for affected utilities. Therefore, in addition to preserving the integrity of the SO_2 emissions goal, the opt-in program should be designed to help the acid rain allowance market by maximizing the fungibility of opt-in allowances to the extent consistent with the requirements of section 410.

EPA has attempted to develop program requirements that promote opt-in allowances as substitutes for allowances offered by affected utility units ("unit allowances") for compliance or investment purposes. However, opt-in allowances are created and distributed in a slightly different manner and their use is partially limited by the reduced utilization and thermal energy exception provisions (to be discussed later in this preamble). Thus, these allowances may be perceived and valued differently by the market. Any additional risk associated with opt-in allowances will be evaluated by the market and reflected in the market price for opt-in allowances. Such a price will also reflect the cost of obtaining information pertaining to the risk associated with opt-in allowances, typically as the transaction cost of acquiring the information.

3. Ensuring Consistency With Requirements for Affected Units

Congress designed the opt-in program to fit within the context of title IV. For example, section 410(e) states that opt-

in sources must comply with the allowance trading, permitting, excess emissions, monitoring and enforcement provisions of the title. EPA, therefore, has developed the program to ensure consistency with title IV acid rain goals and equity with affected utilities. Thus, the regulatory requirements for opt-in sources mirror the provisions for sources in the mandatory program implemented in the acid rain rules. (See 40 CFR parts 72, 73, 75, 77 and 78.)

However, opt-in sources are, by definition, outside the mandatory system and there are instances in which procedures unique to opt-in sources are required. Certain issues are identified in section 410 as potentially requiring separate procedures, such as alternative baseline years and monitoring provisions, reduced utilization and the thermal energy exception. In accounting for these differences within the opt-in regulations, EPA is proposing requirements today that it believes are consistent with the mandatory utility program and maintain both the title IV SO_2 emission reduction goals and, to the extent possible, the fungibility of the allowance market.

E. Regulatory Approach

1. Relationship With Other Clean Air Act Requirements

As stated in section 410(f), participation in the opt-in program does not excuse compliance with any other requirements of the Act. As with affected utilities, regardless of the number of allowances held, opt-in sources are not authorized to emit SO_2 at higher levels than otherwise permitted under the Act.

Furthermore, participation does not immunize opt-in sources from future regulatory activities. In particular, industrial sources will be included in the national SO_2 emissions inventory established in section 406 of title IV of the Amendments. Section 406 requires EPA to conduct an SO_2 emissions inventory and report trends in industrial emissions. Opt-in industrial sources will be included in the inventory and opt-in allowances allocated to these sources, including allowances held and used by title IV-affected utility sources, will be counted as industrial emissions since the allowances are in lieu of emissions reductions required by affected utilities. (Small utility units and their allowances will not be included in the industrial inventory.)

Section 406 also establishes an emissions cap of 5.6 million tons of SO_2 from industrial sources. Congress created the cap to prevent SO_2 emissions from increasing above the level projected in the emissions assessment used to set the title IV reductions. If the inventory indicates that SO_2 emissions are likely to exceed 5.6 million tons per year, the Administrator is required to take actions—which could include restricting emissions from industrial opt-in sources—to control SO_2 emissions and maintain the cap.

While industrial opt-in sources need to be aware of their inclusion in the section 406 inventories and the regulatory actions EPA might undertake to maintain the 5.6 million ton cap, EPA believes that for purposes of designing the opt-in program, opt-in requirements and the section 406 activities are independent of one another. Specifically, EPA does not view the 5.6 million ton cap as an appropriate tool for allocating opt-in allowances or maintaining emissions neutrality.

Some commenters, however, have viewed the section 406 provision and the 5.6 million ton cap as justification for EPA to be flexible with choices of baseline years for combustion or process sources that had low or otherwise unrepresentative emissions during the baseline years. They argue that section 406 would allow EPA to restrict emissions from sources that had not opted in if the inventory ever indicated that total industrial emissions exceed the cap of 5.6 million tons. EPA believes this approach of relying on the industrial inventory to ultimately control emissions is unworkable for three reasons. First, to be truly accountable, EPA would need to assign allowances to all emissions from the industrial sector. Since the program is voluntary and many emissions will not be accounted for in allowances, it will be difficult to restrict emissions from both opt-in and non-opt-in sectors as allowances approach 5.6 million. Second, the emissions goals of the Acid Rain Program are based on historical reductions relative to the 1980's; not potential emissions in the future. Furthermore, the inventory may not be useful for allocating allowances for individual opt-in sources. Once developed, the inventory will reflect aggregate emissions and, therefore, will not have sufficient specificity when compared to continuous emissions monitoring data or its equivalent from individual sources.

2. Separating the Rules for Combustion Sources and Process Sources

As discussed above, opt-in sources can be either combustion or process sources. Because the combustion sources are similar to utility units as defined under the Act, they are amenable to the detailed regulations already developed for the mandatory program in the core acid rain rules. For instance, both combustion sources and utilities may readily use heat input for baseline and use CEMS on stacks to monitor emissions with a high degree of accuracy.

Process sources, on the other hand, can vary considerably from affected utility units and from one another. Process sources such as paper mills, chemical plants, smelters and refineries emit SO_2 and may be eligible for the program; yet, they have fundamentally different configurations and operations from utility units. Some of the requirements in these proposed rules apply to both combustion and process sources. However, each process source category may require different methods for determining baseline, establishing appropriate monitoring systems, and measuring utilization.

Consequently, EPA is implementing the opt-in program in two phases. Today's action provides general requirements that will apply to all combustion and process sources in the program and detailed requirements for combustion sources on allowance allocations, monitoring, and end of year compliance. EPA is continuing to study the technical issues associated with allowing process sources to opt in and will propose complete requirements for process sources at a later date.

3. Public Participation in Rule Development

In developing the opt-in program, EPA actively solicited comments and ideas from many individuals and organizations. To facilitate detailed discussions, EPA formed an Opt-in Subcommittee to the Acid Rain Advisory Committee (ARAC). The Subcommittee comprised 16 members, 9 of which were already members of ARAC. Subcommittee members represented various interested groups including municipal utilities, industrial boilers, independent power producers, process sources, environmental interests, public utility commissions, state and local governments and affected utilities. In addition to members of the Subcommittee, several hundred people attended the three public meetings and participated in discussions. EPA found the advisory committee process and the opportunity it provided for public input into rule development to be very useful to helping develop the opt-in regulations. Throughout this act, ideas from "commenters" generally refers to views provided by participants in the ARAC process. (For further information about ARAC and the Opt-in

Subcommittee, please refer to Air Docket A–90–39.)

F. Summary of Procedures for Opting In

Unless otherwise specified, the procedures outlined in today's rule will, when promulgated in final form, apply to both combustion and process sources. In large part, the procedures build on the already-promulgated rules governing the allowance system, permitting, continuous emissions monitoring, excess emissions, and compliance.

The procedures for opting in proposed today are explained in this section in general terms in order to provide an overview of the mechanics of the program. Each step of the process is explained in detail in later portions of this preamble and in the rule.

A combustion or process source interested in opting into the Acid Rain Program would submit to its permitting authority an opt-in application package, which would include information on its operations and emissions during the baseline period and a monitoring plan. EPA and the permitting authority would respond to the application with a draft permit that would ultimately be included in the source's operating permit under title V of the Clean Air Act. The draft permit would include EPA's calculation of the combustion or process source's allowance allocation based on the combustion or process source's average annual heat input during 1985 through 1987 and the lesser of the 1985 actual, 1985 allowable, or current annual allowable SO_2 emission rate. The monitoring plan would be reviewed, commented upon, if necessary, and conditionally approved pending monitor certification.

EPA then provides the combustion or process source a copy of the draft permit and request that the designated representative confirm its intention to opt in. If the designated representative confirms its desire to continue the permitting process, the permitting authority must issue the draft permit and then follow the standard process of public comment and review. If, in this process, the permit conditions change and become undesirable, the designated representative can retract the application.

After the designated representative reviews the draft permit and confirms its intention to opt in, the combustion or process source begins acquiring and installing the necessary monitoring equipment and starts the monitor certification process. The monitor certification must be complete before the final permit takes effect. The combustion source or process source will not become an opt-in source until its monitor has been certified and its final opt-in permit has been issued.

Once the combustion source or process source becomes an affected unit under the Acid Rain Program, EPA establishes an opt-in source allowance account and issues the specified allowances to this account. As soon as it becomes an opt-in source, it is required to continuously monitor emissions, and its recorded emissions from that date forward must be offset by an equal number of allowances at the end of each compliance year.

At the end of each year, the opt-in source submits a compliance certification report, indicating whether it operated in compliance for the calendar year. EPA reviews the opt-in source's report and deducts allowances to cover emissions.

Since opt-in sources are generally prevented from keeping allowances produced from reductions in utilization or shutdown, EPA must assess whether additional allowances are to be deducted. Where appropriate, EPA will also evaluate the status of allowances that qualify for the thermal energy exception.

If the opt-in source decides to withdraw from the Acid Rain Program, it would apply to have its allowances terminated and have the Acid Rain portion of its title V operating permit removed, once certain conditions have been met. When an opt-in source withdraws from the program, it may not opt back in until the time it renews its title V permit.

Opt-in sources leaving the program, either because they have chosen to withdraw or have shut down, would be required to return to EPA the number of allowances equivalent to their allocation for the years that they will not be participating. This means that opt-in sources that sold allowances into the future would need to obtain allowances and replenish their allowance accounts.

III. Summary of Policy Issues

A. Allowance Allocations

1. Data Submission

EPA is proposing that combustion and process sources seeking to opt into the Acid Rain Program provide specific types of operating data on standard data application forms. To calculate and allocate allowances for combustion sources, EPA will need information on fuel input in the baseline or alternative baseline period, actual and allowable SO_2 emission rates, as well as other parameters on outputs, utilization, and operations. EPA is proposing that each combustion or process source be responsible for providing the relevant data to EPA. Thus, the applicant would collect, demonstrate, and verify its data. EPA has the authority to verify data submissions and can reject an opt-in application or request clarification if it finds the data is inaccurate.

The standardized application form for combustion sources is presented in Appendix A of this preamble. (Since no process sources are eligible for designation as opt-in sources under today's proposal, the application form for process sources will follow at a later date accompanying the additional opt-in rules for process sources.)

As an alternative to submitting data, EPA explored the practicality and feasibility of having EPA either search for the data or develop a new comprehensive database of all non-affected SO_2 sources. EPA found that there is currently no single reliable source of data available that would provide EPA with sufficiently consistent, precise information on operations for all potential individual sources that may be eligible for the program. These approaches, therefore, are not being proposed because neither are considered efficient nor cost effective.

EPA seeks comment on the information to be collected and the content of the application form featured in appendix A of this preamble.

2. Acceptable Data

EPA will ensure that the baseline and emission rate data used to calculate allowances is accurate and verifiable. Therefore, EPA is proposing to accept only data that has been submitted to a government agency, such as the EPA, the Department of Energy or a state or local government to meet other legal requirements, and that can be confirmed by publicly available reports made to such bodies. Documentation of the original forms submitted to the government agency must be provided with the application.

EPA considered but is not proposing a policy that would allow applicants to submit data coming from their own records or from records held by trade associations. EPA believes that such data is not reliable because it is not adequately verifiable and varies in type, detail, and consistency between sources and industries.

3. Opt-In Baseline

Section 410(b) states that the baseline shall be "based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative

data." EPA is proposing that the baseline for a combustion source electing into the Acid Rain Program be the same as for affected units: the average quantity of fossil fuel consumed by the unit in 1985, 1986 and 1987.

EPA is proposing, in § 74.20, to grant alternatives to the baseline only in cases where data is not available either (1) because the combustion or process source commenced operation after January 1, 1985, or (2) records of such data were destroyed as a result of a natural catastrophe (e.g., a tornado). In these cases, EPA proposes to accept data from the first three consecutive calendar years following the start of operations or subsequent to the natural catastrophe. To qualify for the exception, the combustion or process source would need to provide documentation of the event; either records demonstrating the start of operations or the natural catastrophe. Furthermore, the alternative data must meet the criteria for acceptable data discussed above and proposed in § 74.20.

EPA believes it is important to limit the use of alternative baselines and various baseline adjustments to maintain title IV emission targets that use 1985 as a benchmark and consistency with the requirements for utilities in the mandatory program. Thus, the Agency considered but is not proposing options that would allow an alternative baseline for combustion or process sources who would prefer that the allowance allocation be based on more favorable years—namely, years with higher emissions. In many cases, commenters desiring this flexibility represent combustion or process sources that were operating during the baseline period, but have baseline emissions that do not reflect what they consider to be representative of normal or likely operations. For these sources, operations during 1985, 1986 and 1987 may have deviated from the norm because of outages caused by equipment failures, economics or other factors. These parties assert that section 402(4)(A), which authorizes the Administrator to adjust baseline data for Phase II units at his or her own discretion, could justify adjusting for unrepresentative years. EPA has determined that such baseline adjustments are not appropriate for opt-in sources for three reasons. First, there is no statutory authority for changing the baseline for opt-in sources in the manner suggested. The baseline for opt-in sources is governed by section 410(b), not section 402(4)(A). Section 410(b) specifically states that the Administrator may use alternative baseline data if data is unavailable, but does not provide for adjustments for data that is simply unfavorable.

Second, EPA believes such an adjustment would violate the overall SO_2 emissions goals of the opt-in program, as discussed previously. The discretion provided in section 402(4)(A) allows the Administrator to adjust allowance allocations to affected units but only within the 8.95 million allowance pool. Therefore, in the mandatory program, adjustments redistribute—but do not increase—total emissions.

In contrast, an upward adjustment to the baseline for opt-in sources merely increases total SO_2 emissions. Because the baseline flexibility for opt-in sources would not be offset by a corresponding decrease elsewhere, alternative baselines would produce more allowances than those calculated for the higher than actual baseline, violate the assumption that emissions remain constant, introduce excess allowances into the market and, in turn, threaten the Act's mandated emissions reductions.

Third, although some commenters have stated that an overly restrictive policy on alternative baseline would undercut the public value of the opt-in program and create a disincentive to participate, EPA believes that since participation in the opt-in program is voluntary and based on the combustion or process source's economic evaluation of the potential benefits of the program, simply to increase a baseline to improve participation in the program would not serve the goals of the Act.

Commenters desiring a flexible baseline claim that potential opt-in sources would not elect into the program and, therefore, would continue to emit sulfur dioxide at relatively high rates. They claim that EPA's proposal, which allows no adjustments, could penalize a combustion or process source, that, but for a "non-routine" year during the baseline period, would opt in and, as a result, decrease its emissions.

EPA requests comment on its treatment of alternative baselines and for special circumstances in which alternative baselines might be allowed—for example, EPA requests comment on allowing applying sources to use alternative baselines if sources legitimately discarded documents after proper data retention periods expired, but before the 1990 Amendments were enacted (November 15, 1990).

The Agency recognizes the importance of permitting broad participation in the opt-in program as a means of lowering overall compliance costs for the entire Acid Rain Program. Granting allowances to opt-in sources would provide them with incentives to pursue opportunities for low cost SO_2 reduction, offer lower cost allowance alternatives to affected utilities, and improve the economics of compliance through allowance trading. The Agency believes, however, that participation must serve the overall goals of the Acid Rain Program. Although allowing high baselines would maximize participation and lower the cost of acid rain compliance, it would be done at the expense of emission reductions called for under title IV of the Act.

4. Emission Rates Used in Allowance Calculations

The Act requires that EPA calculate an opt-in source's allowance allocation using historic SO_2 emission rates. EPA is proposing to compare three distinct SO_2 emission rates when calculating allowance allocations for opt-in sources and apply the lesser of the following: (1) The actual rate in 1985; (2) the allowable 1985 rate; and (3) the allowable rate at the time of application to opt in. However, in cases where EPA authorizes the use of alternative years for baseline for combustion or process sources that were not in operation in 1985 or that lost data from a natural catastrophe, the actual and allowable rates for the first calendar year of the three consecutive calendar years of the alternative baseline period will be used in lieu of 1985 data and compared with the current allowable rate.

The statute states in section 410(c) that the emission rate used to calculate the allowance allocation shall be the "lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985 * * * the lesser of the unit's actual or allowable emission rate for a calendar year after 1985 (as determined by the Administrator) * * *." In addition, section 410(f) states that "in no case may the Administrator allocate to a source designated under this section allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act." EPA believes that the statutory language forbids the Administrator from issuing allowances at a level of emissions higher than the source is allowed to emit under any provision of law at the time of the application. Therefore, EPA is proposing to also review and use in the allowance calculation, the most recent federally enforceable allowable emission rate for the year the source applies to opt in, if it is lower than the historic emission rates.

Additionally, for sources that face a lower emission rate that will be effective in the future, the allowance allocation would incorporate the lower, federally-enforceable emission rate if the lower rate is promulgated before the time of application. Thus, for sources that know they will face a new, lower mandatory emission rate, fewer allowances will be allocated for years following the effective date of the new rate. Before the effective date, allowances would be calculated using the lesser of the 1985 actual emission rate, 1985 allowable emission rate, or the current allowable emission rate until the year the new rate takes effect. After the effective date, the allowances will be calculated using the lesser of the 1985 actual emissions rate, the 1985 allowable emissions rate or the new, lower promulgated rate.

Such a policy could provide an incentive for sources who know they will face tighter limits to opt in, reduce their emissions early, and generate excess allowances for the period before the new standard is effective. This method of allowance allocation also provides certainty for the source as to the quantity of allowances, even after the standard takes effect.

EPA is not, however, proposing to alter or reduce an allocation when new emissions standards are promulgated after the source applies to opt in. Although some commenters have suggested that the supply of allowances should be reduced if or when EPA promulgates a new National Ambient Air Quality Standard (NAAQS) for SO_2 or when a State revises an individual source's SIP limit, EPA favors an approach that maintains the initial allocation. Some commenters have suggested that opt-in sources should be required to forfeit the quantity of "excess" allowances created when reducing their emissions to meet a mandatory emission standard. According to this argument, if opt-in sources are able to transfer these "excess" allowances, the traded opt-in allowances will shift emissions to the utility sector and slow the new rate's intended overall SO_2 emission reduction.

EPA does not believe opt-in allowances will contribute to violations of other emission standards. Since all sources affected under the Acid Rain Program are required to meet other emissions limitations required by the Act regardless of their allowance holdings (see § 72.9(h) (1) and (2)), allowing opt-in sources to maintain their allocation even after their allowable emission limit is lowered will not threaten ambient air quality. Rather, allowances could only be used by affected units, presumably utilities, which would also have to comply with their Clean Air Act limits.

Furthermore, EPA believes that sources that are subject to tighter standards to meet other Clean Air Act or State requirements, including currently promulgated regulations with future effective dates, should be able to opt in before the new standards take effect and use allowances to help offset the cost of complying with the new SO_2 emission standards.

As explained in the discussion on issuing allowances to opt-in sources, EPA believes a one-time allocation provides applicants additional certainty, which is an important incentive for them to enter and participate in the allowance market. Since the purpose of the opt-in program is to reduce title IV compliance costs, EPA is proposing to avoid policies that create fluctuating allowance allocations. Such modifications to a source's allowance allocation would considerably raise the risks for sources opting in when relying on revenue from allowances to meet compliance and to offset the capital costs of emission controls.

In the Agency's view, the adverse impacts on both the allowance market and the cost of SO_2 emission reductions outweigh the benefits of efforts to withhold allowances when sources meet future required standards. The one-time allocation of allowances does not jeopardize the 10 million ton reduction in SO_2 emissions required in title IV, rather it only affects the ability to achieve emission reductions beyond the title IV goal. EPA believes that restrictions on allowances based on unknown future emission limits would result in fewer sources opting into the title IV program and would depress the value of opt-in allowances. Unlike shutdown, reduced utilization or withdrawal, the opt-in source has less control over whether new emissions limits would affect its allowances. Because of the diminished value of opt-in allowances, potential opt-in sources that could reduce SO_2 emissions for relatively less cost than affected utility sources would have less incentive to do so, thus raising the cost of emissions reductions required under title IV.

EPA requests comment on reducing an opt-in source's allowance allocation when new emission standards are promulgated after the source applies to opt in.

The actual emission rate shall be derived from data and calculations submitted by the combustion or process source with its application. The allowable 1985 rate will equal the annualized numeric emission limits under which the combustion or process source was permitted in 1985 or, if applicable, an alternative year. If that limit was not submitted in the units of lbs/mmBtu, it shall be converted to these units.

The allowable 1985 emission rate will be annualized based on annualization factors consistent with those used for utility units in the National Allowance Data Base under the mandatory utility program. (These factors were prepared for EPA by the Radian Corporation and are documented in Radian Corporation, "Development of Annualized SO_2 Emission Conversion Factors," Contract No. 68–D0–0125, prepared for EPA's Office of Atmospheric and Indoor Air Programs, June 1991.) Although the annualization factors were developed for utility units and, in this circumstance, may be applied to industrial boilers as well, EPA believes these factors represent the best available estimates for adjusting emission rates based on different averaging times for purposes of title IV. EPA invites comment on the use of these annualization factors, as detailed in the rule under § 74.24.

The current allowable emission rate will equal the numeric emission limits under which the combustion or process source is permitted at the time of application. The current allowable rate will not be annualized, but will be converted to lbs/mmBtu, if necessary.

5. Calculating Allowances for the First Partial Year

Although the Acid Rain Program is based on annual operations, EPA is proposing to allow opt-in sources the ability to begin participating at the beginning of the calendar quarter following the date of permit approval (January 1, April 1, July 1 or October 1). For combustion or process sources not starting to participate on January 1, EPA proposes to allocate a prorata share of the annual allocation for the first year. In its proposal, EPA grants allowances for the first year in proportion to that source's average baseline or alternative baseline for the quarters remaining in the calendar year. The emission rate applied to this first year partial baseline will be the same rate used in calculating allowances for when allowances are allocated for a full year. No partial-year emission rates will be used.

EPA considered requiring opt-in sources to wait until the start of the following calendar year, but aside from slight administrative convenience, found little justification for such a requirement. In fact, delaying entry into the opt-in program might stall opportunities for cost savings and/or

emissions reduction, thereby undercutting the aim of opt-in participation.

EPA invites comment on its calculation of allowances for the first partial year of participation.

6. Issuing Allowances

To allocate allowances, EPA will establish an allowance unit account in the Acid Rain Allowance Tracking System for each opt-in source. EPA proposes to allocate allowances on a one-time basis into the future. This one-time allocation is identical to procedures for allocating allowances to affected units under section 405 and promulgated as subpart B of part 73.

Also consistent with the treatment of affected units, EPA proposes that the allowance allocation will not be altered, even when requirements imposed by other parts of the Act change a combustion or process source's allowable emissions rate after that source has opted into the program. EPA proposes to adjust an opt-in source's allocation only when required by the reduced utilization or thermal energy transfer provisions proposed in subpart E of this part.

Some commenters believe that the language in section 410(f), can be used to modify that allocation over time. According to this view, EPA should alter the allowance allocation to reflect every new, more stringent SO_2 requirement created under other parts of the Act and imposed subsequent to the time the combustion or process source opted in. To implement this policy, EPA might allocate allowances annually or periodically review and readjust allocations as necessary to reflect revised emissions standards. For example, under this scenario, if a combustion source opts into the program in 1998 and its SO_2 emissions limitation is lowered in 2002 due to a nonattainment designation under title I of the Act, EPA would adjust the allocation for 2003 and all future years.

EPA is not proposing the adjustment of the allowance allocation over time because the Agency finds such adjustment inconsistent with a vigorous program within the Acid Rain Program. Certainty regarding the allocation of allowances is important to the allowance market. Since the opt-in program was established to provide additional allowances to utilities in the mandatory Acid Rain Program, EPA believes that it is important for the allocation of opt-in allowances to be relatively stable. Yearly allowance allocations would create additional uncertainty in the allowance market and, in the Agency's view, inevitably undermine the benefits of the opt-in program. Opt-in sources unsure of their holdings are likely to be unable to plan their acid rain compliance into the future and would be extremely hesitant to trade future-year allowances. Utilities and brokers, as purchasers of such allowances, would be reluctant to enter into forward or futures contracts with opt-in sources.

Furthermore, adjusting allowances to maintain pace with reductions in allowable emission rates would unfairly penalize opt-in sources whose allowable emission rates are lowered in response to voluntary reductions. When an opt-in source undertakes voluntary reductions under this program, it properly expects to benefit from the allowances freed up; otherwise, there is no incentive to participate. If a regulatory authority wishes to curtail the allowable emissions rate to match the combustion or process source's reduction, it may do so. For example, a regulatory authority might adjust an allowable emissions rate to insure certainty in meeting local or regional air quality planning goals. But if EPA, in turn, rescinds the allowances generated by voluntary reductions, the opt-in source is left with the compliance costs that cannot be offset by allowance sales. Under such a scheme, combustion sources and process sources would be disinclined to undertake SO_2 reductions to support the acid rain allowance market.

EPA requests comment on its method for allocating allowances and its decision not to alter the allowance allocation to reflect future changes in the emissions rate imposed subsequent to opt-in.

B. Monitoring Requirements

1. Relation to Part 75

Section 410(e) states that opt-in sources are subject to the same continuous emission monitoring requirements in the Act as affected units under the mandatory utility program. The combustion sources covered by this proposed rule are similar to utility units and, therefore, will need to comply with all of the Continuous Emission Monitoring Systems (CEMS) requirements as contained in section 412 and promulgated under 40 CFR part 75, including requirements for certified CEMS, pre-approved exceptions to CEMS, and criteria for demonstrated equivalency of alternative monitoring systems. As required under sections 412 and 821 of the Act, opt-in sources would need to monitor for SO_2, volumetric flow, NO_x, opacity, and CO_2. Except as noted otherwise, all other aspects of monitoring for opt-in combustion sources, including recordkeeping and reporting requirements, would parallel the monitoring program for affected utility units.

As required under section 410(e), opt-in sources are required to monitor and report their NO_x emissions but are not subject to title IV NO_x emission limits or excess emission penalties for NO_x.

2. Monitoring Plan

EPA proposes that combustion or process sources interested in opting into the Acid Rain Program submit a monitoring plan as part of the opt-in application. The monitoring plan must contain information on operating conditions, pollution control equipment, unit configuration, and the components of the monitoring systems, including the data acquisition and handling system. This information is necessary for EPA to evaluate the appropriateness of the combustion or process source's monitoring plan, and would provide the basis for tracking and evaluating the required quarterly emission data reports submitted to EPA. EPA will provide an interim review of the monitoring plan along with a draft permit. This review does not, however, imply EPA approval of the monitor for purposes of certification. EPA will notify the designated representative if EPA finds the plan does not provide sufficient information about monitoring methods. The draft opt-in permit will not be issued until EPA in its interim review finds that the monitoring plan contains sufficient information.

3. Monitoring Certification

As required in part 75, every emission monitoring system, including all data acquisition and handling systems, shall be certified by the Administrator. Such certification must take place before a combustion or process source will be granted a final opt-in permit. Unlike in the mandatory utility program, EPA will not allow provisional certification for combustion or process sources. These sources must obtain full certification before they can opt into the Acid Rain Program.

EPA recognizes that since monitoring installation and certification can be costly, combustion or process sources will want to wait until they are certain they will opt in. EPA proposes to approve or disapprove the monitor certification for opt-in sources within 120 days, the same period as for the mandatory utility program.

EPA expects the procedure for monitor certification to run concurrently with the combustion or process source's application to

participate in the opt-in program. EPA appreciates that interested sources will hesitate to purchase and install monitors until they believe the overall opt-in application will be acceptable. EPA has designed the opt-in permitting process so EPA and the applicant can communicate about the status of its application. In particular, EPA requires the explicit confirmation by a combustion or process source of its continued intention to opt-in, once it receives feedback from EPA regarding its official allowance allocation, thermal energy qualification and other aspects of opting in.

C. Permitting Process

To maintain consistency with the mandatory Acid Rain Program and title V operating permit requirements, permitting procedures for opt-in sources have been designed to follow the approaches set forth at parts 70 and 72. The exceptions in part 74 address procedures and circumstances unique to opt-in sources.

1. Designated Representative

The designated representative is a natural person whom the owners and operators of all affected units at a combustion or process source name to represent them in matters pertaining to the Acid Rain Program. The designated representative must have the authority to legally bind all owners and operators at the opt-in source. The combustion or process source may not participate in allowance transactions nor obtain an opt-in permit until a designated representative has been certified for that source and a certification of representation has been submitted to the Administrator.

The Agency is proposing that the designated representative roles and responsibilities and the process for certifying the designated representative for the opt-in source be the same as for affected units. (These procedures can be found at 40 CFR part 72, subpart B.) Consistent with the requirements for designated representatives in the mandatory Acid Rain Program, the designated representative for the opt-in source is responsible for signing, certifying, and filing all submissions required under the Acid Rain Program. The opt-in source may also name an alternate designated representative to act when the designated representative is unavailable. For the most part, the alternate designated representative will have the same authority and responsibilities as the designated representative and will be subject to the same binding agreements with the owners and operators. When the certificate of representation is filed with the Agency, the designated representative and the alternate designated representative are authorized to act for the owners and operators at the opt-in source. The designated representative can be changed by filing a superseding certificate of representation. The Agency will rely upon the truthfulness and accuracy of the certificate of representation, and will not become involved in disputes among owners and operators over the representation of the designated representative.

EPA is proposing that there be one designated representative for each opt-in source. As stated in the preamble to part 72, the Agency believes it is important to have only one representative to ensure the accountability for owners and operators, particularly in cases where a unit has multiple owners but a single operator.

Some commenters, however, have stated that opt-in sources should be able to select a separate designated representative when the opt-in is part of a larger source that includes affected units. These commenters believe the option for separate designated representatives for opt-in sources could be important where there are operating and financial differences between owners of affected and opt-in sources at a single source. The commenters claim that by delegating authority to the designated representative for the affected unit, the opt-in source might be forced to relinquish control over its operations and reveal financial information that would otherwise be kept confidential.

The comments received to date do not clearly explain what situations, with opt-in sources as part of larger sources, could justify allowing separate representation or distinguish those situations from circumstances in which utility units with multiple owners are required, under part 72, to have a single designated representative. EPA, therefore, requests comment on its proposal and on an alternative that would allow combustion and process sources to petition the Agency for a separate designated representative as part of the permitting process. Under this alternative, the Agency might, for instance, grant a separate designated representative when an opt-in source is operated separately from other jointly-owned units at a source.

In addition, the Agency requests comment on whether and how it should modify the designated representative certification provisions for opt-in sources to reflect differences between the opt-in program and the Acid Rain Program.

2. Delineating Roles: EPA and the Permitting Authority

a. *Relationship between the Acid Rain Program and the Operating Permits Program.* Title V of the Act requires that every major source, and every affected source under title IV, obtain an operating permit that will include all Clean Air Act requirements that apply to the source. Acid Rain requirements will be included in title V operating permits for affected units, including opt-in sources. Under both programs, permitting authority will be delegated to the States or local agencies.

Title V establishes the regime for State adoption and EPA approval of operating permit programs for implementing all requirements under the Act. These regulations were promulgated at 57 FR 32250 (July 21, 1992). Regulations for the federal operating permits program, in case of State default, have not yet been proposed and will be located at 40 CFR part 71. The Acid Rain permit regulations (part 72) set forth requirements for sources to obtain Acid Rain permits, or the Acid Rain portion of permits issued under parts 70 or 71, under three different situations: (1) During Phase I, when EPA is the permitting authority; (2) during Phase II, when a State or local permitting authority issues a part 70 permit that includes a specific acid rain portion; and (3) during Phase II, when EPA is the permitting authority because the State or local agency has not yet developed or is not adequately administering a part 70 program.

Acid Rain permits are required to be issued in accordance with title V, except "as modified by" the Acid Rain Program requirements of title IV (sections 408(a) and 506(b) of the Act). Thus, title V permits cannot be used to modify or revoke fundamental requirements of the Acid Rain Program, including allowance allocations granted under the authority of title IV. Moreover, the title IV permit and allowance programs modify title V as necessary, to ensure the integrity of the Acid Rain Program, including the orderly functioning of the allowance system. Consistent with sections 408(a) and 506(b) of the Act, the Agency's final regulations at part 72 ensure that the Acid Rain Program requirements cannot be avoided by States implementing an operating permits program.

Likewise, sections 403(f) and 413 of the Act require that nothing in the Acid Rain permit (or the Acid Rain portion of the part 70 or 71 permit) alter other substantive Clean Air Act requirements, e.g., State Implementation Plan (SIP)

emissions limitations designed to protect the National Ambient Air Quality Standards (NAAQS). An acid rain source, therefore, may operate flexibly within the allowance trading system, but compliance with the Acid Rain Program would not excuse non-compliance with any other requirement of the Act.

The Acid Rain permits regulations include acid rain-specific permit procedures and requirements that would apply to States issuing operating permits under programs approved pursuant to title V. These procedures and requirements are designed to ensure national consistency among State-issued Acid Rain permits. Such consistency is critical to the effective functioning of a national allowance market.

b. *EPA and permitting authority roles under the Opt-In Program.* The Acid Rain Program for utilities is divided into two phases. In Phase I, which begins in 1995, only certain sources are required to obtain permits and make emissions reductions. The statute mandates that EPA issue permits in Phase I for affected units under sections 404 and 407. Phase II, which begins in the year 2000, includes most electric utility units and requires more extensive emission reductions nationwide. In Phase II, permitting is delegated to State and local authorities that obtain approved programs under parts 70 and 72.

Unlike the Acid Rain Program for utilities, the opt-in program is not divided into phases. Opt-in sources receive an allowance allocation that does not change when the year 2000 is reached, and opt-in sources do not have permitting deadlines like affected units do. Moreover, the Act does not require that the Administrator issue permits for opt-in sources in Phase I. The Agency therefore is proposing that State and local permitting authorities assume responsibility for issuing the opt-in permit as soon as those agencies have obtained approval for their operating permit programs under parts 70 and 72. Where no such approved program exists, EPA will conduct all permitting activities under the opt-in program.

The following discussion of roles will assume that there is an approved State or local permit program in place.

As with the mandatory Acid Rain Program, to ensure national consistency in the functioning of the allowance market and fairness to combustion or process sources in different geographic areas, the Agency will be responsible for all allowance-related activities. These activities include: Calculating the baseline and allowance allocation for combustion or process sources electing to be affected; establishing and tracking allowance accounts; allocating allowances; ensuring that the opt-in source meets all necessary conditions prior to withdrawal from the opt-in program; and, when necessary, deducting allowances.

The Agency also needs to be responsible for end-of-year compliance because this assessment involves determining whether the opt-in source has sufficient allowances to cover its emissions. In addition, the Agency is proposing that it will be responsible for determining reduced utilization and approving and accounting for replacement thermal energy; these determinations will affect the number of allowances that the opt-in source receives or retains.

Finally, since the Agency is responsible for certifying monitoring systems for affected units and expects to certify them for opt-in process sources, EPA today proposes to be responsible for certifying opt-in monitoring systems. Furthermore, it will be critical for the Agency to determine the appropriate monitoring parameters for process sources, since what can be monitored accurately will affect what parts of the process source are able to opt in, and, therefore, the number of allowances that are allocated to that source.

The Agency is proposing that the Administrator prepare the component of the permit on baseline and allowance allocations and the permitting authority issue the draft, proposed and final opt-in permits. The permitting authority will also be responsible for revising the opt-in permit, and processing the opt-in withdrawal if the opt-in source meets the withdrawal criteria. In addition, the permitting authority will be the primary contact point for the opt-in source. The Agency believes that these roles are consistent with the title V requirement that State and local governments with approved programs be responsible for permitting activities.

An alternative option that is not included in today's rule would allow States to choose whether they want to be the permitting authority with respect to the opt-in program. EPA is aware that some States may have few or no potential opt-in sources. It seems inefficient and unreasonably burdensome to require those States to include an opt-in program in their operating permit programs and to issue any opt-in permits. Even States with a number of potential opt-in sources might reasonably decide that they lack the expertise or resources to implement the unique procedures of the opt-in program.

In cases where States choose not to become the permitting authority for opt-in sources, EPA would remain the permitting authority and would notify those States of any opt-in permits issued to sources in their jurisdiction. Under this option, part 72 would be amended to allow States to exclude opt-in requirements from their state operating permit programs. States exercising this option would still receive approval of operating permit programs if all other requirements were met.

States could choose to be the permitting authority for the opt-in program. States choosing to be permitting authority would work with EPA in preparing opt-in permits but would themselves issue and maintain all opt-in permits.

3. Procedures for Opting In

Combustion sources can apply and opt in at any time after this rule is final and the opt-in program is in place. Similarly, process sources will be able to opt in when the process source rule is final. Unlike utilities in the mandatory program, effective dates for opt-in sources are not tied to Phase I or Phase II.

The proposed opt-in permit procedures have been designed to be efficient and involve all relevant parties in developing the opt-in permit including the applicant, the public, the permitting authority and EPA. These procedures are intended to be consistent with 40 CFR parts 70 and 72, while addressing the particular permitting concerns of the opt-in program.

The permit issuance process proposed in this subpart is as follows: the designated representative of the potential opt-in would submit one original and two copies of the opt-in application to its permitting authority. The permitting authority would process the application. EPA would be responsible for developing the components of the permit that require decisions by the Administrator, including calculation of the combustion source or process source's baseline and allowance allocation if it chooses to opt in. EPA would also issue guidance on the source's plans for complying on reduced utilization and thermal energy transfer, if appropriate. All of this information would be contained in a draft opt-in permit, which would be issued by the permitting authority. The draft opt-in permit would be given to the designated representative for review

Since the draft permit is contingent on having acceptable data and monitoring plan, the draft permit will not be issued until EPA is satisfied with the baseline data submitted and the sufficiency of the monitoring plan.

Having reviewed the draft opt-in permit, the designated representative would have 21 calendar days to confirm its intent to pursue the permitting process. (The designated representative would be allowed to file objections to any permit conditions as part of the comment process.) The permitting authority would issue the draft opt-in permit for public comment. The public would then have an opportunity to comment and ask for a public hearing. Following submission of all comments, the permitting authority would, if appropriate, revise the draft permit based on the comments and issue a final opt-in permit, generally within twelve months of receipt of a complete opt-in application. As in the mandatory utility program, the Administrator reserves the right to review the final permit before it is issued and can, if necessary, reject the permit.

The final permit would become effective once the combustion source or process source completed its monitor certification. The designative representative of the combustion or process source would have the opportunity to decline to opt into the program at any time prior to the effective date of the final permit by either informing the permitting authority or not completing the monitor certification. The final opt-in permit will appear in the separate Acid Rain portion of that source's title V operating permit.

EPA proposes to seek confirmation from the combustion or process source on its continued intention to opt into the Acid Rain Program during the permitting process. EPA believes this is important for opt-in sources because until they see the draft opt-in permit, combustion and process sources will not have a definitive indication of exactly how many allowances will be awarded or whether their plans for monitoring, reduced utilization and thermal energy transfer are consistent with the Agency's understanding of these provisions. Delaying the processing of the permit until the combustion or process source can review the Agency's initial determinations on these matters will save the resources required for public comment and review if the source is dissatisfied with these determinations and prefers not to continue to obtain an opt-in permit.

4. Withdrawing From the Opt-in Program

The Act is silent on the issue of whether opt-in sources should be able to withdraw from the Acid Rain Program. EPA proposes to allow opt-in sources to withdraw after meeting certain conditions. Opt-in sources seeking to withdraw will be accountable for all allowances, emissions and any other acid rain-related commitments. Such sources must verify compliance with the acid rain requirements for the remaining period of participation and must return to EPA all allowances allocated to the source for years following the time of withdrawal or allowances equivalent in amount and compliance use date. Withdrawal will become effective only at the end of a calendar year. The withdrawal will be implemented retroactively to the end of the calendar year once the opt-in source meets its conditions for withdrawal.

The procedure for withdrawal is designed to insure efficiency and accountability. EPA proposes that once the conditions for withdrawal are met, withdrawal be accomplished through an administrative amendment to the combustion or process source's permit, which would remove the opt-in portion of the title V operating permit. Unlike the permit modification procedure, administrative amendments do not require public comment and can be processed rapidly subsequent to the opt-in source's completion of the requirements for withdrawal.

Combustion and process sources should note, however, that withdrawal only relieves the combustion or process source of its acid rain allowance and monitoring requirements. The source must still meet other requirements under the Act.

While opt-in sources may withdraw to return to previous, higher emissions levels, EPA believes that allowing withdrawal will not violate the opt-in program's commitment to emissions neutrality. The emissions from such sources were originally outside the utility emissions cap. Requiring opt-in sources to forfeit allowances for years when they are no longer affected merely shifts the emissions back to the non-affected sector. Emissions from opt-in sources that withdraw will still be counted towards the 5.6 million ton industrial emissions cap, pursuant to section 406 of the amendments to the Act.

EPA considered but is not proposing two other options: (1) Prohibiting withdrawal; and (2) allowing withdrawal only at the time of title V permit renewal.

Because withdrawal of opt-in sources does not violate the program's emissions neutrality principle, EPA does not see the need to prohibit withdrawals. Fundamental to the Acid Rain Program is allowing opt-in sources the flexibility to select their most economic operating strategy. By creating conditions for withdrawal that keep opt-in sources accountable for their allowances and their emissions, EPA believes that the proposed withdrawal policy is consistent with the goals of the Act.

EPA also considered a policy of restricted withdrawal that would allow opt-in sources to withdraw only at the anniversary of their title V operating permit (renewable every five years). Such restriction might minimize administrative burden from changes in status. EPA believes, however, that the costs and requirements of electing into the program (e.g., emissions monitoring), will dissuade participants not committed to the program. Therefore, restricting the timing for withdrawal is unnecessary because few opt-in sources are expected to withdraw.

EPA requests comment on allowing opt-in sources to withdraw from the program and the appropriate procedures for withdrawing.

5. Limited Term Opt-in

As a matter of administrative convenience, EPA is considering the appropriateness of limited term opt-in. A combustion or process source seeking limited term opt-in would opt into the Acid Rain Program for only a limited number of years, rather than indefinitely. The duration of participation would be stated in the initial opt-in application and EPA would allocate allowances only for that limited time period. Establishing a procedure for limited term opt-in would eliminate the need and administrative burden of withdrawal for those sources that can foresee future withdrawal.

EPA is not including limited term opt-in in its present proposal. Such procedures seem unnecessary since EPA expects few opt-in sources to withdraw and believes the proposed procedures for withdrawal are adequate. EPA invites comment on the desirability and usefulness of limited term opt-in.

D. Acid Rain Compliance

1. Establishment of Allowance Accounts

EPA is proposing to establish a unit account for allowances for each opt-in source by the date it becomes an affected unit under the Acid Rain Program. The unit account will receive its allowance allocation once the combustion or process source becomes an affected unit.

Opt-in sources will be subject to all the requirements for tracking, transferring and deducting allowances under subparts C and D of 40 CFR part 73 with some modifications to the

calculations for end of year compliance. EPA believes it is important to be consistent with the Acid Rain Program for utilities and finds no justification for placing additional or different allowance tracking or transfer requirements on opt-in sources.

As part of the Allowance Tracking System requirements in part 73, subpart C, EPA established a compliance subaccount for the current year and future year subaccounts for each of the 30 years following the current year. Each subaccount will reflect allowances usable for compliance purposes in each specified future year. With each year's passage, an additional year of allowances will be added to the end of the time horizon. For example, after the first year, the thirty-first year of allowances will be allocated and added to the appropriate subaccount. EPA is using 30 future year subaccounts for affected utility units under the mandatory program because, in general, 30 years is considered to be an average operating life of an electric utility unit and having 30 future year subaccounts facilitates long term planning for meeting emissions requirements.

Therefore, EPA is proposing to also include 30 future year subaccounts for opt-in sources' unit accounts. Even though opt-in combustion sources may include industrial boilers, as well as small utility units, EPA believes there is no reason to adopt an alternative approach.

2. Compliance Certification and End-of-Year Reporting

To maintain consistency with the requirements for affected utility units, EPA is proposing that each opt-in source provide compliance certifications limited to certain key aspects of the Acid Rain Program. These requirements are contained in 40 CFR part 72 and explained in the preamble, section III.B.11, for the final Acid Rain Rules for utilities. EPA is proposing to require the annual compliance certification report to include certifications concerning the requirements to meet acid rain emissions limitations, an up-to-date monitoring Quality Assurance/Quality Control manual, and monitoring reports for all emissions. Information would also be submitted concerning current utilization of the opt-in source and, if necessary, the surrender of allowances; however, these requirements are somewhat different than those under 40 CFR part 72 (see the discussion on reduced utilization below). While the basic components of compliance certifications are the same, the reports related to specific compliance options, such as substitution units under 40 CFR part 72, are not necessary for opt-in sources. Finally, EPA is proposing to require a thermal energy compliance report for those opt-in sources transferring allowances as a result of replacing thermal energy (see discussion of the thermal energy replacement below).

EPA believes there is no justification for different end-of-year reporting deadlines for opt-in sources. Therefore, the end-of-year deadlines, including the annual compliance certification report, final quarterly monitoring report, and allowance transfer deadline are the same as for affected utilities.

EPA is also proposing to deduct allowances from the opt-in source's compliance subaccount in the same manner as a unit account under 40 CFR part 73. The only difference is that the allowance deduction formula in part 74 would be used for opt-in sources in order to account for reduced utilization, shutdown, and thermal energy replacement.

E. Allowance Limitations

1. Reduced Utilization and Shutdown

Under section 410(f), the Act restricts opt-in sources from transferring or banking allowances produced as a result of reduced utilization or shutdown, except as discussed later under the thermal energy exception. To uphold this restriction, EPA is proposing that opt-in sources surrender allowances generated under these circumstances, and that EPA deduct these allowances from the opt-in source's unit account in the Allowance Tracking System.

Restricting allowances generated by reduced utilization and shutdown is important for maintaining the title IV SO_2 emission goals. In order for the Acid Rain Program to meet the goal of a 10 million ton reduction in SO_2 emissions, non-utility emissions were assumed to remain relatively constant, reflecting a dynamic balancing of emissions. The industrial sector is expected to grow, but that growth is expected to occur at cleaner, more efficient sources; at the same time, some of the higher-emitting facilities are expected to either diminish their production or close altogether. Consequently, there should be no increase in total industrial SO_2 emissions, notwithstanding the economic growth in the non-utility sector.

As production patterns change and as dirtier facilities shut down, the reduced utilization and shutdown provisions ensure that emissions, in the form of allowances do not outlive production at the original facilities. Unlike affected units, companies with both opt-in sources and non-affected facilities could shift their production from the opt-in source to the non-affected facility, accumulate the opt-in source's allowances and sell them to other affected sources. Under such a scenario, the allowances freed up due to the reduced utilization at the opt-in source would increase overall emissions; there would be emissions at the non-affected source replacing the opt-in source's utilization that would not be subject to any Acid Rain limits, in addition to emissions at those facilities buying these allowances.

To apply the relevant statutory provisions, EPA needs to determine when opt-in sources are shutting down or being replaced. The distinction will be important to opt-in sources that are upgrading existing units. In some cases the upgrade is a minor modification and would not change the status of the unit. In other cases, however, the change to the unit will be substantial and will subject the unit to new classification requirements under the New Source Performance Standards Program or the New Source Review Program.

The interpretation of shut down that the Agency is proposing to use for the opt-in program is consistent with Agency policy established in 1978 for the new source review program. This policy developed guidelines for determining whether a shutdown of a sources was permanent. In general, a shut down is considered permanent when it lasts for two years or more, or results in removal of the source from the State's emissions inventory, or the owner or operator issues a statement that the closure is permanent. In the interim, between the time the source has stopped operating and become classified as shut down, EPA will consider the source to have reduced its utilization completely and all of the allowances from that year will be deducted.

In addition, the Agency is proposing to apply the same standard for replacement for opt-in sources as used for utility units in the mandatory Acid Rain Program. The test for replacement will use the standards in 40 CFR 60.15. Thus, the modification will be considered replacement if the fixed capital costs of the modification are over 50 percent of what would be required to construct a new, comparable facility. If the modification met these standards, the original opt-in source would be considered shut down and the replacement would be subject to restrictions established in this part.

EPA requests comment on applying existing definitions for shutdown and replacement to opt-in sources.

2. Calculating Reduced Utilization

To implement section 410(f), the Agency is proposing a definition of utilization based on the heat input of the opt-in source. The definition would include adjustments to account for efficiency improvements. Annual utilization is defined as follows:

$$\text{Annual Utilization} = \text{Actual heat input} + \text{Reduction from improved efficiency}$$

This formula is patterned after the definition of adjusted utilization for Phase I units as defined under § 72.91. An opt-in source would report its annual heat input as part of its Acid Rain requirements under part 75 and estimates for energy efficiency improvements as part of its annual compliance certification report. Estimates for efficiency improvements must be confirmed by the following July 1 with a confirmation report. Again, these compliance procedures follow the steps outlined in the mandatory utility program for the reduced utilization provisions for Phase I units. That program covers Phase I only, however, whereas the proposed procedure for opt-in sources would need to be followed indefinitely.

EPA is proposing a measure of utilization for opt-in sources that differs slightly from the measure applied to utility units in the mandatory Acid Rain Program. For opt-in sources, EPA is proposing that energy efficiency improvements include measures that reduce the need for electricity and that make electricity generation more efficient. EPA believes this expanded interpretation will be useful for opt-in sources because the definition that applies to affected utilities provides credit when utility customers reduce demand. Opt-in sources, however, do not necessarily have similar relationships with customers, but they may have other ways to implement both demand and efficiency improvements.

In addition, EPA considered but is not proposing to include credit for sulfur-free generation or efficiency improvements in steam production in its measure of utilization. EPA examined the implications of allowing adjustments for sulfur-free generation and efficiencies in steam production, but could not identify their value to opt-in sources.

The Agency explored proposing a definition for utilization based on the amount of steam and/or electricity produced from the boiler opting in. Because of the administrative responsibility of reporting annual utilization and then submitting confirmation reports, EPA sought a formulation of utilization based on output measures that would implicitly account for improvements in efficiency at the opt-in source. EPA is proposing to define utilization based on input, despite the administrative requirements, because this measure relies on observable and verifiable data reported under part 75, is consistent with the mandatory utility program and is consistent with the thermal energy exception as well as other parts of the opt-in and Acid Rain Programs.

The Agency invites comment on its definition of utilization and its adjustment for efficiency improvements. EPA also seeks comment on the relevance of sulfur-free generation and efficiency improvements in steam production in measuring utilization of opt-in sources. EPA would welcome information on opportunities, technologies and markets for efficiency improvements at potential opt-in sources.

3. Determination of Reduced Utilization

In making its determination that an opt-in source has reduced its utilization, the Agency proposes to use a trailing average of 3 years, referred to as average utilization, to compare against the baseline determined at the time of application. EPA believes that averaging utilization over 3 years will provide opt-in sources with some flexibility by preventing a finding of non-compliance caused solely by small variations in utilization. Opt-in sources can face intermittent demand for their services or products for other than strictly operational reasons.

The Agency proposes to average utilization over a 3-year period to parallel both the time period and intent of the baseline. Three-year averaging would provide the opt-in source with more flexibility than a method requiring yearly comparison of utilization. EPA believes 3-year averaging does not compromise congressional intent in limiting allowances and is analogous to the reduced utilization provision for Phase I units in allowing adjustments relative to downturns in system demand.

EPA invites comment on the proposed definition of utilization, reliance on the annual compliance certification and confirmation reports for compliance, and the 3-year utilization averaging method for determining when a situation of reduced utilization has occurred.

4. Deducting Allowances Under Reduced Utilization

The Agency is proposing to calculate the number of allowances to be deducted as the product of the amount of reduced utilization multiplied by the historic emissions rate. The amount of reduced utilization would be the difference between the baseline and the opt-in source's average utilization. The historic emissions rate would be the rate used in the initial opt-in allowance allocation, rather than a current emission rate. Although some commenters have favored using the current emission rate, the Agency believes the use of the current rate would be inappropriate and could result in deducting too many or too few allowances to account for the reduction in utilization.

Consider an opt-in source that has reduced both its utilization and its emission rate in half. By using the historic emission rate, the Agency would deduct half of its allocated allowances, as would be appropriate. If, however, the Agency used the opt-in source's current emissions rate, then it would deduct only one-quarter of the opt-in source's original allocation. The opt-in source would need only one-half of its allocation to cover its emissions and therefore would have generated excess allowances, one-quarter of its allocation, because of its reduced utilization.

5. Thermal Energy Exception

As stated above, section 410(f) restricts opt-in allowances when opt-in sources reduce utilization or shutdown. However, it provides an exception to such limitations when "the reduced utilization or shutdown results from the replacement of thermal energy from the [opt-in source], with thermal energy generated by any other unit or units subject to the requirements of this title." The statute neither provides a definition of the term "thermal energy" nor establishes the specific circumstances under which an opt-in source may transfer its allowances when it reduces utilization. The Agency is proposing

procedures for implementing the restricted transfer, the "thermal energy exception," in a way it believes is consistent with the goals of title IV and section 410.

The implementation of the thermal energy exception raises concerns about the emission consequences of allowing opt-in sources to retain allowances. As stated earlier, EPA believes that Congress expected that allowances from opt-in sources would diminish or disappear when the sources reduced utilization or shut down. However, any opt-in allowances that are preserved after an opt-in source shuts down would become permanent additions to the 8.95-million-ton utility cap.

During the debate on the Senate bill, Senator Wirth offered an amendment for independent power producers that allowed the transfer of opt-in allowances to affected units that replaced thermal energy from the original opt-in facility. Senator Wirth stated that the purpose of this amendment is to clear up some oversights related to ensuring access to adequate allowances for independent power producers which are a small but increasingly important group of cogenerators of energy * * *. The compromise bill contains a provision that is aimed at preventing industrial facilities from abusing the privilege of taking boilers off line to create allowances. Senator Wirth stated that this is a good provision, but that independent power producers operate under very unique circumstances. An independent producer might—for example—enter into an arrangement with a papermill, where the mill shuts down its dirty boiler and agrees to buy steam from a cleaner facility or from an IPP. The independent producer produces steam as an intermediate step toward generating electricity, so it has steam to sell. In this case, the independent producer ought to be able to purchase any unused allowance from the papermill. Senator Wirth stated that he believes EPA agrees with this procedure because this would not add emissions to the inventory—it would actually reduce emissions from the overall total. (Congressional Record, March 22, 1990, S3027)

To develop provisions for applying the thermal energy exemption, EPA addressed the following three issues:

(1) Defining the term "thermal energy";

(2) Calculating transferrable allowances; and

(3) Establishing criteria for identifying and documenting the replacement unit.

a. Definition of thermal energy. EPA has heard from commenters suggesting two different definitions of thermal energy. One approach, which EPA is not proposing, defines thermal energy as steam that is used to produce electricity. Under this definition, thermal energy from the boiler would be the total output energy, regardless of whether it was used directly or connected to a generator to produce electricity. The purported justification for this definition is based on the portion of section 410(f) that states that thermal energy is from a "unit" and is replaced by thermal energy from another "unit or units subject to this title." Since title IV defines "unit" as a fossil fuel-fired combustion device (a boiler) and title IV emission limitation requirements apply specifically to utilities, some commenters argue that Congress considered the total energy output of the unit to be thermal energy, regardless of whether the steam is used in an industrial manufacturing process or fed directly to a generator to produce electricity.

Instead, the definition EPA is proposing would limit thermal energy to the steam output used in an industrial process, as distinguished from the electrical output. (The term "steam output" includes all types of thermal output not used to generate electricity: Steam, water and/or air.) This definition is consistent with the limited legislative history of section 410(f). For example, in the discussion quoted above, Senator Wirth refers to a specific instance in which direct steam is replaced by the IPP to serve the needs of a papermill and allowances are permitted to be transferred to the IPP in this circumstance, because of the opportunity for emissions reduction.

This definition is also consistent with the Federal Energy Regulatory Commission (FERC) rules implementing the Public Utility Regulatory Policies Act of 1978 (PURPA). Those rules distinguish between thermal energy and electric energy, with thermal energy being defined as steam used in industrial processes as distinguished from power production. See, e.g., 18 CFR 292.202(c) ("*Cogeneration facility* means equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) used for industrial, commercial, heating or cooling purposes, through the sequential use of energy") see generally 18 CFR 292.202(d)–(i). The PURPA definition of thermal energy as direct steam is the accepted term for industrial boilers and cogenerators and is the one that the Agency proposes to adopt for today's rule.

With this "steam-only" definition, transferable allowances from opt-in sources to other affected units would be limited to those associated with the direct steam output of the boiler. If the unit cogenerates, producing electric power in addition to the steam, only the steam portion of the replacement energy could be used to determine the number of allowances which could be transferred to the replacement unit.

b. Transferable allowances. Even with the exception for thermal energy, only a limited quantity of allowances can be transferred when opt-in sources reduce utilization or shut down. As section 410(f) provides, the exception is granted only "to the extent that" the replacement thermal energy comes from another affected unit and the "allowances are transferred or carried forward for use at such other replacement unit or units."

EPA interprets this statutory language as restricting the quantity of allowances that can be transferred to the amount of thermal energy provided by the replacement unit. Thus, transferable allowances are calculated as follows:

$$\text{transferable allowances} = \begin{matrix}\text{increment of fuel}\\ \text{associated with}\\ \text{the thermal energy replaced}\end{matrix} \times \text{an emission rate}$$

The increment of fuel would correspond to the amount necessary to produce the replaced steam output.

Since Congress was not explicit about what emission rate should be used in the calculation of transferable allowances, EPA examined the implications of applying a restricted emission rate or allowing the rate that is used for the original opt-in allocation.

Some commenters have argued that since Congress did not specify a particular rate in the Act, it intended for the transfer of allowances to be based on the emission rate under which the opt-

in source was originally allocated allowances. Under this approach, the number of allowances transferred for replacement thermal energy could be far greater than those needed to cover that portion of the emissions at the replacement unit or units that is directly attributable to the thermal energy replaced. EPA finds this position to be inconsistent with the Act which establishes restrictions on the SO_2 emission rate for affected utilities and cogeneration units through title IV, the New Source Performance Standard (under part 60, subpart Db and Dc), and New Source Review Program (under part 51, subpart I (51.160–51.166)). Allowing affected replacement units to receive allowances at the higher rates, permissible under outdated emission standards introduces additional, permanent allowances above the utility cap and undermines the emission control principles of the Act.

EPA is instead proposing to apply a restricted emission rate that would be no greater than 1.2 lbs/mmBtu in order to limit the number of transferrable allowances to a level that reflects the quantity needed by the replacement unit to cover only that portion of its emissions which are directly attributable to the thermal energy replaced. Accordingly, EPA would require that the allowance calculation for replacement units use the lesser of (1) the restricted rate of 1.2 lbs/mmBtu or (2) the federally enforceable emission rate at the replacement unit.

EPA believes that such restrictions make sense for the following reasons. First, a central thrust of title IV is to encourage new, lower-emitting sources. If EPA were to allow allowances to be transferred at the emission rate used in the initial opt-in allocation, allowances would be perpetuated on the basis of mid-1980 emission rates and would constitute a windfall to the participating sources. In addition, the above restrictions create incentives for replacing thermal energy from lower-emitting sources, consistent with the intent stated by Senator Wirth.

Applying a maximum restricted rate of 1.2 lbs/mmBtu is also consistent with requirements for affected utility units. The 1.2 lbs/mmBtu rate is the highest rate used to calculate the unadjusted basic allowances allocated to coal units under Phase II. In addition, the 1.2 lbs/mmBtu rate is the compliance emission rate for coal-fired sources that must meet New Source Performance Standards under section 111 of the Act.

EPA considered but is not proposing to restrict the emission rate to the lesser of the current allowable emission rate at the replacement unit or 0.3 lbs/mmBtu. Since 0.3 lbs/mmBtu is the rate established for determining allowance allocations for utility units coming on line between enactment and Phase I, as established in sections 405(g) (3) and (4) of the Act, this option would be consistent with treatment of newly constructed affected units. EPA, recognized that most, but not all replacement units would be new units and therefore the 0.3 lbs/mmBtu limit would be overly strict. Nevertheless, EPA solicits comment on whether it should, in the final rule, adopt a maximum restricted rate of 0.3 lbs/mmBtu.

EPA is also proposing an additional restriction on the transfer of allowances from reduced utilization and shutdown. Since the statutory language states that the allowances transferred for replacement thermal energy are to be used or banked at the replacement unit or units, EPA is proposing to prohibit such allowances from being traded to any other unit that is not part of the transfer arrangement.

c. Criteria for identifying and documenting replacement units. EPA is proposing that the parties to the thermal energy transfer identify and document the replacement unit or units. Although the statute does not expressly require that the replacement source be precisely identified, it does specify that the replacement thermal energy should come from an affected unit and that the transfer be limited "to the extent that" the thermal energy is replaced. EPA believes that this statutory language and the Wirth amendment require that the transfer be tangible and trackable with both the opt-in source and the replacement unit documenting the transfer of thermal energy and allowances. Thus, by requiring opt-in sources to prove replacement, EPA will be able to track the allowances, apply the relevant emission rate, and ensure that excess allowances are not permitted to undermine the SO_2 emission reduction goals of title IV.

d. Transferring allowances for replacement thermal energy. EPA is proposing that opt-in sources interested in transferring allowances to cover replacement thermal energy submit to EPA a thermal energy compliance plan no later than July 1 prior to the calendar year in which the plan would take effect. The plan would include a copy of a binding contract for the transfer of thermal energy, a list of all the replacement units and, following the equations provided in § 74.47 of today's proposed rule, an estimation of the number of allowances that would be transferred to each replacement unit and the number of allowances surrendered to the Administrator. Also, the designated representatives of all participating units must sign the thermal energy compliance plan.

If EPA approves the thermal energy compliance plan, EPA will transfer allowances from the opt-in source to each replacement unit as directed in the plan. If the plan is denied, the opt-in source may resubmit a thermal energy compliance plan the following year.

Also, opt-in sources that transfer allowances associated with replacement thermal energy will need to submit a thermal energy compliance report with their annual compliance certification report. The thermal energy compliance report will provide data on the actual thermal energy transfer and the corresponding number of allowances that need to be adjusted compared to the plan. All designated representatives of units participating in the transfer must sign the report and all sources governed by a thermal energy plan will be mutually liable for each other's compliance. Once approved, EPA will adjust allowances among the units participating in the thermal energy transfer to match the actual transfer for the past year.

EPA requests comment on the proposed approach to implementing the thermal energy exception, specifically on the emission rates used in the allowance transfer calculation. In particular, EPA invites commenters who favor allowing the transfer at the emission rate of the original opt-in unit, to demonstrate how this approach would provide the economic incentive needed to shut down an existing unit and replace thermal energy from a lower emitting unit. Such comments would include analyses and supporting data that show the economic value of opt-in allowances in decisions on replacing thermal energy from such sources.

e. Alternative approach to the thermal energy exception. EPA realizes that some readers have a different interpretation of and approach to the thermal energy exception than that which EPA is proposing in today's rule. Specifically, some commenters believe the thermal energy provision should be used to provide allowances to exempt small utility units so they could use the opt-in allowances to cover future electric generation at replacement units. This alternative view would define thermal energy to include both the steam and electric output of the facility. Allowances associated with the steam used to generate the electricity would be eligible to be transferred under the thermal energy exception.

EPA disagrees with this view because it is inconsistent with the language and

intent of the section 410(f) allowance restriction. Additionally, EPA attempted to find legislative history to support this interpretation but has been unable to find documentation that would justify transferring allowances to cover new electric generation.

EPA requests comment and, particularly, material that would substantiate the claim that small electric units should have access to allowances through the thermal energy exception. Specifically, in the context of section 410(f) limitations on transferring opt-in allowances, if electricity was included in the definition of thermal energy what are the implications for maintaining the cap on growth and emissions from utility sources to 8.95 million tons? What would be the benefits of including electricity in the definition of thermal energy?

Furthermore, if electricity was included in the thermal energy definition, how would opt-in sources demonstrate the source of the replacement? Would it be necessary to require actual demonstration of the replacement unit(s) and to ensure that the transfer is limited "to the extent that" the replacement is covered by thermal energy from another affected unit(s)?

Before 2000 a substantial amount of power on the grid will be from units not affected by title IV. Therefore, replacement from the grid could only be considered after 2000 when all but a de minimis level is expected to be affected under title IV. Should replacement that is not traceable from the grid be allowed after 2000? With even a de minimis level of non-fossil fuel generation on the grid, how would EPA know that the replacement thermal energy was coming from an affected unit?

Finally, if electricity was allowed, what emission rate would be appropriate for maintaining the overall section 410(f) goal of restricting allowance generated when opt-in sources reduce utilization and shut down? Would allowing electricity justify a strict rate (0.3 lbs/mmBtu, for instance) to limit the total number of allowances transferred? What emission rate would be appropriate to reflect non-fossil fuel generation on the grid?

6. Canceling Allowances

To maintain the integrity of the SO_2 emission reduction goal of the Acid Rain Program, an opt-in source that has shutdown or withdrawn from the program will owe EPA the equivalent of all its future year allowances. It is the responsibility of the opt-in source to ensure an adequate supply of allowances in the account at the time EPA rescinds the required number of allowances. The surrender of an equivalent amount of allowances and for the same compliance-use date obtained from the allowance market would be acceptable. In cases where the opt-in source does not have the required number of allowances, EPA must recover and cancel the required number of allowances from the Allowance Tracking System.

The opt-in source is also responsible for offsetting any excess emissions. In cases where the source fails to meet its excess emission offset requirements, EPA must also be able to recover and cancel the number of allowances equal to the excess emissions.

EPA has two options for recovering allowances from opt-in sources that leave the program and still preserve the integrity of the SO_2 emissions goal: (1) EPA would issue a one-time allocation, that includes future years' allowances, with the ability to cancel these allowances under certain conditions; or (2) EPA would allocate allowances annually, so that allowances would not appear in the opt-in source's unit account until the year in which they are first useable for compliance purposes.

EPA is proposing to issue a one-time allocation with all future-year allowances available for transfer in the Allowance Tracking System, but subject to EPA's right to deduct the allocated opt-in allowances from whoever holds them at the time the opt-in source, to whom they were originally allocated, shuts down and leaves the program and has not surrendered an equivalent number of allowances acquired in the market, or fails to meet its excess emission offset requirements. EPA's right to cancel the allowances protects the title IV emissions goal, and supports the fungibility of opt-in allowances by not differentiating them from other affected utility allowances unless a specific opt-in source violates the program's requirements.

Under the second approach, which EPA is not proposing, an allowance would not be allocated to the opt-in source until the year in which it is first useable for compliance purposes. Since no future year allowances would be allocated for the opt-in source in the Allowance Tracking System, no allowances would need to be canceled when an opt-in source shuts down and leaves the program, or fails to offset excess emissions. EPA did not select this approach because, as stated earlier, although having the ability to periodically adjust allowance allocations maintains the integrity of the title IV SO_2 emissions goal, it does not meet the goals of promoting fungibility of opt-in allowances to reduce the cost of acid rain control, or consistency with the requirements for affected utility sources. Since this allocation method would be different from the mandatory program, opt-in allowances would have different characteristics and market value than affected utility allowances, and may even require another type of tracking system for EPA to monitor their transfers.

Furthermore, EPA believes there is no need to establish a system that prevents a certain type of behavior by assuming all participants are potentially guilty of that behavior and therefore should not be allocated the full use of all of their future year allowances. Such an approach runs counter to the fungibility goal because there is no evidence that many opt-in sources will be severe violators of the program's requirements. EPA believes the fungibility goal is best met by allocating opt-in sources allowances in an identical manner to those allocated under the mandatory program.

However, EPA recognizes that both options create uncertainty for the buyer and the market, since opt-in allowances may be canceled based on the behavior of the original source. The buyer presumably will have no control over the opt-in source's behavior, yet will be the one bearing the financial burden of their violations, absent any arrangements to the contrary. This will be a risk that prospective purchasers of opt-in allowances will need to consider in contractual agreements.

EPA considered regulatory options to address this market risk problem, but believes that the market can best address the fungibility risk. Purchasers of opt-in allowances are likely to require some form of guarantee that the opt-in source will not leave the program without being able to surrender to EPA the required number of allowances. Guarantees could be provided in a variety of ways, including contracts with contingent performance clauses, insurance policies, and the purchase of bonds held in trust.

If such a guarantee cannot be provided, then the purchaser will only pay an amount it considers to be a sufficient discount from the market price for the affected utility program allowances. The price differential is representative of the risk it is willing to bear that the allowances could be canceled by EPA without full compensation to the buyer. Risk-averse buyers could also purchase insurance to protect themselves from the financial risk of such an action occurring.

Information about the financial health and behavior of the opt-in source will

become extremely valuable in the opt-in allowance market. Rating systems, newsletters, databases, and consulting services may be offered in response to such a need, as they have for the municipal bond market, real estate market, and a myriad of other emerging markets where information is disparate. The private sector would have far better expertise in collecting, evaluating, and disseminating such information than would EPA.

Such information would enable the market to achieve the lowest-cost solution to address such risk, contributing significantly to the opt-in program's second goal of promoting fungibility to lower the cost of acid rain control. Therefore, EPA supports the option of allowing the market to address the cancellation risk faced by purchasers of opt-in allowances.

One additional ramification of the above discussion is that today's proposal contains a prohibition on submitting opt-in allowances in the Acid Rain auction. (For information about the Acid Rain auctions see 40 CFR part 73, subpart E.) EPA believes that opt-in allowances should be prohibited from either the spot or advance auctions, because bidders have no way to protect themselves from the risk of future cancellation of opt-in allowances. EPA believes that the risk of cancellation of opt-in allowances contradicts the fungibility feature essential in the auction. While allowing opt-in allowances in the private auction provides the holders with additional options for selling their allowances, EPA believes there are other alternatives for selling opt-in allowances including private placement and other private sector services such as electronic bulletin boards. EPA requests comment on whether sources would be interested in offering opt-in allowances in the spot auction and could find ways of removing their cancellation risk.

IV. Amendments to 40 CFR Parts 72, 73, 75 and 78

A. Definitions and Procedures

The amendments in today's rule propose to add and modify some definitions in 40 CFR part 72 to make them apply to the opt-in rule. EPA is proposing to modify existing definitions wherever possible to minimize redundancy between rules for opt-in sources and affected utility units.

EPA is also proposing to modify § 73.34(c)(2) to allow allocations and deductions of opt-in allowances in compliance, current year, and future year subaccounts.

B. Appeals Procedures for Acid Rain Program

The Agency proposed to add language to § 78.1 (purpose and scope) in order to clarify that judicial review is available only for final actions after exhaustion of the administrative appeals procedures of part 78. While the Agency believes that the final rule already requires such exhaustion, the new proposed language is intended to remove any perceived ambiguity.

The Agency's intent to require exhaustion of administrative appeals procedures was originally reflected in the proposed appeals procedures promulgated (as subpart H of proposed part 72) on December 3, 1991, 56 FR 63132–34. The December 3, 1991 proposed rule provided appeals procedures only for permitting decisions. However, in the preamble to the proposal, the Agency stated that it was considering expanding the scope of these procedures to cover all decisions of the Administrator under the Acid Rain Program. 56 FR 63032. The Agency explained that, under the proposal, "judicial review is available after the petitioner has exhausted all administrative remedies, such as administrative appeals procedures." Id. The Agency added that having such procedures "would allow the Agency to review permitting decisions for correctness before having to defend permitting actions in Federal court." 56 FR 63033.

In the final rule, promulgated on January 11, 1993, the Agency decided to expand the appeals procedures to final decisions under the other regulations comprising the Acid Rain Program, as well as permitting decisions under part 72. 58 FR 3647–48 (January 11, 1993). While certain changes were made in the appeals procedures in the final rule to reflect the broader scope of decisions subject to administrative appeal, no change was made with regard to the requirement to exhaust the administrative appeals procedures before seeking judicial review. See 58 FR 3648.

In order to remove any possible question on this matter, the Agency proposes to modify § 78.1(a) and add language explicitly making exhaustion of the part 78 procedures a prerequisite to seeking judicial review. The proposed changes make it clear that preliminary, procedural, or intermediate decisions are not appealable and final decisions of the Administrator are ripe for judicial review only after exhaustion of the requirements of part 78. The added language in § 78.1(a)(2) is similar to that in part 124, requiring exhaustion of administrative appeals of RCRA, UIC, and PSD permits. 40 CFR 124.19 (e) and (f).

Today's proposal also adds decisions under part 74 that are appealable under part 78. The amendment to § 78.1 contains language stating that decisions that may be appealed include decisions on opt-in source permits, transfer of allowances for replacement thermal energy, and allowance deductions for end of year compliance for opt-in sources.

V. Impact Analyses

A. Executive Order 12291

Under Executive Order 12291, the Administrator must judge whether a regulation is "major" and therefore subject to the requirement to conduct a Regulatory Impact Analysis (RIA). This proposed rule package is not considered to be "major" because the opt-in program is voluntary and results in cost savings. Therefore, no RIA was performed. Nevertheless, EPA estimated a range of economic effects for these opt-in requirements.

This analysis uses high base case and low base case scenarios for analyzing allowance prices, low sulfur premiums for coal, and gas prices. Except for the gas prices, these scenarios were used by EPA to estimate the impacts of Acid Rain Implementation Regulations (the Allowance System, Permits, and Monitoring). For gas prices, the low base case was used along with some new lower gas price forecasts in light of recent price trends.

EPA estimated the total cost savings of the opt-in regulations for the time period from 1994 through 2010. Cost savings are expected to accrue to both affected utilities and opt-in sources. The cost savings depend on the number of allowances sold by opt-in sources and the price of allowances. The estimates assume the use of 1985–87 baseline data, the use of the lesser of 1985 actual or allowable rate, or the current rate at the time the source applies to opt in, reduced allowance allocations for reduced utilization, the transfer of allowances as a result of the replacement of thermal energy at the lesser of 1.2 lb/mmBtu or the allowable emission rate at the replacement source, the installation and operation of continuous emissions monitoring systems, and opt-in sources are allowed to withdraw from the program. Given these assumptions, an estimated 1,080 combustion sources would opt in resulting in annual net cost savings of [up to $108 million]. The analysis is contained in the Economic Impact Analysis (EIA) of the Proposed Opt-in

Regulations, December 1992, EPA, Office of Atmospheric Programs.

This rule and EIA were submitted to the Office of Management and Budget (OMB) for review prior to publication.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each Federal agency to perform a Regulatory Flexibility Analysis for all rule that are likely to have a "significant impact on a substantial number of small entities." Because the opt-in program is a voluntary cost reducing component of the Acid Rain Program, it will not affect small entities adversely. Sources that will not benefit from their participation will choose not to participate. Based on this analysis and pursuant to the provisions of 5 U.S.C. 605(b), EPA hereby certifies that this attached rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 USC 3501 et seq. An Information Collection Request document has been prepared by EPA (ICR No. 1633) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M St., SW. (PM–223); Washington, DC 20460.

The total public reporting burden for these regulations is estimated at 74,600 hours in 1994, 311,300 hours in 1995, and 317,600 hours in 1996. These burden estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch; U.S. Environmental Protection Agency; 401 M St., SW (PM–223Y); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA."

VI. Supporting Information

List of Subjects

40 CFR Parts 72, 74, and 75

Air pollution control, Compliance plans, Continuous emissions monitors, Electric utilities, Incorporation by reference, Nitrogen oxides, Permits, Reporting and recordkeeping requirements, and Sulfur dioxide.

40 CFR Parts 73, 77, and 78

Air pollution control, Compliance plans, Continuous emissions monitors, Electric utilities, Nitrogen oxides, Permits, Reporting and recordkeeping requirements, and Sulfur dioxide.

Dated: September 10, 1993.

Carol M. Browner,

Administrator, Environmental Protection Agency.

BILLING CODE 6560-50-P

APPENDIX A TO THE PREAMBLE:
OPT-IN DATA APPLICATION
Combustion Sources

I. General Information		
Unit and Source (Plant) Name		
Mailing Address		
Plant Site Address		
Location (latitude, longitude)		
EPA ID # (if known)		
Operator		
Designated Representative		Phone:
Mailing Address of Designated Representative		Fax Number:
Unit Description (Identify all boilers and generators and attach simplified diagram)		
Year and Month Commenced Operation		
Have you participated in the Opt-in Program in the past? If so, what was the date of your withdrawal?		

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

II. Fuel Consumption Data

IIa. Fuel Consumption Data for 1985 (If not 1985, please specify _____)

	Coal			Petroleum Products			Natural Gas			Other		
	Type:			Type:			Type:			Type:		
	Source:			Source:			Source:			Source:		
Month	Quantity (000 Tons)	Heat Content (Btu/lb)	Avg. % Sulfur (by weight)	Quantity (000 Bbl)	Heat Content (Btu/Bbl)	Avg. % Sulfur (by weight)	Quantity (million SCF)	Heat Content (BTU/SCF)	Avg. % Sulfur (by weight)	Unit (Specify)	Heat Content (Btu/Unit)	Avg. % Sulfur (by weight)
Jan												
Feb												
Mar												
Apr												
May												
Jun												
Jul												
Aug												
Sep												
Oct												
Nov												
Dec												

Total Annual Fuel Consumption (mmBtu)	

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

IIb. Fuel Consumption Data for 1986 (If not 1986, please specify _____)

	Coal			Petroleum Products			Natural Gas			Other		
	Type:			Type:			Type:			Type:		
	Source:			Source:			Source:			Source:		
Month	Quantity (000 Tons)	Heat Content (Btu/lb)	Avg. % Sulfur (by weight)	Quantity (000 BBL)	Heat Content (Btu/Bbl)	Avg. % Sulfur (by weight)	Quantity (million SCF)	Heat Content (BTU/SCF)	Avg. % Sulfur (by weight)	Unit (Specify)	Heat Content (Btu/Unit)	Avg. % Sulfur (by weight)
Jan												
Feb												
Mar												
Apr												
May												
Jun												
Jul												
Aug												
Sep												
Oct												
Nov												
Dec												

Total Annual Fuel Consumption (mmBtu)	

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

IIc. Fuel Consumption Data for 1987 (If not 1987, please specify _____)

	Coal			Petroleum Products			Natural Gas			Other		
	Type:			Type:			Type:			Type:		
	Source:			Source:			Source:			Source:		
Month	Quantity (000 Tons)	Heat Content (Btu/lb)	Avg. % Sulfur (by weight)	Quantity (000 BBL)	Heat Content (Btu/Bbl)	Avg. % Sulfur (by weight)	Quantity (million SCF)	Heat Content (BTU/SCF)	Avg. % Sulfur (by weight)	Unit (Specify)	Heat Content (Btu/Unit)	Avg. % Sulfur (by weight)
Jan												
Feb												
Mar												
Apr												
May												
Jun												
Jul												
Aug												
Sep												
Oct												
Nov												
Dec												

Total Annual Fuel Consumption (mmBtu)	

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

III. Emissions Rates

IIIa. Actual 1985 SO_2 Emissions Rate (If not 1985, please specify _____)

1985 Sulfur Dioxide Control System Efficiency, in percent (If not 1985, please specify year _____.) (If actual unavailable, provide estimate and manufacturer's rating.)	
1985 Fuel Pre-treatment Efficiency, in percent. (If not 1985, please specify year _____.) (If actual unavailable, provide estimate and manufacturer's rating.)	
1985 Avg. Percent of Sulfur by Weight (if not 1985, please specify year _____)	
SO_2 Emissions Factor from §74.22	
1985 SO_2 Emissions, in tons (If not 1985, please specify year _____.)	
Actual 1985 SO_2 Emissions Rate, in lbs/mmBtu (If not 1985, please specify year _____.)	

IIIb. Federally Enforceable Allowable SO_2 Emissions Rate (If not 1985, please specify _____)

Applicable Regulation	Numerical Value	Units	Averaging Time	Compliance Method
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4

Conversion Used, if Any, to Express Allowable Rate in lbs SO_2/mmBtu	
Annualization Factor Used to Create Annualized Allowable Rate	
Allowable 1985 SO_2 Emissions Rate, in lbs SO_2/mmBtu (Allowable Rate x Annualization Factor)	

IIIc. Current Federally Enforceable Allowable SO_2 Emissions Rate (Year of Application _____)

Applicable Regulation	Numerical Value	Units	Averaging Time	Compliance Method
1	1	1	1	1
2	2	2	2	2
3	3	3	3	3
4	4	4	4	4

Conversion used, if any, to express allowable rate in lbs SO_2/mmBtu	
Current Federally Enforceable Allowable SO_2 Emissions Rate, in lbs SO_2/mmBtu	

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

IV. Estimated Allowance Allocation				
IVa. Total Annual Fuel Consumption in mmBtu (From IIa, IIb and IIc above)				
1985 (or _____)				
1986 (or _____)				
1987 (or _____)				
IVb. Baseline or Alternative Baseline (in mmBtu)				
IVc. Estimated Annual Allowance Allocation				
Lesser of: Actual 1985 SO_2 Emission Rate, Allowable 1985 SO_2 Emissions Rate, and Current Federally Enforceable Allowable SO_2 Emissions Rate				
Estimated Number of Annual Allowances				
IVd. Estimated First Year Allowance Allocation (If entering Opt-In Program on January 1, skip to Section V.)				
Date Entering Opt-in Program (Check One)	April 1	July 1	October 1	
Fuel Consumption for Remaining Calendar Quarters 1985 (If not 1985, please specify year_____.)				
Fuel Consumption for Remaining Calendar Quarters 1986 (If not 1985, please specify year_____.)				
Fuel Consumption for Remaining Calendar Quarters 1985 (If not 1985, please specify year_____.)				
First Year Partial Baseline, in mmBtu				
Estimated Allowances for First Year				

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

V. Thermal Energy	
Do you plan to file a thermal energy compliance plan? (if no, skip to Section VI)	
Name of Designated Representative for Replacement Unit	
Phone Number	
Fax Number	
Mailing Address of Designated Representative	
Replacement Unit Name	
ATS Account Number	
Plant Site Address for Replacement Unit	

APPENDIX A TO THE PREAMBLE: OPT-IN DATA APPLICATION

Combustion Sources (Continued)

VI. Monitoring Information, If Applicable:				
Monthly SO_2 Emission According to Monitoring Equipment, 1985 (tons)	Jan	Apr	Jul	Oct
	Feb	May	Aug	Nov
	Mar	Jun	Sep	Dec
Description of Monitoring Equipment				

VII. Supporting Documentation

Please list, and be prepared to provide upon request, all supporting documentation to the information provided in Sections II through VII including, if applicable:

- Filings to show compliance with air permit regulations.
- Filings to local, state or federal agencies that provide the same or substantially similar information items.
- Utility billing data.
- Manufacturer's scrubber/fuel preparation sulfur removal system specifications.
- Internal accounting records or fuel supply contract information showing fuel quality/consumption.

VIII. Comments

Please attach a separate sheet for any explanations that may be essential in understanding your reported data.

IX. Certification

Designated Representative

Title	Authorized Signature	Date

Mailing Address

BILLING CODE 6560-50-C

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 72—PERMITS REGULATION

1. The authority citation for part 72 continues to read as follows:

Authority: 42 U.S.C. 7651, et seq.

§ 72.2 [Amended]

2. Section 72.2 is amended by revising introductory text, by revising the term for Acid Rain compliance option; by revising paragraph (1)(i) of the term Acid Rain emissions limitation; and by revising the terms Acid Rain Program; Affected unit; Allowable SO_2 emissions rate; Allowance deduction; Compensating unit; Compliance certification; Compliance plan; Phase I unit; Phase II unit; and Reduced utilization. The section is further amended by adding the terms Combustion source; Opt-in; Opt-in permit; Opt-in source; Replacement unit; and Thermal energy. The terms are set out in alphabetical order to read as follows:

The terms used in this part, in parts 73, 74, 75, 77 and 78 of this chapter, and in regulations implementing sections 407 of the Act, shall have the meanings set forth in the Act, including sections 302 and 402 of the Act, and in this section as follows:

* * * * *

Acid Rain compliance option means one of the methods of compliance used by an affected unit under the Acid Rain Program as described in a compliance plan submitted and approved in accordance with subpart D of this part, part 74 of this chapter, or regulations implementing section 407 of the Act.

* * * * *

Acid Rain emissions limitation means:

(1) For the purposes of sulfur dioxide emissions:

(i) The tonnage equivalent of the allowances authorized to be allocated to an affected unit for use in a calendar year under section 404(a)(1) and (a)(3) of the Act, the basic Phase II allowance allocations authorized to be allocated to an affected unit for use in a calendar year, or the allowance allocations for opt-in sources under section 410 of the Act authorized to be allocated to an opt-in source for use in a calendar year;

* * *

* * * * *

Acid Rain Program means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with title IV of the Act, this part and parts 73, 74, 75, 77, and 78 of this chapter, and regulations implementing sections 407 of the Act.

* * * * *

Affected unit means a unit that is subject to any Acid Rain emissions reduction requirement or Acid Rain emissions limitation or that has elected to opt into the Acid Rain Program pursuant to part 74 of this chapter.

* * * * *

Allowable SO_2 emissions rate means the most stringent federally enforceable emissions limitation for sulfur dioxide (in lb/mmBtu) applicable to the unit or combustion source for the specified calendar year, or for such subsequent year as determined by the Administrator where such a limitation does not exist for the specified year; provided that, if the unit or combustion source is listed in the NADB, the "1985 allowable SO_2 emissions rate" for the unit or combustion source shall be the rate specified by the Administrator in the NADB under the data field "1985 annualized boiler SO_2 emission limit."

* * * * *

Allowance deduction, or deduct when referring to allowances, means the permanent withdrawal of allowances by the Administrator from an Allowance Tracking system compliance subaccount, or future year subaccount in accordance with part 74 of this chapter, to account for the number of tons of SO_2 emissions from an affected unit for the calendar year, for tonnage emissions estimates calculated for periods of missing data as provided in part 75 of this chapter, or for any other allowance surrender obligations of the Acid Rain Program.

* * * * *

Combustion source means a fossil fuel fired boiler, turbine, or internal combustion engine.

* * * * *

Compensating unit means an affected unit that is not otherwise subject to Acid Rain emissions limitation or Acid Rain emissions reduction requirements during Phase I and that is designated as a Phase I unit in a reduced utilization plan under § 72.43; provided that an opt-in source shall not be a compensating unit.

* * * * *

Compliance certification means a submission to the Administrator or permitting authority, as appropriate, that is required by this part, by part 73, 74, 75, 77, or 78 of this chapter, or by regulations implementing sections 407 of the Act to report an affected source or an affected unit's compliance or non-compliance with a provision of the Acid Rain Program and that is signed and verified by the designated representative in accordance with subparts B and I of this part and the Acid Rain Program regulations generally.

* * * * *

Compliance plan, for the purposes of the Acid Rain Program, means the document submitted for an affected source in accordance with subpart C of this part or subpart E of part 74 of this chapter, specifying the method(s) (including one or more Acid Rain compliance options as provided under subpart D of this part or regulations implementing section 407 of the Act) by which each affected unit at the source will meet the applicable Acid Rain emissions limitation and Acid Rain emissions reduction requirements.

* * * * *

Opt in means to elect to become an affected unit under the Acid Rain Program, pursuant to the issuance of the final opt-in permit under § 74.14 of this chapter.

Opt-in permit means the legally binding written document that is a portion of the Acid Rain permit and sets forth the requirements under part 74 of this chapter for a combustion source or a process source that opts into the Acid Rain Program.

Opt-in source means a combustion source or process source or a portion of such a source that has elected to become an affected unit under the Acid Rain program and whose opt-in permit has been issued and is in effect.

* * * * *

Phase I unit means any affected unit, except an affected unit under part 74 of this chapter, that is subject to an Acid Rain emissions reduction requirement or Acid Rain emissions limitations beginning in Phase I.

* * * * *

Phase II unit means any affected unit, except an affected unit under part 74 of this chapter, that is subject to an Acid Rain emissions reduction requirement or Acid Rain emissions limitation during Phase II only.

* * * * *

Reduced Utilization means a reduction, during any calendar year in Phase I, in the heat input (expressed in mmBtu for the calendar year) at a Phase I unit below the unit's baseline, where such reduction subjects the unit to the requirement to file a reduced utilization plan under § 72.43; or, in the case of an opt-in source subject to part 74 of this chapter, means a reduction in the average utilization, as specified in § 74.44 of this chapter, of an opt-in

source below the opt-in source's baseline.

* * * * *

Replacement unit or units means the unit or units replacing the thermal energy provided by an opt-in source governed by a thermal energy compliance plan.

* * * * *

Thermal Energy means the thermal output produced by a combustion source used directly as part of a manufacturing process but not used to produce electricity.

* * * * *

§ 72.4 [Amended]

3. Section 72.4 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

(a) * * *

(1) Secure information needed for the purpose of developing, revising, or implementing, or of determining whether any person is in violation of, any standard, method, requirement, or prohibition of the Act, this part, parts 73, 74, 75, 77, and 78 of this chapter, and regulations implementing sections 407 of the Act;

(2) Make inspections, conduct tests, examine records, and require an owner or operator of an affected unit to submit information reasonably required for the purpose of developing, revising, or implementing, or of determining whether any person is in violation of, any standard, method, requirement, or prohibition of the Act, this part, parts 73, 74, 75, 77, and 78 of this chapter, and regulations implementing sections 407 of the Act; * * *

* * * * *

§ 72.9 [Amended]

4. Section 72.9 is amended by revising paragraphs (g)(6) and (g)(7) to read as follows:

* * * * *

(g) * * *

(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under § 72.41 (substitution plans), § 72.42 (Phase I extension plans), § 72.43 (reduced utilization plans), § 72.44 (Phase II repowering extension plans), § 74.47 (thermal energy compliance plans), and section 407 of the Act and regulations implementing section 407 of the Act, and except with regard to the requirements applicable to units with a common stack under part 75 of this chapter (including §§ 75.16, 75.17 and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of this part, parts 73, 74, 75, 77, and 78 of this chapter, and regulations implementing sections 407 of the Act by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

* * * * *

§ 72.21 [Amended]

5. Section 72.21 is amended by revising paragraph (e) to read as follows:

* * * * *

(e) The provisions of this section shall apply to a submission made under parts 73, 74, 75, 77, and 78 of this chapter and under regulations implementing sections 407 of the Act only if it is made or signed, or required to be made or signed in accordance with parts 73, 74, 75, 77, and 78 of this chapter and regulations implementing sections 407 of the Act, by:

(1) The designated representative or;

(2) the authorized account representative or alternate authorized account representative of a unit account.

* * * * *

§ 72.40 [Amended]

6. Section 72.40 is amended by revising paragraph (b)(1) introductory text, to read as follows:

* * * * *

(b) *Multi-unit compliance options.* (1) A plan for a compliance option, under § 72.41, 72.42, 72.43 or 72.44 of this part, under § 74.47 of this chapter, or under section 407 of the Act and regulations implementing section 407, that includes units at more than one affected source shall be complete only if:

* * * * *

§ 72.72 [Amended]

7. Section 72.72 is amended by revising paragraph (b)(1) introductory text; and paragraphs (b)(1)(i) (A) and (B); (b)(1)(ii) (A) and (C); (b)(1)(xiv); (b)(5)(i), first sentence; and (b)(5)(vi) to read as follows:

* * * * *

(b) * * *

(1) *Acid Rain permit issuance.* Issuance or denial of Acid Rain permits shall follow the procedures under this part, part 70 of this chapter, and, for opt-in sources, part 74, including:

(i) *Permit Application*—(A) *Requirement to comply. (1)* The owners and operators and the designated representative for each affected source, except for opt-in sources, under jurisdiction of the State permitting authority shall be required to comply with subparts B, C and D of this part.

(2) The owners and operators and the designated representative for opt-in sources under jurisdiction of the State permitting authority shall be required to comply with subpart B of this part and subparts B, C, D and E of part 74 of this chapter.

(B) *Effect of an Acid Rain permit application.* A complete Acid Rain permit application, except for a permit application for an opt-in source, shall be binding on the owners and operators and the designated representative of the affected source, all affected units at the source and any other unit governed by the permit application and shall be enforceable as an Acid Rain permit, from the date of submission of the permit application until the issuance or denial of the Acid Rain permit under paragraph (b)(1)(vii) of this section.

* * * * *

(ii) *Draft permit.* (A) The State permitting authority shall prepare the draft Acid Rain permit in accordance with subpart E of this part or, for an opt-in source, subpart B of part 74 of this chapter, or deny a draft Acid Rain permit.

* * * * *

(C) Prior to issuance of a draft permit for an opt-in source, the State permitting authority shall provide the designated representative of an electing combustion or process source an opportunity to confirm its intention to opt-in, in accordance with § 74.14 of this chapter.

* * * * *

(xiv) Except as provided in § 72.73(b) and, with regard to opt-in sources, in § 74.14(b)(4) of this chapter, the State permitting authority shall issue or deny an Acid Rain permit within 18 months of receiving a complete Acid Rain permit application submitted for an affected unit in accordance with § 72.21 or such lesser time approved under part 70 of this chapter.

* * * * *

(5) *Acid Rain appeal procedures.* (i) Appeals of the Acid Rain portion of an operating permit issued by the State permitting authority that do not challenge or involve decisions or actions of the Administrator under this part, parts 73, 74, 75, 77 and 78 of this chapter, and section 407 of the Act and regulations implementing section 407 shall be conducted according to procedures established by the State

under § 70.4(b)(3)(x) of this chapter. * * *

* * * * *

(vi) A failure of the State permitting authority to issue an Acid Rain permit in accordance with § 72.73(b)(1)(i) or, with regard to opt-in sources, § 74.14(b)(4) of this chapter shall be ground for filing an appeal.

* * * * *

§ 72.81 [Amended]

8. Section 72.81 is amended by adding paragraph (b)(5) to read as follows:

* * * * *

(b) * * *

(5) Changes in a thermal energy compliance plan that result in any addition or subtraction of a replacement unit or any change affecting the number of allowances transferred for the replacement of thermal energy.

* * * * *

§ 72.83 [Amended]

9. Section 72.83 is amended by revising paragraph (a)(6) and adding (a)(12) to read as follows:

(a) * * *

(6) Termination of a compliance option in the permit; provided that all requirements for termination under subpart D of this part or, for opt-in sources, under § 74.47(a)(8) of this chapter are met and this procedure shall not be used to terminate a repowering plan after December 31, 1999 or a Phase I extension plan;

* * * * *

(12) Changes in a thermal energy compliance plan that do not result in the addition or subtraction of a replacement unit or any change affecting the number of allowances transferred for the replacement of thermal energy.

* * * * *

PART 73—ALLOWANCE SYSTEM

10. The authority cite for part 73 continues to read as follows:

Authority: 42 U.S.C. 7651.

§ 73.34 [Amended]

11. Section 73.34 is amended by revising paragraphs (c)(2) and (c)(6) to read as follows:

* * * * *

(c) * * *

(2) All allowances allocated or deducted pursuant to § 72.41, § 72.42, § 72.43, and § 72.44 and subpart E of part 74 of this chapter;

* * * * *

(6) All allowances deducted or returned pursuant to § 73.35(d), §§ 72.91 and 72.92, subpart E of part 74, and part 77 of this chapter.

* * * * *

§ 73.35 [Amended]

12. Section 73.35 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

* * * * *

(b) *Deductions for compliance.* (1) Except as provided in paragraph (d) of this section, following the recordation of transfers submitted correctly for recordation in the compliance subaccount pursuant to paragraph (a) of this section and subpart D of this part, the Administrator will deduct allowances from each affected unit's compliance subaccount in accordance with the allowance deduction formula in § 72.95 of this chapter, or, for opt-in sources, the allowance deduction formula in § 74.49 of this chapter, and any correction made under § 72.96 of this chapter. (2) The Administrator will make deductions until either the number of allowances deducted is equal to the amount calculated in accordance with § 72.95 of this chapter, or, for opt-in sources, in accordance with § 74.49 of this chapter, as modified under § 72.96 of this chapter or until no more allowances remain in the compliance subaccount.

* * * * *

13. Title 40 is amended by adding part 74 to read as follows:

PART 74—SULFUR DIOXIDE OPT-INS

Subpart A—Background and Summary

Sec.

74.1 Purpose and scope.
74.2 Applicability.
74.3 Relationship to the Acid Rain program requirements.
74.4 Designated representative.

Subpart B—Permitting Procedures

74.10 Roles—EPA and permitting authority.
74.12 Opt-in permit contents.
74.14 Opt-in permit process.
74.16 Application requirements for combustion sources.
74.17 Application requirements for process sources [Reserved]
74.18 Withdrawal.

Subpart C—Allowance Calculations for Combustion Sources

74.20 Data for baseline and alternative baseline.
74.22 Actual SO_2 emissions rate.
74.23 Allowable 1985 SO_2 emissions rate.
74.24 Current allowable SO_2 emissions rate.
74.25 Current promulgated SO_2 emissions rate.
74.26 Allocation formula.
74.28 Allocation for sources electing into program on a date other than January 1.

Subpart D—Allowance Calculations for Process Sources [Reserved]

Subpart E—Allowance Tracking and Transfer and End of Year Compliance

74.41 Establishment of Opt-in source allowance accounts.
74.42 Identifying and tracking allowances.
74.43 Annual compliance certification report.
74.44 Reduced utilization for combustion sources.
74.45 Reduced utilization for process sources [Reserved].
74.46 Opt-in source shutdown.
74.47 Transfer of allowances from the replacement of thermal energy—combustion sources.
74.48 Transfer of allowances from the replacement of thermal energy—process sources [Reserved].
74.49 Calculation of deducted allowances.
74.50 Deducting Opt-in source allowances.

Subpart F—Monitoring Emissions: Combustion Sources

74.60 Monitoring requirements.
74.61 Monitoring plan.
74.62 Monitoring certification and recertification.
74.63 Excepted and alternative monitoring systems.
74.64 Reporting and recordkeeping requirements.

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

Subpart G—Monitoring Emissions: Process Sources [Reserved]

Subpart A—Background and Summary

§ 74.1 Purpose and scope.

The purpose of this part is to establish the requirements and procedures for:

(a) The election of a combustion or process source that emits sulfur dioxide to become an affected unit under the Acid Rain Program, pursuant to section 410 of title IV of the Clean Air Act, 42 U.S.C. 7401 et seq., as amended by Pub. L. 101–549 (November 15, 1990); and

(b) Issuing and modifying operating permits; certifying monitors; and allocating, tracking, transferring, surrendering and deducting allowances for combustion or process sources electing to become affected units.

§ 74.2 Applicability.

Combustion or process sources that are not affected units may elect to become affected units, upon issuance of an opt-in permit; provided that units that are issued written exemptions under § 72.7 or § 72.8 of this chapter and combustion or process sources that have been retired are not eligible to elect into the Acid Rain Program.

§ 74.3 Relationship to the Acid Rain Program requirements.

(a) *General.* (1) For purposes of applying parts 72, 73, 75, 77 and 78 of this chapter, each opt-in source shall be

treated as an affected unit and an affected source.

(2) Subpart A of part 72 of this chapter, including §§ 72.2 (definitions), 72.3 (measurements, abbreviations, and acronyms), 72.4 (federal authority), 72.5 (State authority), 72.6 (applicability), 72.10 (availability of information), and 72.11 (computation of time), shall apply to this part.

(b) *Permits.* The permitting authority shall act in accordance with this part and parts 70 and 72 of this chapter in issuing or denying an opt-in permit and incorporating it into a combustion or process source's operating permit. To the extent that any requirements of part 70, part 72 and this part are inconsistent, the requirements of part 72 and this part shall take precedence and shall govern the issuance, revision, reopening, renewal, and appeal of the opt-in permit.

(c) *Appeals.* The procedures for appeals of decisions of the Administrator under this part are contained in part 78 of this chapter.

(d) *Allowances.* A combustion or process source that becomes an affected unit under this part shall be subject to all the requirements of subparts C and D of part 73 of this chapter.

(e) *Excess emissions.* A combustion or process source that becomes an affected unit under this part shall be subject to the requirements of part 77 of this chapter applicable to excess emissions of sulfur dioxide and shall not be subject to the requirements of part 77 of this chapter applicable to excess emissions of nitrogen oxides.

(f) *Monitoring.* A combustion or process source that becomes an affected unit under this part shall be subject to all the requirements of part 75 of this chapter, consistent with subparts F and G of this part.

§ 74.4 Designated representative.

(a) The provisions of subpart B of part 72 of this chapter shall apply to the designated representative of an opt-in source.

(b) If a combustion or process source is located at the same facility as one or more affected units that are not subject to this part, the combustion or process source shall have the same designated representative as the other affected units at the facility.

Subpart B—Permitting Procedures

§ 74.10 Roles—EPA and permitting authority.

(a) *Administrator responsibilities.* The Administrator shall be responsible for the following activities under the opt-in provisions of the Acid Rain Program:

(1) Calculating the baseline or alternative baseline and allowance allocation, and allocating allowances for combustion or process sources electing to be affected units under this part;

(2) Preparing the draft and final opt-in permits, including permit revisions; and

(3) Certifying or recertifying monitoring systems for combustion or process sources as provided under § 74.62;

(4) Establishing allowance accounts, tracking allowances, assessing end-of-year compliance, determining reduced utilization, approving thermal energy transfer and accounting for the replacement of thermal energy, closing accounts for opt-in sources that shut down, and deducting allowances as provided under subpart E of this part; and

(5) Ensuring that the opt-in source meets all withdrawal conditions prior to withdrawal from the Acid Rain Program as provided under § 74.18; and

(6) Approving and disapproving the request to withdraw from the Acid Rain Program.

(b) *Permitting authority responsibilities.* The permitting authority shall be responsible for the following activities:

(1) Issuing the draft and final opt-in permit;

(2) Revising the opt-in permit; and

(3) Terminating the opt-in permit for an opt-in source that requests to withdraw from the Acid Rain Program as provided in § 74.18.

§ 74.12 Opt-in permit contents.

(a) *Separate portion.* The opt-in permit provisions shall be included in the separate Acid Rain portion of the operating permit.

(b) *Scope.* The opt-in provisions in the operating permit shall apply only to the opt-in source and not to any other affected units.

(c) *Contents.* Each opt-in permit shall contain the following elements in a format specified by the Administrator:

(1) All elements required for a complete opt-in permit application as provided under § 74.16 for combustion sources or under § 74.17 for process sources;

(2) The allowance allocation for the opt-in source as provided in subpart C of this part for combustion sources or in subpart D of this part for process sources;

(3) The standard permit requirements as provided under § 72.9 of this chapter, except that the provisions in § 72.9(d) of this chapter shall not be included in the opt-in permit; and

(4) *Termination.* The provision that participation of a combustion or process source in the Acid Rain Program may be terminated only in accordance with § 74.18 (withdrawal), § 74.46 (shutdown) and § 74.50 (deducting allowances).

(d) *Permit shield.* Each opt-in source operated in accordance with the opt-in permit that governs the source and that was issued in compliance with title IV of the Act, as provided in this part and parts 72, 73, 75, 77, and 78 of this chapter, shall be deemed to be operating in compliance with the Acid Rain Program, except as provided in § 74.47(d)(3) and except in regard to the requirements applicable to opt-in sources with a common stack under part 75 of this chapter (including §§ 75.16, 75.17, and 75.18).

§ 74.14 Opt-in permit process.

(a) *Submission.* The designated representative of a combustion or process source may submit an opt-in application and a monitoring plan to the Administrator at any time for any combustion or process source that has not shut down or retired.

(b) *Determination of completeness.* (1) The permitting authority will determine whether the opt-in permit application is complete within 30 days of receipt. The permit application shall be deemed to be complete if the permitting authority fails to notify the designated representative to the contrary within 30 days of receipt.

(2) *Supplemental information.* Regardless of whether the opt-in permit application is complete under paragraph (b)(1) of this section, the Administrator may request submission of any additional information that the Administrator determines to be necessary in order to review the opt-in permit application.

(c) *Issuance or denial of opt-in permits.* The permitting authority shall issue or deny opt-in permits in accordance with parts 70 and 72 of this chapter, except as provided in this section.

(1) *Draft opt-in permit.* The Administrator, in consultation with the permitting authority, will prepare the draft opt-in permit or deny a draft opt-in permit.

(2) *Interim review of monitoring plan.* The Administrator will determine, on an interim basis, the sufficiency of the monitoring plan, accompanying the opt-in application. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information on the continuous emission or opacity monitoring systems and the use of data derived from these systems demonstrating that all unit SO_2 emissions, NO_x emissions, CO_2

emissions and opacity are monitored and reported by continuous emission or opacity monitoring systems. This interim review of sufficiency shall not be construed as the approval or disapproval of a source's monitoring system.

(3) *Issuance of draft opt-in permit.* The permitting authority shall, following the interim review of the source's monitoring plan, serve the draft opt-in permit or the denial of a permit on the designated representative of the electing combustion or process source.

(4) *Confirmation by source of intention to opt-in.* The designated representative of an electing combustion or process source, within 21 calendar days from the date of service of the draft opt-in permit, must submit to the Administrator, in writing, a confirmation or recision of the election to become an affected unit under this part. The Administrator shall treat the failure to make a timely submission as a recision of the election.

(5) *Issuance of draft opt-in permit.* If the designated representative confirms the election in accordance with paragraph (c)(4) of this section, the permitting authority will, within 30 days, give notice of the draft opt-in permit or denial of the draft opt-in permit and an opportunity for public comment, as provided under § 72.65 of this chapter with regard to a draft permit or denial of a draft permit.

(6) *Permit decision deadlines.* An opt-in permit will be issued or denied within 12 months of receipt of a complete opt-in permit application.

(7) *Withdrawal of opt-in application.* A combustion or process source may withdraw its application to opt into the Acid Rain Program at any time prior to the issuance of the final opt-in permit. Once a combustion or process source withdraws its application, in order to re-apply, it must submit a new opt-in application in accordance with § 74.16 for combustion sources or § 74.17 for process sources.

(d) *Entry into Acid Rain Program*—(1) *Effective date.* The effective date of the opt-in permit shall be the January 1, April 1, July 1, or October 1 following the later of the issuance of the opt-in permit by the permitting authority or the completion of monitoring system certification, as provided in § 74.62 for combustion sources or subpart G of this part for process sources. The combustion or process source shall become an opt-in source, and thus an affected unit under the Acid Rain Program, as of the effective date of the opt-in permit.

(2) *Allowance allocation.* After the opt-in permit becomes effective, the Administrator will allocate allowances to the opt-in source as provided in § 74.41. Allowances for the first year shall be pro-rated, starting with the effective date of the permit, as provided in § 74.28.

§ 74.16 Application requirements for combustion sources.

(a) *Opt-in application.* Each complete opt-in application for a combustion source shall contain the following elements in a format prescribed by the Administrator:

(1) Identification of the combustion source, including company name, plant name, plant site address, mailing address and description of combustion source, including information and diagrams on source's configuration;

(2) Identification of the designated representative, including name, address, telephone number and facsimile number;

(3) The year and month the combustion source commenced operation;

(4) Baseline or alternative baseline data under § 74.20;

(5) The actual SO_2 emissions rate under § 74.22;

(6) The allowable 1985 SO_2 emissions rate under § 74.23;

(7) The current allowable SO_2 emissions rate under § 74.24;

(8) The current promulgated SO_2 emissions rate under § 74.25;

(9) If the combustion source elects to qualify for a transfer of allowances from the replacement of thermal energy, a thermal energy compliance plan as provided in § 74.47 for combustion sources or § 74.48 for process sources; and

(10) A statement whether the combustion source was previously an affected unit under this part.

(b) *Accompanying documents.* The designated representative of the combustion source shall submit a monitoring plan in accordance with § 74.61.

§ 74.17 Application requirements for process sources [Reserved].

§ 74.18 Withdrawal.

(a) *Withdrawal through administrative amendment.* An opt-in source may apply to withdraw from the Acid Rain Program by submitting an administrative amendment under § 72.83 of this chapter; provided that the amendment will be treated as received by the permitting authority upon receipt of the notification under paragraph (f)(1) of this section.

(b) *Requesting withdrawal.* To withdraw from the Acid Rain Program, the designated representative of an opt-in source shall submit to the Administrator and the permitting authority a request to withdraw effective January 1 of the following year. The submission shall be made no later than December 1 of the calendar year preceding the effective date of withdrawal.

(c) *Conditions for withdrawal.* In order for an opt-in source to withdraw, the following conditions must be met:

(1) *Compliance certification report.* By no later than January 30 of the first calendar year in which the withdrawal is to be effective, the designated representative must submit to the Administrator an annual compliance certification report under § 74.43 of this part and an offset plan for any excess emissions under part 77 of this chapter for the last year during which the opt-in source was an affected unit. Where an offset plan is required, the designated representative must submit a plan providing for immediate surrender of allowances under § 77.4 of this chapter.

(2) *Surrender of future year allowances.* The designated representative shall surrender allowances equivalent in number to, and with the same or earlier compliance use date as, those allocated under § 74.41 for all future calendar years beginning with the first calendar year for which the withdrawal is to be effective.

(3) *Surrender of allowances for offset plan.* If the opt-in source is governed by any offset plan requiring the deduction of allowances in any future years under part 77 of this chapter, the designated representative shall, following the surrender of future year allowances in paragraph (c)(2) of this section, surrender allowances equal to those required to be deducted under any such offset plan.

(4) *Deduction of allowances.* The Administrator deducts all allowances required to be deducted or surrendered under paragraphs (c) (1), (2) and (3) of this section.

(d) *Opt-in source's prior violations.* An opt-in source that withdraws from the Acid Rain Program shall comply with all requirements under the Acid Rain Program for all years in which the opt-in source was an affected unit, even if violations of such requirements are discovered, or must be remedied, after the withdrawal takes effect. The withdrawal shall not be a defense against any violation of such requirements of the Acid Rain Program whether the violation occurs before or after the withdrawal takes effect.

(e) *Administrator action on withdrawal.* After the opt-in source meets the requirements for withdrawal

under paragraphs (b) and (c) of this section, the Administrator will close the opt-in source's unit account and transfer any remaining allowances to a new general account as specified in § 74.46(c). If the requirements for withdrawal are not met, the Administrator will deny the request to withdraw.

(f) *Notification.* After the requirements for withdrawal under paragraphs (b) and (c) of this section are met, the Administrator will notify:

(1) The permitting authority, and

(2) The designated representative of the opt-in source.

(g) *Permit amendment.* (1) After receiving notification under paragraph (f) of this section that the requirements for withdrawal have been met, the permitting authority shall amend, in accordance with § 72.80 and § 72.83 (administrative amendment) of this chapter, the opt-in source's operating permit to remove the opt-in portion of the permit, not later than 60 days from the receipt of the notification under paragraph (f) of this section.

(2) The removal of the opt-in portion of the permit will be effective on January 1 of the year for which the withdrawal is requested. An opt-in source shall continue to be an affected unit until the effective date of the removal of the opt-in permit as implemented under paragraph (g)(1) of this section.

(h) *Reapplication upon failure to meet conditions of withdrawal.* If the Administrator denies the opt-in source's request to withdraw, the designated representative may submit another request to withdraw in accordance with paragraph (b) of this section.

(i) *Ability to return to the Acid Rain Program.* Once a combustion or process source withdraws from the Acid Rain Program, the combustion or process source will be eligible to apply again for an opt-in permit; provided that no opt-in permit shall be issued to such combustion or process source prior to the effective date of the renewal of its operating permit.

Subpart C—Allowance Calculations for Combustion Sources

§ 74.20 Data for baseline and alternative baseline.

(a) *Acceptable data.* (1) The designated representative of a combustion source shall submit either the data specified in this paragraph or alternative data under paragraph (c) of this section. The designated representative shall also submit the calculations under this section based on such data.

(i) *Calendar years.* (A) For combustion sources that commenced operating prior to January 1, 1985, data under this section shall be submitted for 1985, 1986, and 1987.

(B) For combustion sources that commenced operation after January 1, 1985, the data under this section shall be submitted for the first three consecutive calendar years during which the combustion source operated after December 31, 1985.

(ii) The following data shall be submitted for the calendar year(s) under paragraph (a)(1)(i) of this section:

(A) Monthly quantity of each type of fuel consumed, expressed in thousands of tons for coal, thousands of barrels for oil, and million standard cubic feet (scf) for natural gas. If other fuels are used, the source must specify units of measure.

(B) Monthly heat content of fuel consumed for all fuel types, expressed in British thermal units (Btu) per pound for coal, Btu per barrel for oil and Btu per standard cubic foot (scf) for natural gas. If other fuels are used, the source must specify units of measure.

(C) Monthly sulfur content of fuel consumed for all fuel types, expressed as a percentage by weight.

(2) To be considered acceptable, all data used to establish the baseline or alternative baseline must have been previously submitted to a federal or State agency, in compliance with statutory or regulatory requirements other than this part. One copy of the original submission of this data to the federal or State agency and one copy of the statutory or regulatory provision, under which the original submission was made, must be provided, along with the data.

(b) *Calculation of baseline and alternative baseline.* (1) For combustion sources that commenced operation prior to January 1, 1985, the baseline is the average annual quantity of fuel consumed during 1985, 1986, and 1987, expressed in mmBtu; *provided* that in the event that a unit is listed in the National Allowance Data Base (NADB), the baseline will be as provided in the NADB under the data field "BASE8587". Otherwise, the baseline shall be calculated as follows:

$$\text{baseline} = \frac{\sum_{\text{Year}=1985}^{1987} \text{annual fuel consumption}}{3}$$

where,

$$\text{annual fuel consumption} = \sum_{\text{months}=\text{Jan}}^{\text{Dec}} \sum_{\text{Fuel Types}} \left[\begin{array}{c} \text{quantity of fuel consumed} \\ \times \text{ heat content} \times \text{unit conversion} \end{array} \right]$$

and unit conversion = 2 for coal
= 0.001 for oil
= 1 for gas

(2) For combustion sources that commenced operation after January 1, 1985, the alternative baseline is the average annual quantity of fuel consumed in the first three consecutive calendar years during which the combustion source operated after December 31, 1985, expressed in mmBtu. The alternative baseline shall be calculated as follows:

$$\text{alternative baseline} = \frac{\sum_{\text{First 3 consecutive years}} \text{annual fuel consumption}}{3}$$

where,

$$\text{annual fuel consumption} = \sum_{\text{months=Jan}}^{\text{Dec}} \sum_{\text{Fuel Types}} \left[\begin{array}{c} \text{quantity of fuel consumed} \\ \times \text{heat content} \times \text{unit conversion} \end{array} \right]$$

and unit conversion = 2 for coal
= 0.001 for oil
= 1 for gas

(c) *Alternative data.* (1) For combustion sources for which any of the data under paragraph (a)(1) of this section is not available due to a natural catastrophe, data for the first three consecutive calendar years for which data is available after December 31, 1985, may be submitted. The alternative data shall meet the requirements of paragraph (a)(2) of this section.

(2) Except as provided in paragraph (c)(1) of this section, no alternative data may be submitted. A combustion source that cannot submit all required data, in accordance with this section, shall not be eligible to elect to become an affected unit under this part.

(d) *Administrator's action.* The Administrator may accept in whole or in part or with changes, as appropriate, or reject data or alternative data submitted for a combustion source's baseline or alternative baseline.

§ 74.22 Actual SO_2 emissions rate.

(a) *Data Requirements.* (1) The designated representative of a combustion source shall submit the data specified in this paragraph and the calculations under this section based on such data for the calendar year defined in paragraph (a)(2) of this section:

(i) Sulfur dioxide control system efficiency, as defined under § 60.48(a) and part 60, appendix A, Method 19 of this chapter, if applicable;

(ii) Fuel pre-treatment efficiency, as defined under § 60.48(a) and part 60, appendix A, Method 19 of this chapter, if applicable;

(2) *Calendar year.* (i) For combustion sources that commenced operation prior to January 1, 1985, the calendar year for calculating the actual SO_2 emissions rate shall be 1985.

(ii) For combustion sources that commenced operation after January 1, 1985, the calendar year for calculating the actual SO_2 emissions rate shall be the first year of the three consecutive calendar years of the alternative baseline under § 74.20(b)(2).

(iii) For combustion sources meeting the requirements of § 74.20(c), the calendar year for calculating the actual SO_2 emissions rate shall be the first year of the three consecutive calendar years to be used as alternative data under § 74.20(c).

(b) *SO_2 Emissions factor calculation.* The SO_2 emissions factor, expressed in pounds per thousand tons for coal, pounds per thousand gallons for oil and pounds per million cubic feet (scf) for gas, shall be calculated as follows:

SO_2 Emissions Factor
= (average percent of sulfur by weight) × (k),

where,

k = 39,000 for bituminous coal or anthracite
= 35,000 for subbituminous coal
= 30,000 for lignite
= 5,964 for distillate (light) oil
= 6,594 for residual (heavy) oil
= 0.6 for natural gas

(c) *Annual SO_2 emissions calculation.* Annual SO_2 Emissions for the specified calendar year, expressed in pounds, shall be calculated as follows:

$$\text{Annual } SO_2 \text{ Emissions} = \sum_{\text{months=Jan}}^{\text{Dec}} \sum_{\text{Fuel Types}} \left[\begin{array}{c} \text{quantity of fuel} \\ \times SO_2 \text{ emissions factor} \\ \times (1 - \text{control system efficiency}) \\ \times (1 - \text{fuel pre-treatment efficiency}) \end{array} \right]$$

(d) *Annual fuel consumption calculation.* Annual fuel consumption for the specified calendar year, expressed in mmBtu, shall be calculated as follows:

$$\text{annual fuel consumption} = \sum_{\text{months=Jan}}^{\text{Dec}} \sum_{\text{Fuel Types}} \frac{\text{quantity of fuel consumed} \times \text{heat content}}{2000}$$

(e) *Actual SO_2 emissions rate calculation.* The actual SO_2 emissions rate for the specified calendar year, expressed in lbs/mmBtu, shall be calculated as follows:

$$\text{Actual } SO_2 \text{ Emissions Rate} = \frac{\text{Annual } SO_2 \text{ Emissions}}{\text{Annual Fuel Consumption}}$$

§ 74.23 Allowable 1985 SO_2 emissions rate.

(a) *Data requirements.* The designated representative of the combustion source shall submit the data specified in this section and the calculations under this section based on the submitted data:

(1) Allowable SO_2 emissions limit expressed in lbs/mmBtu as defined under § 72.2 of this chapter for the calendar year specified in paragraph (a)(4) of this section. If the allowable SO_2 emissions limit is not expressed in lbs/mmBtu in the combustion source's operating permit, the Administrator shall convert this limit to lbs/mmBtu by multiplying the unit measurement by the factors given in Table 1 of this section:

TABLE 1.—FACTORS TO CONVERT EMISSION LIMITS TO POUNDS OF SO_2/mmBtu

Unit measurement	Bituminous coal	Subbituminous coal	Lignite coal	Oil
lbs Sulfur/mmBtu	2.0	2.0	2.0	2.0
% Sulfur in fuel	1.66	2.22	2.86	1.07
ppm SO_2	0.00287	0.00384	.....	0.00167
ppm Sulfur in fuel	.....	.....	.....	0.00334
tons SO_2/hour	$2\times 8760/(\text{annual fuel consumption for specified year}^1 * 10^3)$			
lbs SO_2/hour	$8760/(\text{annual fuel consumption for specified year}^1 * 10^6)$			

[1] Annual fuel consumption as defined under § 74.20; specified calendar year as defined under § 72.24(4).

(2) Citation of regulations that establish the emissions limit under paragraph (a)(1) of this section and make it applicable to the combustion source;

(3) Averaging Time associated with the emissions limit under paragraph (a)(1) of this section.

(4) Calendar Year:

(i) For combustion sources that commenced operation prior to January 1, 1985, the calendar year for the allowable SO_2 emissions rate shall be 1985.

(ii) For combustion sources that commenced operation after January 1, 1985, the calendar year for the allowable SO_2 emissions rate shall be the first year of the three consecutive calendar years of the alternative baseline under § 74.20(b)(2).

(iii) For combustion sources meeting the requirements of § 74.20(c), the calendar year for calculating the allowable SO_2 emissions rate shall be the first year of the three consecutive calendar years to be used as alternative data under § 74.20(c).

(b) *Determination of annualization factor.* The annualization factor for a combustion source shall be the annualization factor for the category of unit and the associated averaging time of its emissions limit applicable to the combustion source as set forth in the following table:

TABLE 2.—ANNUALIZATION FACTORS FOR SO_2 EMISSION RATES

Category definition	Annualization factor for scrubbed unit	Annualization factor for unscrubbed unit
Unit Combusting Oil, Gas or some combination	1.00	1.00
Coal Unit with Averaging Time = 1 day	0.93	0.89
Coal Unit with Averaging Time = 1 week	0.97	0.92
Coal Unit with Averaging Time = 30 days	1.00	0.96
Coal Unit with Averaging Time = 90 days	1.00	1.00
Coal Unit with Averaging Time = 1 year	1.00	1.00
Coal Unit with Federal Limit, but Averaging Time Not Specified	0.93	0.89

(c) *Allowable 1985 SO_2 emissions rate calculation.* The allowable SO_2 emissions rate for the specified calendar year shall be calculated as follows:

$$\text{Allowable 1985 } SO_2 \text{ Emissions Rate} = (\text{Allowable } SO_2 \text{ Emissions Rate}) \times (\text{Annualization Factor})$$

§ 74.24 Current allowable SO_2 emissions rate.

(a) *Data requirements.* The designated representative shall submit the data specified in this paragraph and the calculations under this section based on the submitted data:

(1) Current allowable SO_2 emissions limit, expressed in lbs/mmBtu, shall be the most stringent federally enforceable emissions limit in effect as of the date of submission of the opt-in application. If the allowable SO_2 emissions limit is not expressed in lbs/mmBtu in the opt-in source's operating permit, the Administrator shall convert this limit using the conversion factors in § 74.23(a)(1).

(2) Citations of statute, regulation and any other authority under which the emissions limit under paragraph (a)(1) of this section is established and made applicable to the combustion source;

(3) Averaging Time associated with the emissions limit under paragraph (a)(1) of this section.

(b) [Reserved]

§ 74.25 Current promulgated SO_2 emissions rate.

(a) *Data requirements.* The designated representative shall submit the data specified in this paragraph and the calculations under this section based on the submitted data:

(1) Current promulgated SO_2 emissions limit, expressed in lbs/mmBtu, shall be the most stringent federally enforceable emissions limit promulgated as of the date of submission of the opt-in application. If the promulgated SO_2 emissions limit is not expressed in lbs/mmBtu, the Administrator shall convert this limit using the conversion factors in § 74.23(a)(1).

(2) Citations of statute, regulation or any other authority under which the emissions limit under paragraph (a)(1) of this section is established and made applicable to the combustion source;

(3) Averaging Time associated with the emissions limit under paragraph (a)(1) of this section.

(4) Effective date of the current promulgated emissions limit.

(b) [Reserved]

§ 74.26 Allocation formula.

(a) The Administrator will calculate the annual allowance allocation for a combustion source based on the data, corrected as necessary, under § 74.20 through § 74.25 as follows:

(1) For combustion sources in which the current promulgated SO_2 emissions rate, specified under § 72.25, is greater than or equal to the current allowable SO_2 emissions rate, specified under § 74.24, then the number of allowances for each year into the future equals:

$$\text{Allowances} = \frac{\left[\begin{array}{c}\text{baseline}\\ \text{or}\\ \text{alternative baseline}\end{array}\right] \times \text{the lesser of} \left[\begin{array}{c}\text{the actual } SO_2 \text{ emissions rate}\\ \text{or}\\ \text{the allowable 1985 } SO_2 \text{ emissions rate}\\ \text{or}\\ \text{the current allowable } SO_2 \text{ emissions rate}\end{array}\right]}{2000}$$

(2) For combustion sources in which the current promulgated SO_2 emissions rate, specified under § 72.25, is less than the current allowable SO_2 emissions rate, specified under § 72.24, then (i) the number of allowances for each year until the effective date of the promulgated SO_2 emissions rate equals:

$$\text{Allowances} = \frac{\left[\begin{array}{c}\text{baseline}\\ \text{or}\\ \text{alternative baseline}\end{array}\right] \times \text{the lesser of} \left[\begin{array}{c}\text{the actual } SO_2 \text{ emissions rate}\\ \text{or}\\ \text{the allowable 1985 } SO_2 \text{ emissions rate}\\ \text{or}\\ \text{the current allowable } SO_2 \text{ emissions rate}\end{array}\right]}{2000}$$

and (ii) the number of allowances for each year including and after the effective date of the promulgated SO_2 emissions rate equals:

$$\text{Allowances} = \frac{\left[\begin{array}{c}\text{baseline}\\ \text{or}\\ \text{alternative baseline}\end{array}\right] \times \text{the lesser of} \left[\begin{array}{c}\text{the actual } SO_2 \text{ emissions rate}\\ \text{or}\\ \text{the allowable 1985 } SO_2 \text{ emissions rate}\\ \text{or}\\ \text{the current promulgated } SO_2 \text{ emissions rate}\end{array}\right]}{2000}$$

§ 74.28 Allocation for sources electing into program on a date other than January 1.

(a) *Dates of entry.* An electing source may enter the Acid Rain Program at the beginning of a calendar quarter: January 1, April 1, July 1 or October 1.

(b) *Prorating by calendar quarter.* Where a combustion source's opt-in permit becomes effective on April 1, July 1 or October 1 of a given year, the Administrator will prorate the allowance allocation for that first year by the calendar quarters remaining in the year as follows:

$$\text{Allowances for the first year} = \left(\frac{\text{first year partial baseline}}{\text{baseline or alternative baseline}}\right) \times \text{annual allocation of allowances for the first year}$$

where (i) for combustion sources that commenced operations before January 1, 1985,

$$\text{first year partial baseline} = \frac{\sum_{\text{Year}=1985}^{1987} \text{fuel consumption for remaining calendar quarters}}{3}$$

or (ii) for combustion sources that commenced operations after January 1, 1985,

and where,

$$\text{first year partial baseline} = \sum_{\text{First 3 consecutive years}} \frac{\text{fuel consumption for the remaining calendar quarters}}{3}$$

and unit conversion=2 for coal=0.001 for oil=1 for gas

$$\text{fuel consumption for remaining calendar quarters} = \sum_{\text{months}=\text{Apr., Jul., or Oct.}}^{\text{Dec}} \sum_{\text{Fuel Types}} \text{quantity of fuel consumed} \times \text{heat content} \times \text{unit conversion}$$

and unit conversion = 2 for coal
= 0.001 for oil
= 1 for gas

Subpart D—Allowance Calculations for Process Sources [Reserved]

Subpart E—Allowance Tracking and Transfer and End of Year Compliance

§74.41 Establishment of opt-in source allowance accounts.

(a) *Establishing accounts.* Not earlier than the date on which a combustion or process source becomes an affected unit under this part, the Administrator will establish an account and allocate allowances in accordance with subpart C of this part for combustion sources or subpart D of this part for process sources. A separate unit account will be established for each opt-in source.

(b) [Reserved].

§74.42 Identifying and tracking allowances.

(a) *Identifying allowances.* Allowances allocated to opt-in sources will be assigned a serial number that identifies them as being allocated under the Acid Rain Program.

(b) *Allowances allocated to industrial sources.* Opt-in allowances initially allocated to industrial sources will be counted as industrial emissions in the industrial SO_2 emissions inventory conducted under section 406 of the Clean Air Act Amendments of 1990.

(c) *Prohibition on the submittal of opt-in allowances for auction.* The authorized account representatives for opt-in sources may not offer allowances for sale in the spot or advance auction under § 73.70 of this chapter.

§74.43 Annual compliance certification report.

(a) *Applicability and deadline.* For each calendar year in which an opt-in source is subject to the Acid Rain emissions limitations, the designated representative of the opt-in source shall submit to the Administrator, no later than 60 days after the end of the calendar year, an annual compliance certification report for the opt-in source in lieu of any annual compliance certification report required under subpart I of part 72 of this chapter.

(b) *Contents of Report.* The designated representative shall include in the annual compliance certification report the following elements, in a format prescribed by the Administrator, concerning the opt-in source and the calendar year covered by the report:

(1) Identification of the opt-in source;

(2) Opt-in Utilization Report in accordance with § 74.44 for combustion sources and § 74.45 for process sources;

(3) Thermal Energy Compliance Report in accordance with § 74.47 for combustion sources and § 74.48 for process sources, if applicable;

(4) Shutdown information in accordance with § 74.46, if applicable;

(5) At the designated representative's option, the total number of allowances to be deducted for the year, using the formula in § 74.49, and the serial numbers of the allowances that are to be deducted; and

(6) The compliance certification under paragraph (c) of this section.

(c) *Annual compliance certification.* In the annual compliance certification report under paragraph (a) of this section, the designated representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the opt-in source in compliance with the Acid Rain Program, whether the opt-in source was operated during the calendar year in compliance with the requirements of the Acid Rain Program, including:

(1) Whether the opt-in source was operated in compliance with applicable Acid Rain emissions limitations including whether the source held allowances, as of the allowance transfer deadline, in its compliance subaccount (after accounting for any allowance deductions or other adjustments under § 73.34(c) of this chapter and for

allowance deductions under § 74.49 of this part) not less than the source's total sulfur dioxide emissions during the calendar year covered by the annual report;

(2) Whether the monitoring plan that governs the opt-in source has been maintained to reflect the actual operation and monitoring of the opt-in source and contains all information necessary to attribute monitored emissions to the opt-in source;

(3) Whether all the emissions from the opt-in source were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports;

(4) Whether the facts that form the basis for certification of each monitor at the opt-in source or of an opt-in source's qualifications for using an Acid Rain Program excepted monitoring method or approved alternative monitoring method, if any, has changed;

(5) If a change is required to be reported under paragraph (c)(4) of this section, specify the nature of the change, the reason for the change, when and why the change occurred and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitoring recertification; and

(6) When applicable, whether the opt-in source was operating in compliance with its thermal energy compliance plan as provided in § 74.47 for combustion sources and § 74.48 for process sources.

§ 74.44 Reduced utilization for combustion sources.

(a) *Calculation of Utilization*—(1) *Annual Utilization.* Annual utilization for the current year shall be calculated by the following equation:

$$\text{Annual Utilization} = \text{Actual heat input} + \text{Reduction from improved efficiency}$$

where,

(i) "Actual heat input" shall be the actual annual heat input (in mmBtu) of the opt-in source for the calendar year determined in accordance with Appendix F of part 75 of this chapter.

(ii) "Reduction from improved efficiency" shall be a good faith estimate of the electricity and/or the expected improvement in heat rate at the unit during the calendar year and the corresponding reduction in heat input (in mmBtu) at the unit as a result of all improved efficiency measures. The verified amount of such reduction shall be submitted in accordance with paragraph (c)(2) of this section.

(2) *Average utilization.* Average utilization for the current year shall be defined as the three year average of the annual utilization as calculated in paragraph (a)(1) of this section.

(i) For the first two years following opt-in, average utilization will be calculated as follows:

$$\text{Average utilization for the first year after opt-in} = \left(\frac{(2 \times \text{baseline}) + \text{annual utilization}_{\text{year 1}}}{3}\right)$$

$$\text{Average utilization for the second year after opt-in} = \left(\frac{\text{baseline} + \text{annual utilization}_{\text{year 1}} + \text{annual utilization}_{\text{year 2}}}{3}\right)$$

(ii) After the first two years, the three years used to derive average utilization shall be the current year and the two immediately preceding calendar years.

(b) *Determination of reduced utilization and calculation of allowances*—(1) *Determination of reduced utilization.* An opt-in source has reduced its utilization, if the opt-in source's average utilization is less than its baseline. If an opt-in source has reduced its utilization, the Administrator will deduct allowances in an amount provided under paragraph (b)(2) of this section.

(2) *Calculation of allowances deducted for reduced utilization.* Once the Administrator determines that an opt-in source has reduced its utilization, the Administrator will deduct from the opt-in source's Allowance Tracking System account the following number of allowances of the same or earlier compliance use date, as those originally allocated under § 74.41, for the year in which the reduced utilization took place:

$$\text{Allowances taken back under reduced utilization} = \text{Original number of allowances allocated for the current year} \times \left(1 - \left(\frac{\text{average utilization}_{\text{current year}}}{\text{baseline}}\right)\right)$$

(c) *Compliance*—(1) *Opt-in utilization report.* The designated representative for each opt-in source shall submit an opt-in utilization report for the calendar year as part of its annual compliance certification report, under § 74.43, which must contain:

(i) *Designated representative of the opt-in source.* The name, authorized account representative identification number and phone number of the designated representative of the opt-in source;

(ii) *Account identification number of the opt-in source.* The opt-in source's

account identification number in the Allowance Tracking System;

(iii) *Annual utilization.* The annual utilization of the opt-in source for the current calendar year and for the two immediately preceding calendar years, as defined under paragraph (a)(1) of this section;

(iv) *Average utilization.* The average utilization of the opt-in source for the calendar year, as defined under paragraph (a)(2) of this section;

(v) *Calculation of reduced utilization.* The difference between the opt-in source's average utilization and its baseline;

(vi) *Calculation of allowances surrendered.* The number of allowances that shall be surrendered using the formula in paragraph (b)(2) of this section and the calculations that were performed to obtain that number.

(vii) *Specification of allowances to be surrendered.* The designated representative for each opt-in source may identify, according to § 73.35(c) of this chapter, allowances to be surrendered under paragraph (c)(1)(vi) of this section. In the absence of such identification, the Administrator will deduct allowances on a first-in, first out (FIFO) basis according to § 73.35(c)(2).

(viii) *Signature.* Signature of the designated representative of the opt-in unit and date of signature.

(2) *Confirmation report.* (i) If the annual compliance certification report for an opt-in source estimates any reduced utilization accounted for by improved efficiency measures, the designated representative shall submit, by July 1 of the year in which the annual report was submitted, a confirmation report. The Administrator may grant, for good cause shown, an extension of the time to file the confirmation report. The confirmation report shall include the following elements:

(A) *Verified efficiency improvements.* The verified kwh savings and/or reduction in the heat rate achieved by each improved efficiency measure and the verified corresponding reduction in the heat input resulting from such measures.

(B) *Revised annual utilization.* The opt-in source's annual utilization for the current year as provided under paragraph (c)(1)(iii) of this section, recalculated with the verified amount of improved efficiency measures for the current year;

(C) *Revised average utilization.* The opt-in source's average utilization as provided under paragraph (c)(1)(iv) of this section, recalculated with the verified amount of improved efficiency measures for the current year;

(D) *Recalculation of reduced utilization.* The difference between the opt-in source's recalculated average utilization and its baseline;

(E) *Allowance adjustment.* The number of allowances that shall be credited or surrendered using the formulas in paragraphs (c)(2)(iii) (C) and (D) of this section and the calculations that were performed to obtain that number; and the number of adjusted allowances remaining using the formula in paragraph (c)(2)(iii)(E) of this section and the calculations that were performed to obtain that number.

(F) *Signature.* Signature of the designated representative of the opt-in unit and date of signature.

(ii) *Documentation.* (A) For all figures under paragraphs (c)(2)(i)(A) of this section, the opt-in source must provide as part of the confirmation report, documentation (which may follow the EPA Conservation Verification Protocol) verifying specified figures to the satisfaction of the Administrator.

(B) Where two or more opt-in sources include in the confirmation report the verified savings from the same specific efficiency measures:

(1) The designated representatives of all such opt-in sources shall submit with their confirmation reports a certification signed by all such designated representatives. The certification shall apportion the total savings among such opt-in sources.

(2) Each designated representative shall include in the opt-in source's confirmation report only its share of the total savings under the certification under paragraph (c)(2)(i)(A) of this section.

(iii) *Revised determination of reduced utilization based on confirmation report.* (A) If an opt-in source must submit a confirmation report as specified under paragraph (c)(2) of this section, the Administrator, upon such submittal, will revise his or her determination of reduced utilization for the opt-in source. Such revision will include the recalculation of both annual utilization and average utilization, using verified savings and improvements in efficiency instead of the previously estimated values.

(B) *Estimates confirmed.* If the total, included in the confirmation report, of the amounts of verified reduction in the opt-in source's heat input from efficiency measures equals the total estimated in the opt-in source's annual compliance certification report from such measures for the calendar year, then the designated representative shall include in the confirmation report a statement indicating that is true.

(C) *Underestimate.* If the total, included in the confirmation report, of the amounts of verified reduction in the opt-in source's heat input from improved efficiency measures is greater than the total estimated in the opt-in source's annual compliance certification report from such measures for the calendar year, then the designated representative shall include in the confirmation report the number of allowances to be credited to the unit's compliance subaccount calculated using the following formula:

$$\text{Allowances credited} = \text{Original number of allowances allocated} \times \left[\frac{\text{Average utilization}_{\text{Verified}} - \text{Average utilization}_{\text{Estimate}}}{\text{baseline}} \right]$$

where,

Average Utilization$_{estimate}$ = the average utilization as defined under paragraph (a)(2) of this section using the good faith estimate of expected savings from efficiency improvements as listed under paragraph (a)(1)(ii) of this section.

Average Utilization$_{verified}$ = the average utilization as defined under paragraph (a)(2) of this section using the verified savings from efficiency improvements as submitted under paragraph (c)(2)(i)(A) of this section by the designated representative in the confirmation report.

(D) *Overestimate.* If the total of the amounts of verified reduction in the opt-in source's heat input from improved efficiency measures included in the confirmation report is less than the total estimated in the opt-in source's annual compliance certification report from such measures for the calendar year, then the designated representative shall include in the confirmation report the number of allowances to be deducted from the opt-in source's compliance subaccount, which equals the absolute value of the result of the formula for allowances credited under paragraph (c)(2)(iii)(C) of this section.

(E) *Adjusted allowances remaining.* Unless paragraph (c)(2)(iii)(B) of this section applies, the designated representative shall include in the confirmation report the adjusted amount of allowances that would have been held in the opt-in source's compliance subaccount if the deductions made under § 73 35(b) of this chapter had been based on the verified, rather than the estimated, reduction in the opt-in source's heat input from improved efficiency measures, calculated as follows:

$$\text{Adjusted amount of allowances} = \begin{matrix}\text{Allowances held after deduction} - \text{Excess emissions} \\ + \text{Allowances credited} - \text{Allowances deducted}\end{matrix}$$

where:

"Allowances held after Deduction" shall be the amount of allowances held in the opt-in source's compliance subaccount after deduction of allowances was made under § 73.35(b) of this chapter based on the annual compliance certification report.

"Excess emissions" shall be the amount (if any) of excess emissions determined under § 73.35(d) for the calendar year based on the annual compliance certification report.

"Allowances credited" shall be the amount of allowances calculated under paragraph (c)(2)(iii)(C) of this section.

"Allowances deducted" shall be the amount of allowances calculated under paragraph (c)(2)(iii)(D) of this section.

(*1*) If the result of the formula for "Adjusted amount of allowances" is negative, the absolute value of the result constitutes excess emissions of sulfur dioxide. If the result is positive, there are no excess emissions of sulfur dioxide.

(*2*) If the amount of excess emissions of sulfur dioxide calculated under "Adjusted amount of allowances" differs from the amount of excess emissions of sulfur dioxide determined under § 73.35 of this chapter based on the annual compliance certification report, then the designated representative shall include in the confirmation report a demonstration of:

(*i*) The number of allowances that should be deducted to offset any increase in excess emissions or returned to the account for any decrease in excess emissions; and

(*ii*) The amount of the excess emissions penalty (excluding interest) that should be paid or returned to the account for the change in excess emissions.

(*3*) The Administrator will deduct immediately from the opt-in source's compliance subaccount the amount of allowances that he or she determines is necessary to offset any increase in excess emissions or will return immediately to the opt-in source's compliance subaccount the amount of allowances that he or she determines is necessary to account for any decrease in excess emissions.

(*4*) The designated representative may identify the serial numbers of the allowances to be deducted or returned. In the absence of such identification, the deduction will be on a first-in, first-out basis under § 73.35(c)(2) of this chapter and the return will be at the Administrator's discretion.

(*5*) If the designated representative of an opt-in source fails to submit on a timely basis a confirmation report (in accordance with paragraph (c)(2) of this section with regard to the estimate of expected savings from any improved efficiency measure, then the Administrator will reject such estimate and correct it to equal zero in the opt-in source's annual compliance certification report that includes that estimate. The Administrator will deduct immediately, on a first-in, first-out basis under § 73.35(c)(2) of this chapter, the amount of allowances that he or she determines is necessary to offset any increase in excess emissions of sulfur dioxide that results from the correction and will require the owners and operators to pay an excess emission penalty in accordance with part 77 of this chapter.

§ 74.45 Reduced utilization for process sources. [Reserved]

§ 74.46 Opt-in source shutdown.

(a) *Notification of shutdown.* Where an opt-in source has shutdown during the calendar year, the designated representative shall include in the annual compliance certification report, as provided in § 74.43, the date of shutdown.

(b) *Surrender of allowances.* The Administrator shall deduct allowances equal in number to and with the same or earlier compliance use date as those initially allocated under § 74.41 for all future calendar years beginning with the calendar year following shutdown. Where the shutdown opt-in source does not hold allowances equal in number to and with the same or earlier compliance use date as those initially allocated, the Administrator may deduct any allowances initially allocated to the opt-in source in accordance with § 74.50.

(c) *Establishment of a general account for remaining allowances.* If any allowances remain in the compliance subaccount following allowance deductions pursuant to § 74.50, or in future year subaccounts following the surrender of allowances in paragraph (b) of this section, the Administrator will establish a general account for the shutdown opt-in source, transfer all remaining allowances into the appropriate subaccounts of the general account and close the opt-in source's unit account. The designated representative for the opt-in source shall become the authorized account representative for the general account.

§ 74.47 Transfer of allowances from the replacement of thermal energy—combustion sources.

(a) *Thermal energy compliance plan*—(1) *General Provisions.* The designated representative of an opt-in source and the designated representative(s) of a replacement unit(s) that seek to qualify for the transfer of allowances from the replacement of thermal energy shall prepare and maintain a thermal energy compliance plan in a format specified by the Administrator, subject to the requirements of § 72.40(b) of this chapter for multi-unit compliance options and this section.

(2) *Applicability.* This section shall apply to any designated representative seeking to transfer allowances from the replacement of thermal energy.

(3) *Contents.* Each thermal energy compliance plan shall contain the following:

(i) *Calendar Year.* The calendar year that the thermal energy compliance plan takes effect, corresponding to the year the replacement unit(s) will replace thermal energy of the opt-in source;

(ii) *Designated representative of the opt-in source.* The name, authorized account representative identification number and phone number of the designated representative of the opt-in source;

(iii) *Designated representative(s) of the replacement unit(s).* The name, authorized account representative identification number and phone number of the designated representative(s) of the replacement unit or units;

(iv) *Account identification number of the opt-in source.* The opt-in source's account identification number in the Allowance Tracking System;

(v) *Account identification number of the replacement unit(s).* The replacement unit(s) account identification number(s) in the Allowance Tracking System (ATS);

(vi) *Fuel type of the replacement unit(s).* The type of fuel used by the replacement unit or units;

(vii) *Allowable SO_2 emission rate of the replacement unit(s).* The allowable SO_2 emissions rate, expressed in lbs/mmBtu, of the replacement unit or units for the calendar year in which the plan will be effective. This rate will not be annualized;

(viii) *Estimated reduction of total thermal output at the opt-in source.* The amount of total thermal output reduced at the opt-in source, including all energy flows (steam, gas or hot water) used for any process or in any heating or cooling application;

(ix) *Estimated total thermal output at each replacement unit.* The estimated total thermal output at each replacement unit prior to the year the plan takes effect, including all energy flows (steam, gas or hot water) used for any process or in any heating or cooling application;

(x) *Estimated total thermal output at each replacement unit after thermal energy replacement.* The amount of total thermal output at each replacement unit after replacing thermal energy from the opt-in source, including all energy flows (steam, gas or hot water) used for any process or in any heating or cooling application;

(xi) *Estimated thermal output at each replacement unit for the portion replacing the thermal output of the opt-in source.* The amount of thermal output at each replacement unit, including all energy flows (steam, gas or hot water) used for any process or in any heating or cooling application, replacing the thermal output of the opt-in source;

(xii) *Estimated efficiency associated with the production of thermal output.* The efficiency of fuel use associated with the production of thermal output for each replacement unit;

(xiii) *Estimated efficiency associated with the production of electricity.* The efficiency of fuel use associated with the production of electricity for each replacement unit, if applicable;

(xiv) *Estimated total annual fuel input at each replacement unit after replacement;*

(xv) *Estimated number of allowances to be transferred from the opt-in source to the replacement unit(s).* The number of allowances calculated in paragraph (b) of this section that the opt-in source will transfer to each replacement unit represented in the thermal energy plan;

(xvi) *Estimated total number of allowances deducted from opt-in source.* The number of allowances calculated under the reduced utilization provisions in § 74.44(b)(2) of this part.

(xvii) *Estimated number of allowances surrendered by opt-in source to the Administrator.* The number of allowances surrendered to the Administrator that will be deducted from the opt-in source's allowance account. The number of these allowances is given as follows:

$$\text{Allowances surrendered by opt-in source to the Administrator} = \text{Allowances deducted from opt-in source under (a)(3)(xvi) of this section} - \text{Allowances transferred from opt-in source to replacement unit(s) under (a)(3)(xv) of this section}$$

(xviii) *Documentation of replacement.* (A) Each replacement unit shall certify that it has entered into a legally binding steam sales agreement or such agreement has been entered into on its behalf for the thermal output, as calculated in paragraph (a)(3)(xi) of this section, it is replacing for the opt-in source.

(B) Each replacement unit shall maintain and make available to the Administrator, at the Administrator's request, copies of documents pertaining to the replacement of thermal output for the opt-in source.

(xix) *Signatures.* Signatures and the dates of signatures of the designated representatives of the opt-in source and of each replacement unit filing the thermal energy compliance plan.

(4) *Submission.* The opt-in source and the replacement unit(s) seeking to qualify for the transfer of allowances from the replacement of thermal energy shall submit a thermal energy compliance plan to the permitting authority by no later than July 1 of the calendar year prior to the calendar year in which the plan would be in effect.

(5) *Retirement of opt-in source upon enactment of plan.* If the opt-in source expects to retire upon the effective date of the thermal energy compliance plan, the designated representative of the opt-in source must certify such retirement by the following statement: "I certify that the opt-in source is permanently retired on the date specified in this plan and will not emit any sulfur dioxide or nitrogen oxides after such date." In addition, the designated representative for the opt-in source must continue to sign and submit the annual compliance certification report provided under paragraph (d) of this section. Upon retirement, the opt-in source would no longer be required to monitor its emissions, consistent with § 75.67 of this chapter.

(6) *Administrator action.* (i) If the Administrator approves a thermal energy compliance plan, he or she will transfer allowances to the Allowance Tracking System accounts of the replacement units in the amount stated in the plan as submitted under paragraph (a)(3)(xv) of this section. The Administrator will transfer this number of allowances to all subaccounts for which the thermal energy compliance plan becomes effective.

(ii) The Administrator will approve or deny a thermal energy compliance plan no later than 6 months after receipt of its submittal and will notify the designated representatives of both the opt-in source and the replacement unit(s) submitting the thermal energy compliance plan of the plan's approval or denial.

(7) *Modification of plan.* Any revision or modification of a thermal energy compliance plan shall require the resubmittal of the plan under paragraph (a)(4) of this section and shall be subject to the requirements for permit revisions and modifications contained in § 72.80 and § 72.81(b) of this chapter.

(8) *Termination of plan.* (i) A thermal energy compliance plan shall be in effect until the calendar year for which a termination of the plan takes effect.

(ii) *Termination of plan by opt-in source and replacement units.* (A) A notification to terminate in accordance with § 72.40(d) of this chapter shall be submitted no later than December 1 of the calendar year before the allowance

transfer deadline applicable to the given year; and

(B) In the notification to terminate, the designated representative of each replacement unit governed by the plan shall state the adjustments in its Allowance Tracking System account to reflect the transfer back to the opt-in source of the number of allowances originally transferred from the opt-in source under the plan.

(iii) *Termination of plan by administrator.* (A) The Administrator may, on his or her own motion, terminate a thermal energy compliance plan under the following circumstances:

(1) The Administrator determines that data used for compliance has been deliberately falsified; or

(2) The Administrator determines that actual replacement of thermal energy under the plan is not occurring or not replaced by the unit or units in the plan.

(iv) If the requirements of paragraph (a)(8) (ii) or (iii) of this section are met and upon revision of the permit to terminate the thermal energy compliance plan pursuant to § 72.83(a)(6) of this chapter, the Administrator will adjust the allowances for the opt-in source and the replacement units to reflect the transfer back to the opt-in source of the number of allowances originally transferred from the opt-in source under the plan.

(b) *Calculation of transferable allowances*—(1) *Qualifying thermal energy.* The amount of thermal energy credited towards the transfer of allowances for the replacement of thermal energy shall equal the qualifying thermal energy and shall be calculated for each replacement unit as follows:

$$\text{Qualifying Thermal Energy (QTE) at each replacement unit} = \text{the increase in thermal output at each replacement unit submitted under (a)(3)(xii) of this section}$$

(2) *Efficiency associated with the production of thermal output.* For each replacement unit, the efficiency of fuel use associated with the production of thermal output shall be submitted in the thermal energy compliance plan under paragraph (a)(3)(xii) of this section.

(3) *Fuel associated with qualifying thermal output.* The fuel associated with the qualifying thermal output at each replacement unit shall be calculated as follows:

$$\text{Fuel associated with Qualifying Thermal Energy} = \frac{\text{Qualifying Thermal Energy}}{\text{Efficiency Associated with the Production of Thermal Output}}$$

(4) *Allowances transferred from the opt-in source to each replacement unit.* The number of allowances transferred from the opt-in source to each replacement unit for the replacement of thermal output is calculated as follows:

$$\text{transferable allowances for each replacement unit} = \frac{\text{Fuel Associated with Qualifying Thermal Output} \times \text{the lesser of} \left[\begin{array}{c}\text{allowable emission rate}_{\text{replacement unit}} \\ \text{(in lb/mmBtu)} \\ \text{or} \\ \text{1.2 lbs/mmBtu}\end{array}\right]}{2000}$$

(c) *Transfer prohibition.* The allowances transferred from the opt-in source to each replacement unit are intended for use at the replacement unit and shall not be transferred.

(d) *Compliance*—(1) *Annual compliance certification report*—(i) *Opt-in utilization report.* As required for all opt-in sources, the opt-in source covered by a thermal energy compliance plan must submit an opt-in utilization report as part of its annual compliance certification report as discussed under § 74.44(c)(1).

(ii) *Thermal energy compliance report.* The opt-in source must submit a thermal energy compliance report for the calendar year as part of its annual compliance certification report, which must contain:

(A) *Designated representative of the opt-in source.* The name, authorized account representative identification number and phone number of the designated representative of the opt-in source;

(B) *Designated representative(s) of the replacement unit(s).* The name, authorized account representative identification number and phone number of the designated representative(s) of the replacement unit or units;

(C) *Account identification number of the opt-in source.* The opt-in source's account identification number in the Allowance Tracking System (ATS);

(D) *Account identification number of the replacement unit(s).* The replacement unit(s) account identification number(s) in the Allowance Tracking System (ATS);

(E) Actual reduction of total thermal output at the opt-in source;

(F) Actual thermal output at each replacement unit replacing the thermal output of the opt-in source;

(G) Actual total thermal output at each replacement unit;

(H) Actual total fuel input at each replacement unit as monitored in accordance with part 75 of this chapter;

(I) Calculations of allowance adjustments to be performed by the Administrator according to paragraph (d)(2) of this section.

(J) *Signatures.* Signatures and dates of signatures of the designated representatives of the opt-in source and

of each replacement unit governed by the thermal energy compliance plan.

(2) *Allowance adjustments by Administrator.* (i) The Administrator will adjust the number of allowances in the Allowance Tracking System accounts for the opt-in source and for each replacement unit to reflect any changes between the estimated values submitted in the thermal energy compliance plan pursuant to paragraph (a) of this section and the actual values submitted in the thermal energy compliance report pursuant to paragraph (d) of this section. The values to be considered for this adjustment include:

(A) The number of allowances transferred by the opt-in source to each replacement unit;

(B) The number of allowances surrendered by the opt-in source to the Administrator; and

(C) The number of allowances deducted from the opt-in source.

(ii) If the opt-in source complies with the utilization provisions under § 74.44 using estimates for utilization reductions for efficiency improvements as provided under § 74.44(c)(2), then the Administrator will adjust the number of allowances in the Allowance Tracking System accounts for the opt-in source and for each replacement unit to reflect any changes between the estimated values submitted in the annual compliance certification report pursuant to paragraph (d) of this section and the actual values submitted in the compliance report pursuant to § 74.44(c)(2).

(3) *Liability.* The owners and operators of an opt-in source or a replacement unit governed by an approved thermal energy compliance plan shall be liable for any violation of the plan or this section at that opt-in source or replacement unit that is governed by the thermal energy compliance plan including liability for fulfilling the obligations specified in part 77 of this chapter and section 411 of the Act.

§ 74.48 Transfer of allowances from the replacement of thermal energy—process sources [Reserved]

§ 74.49 Calculation of deducted allowances.

(a) *Allowance deduction formula.* The following formula shall be used to determine the total number of allowances to be deducted for the calendar year from the allowances held in an opt-in source's compliance subaccount as of the allowance transfer deadline applicable to that year:

Total allowances deducted = Tons emitted + Allowances deducted for reduced utilization

where:

(1) "Tons emitted" shall be the total tons of sulfur dioxide emitted by the opt-in source during the calendar year, as reported in accordance with subpart F of this part for combustion sources or subpart G of this part for process sources.

(2) "Allowances deducted for reduced utilization" shall be the total number of allowances deducted for reduced utilization as calculated in accordance with § 74.44 for combustion sources or § 74.45 for process sources.

(b) [Reserved]

§ 74.50 Deducting opt-in source allowances.

(a) *Deduction of allowances.* The Administrator may deduct any allowances that were initially allocated to an opt-in source by removing allowances from any Allowance Tracking System accounts in which they are recorded, under the following circumstances:

(1) When the designated representative of an opt-in source does not hold enough allowances to offset excess emissions in accordance with § 77.5(b) of this chapter. Notwithstanding § 77.5(d), the Administrator will deduct allowances until the number of allowances deducted is equal to either the number required to comply with the excess emissions provisions in accordance with part 77 of this chapter; or

(2)(i) When an opt-in source has shut down, is not governed by a thermal energy compliance plan and does not hold allowances equal in number to and with the same or earlier compliance use date as those initially allocated under § 74.41 for all future calendar years. The Administrator will deduct allowances until the number of allowances deducted is equal to the number of allowances as specified under the opt-in source shutdown provisions under § 74.46(b); or

(ii) When an opt-in source has shut down and is governed by a thermal energy compliance plan under § 74.47(a), the Administrator may deduct allowances if the opt-in source is out of compliance with its thermal energy compliance plan as specified under § 74.47(d); or

(3) When an opt-in source becomes an affected unit under § 72.6(a) or becomes an affected unit under any provision of the Acid Rain Program other than section 410 and this part 74. The Administrator will treat such an opt-in source as shut down, for purposes of deducting opt-in allowances, will deduct allowances as specified under the opt-in source shutdown provisions under § 74.46(b) and will terminate the source's opt-in permit consistent with § 74.12(c)(4).

(b) *Method of deduction.* The Administrator will deduct allowances contained in the opt-in source's accounts. If the number of allowances in the opt-in source's accounts is not sufficient, the Administrator will deduct allowances on a last-out basis, beginning with those allowances with the latest recorded date of transfer out of the opt-in source's unit account.

(c) *Notification of deduction.* When allowances are deducted, the Administrator will send a written notification to the authorized representative of the Allowance Tracking System account(s) from which allowances were deducted. The notification will state:

(1) The serial numbers of all allowances deducted from the account,

(2) The reason for deducting the allowances, and

(3) The date of deduction of the allowances.

Subpart F—Monitoring Emissions: Combustion Sources

§ 74.60 Monitoring requirements.

(a) *Monitoring of SO_2 emissions.* The owner or operator of each opt-in source shall install, certify, operate and maintain a continuous emission monitoring system (consisting of an SO_2 pollutant concentration monitor, flow monitor and automated data acquisition and handling system) or an approved alternative monitoring system, for measuring and recording SO_2 concentration (in ppm), volumetric gas flow (in scfh), and SO_2 mass emissions (in lb/hr) discharged to the atmosphere, according to all requirements of part 75 of this chapter.

(b) *Monitoring of NO_X emissions.* Each opt-in source subject to this part shall monitor its NO_X emissions as provided in § 75.12 of this chapter.

(c) *Carbon dioxide monitoring.* Each opt-in source subject to this part shall monitor its carbon dioxide emissions as provided in § 75.13 of this chapter.

(d) *Monitoring of opacity.* Each opt-in source subject to this part shall monitor its opacity as provided in § 75.14 of this chapter.

(e) *Unconventional fuels.* Any opt-in source combusting fuels other than fossil fuel, bark, or wood refuse, may apply to the Administrator for approval of an appropriate method for determining heat input and for calculating an "F-factor" using the

procedures specified in appendix F of part 75 of this chapter.

(f) *Use of alternative monitoring methods.* No owner or operator shall use an alternative monitoring method for measurement and reporting of emissions prior to approval by the Administrator according to the procedures of § 75.66 of this chapter.

§ 74.61 Monitoring plan.

(a) *Monitoring plan.* The designated representative of a combustion source shall submit to the Administrator, as part of the combustion source's opt-in application, a monitoring plan outlining the combustion source's intended actions to achieve compliance with the monitoring requirements of part 75 of this chapter and of this part. A monitoring plan shall contain information on the continuous emission or opacity monitoring systems, as required under part 75 of this chapter and in a format designated by the Administrator as directed below.

(b) *Contents of the monitoring plan.* Each monitoring plan shall contain the following:

(1) *Identification number* Identification number assigned to the combustion source by the Administrator. If the combustion source is included in the National Allowance Database, the source will use the ORISPL numbers developed by the Department of Energy, including the identification of all combustion sources using a common stack; and

(2) *Emission controls.* Type(s) of emission controls, if any, installed or to be installed, including specifications of whether such controls are pre-combustion, post-combustion or integral to the combustion process.

(3) *Type of monitoring system.* The designated representative shall specify whether the combustion source will be monitoring emissions using CEMS, an excepted monitoring system, or an approved alternative monitoring system as provided in § 74.63 of this part.

(4) *Remaining elements in monitoring plan.* In addition to the requirements of paragraphs (b)(1), (2), and (3) of this section, the monitoring plan shall contain a description of monitor site location, a monitoring component table, a data acquisition and handling system table, an emissions formula table, schematic stack diagrams, stack and duct engineering diagrams, and the contents of the monitoring plan for specific situations, as provided for in § 75.53(c)(3) through (c)(9) of this chapter.

(c) *Updating monitoring plan.* (1) Whenever the opt-in source makes a replacement, modification or change in the certified continuous emission monitoring system, including an automated data acquisition and handling system, then the designated representative shall update the monitoring plan.

(2) If a modification to the monitoring plan is made, the designated representative of the opt-in source shall submit a revised monitoring plan to the permitting authority and the Administrator no later than 30 days after the next calendar quarter following the modification.

§ 74.62 Monitoring certification and recertification.

(a) *Certification.* Except as provided below, each continuous emission monitoring system or continuous opacity monitoring system or other emission monitoring system required under this part, and all data acquisition and handling systems installed as a part of these monitoring systems shall be installed, operational, and certified by the Administrator as provided in part 75 of this chapter prior to the date upon which the combustion source becomes an affected unit.

(b) *Notification of certification test dates or certification retesting dates.* The designated representative shall submit a written notice of the dates of certification testing at least 45 calendar days prior to the first day of certification testing, as specified in §§ 75.60 and 75.61 of this chapter.

(c) *Approval of certification or recertification application.* The Administrator will issue a written notice of approval or disapproval to the designated representative within 120 days of receipt of a complete application for certification or recertification.

(d) *Recertification of monitoring systems.* Whenever the owner or operator makes a replacement, modification, or change in the certified continuous emission monitoring system or continuous opacity monitoring system or any alternative monitoring system, including the automated data acquisition and handling system, that significantly affects the ability of the system to measure or record the SO_2 concentration, volumetric gas flow, SO_2 mass emissions, NO_X emission rate, CO_2 concentration, or opacity, the designated representative shall recertify the continuous emission monitoring system, continuous opacity monitoring system, or component of a monitoring system according to the procedures provided under § 75.20 of this chapter.

(e) *Provisional approval of recertification.* Any complete application for recertification that demonstrates the continuous emission monitoring system meets the requirements of appendix A of part 75 of this chapter shall be considered provisionally certified until the Administrator issues a notice of approval or disapproval within 120 days of receipt of a complete application for certification or recertification. Data measured and recorded by a provisionally recertified continuous emission or opacity monitoring system or component thereof, in accordance with the requirements of appendix B of part 75 of this chapter, will be considered valid quality-assured data (retroactive to the date and time of completion of the certification tests), provided that the Administrator does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application.

§ 74.63 Excepted and alternative monitoring systems.

(a) *Excepted monitoring systems.* (1) The designated representative of a combustion source opting into the Acid Rain Program combusting natural gas or oil (and no other sulfur-bearing fuels) may apply to the Administrator for approval and certification for monitoring SO_2 or NO_X emissions as provided under appendices D or E of part 75 of this chapter. Such applications should contain data that demonstrate that the units meet the applicability requirements under appendices D or E of part 75 of this chapter.

(2) *Application for excepted monitoring systems.* The designated representative shall submit a formal application for certification or recertification of an excepted monitoring system to the Administrator and shall provide a duplicate of the submission to all other applicable air pollution control agencies. The procedures for approval of certification or recertification of an excepted monitoring system are the same as under part 75 of this chapter; provided that no combustion source shall become an affected unit prior to the date upon which its excepted monitoring system becomes fully certified.

(b) *Alternative monitoring systems.* (1) Any alternative monitoring system shall be approved and certified by the Administrator prior to use by any combustion source, in accordance with the procedures in subpart E of part 75 of this chapter. Any alternative monitoring system must meet the requirements for precision, reliability, accessibility and timeliness as provided

under § 75.41 through § 75.44 of this chapter.

(2) *Application for alternative monitoring systems.* The designated representative shall submit a formal application for certification or recertification of an alternative monitoring system to the Administrator and shall provide a duplicate submission to all other applicable air pollution control agencies, in accordance with the procedures as provided under § 74.62; provided that no combustion source shall become an affected unit prior to the date upon which its alternative monitoring system becomes fully certified.

§ 74.64 Reporting and recordkeeping requirements.

(a) *Information requirements.* The designated representative of each opt-in source shall record the information on emissions, unit operations, and continuous emission monitoring system performance specified in subpart F of part 75 of this chapter.

(1) The designated representative of each opt-in source that is a cogenerating unit shall record its unit load, as required in paragraph (b) of § 75.50 of this chapter, as unit steam load in pounds per hour (lbs/hr) at specified temperature and pressure, instead of as gross unit load in megawatts gross electric (MWge).

(2) The designated representative of each opt-in source shall record its monthly heat input in mmBtu, using the procedures provided in appendix F of part 75 of this chapter.

Subpart G—Monitoring Emissions: Process Sources [Reserved]

PART 75—CONTINUOUS EMISSION MONITORING

14. The authority cite for part 75 continues to read as follows:

Authority: 42 U.S.C. 7651, et seq.

15. Section 75.16 is amended by revising paragraphs (a)(2)(ii)(A) and (b)(2)(ii)(A) to read as follows:

§ 75.16 [Amended]

(a) * * *

(2) * * *

(ii) * * *

(A) Designate the Phase II units as substitution units according to the procedure in part 72 of this chapter and the nonaffected units as opt-in sources in accordance with part 74 of this chapter and combine emissions for compliance purposes; or

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(A) Designate the nonaffected units as opt-in sources in accordance with part 74 of this chapter and combine emissions for compliance purposes; or

* * * * *

PART 78—APPEALS PROCEDURES FOR ACID RAIN PROGRAM

16. The authority cite for part 78 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, et seq.

17. Section 78.1 is amended by revising paragraphs (a), (b)(3), and (b)(4), and by adding paragraph (b)(5) to read as follows:

§ 78.1 [Amended]

(a)(1) This part shall govern appeals of any final decision of the Administrator under parts 72, 73, 74, 75, 77 of this chapter and the regulations implementing section 407 of the Act; provided that matters listed in § 78.3(d) and preliminary, procedural, or intermediate decisions, such as draft Acid Rain permits, may not be appealed.

(2) Filing an appeal, and exhausting administrative remedies, under this part shall be a prerequisite to seeking judicial review. For purposes of judicial review, final agency action occurs when a decision appealable under this part is issued and the procedures under this part for appealing the decision are exhausted.

(b) * * *

(3) Under part 74 of this chapter,

(i) The determination of incompleteness of an opt-in permit application;

(ii) The issuance or denial of an opt-in permit and approval or disapproval of the transfer of allowances for the replacement of thermal energy;

(iii) The approval or disapproval of a permit revision to an opt-in permit;

(iv) The decision on the deduction or return of allowances under subpart E of part 74 of this chapter;

(4) Under part 75 of this chapter,

(i) The decision on a petition for approval of an alternative monitoring system;

(ii) The approval or disapproval of a monitoring system certification or recertification;

(iii) The finalization of annual emissions data, including retroactive adjustment based on audit;

(iv) The determination of the percentage of emissions reduction achieved by qualifying Phase I technology; and

(v) The determination on the acceptability of parametric missing data procedures for a unit equipped with add-on controls for sulfur dioxide and nitrogen oxides in accordance with part 75 of this chapter.

(5) Under part 77 of this chapter, the determination of incompleteness of an offset plan and the approval or disapproval of an offset plan under § 77.4 of this chapter and the deduction of allowances under § 77.5(c) of this chapter.

* * * * *

18. Section 78.3 is amended by revising paragraph (a)(1) introductory text, and paragraph (d)(2) to read as follows:

§ 78.3 [Amended]

(a) * * *

(1) The following persons may petition for administrative review of a decision of the Administrator that is made under parts 72, 74, 75 and 77 of this chapter and that is appealable under § 78.1(a) of this part:

* * * * *

(d) * * *

(2) Any provision or requirement of parts 72, 73, 74, 75, or 77 of this chapter and regulations implementing section 407 of the Act, including any standard requirement under § 72.9 and any emissions monitoring or reporting requirements under part 75 of this chapter;

* * * * *

[FR Doc. 93–23066 Filed 9–23–93; 8:45 am]

BILLING CODE 6560–50–P

federal register

Friday
September 24, 1993

Part III

Department of Education

National Assessment of Educational Progress Data Reporting Program: Final Priorities for Fiscal Years 1994 and 1995 and Inviting Applications for New Awards for Fiscal Year 1994; Notice

DEPARTMENT OF EDUCATION

National Assessment of Educational Progress Data Reporting Program; Notice of Final Priorities for Fiscal Years 1994 and 1995

AGENCY: Department of Education.

ACTION: Notice of final priorities for fiscal years 1994 and 1995.

SUMMARY: The Secretary announces an absolute priority and two competitive priorities for fiscal years (FY) 1994 and 1995 under the National Assessment of Educational Progress (NAEP) for a Data Reporting Program. The Secretary takes this action to ensure a thorough and detailed investigation of the data from the 1990 NAEP, the 1992 NAEP, or the 1991 NAEP High School Transcript Study and to support monitoring progress toward the National Education Goals. The priorities will expand the available information about factors related to the academic achievement of U.S. children in public and private schools.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Alex Sedlacek, U.S. Department of Education, 555 New Jersey Avenue, NW., room 306D, Washington, DC 20208–5653. Telephone: 202–219–1734. 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: NAEP is a primary indicator of the level of U.S. students' academic achievement. Since 1969, NAEP has been assessing what American students know and can do in a variety of curriculum areas and plotting their progress across time. To provide context for the achievement results, NAEP also collects demographic, curricular, and institutional background information from students, teachers, and school administrators. The 1991 NAEP High School Transcript Study (Transcript Study) collected transcript data on twelfth graders who participated in the 1990 NAEP. The Transcript Study collected data on the characteristics of students and of the high school courses the students took.

The Department contracted with the Educational Testing Service to design and administer the 1992 NAEP, and to prepare and disseminate a series of reports on the NAEP data. Under the final absolute priority, the Secretary will encourage other educational researchers to study the NAEP and Transcript Study data and prepare reports on specific topics in order to expand the available information about the teacher background variables, instructional variables, school environment variables, and student background variables that relate to academic achievement.

The Secretary will award analysis grants under the final absolute priority in order to encourage a broader range of educational researchers to work with the NAEP or Transcript Study data, and to foster the development of new approaches to analyzing and reporting on these data sets.

The final absolute priority is intended to ensure that competitive grant projects meet the standards required for accurate statistical analysis of the complex data produced by NAEP and the Transcript Study.

Because there are no program regulations for this competition, the Secretary, in evaluating applications, will use the selection criteria in the Education Department General Administrative Regulations (34 CFR 75.210).

Note: This notice of final priorities does *not* solicit applications. A notice inviting applications under this competition is published elsewhere in this issue of the **Federal Register**.

Public Comment

On June 10, 1993, the Secretary published a notice of proposed priorities for this program in the **Federal Register** (58 FR 32656). In that notice, the Secretary invited public comments on the proposed priorities. No public comments or proposed changes in the priorities were received.

Priorities

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Absolute Priority: Analysis of Data From the 1990 NAEP, the 1992 NAEP, or the 1991 NAEP High School Transcript Study

Projects proposing to conduct analyses of the data from the 1990 NAEP, the 1992 NAEP authorized by section 406(i) of the General Education Provisions Act (GEPA), or the 1991 NAEP High School Transcript Study. Each analysis project must be designed to increase the information available to educational policymakers in areas where student performance might be affected by institutional change. Each grantee must publish and disseminate the results of the grant-funded data analyses. To ensure that published products meet the National Center for Education Statistics' (NCES) standards, each grantee must make provisions for an NCES sponsored pre-publication peer review.

Each application must describe in detail, for each proposed analysis, the approaches to be used to account for:

(a) The sampling error associated with the multi-stage sampling plan of NAEP when estimating the precision of all statistical parameters; and

(b) The measurement error in the multiply-imputed NAEP proficiency scores when estimating statistical parameters and their standard errors.

Under 34 CFR 75.105(c)(2)(i) the Secretary gives preference within the absolute priority to applications that meet one or more of the following competitive priorities. The number of points the Secretary awards to an application that meets a competitive priority in a particularly effective way is indicated in parentheses next to the title of the priority. These points would be in addition to any points the application earns under the selection criteria.

Competitive Priority 1—Innovative Approaches to Analysis of the 1990 NAEP, the 1992 NAEP, or 1991 Transcript Study Data. (Up to 8 points)

Analysis projects that develop new approaches to analyzing and reporting the information contained in the NAEP and Transcript Study data, or appropriately apply state-of-the-art statistical procedures to the data.

Competitive Priority 2—Development of Analytic Software Applicable to NAEP Data. (Up to 7 points)

Analysis projects that include the development of statistical software that allows more advanced analytic techniques to be readily applied to NAEP data and thereby promotes a wider dissemination of NAEP data and the results of analyses of NAEP data.

Program Authority: 20 U.S.C. 1221e–1(i).

(Catalog of Federal Domestic Assistance Number 84.999B, National Assessment of Educational Progress Data Reporting Program)

Dated: September 20, 1993.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 93–23327 Filed 9–23–93; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.999B]

National Assessment of Educational Progress (NAEP) Data Reporting Program; Notice Inviting Applications for New Awards for Fiscal Year 1994

Purpose of Program: To encourage eligible parties to use existing approaches and develop new ideas for analyzing and reporting on the data from the 1990 and the 1992 National Assessment of Educational Progress (NAEP) and the 1991 High School Transcript Study (Transcript Study).

Eligible Applicants: This competition is open to all public or private organizations and consortia of organizations.

Deadline for Transmittal of Applications: December 13, 1993.

Applications Available: October 25, 1993.

Available Funds: $1,000,000.

Estimated Range of Awards: $60,000–$120,000.

Estimated Average Size of Awards: $75,000.

Estimated Number of Awards: 8–12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74, 75, 77, 80, 81, 82, 85, and 86.

Priorities: The priorities in the notice of final priority for this program, as published elsewhere in this issue of the **Federal Register**, apply to this competition.

Invitational Priorities: Within the absolute priority specified in the notice of final priorities, the Secretary, under 34 CFR 75.105(c)(1), is particularly interested in applications that meet one or more of the following invitational priorities. However, an application that meets one or more of these invitational priorities will not receive absolute or competitive preference over other applications:

Invitational Priority 1. Projects that—

(a) Address the instructional factors, family background factors, and school and teacher characteristics that educational research literature suggests are correlates of academic performance;

(b) Do not overlap with the data analysis projects (listed in the application package) that are already being done by the NAEP contractor; and

(c) Use research done on statistical effect size to ensure that inferences made about project findings have practical as well as statistical significance.

Invitational Priority 2. Projects that analyze the 1992 NAEP data or 1991 NAEP transcript data in conjunction with data from earlier NAEP assessments and transcript studies to produce new findings.

For Applications or Information Contact: Alex Sedlacek, U.S. Department of Education, National Center for Education Statistics, Office of Educational Research and Improvement, room 306D, 555 New Jersey Avenue, NW., Washington, DC 20208–5653. Phone: (202) 219–1734. 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.

Program Authority: 20 U.S.C. 1221e-1.

Dated: September 20, 1993.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 93–23328 Filed 9–23–93; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Friday
September 24, 1993

Part IV

Department of Education

Direct Grant Programs and Fellowship Programs; Notice Inviting Applications for New Awards for Fiscal Year 1994

DEPARTMENT OF EDUCATION

Direct Grant Programs and Fellowship Programs

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year 1994.

SUMMARY: The Secretary invites applications for new awards for fiscal year (FY) 1994 under many of the Department's direct grant and fellowship programs and announces deadline dates for the transmittal of applications under these programs. This combined application notice contains fiscal and programmatic information for potential applicants under the Department's programs announced in this issue of the **Federal Register**. This notice also lists all FY 1994 programs previously announced in the **Federal Register**, as well as FY 1994 programs to be announced at a later date.

DATES: The actual or estimated deadline dates for transmitting applications under these programs are listed in Chart 1. For programs announced in this issue of the **Federal Register**, these deadline dates are repeated in Charts 2 through 7. If a program will be announced at a later date, the actual deadline date will appear in the application notice published in the **Federal Register**.

For programs announced in this issue of the **Federal Register** that are subject to Executive Order (EO) 12372 (Intergovernmental Review of Federal Programs), the deadline dates for the transmittal of State Process Recommendations by State Single Points of Contact (SPOCs) and comments by other interested parties are listed in Charts 2 through 7.

For previously announced programs that are subject to EO 12372, the deadline dates for the transmittal of State Process Recommendations by SPOCs and comments by other interested parties are listed in the application notices for those programs (see column three of Chart 1 for the respective publication dates of—and **Federal Register** volume and page references to—those notices). The deadline date will also appear in the respective application notices for those programs yet to be announced (see column three of Chart 1 for the estimated publication dates of those notices).

The date on which applications will be available for any given program is in the application notice for that program.

ADDRESSES: The address and telephone number for obtaining applications for, or further information about, a program are in the application notice for that program.

Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number, if any, listed in the individual application notices. If a TDD number is not listed for a given program, individuals who use a 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.

The address for transmitting recommendations and comments under intergovernmental review is in the appendix to this notice. The appendix also contains the addresses of individual SPOCs.

SUPPLEMENTARY INFORMATION: The Secretary believes that placing as many application notices as possible in a single notice will assist potential applicants in planning projects and activities. Further, this notice offers a complete picture of virtually all the Department's direct grant and fellowship competitions available for FY 1994. If additional competitions are carried out in FY 1994 because of new legislation or other events not known at this time, the Secretary will announce those competitions in future issues of the **Federal Register**.

Organization of Notice

This notice is organized in two parts.

Part I lists in Chart 1 all direct grant programs and certain fellowship programs under which the Secretary is making, or plans to make, new awards in FY 1994. The listings are organized under the principal program offices of the Department. For each principal office the listing includes three categories of application notices: those already published, those published in this issue of the **Federal Register**, and those to be published at a later date. The programs are listed in order of their Catalog of Federal Domestic Assistance (CFDA) numbers irrespective of category.

Application Notices

If the application notice for a particular program already has been published, the date of publication is listed in column three, together with a reference to the issue of the **Federal Register** in which the application notice appeared. If the application notice is included in this combined application notice, it is designated by the words "In this issue." The chart also identifies any application notices published elsewhere in this issue of the **Federal Register**. If the application notice is to be published later, it is designated by an estimated date followed by the abbreviation "(est.)."

Application Deadline Dates

All deadline dates announced in this notice or previously announced are listed in column four. Estimated deadline dates for transmitting applications under notices to be published later are also listed followed by the abbreviation "(est.)." The actual deadline dates for those programs will appear in the respective application notices to be published in the **Federal Register**.

Part II contains fiscal and programmatic information for all programs announced in this notice.

Each principal program office is assigned a separate chart as follows:

Chart 2—Office of Bilingual Education and Minority Languages Affairs.

Chart 3—Office of Educational Research and Improvement.

Chart 4—Office of Elementary and Secondary Education.

Chart 5—Office of Postsecondary Education.

Chart 6—Office of Special Education and Rehabilitative Services.

Chart 7—Office of Vocational and Adult Education.

Each of the charts contains the following information:

- The CFDA number and the name of each affected program.
- The date of availability of applications.
- The deadline date for transmitting applications.
- For any program subject to the requirements of EO 12372 and the regulations in 34 CFR part 79, the deadline date for transmitting comments under intergovernmental review.
- The estimated range of awards.
- The estimated average size of awards.
- The estimated number of awards.

Following the chart for each principal program office are additional details for each affected program, including—

- A brief statement of the purpose of the program;
- A list of eligible applicants;
- A list of regulations applicable to the program;
- Information regarding priorities, if any;
- Supplemental information, if necessary, regarding selection criteria or other matters;
- The project period in months;
- The name, address, and telephone number of the person or office at the Department to contact for applications or information; and
- A citation of the statutory or other legal authority for the program.

In addition, some programs have listed an estimated award date.

Programs To Be Announced at a Future Date

For FY 1994 a number of programs will be governed by new regulations or funding priorities. Application notices for these programs will be published when final regulations or priorities are completed. This notice references these types of programs with an asterisk following the respective estimated date (est.)* in column three of Chart 1. For further information regarding many of these programs, readers are referred to the following notices of proposed rulemaking and notices of proposed funding priorities that have been published in the **Federal Register**:

Fund for Innovation in Education (FIE): Innovation in Education Program—Field Testing and Demonstrations of New or Improved Assessments of K–12 Student Performance—Notice of Proposed Priority for Fiscal Years 1993 and 1994—58 FR 14274 (3/16/93)

National Workplace Literacy Program—Notice of Proposed Rulemaking—58 FR 30916 (5/27/93)

Special Studies Program: Technical Assistance to State Agencies Participating in the State Agency-Federal Evaluation Studies Program—Notice of Proposed Funding Priority for Fiscal Years 1994 and 1995—58 FR 32206 (6/8/93)

Talent Search Program—Notice of Proposed Rulemaking—58 FR 32580 (6/10/93)

National Assessment of Educational Progress Data Reporting Program—Notice of Proposed Priority for Fiscal Years 1994 and 1995—58 FR 32656 (6/11/93)

Educational Media Research, Production, Distribution and Training Program—Notice of Proposed Funding Priorities for Fiscal Year 1994—58 FR 34168 (6/23/93)

Research in Education of Individuals with Disabilities Program and Program for Children and Youth with Serious Emotional Disturbance—Notice of Proposed Priorities for Fiscal Years 1994 and 1995—58 FR 36576 (7/7/93)

Jacob K. Javits Fellowship Program—Notice of Proposed Rulemaking—58 FR 37890 (7/14/93)

National Institute on Disability and Rehabilitation Research—Notice of Proposed Funding Priority for Fiscal Years 1994–1995 for a Rehabilitation Engineering Research Center—58 FR 41010 (7/30/93)

National Institute on Disability and Rehabilitation Research—Notice of Proposed Funding Priorities for Fiscal Years 1994–1995 for Rehabilitation Research and Training Centers—58 FR 41910 (8/5/93)

Cooperative Demonstration Program: Community Education Employment Centers—Notice of Proposed Priority and Proposed Selection Criteria for Fiscal Year 1994—58 FR 43742 (8/17/93)

National Institute on Disability and Rehabilitation Research—Notice of Proposed Funding Priorities for Fiscal Years 1994 and 1995 for Research and Demonstration Projects—58 FR 46714 (9/2/93)

National Institute on Disability and Rehabilitation Research—Notice of Proposed Funding Priorities for Fiscal Years 1994–1995 for the Knowledge Dissemination and Utilization Program—58 FR 46710 (9/2/93)

Rehabilitation Short-Term Training—Notice of Proposed Priorities for Fiscal Year 1994—58 FR 47188 (9/7/93)

Strengthening Institutions Program—Notice of Proposed Rulemaking—58 FR 48478 (9/16/93)

Available Funds

The Congress has not yet enacted a fiscal year 1994 appropriation for the Department of Education. However, the Department is publishing this notice in order to give potential applicants adequate time to prepare applications. Estimates of the amount of funds available for these programs are based in part on the President's 1994 budget request and in part on the level of funding available for fiscal year 1993. THE DEPARTMENT OF EDUCATION IS NOT BOUND BY ANY OF THE ESTIMATES IN THIS NOTICE.

National Education Goals

In 1990 the President and the Nation's Governors announced six National Education Goals for the year 2000:

Goal 1: All children in America will start school ready to learn.

Goal 2: The high school graduation rate will increase to at least 90 percent.

Goal 3: American students will leave grades 4, 8, and 12 having demonstrated competency in challenging subject matter, including English, mathematics, science, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

Goal 4: U.S. students will be first in the world in science and mathematics achievement.

Goal 5: Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Goal 6: Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

In developing this combined application notice the Department has sought to ensure that programs awarding grants during FY 1994 will further achievement of the National Education Goals. The Secretary encourages applicants under these programs to consider the National Education Goals in developing their applications.

Applicability of Section 5301 of the Anti-Drug Abuse Act of 1988

A number of programs covered by this combined application notice and listed in Chart 1 provide that a grant, fellowship, traineeship, or other monetary benefit may be awarded to an individual. This award may be made to the individual either directly by the Department or by a grantee that receives Federal funds for the purpose of providing, for example, fellowships, traineeships, or other awards to individuals.

Section 5301 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690; redesignated as section 421 of the Controlled Substances Act, 21 U.S.C. 862) provides that a sentencing court may deny eligibility for certain Federal benefits to an individual convicted of drug trafficking or possession. Thus, an individual who applies for a grant, fellowship, or other monetary benefit under a program covered by this notice should understand that, if convicted of drug trafficking or possession, he or she is subject to denial of eligibility for that benefit if the sentencing court imposes such a sanction.

This denial applies whether the Federal benefit is provided to the individual directly by the Department or is provided through a grant, fellowship, traineeship, or other award made available with Federal funds by a grantee.

Any persons determined to be ineligible for Federal benefits under the provisions of section 5301 are listed in the General Services Administration's "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs."

Applicability of the Federal Debt Collection Procedures Act of 1990

The programs announced in this notice make discretionary awards subject to the eligibility requirements of the Federal Debt Collection Procedures Act of 1990 (Pub. L. 101–647; 28 U.S.C. 3201). The Act provides that if there is a judgment lien against a debtor's property for a debt to the United States, the debtor is not eligible to receive a Federal grant or loan, except direct payments to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

Intergovernmental Review of Federal Programs

Certain programs in this notice are subject to the requirements of EO 12372 and the regulations in 34 CFR part 79. These programs are identified in Charts 2 through 7 with a date in the column

headed "Deadline for intergovernmental review." For further information, an applicant under a program subject to the Executive order—and other parties interested in that program—are directed to the appendix to this notice.

PART I.—CHART 1—LIST OF APPLICATION NOTICES

CFDA No.	Name of program	Application notice	Application deadline date
	Office of Bilingual Education and Minority Languages Affairs		
84.003A	Transitional Bilingual Education Program	7/28/93 (58 FR 40559) ..	11/19/93.
84.003C	Developmental Bilingual Education Program	7/28/93 (58 FR 40554) ..	11/19/93.
84.003E	Special Alternative Instructional Program	7/28/93 (58 FR 40557) ..	11/19/93.
84.003G	Academic Excellence Program	7/28/93 (58 FR 40554) ..	1/28/94.
84.003J	Family English Literacy Program	7/28/93 (58 FR 40556) ..	11/12/93.
84.003L	Special Populations Program	7/28/93 (58 FR 40559) ..	10/20/93.
84.162	Emergency Immigrant Education Program	In this issue	5/13/94.
84.195R	Educational Personnel Training Program	7/28/93 (58 FR 40555) ..	1/27/94.
84.195T	Fellowship Program	7/28/93 (58 FR 40556) ..	1/12/94.
84.195V	Short-Term Training Program	7/28/93 (58 FR 40557) ..	11/5/93.
	Office of Educational Research and Improvement		
	Library Programs		
84.036A	Library Education and Human Resource Development—Institutes	9/10/93 (58 FR 47800) ..	11/30/93.
84.036B	Library Education and Human Resource Development—Fellowships	9/10/93 (58 FR 47800) ..	11/30/93.
84.091A	Improving Access to Research Library Resources Program	7/30/93 (58 FR 40992) ..	10/12/93[1]. 12/9/93[2].
84.163A	Library Services to Indian Tribes and Hawaiian Natives—Basic Grants	7/30/93 (58 FR 40992) ..	10/15/93.
84.163B	Library Services to Indian Tribes and Hawaiian Natives—Special Projects	7/30/93 (58 FR 40992) ..	4/4/94.
84.167A	Library Literacy Program	7/30/93 (58 FR 40992) ..	11/19/93.
84.197A–D	College Library Technology and Cooperation Grants Program	7/30/93 (58 FR 40992) ..	12/13/93.
84.239A	Foreign Language Materials Acquisition Program	7/30/93 (58 FR 40992) ..	1/7/94.
	Fund for the Improvement and Reform of Schools and Teaching (FIRST)		
84.168T	Eisenhower National Program for Mathematics and Science Education—Teacher Model Professional Development Programs.	2/2/94 (est.)*	4/18/94 (est.).
84.211B	FIRST—Schools and Teachers Program—School-Level Projects	10/15/93 (est.)	1/7/94.
84.215	Secretary's Fund for Innovation in Education (FIE):		
84.215A	FIE—Innovation in Education Program (General Competition)	1/21/94 (est.)	4/29/94 (est.).
84.215B	FIE—Comprehensive School Health Education Program	In this issue	12/10/93.
84.215C	FIE—Innovation in Education Program—Technology	2/7/94 (est.)*	4/29/94 (est.).
84.215H	FIE—Innovation in Education Program—Field Testing and Demonstrations of New or Improved Assessments of K–12 Student Performance.	10/15/93(est.)	1/14/94 (est.).
84.215J	FIE—Innovation in Education Program—Teacher Model Professional Development Programs.	2/7/94 (est.)*	5/6/94 (est.).
	Office of Research		
84.117D	Center for the Study of the Education of At-Risk Students	1/10/94 (est.)	4/1/94 (est.).
84.117E	Educational Research Grant Program—Field-Initiated Studies	8/31/93 (58 FR 45883) ..	12/10/93.
84.117J	Office of Educational Research and Improvement Fellows Program	In this issue	12/10/93.
	Programs for the Improvement of Practice		
84.073A	National Diffusion Network Program—New Developer Demonstrator Projects	In this issue	4/8/94.
84.073C	National Diffusion Network Program—New State Facilitator Project (for Palau Only).	In this issue	3/8/94.
84.203A	Star Schools Program—General Projects	11/22/93 (est.)*	2/11/94 (est.).
84.203C	Star Schools Program—Dissemination Projects	11/22/93 (est.)*	2/11/94 (est.).
	National Center for Education Statistics		
84.999A	The National Assessment of Educational Progress (NAEP)—Trial State Evaluation.	10/01/93 (est.)	11/15/93 (est.).
84.999B	The National Assessment of Educational Progress (NAEP)—Data Reporting Program.	In this issue.	12/13/93.

PART I.—CHART 1—LIST OF APPLICATION NOTICES—Continued

CFDA No.	Name of program	Application notice	Application deadline date
	Office of Elementary and Secondary Education		
84.061A	Educational Services for Indian Children	In this issue	2/11/94.
84.061B	Indian Education Resource Centers	10/8/93 (est.)	1/28/94 (est.)
84.061F	Indian Education—Educational Personnel Development	In this issue	2/11/94.
84.062A	Educational Services for Indian Adults	In this issue	2/11/94.
84.072A	Indian-Controlled Schools—Enrichment Projects	In this issue	2/11/94.
84.083A	Women's Educational Equity Act Program—General Significance Grants	In this issue	3/11/94.
84.083B	Women's Educational Equity Act Program—Challenge Grants	In this issue	3/11/94.
84.123A	Law-Related Education Program.	In this issue	2/4/94.
84.144A	Chapter 1 Migrant Education Coordination Program	1/28/94 (est.)*	4/15/94 (est.)
84.214A	Migrant Education Even Start Program	In this issue	3/28/94.
84.233A	Drug-Free Schools and Communities Emergency Grants Program	In this issue	1/26/94.
84.241A	Drug-Free Schools and Communities Counselor Training Grants Program	In this issue	1/24/94.
84.258A	Even Start Program—Indian Tribes and Tribal Organizations	In this issue	3/21/94.
84.266A	Training in Early Childhood Education and Violence Counseling	1/18/94 (est.)*	4/4/94 (est.).
	Office of Postsecondary Education		
84.015A	National Resource Centers and Fellowships	9/3/93 (58 FR 46948)	11/3/93.
84.016A	Undergraduate International Studies and Foreign Language	7/28/93 (58 FR 40413)	11/5/93.
84.017A	International Research and Studies	7/28/93 (58 FR 40413)	11/5/93.
84.019A	Fulbright-Hays Faculty Research Abroad	8/10/93 (58 FR 42530)	11/1/93.
84.021A	Fulbright-Hays Group Projects Abroad	7/28/93 (58 FR 40412)	10/22/93.
84.022A	Fulbright-Hays Doctoral Dissertation Research Abroad	8/10/93 (58 FR 42530)	11/1/93.
84.031A	Strengthening Institutions Program	2/7/94 (est.)*	4/18/94 (est.).
84.031G	Endowment Challenge Grant Program	In this issue	6/14/94.
84.031H	Strengthening Institutions Program and Endowment Challenge Grant Program—Designation as an Eligible Institution.	In this issue	12/3/93.
84.044A	Talent Search	10/12/93 (est.)*	12/10/93 (est.).
84.055A	Cooperative Education Program—Administration, Part A Projects	In this issue	2/14/94.
84.055B	Cooperative Education Program—Demonstration Projects	In this issue	2/14/94.
84.055C	Cooperative Education Program—Research Projects	In this issue	2/14/94.
84.055D	Cooperative Education Program—Training and Resource Center Projects	In this issue	2/14/94.
84.055E	Cooperative Education Programs—Administration, Part B Projects	In this issue	2/14/94.
84.066A	Educational Opportunity Centers	11/15/93 (est.)*	1/15/94 (est.).
84.094B	Patricia Roberts Harris Fellowship Program	10/15/93 (est.)	12/1/93 (est.).
84.097A	Law School Clinical Experience Program	In this issue	1/28/94.
84.103	Training Program for Federal TRIO Programs	In this issue	12/17/93.
84.120	Minority Science Improvement Program—Institutional, Design, Special, and Cooperative Projects.	In this issue	12/17/93.
84.153A	Business and International Education	7/28/93 (58 FR 40413)	11/8/93.
84.170A	Jacob K. Javits Fellows Program	10/4/93 (est.)*	1/18/94 (est.).
84.200A	Graduate Assistance in Areas of National Need Program	10/8/93 (est.)*	12/30/93.
84.202A	Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education Program.	In this issue	12/6/93.
84.204	School, College, and University Partnerships	In this issue	4/1/94.
	Fund for the Improvement of Postsecondary Education (FIPSE)		
84.116A	Comprehensive Program (Preapplications) [3]	10/18/93 (est.)	12/2/93 (est.).
84.116B	Comprehensive Program (Applications)	10/18/93 (est.)	4/1/94 (est.).
84.116F	Fund for the Improvement of Postsecondary Education—Innovative Projects for Community Service.	In this issue	12/21/93.
84.183A	Drug Prevention Programs in Higher Education—Institution-Wide Program	In this issue	1/21/94.
84.183B	Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program.	In this issue	4/4/94.
84.183D	Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention).	In this issue	2/18/94.
84.183E	Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Dissemination of Successful Projects.	In this issue	1/24/94.
84.183F	Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Analysis Projects.	In this issue	1/25/94.
	Office of Special Education and Rehabilitative Services		
	Office of Special Education Programs		
84.023A	Advancing and Improving the Research Knowledge Base	7/29/93 (58 FR 40702)	10/22/93.
84.023B	Student-Initiated Research Projects	7/29/93 (58 FR 40702)	10/22/93.

PART I.—CHART 1—LIST OF APPLICATION NOTICES—Continued

CFDA No.	Name of program	Application notice	Application deadline date
84.023C	Field-Initiated Research Projects	7/29/93 (58 FR 40702)	1/14/94.
84.023D	School-Linked Services to Support Better Outcomes for Children with Disabilities	11/18/93 (est.)*	2/4/94 (est.).
84.023E	Synthesize and Communicate a Professional Knowledge Base: Contributions to Research and Practice.	11/18/93 (est.)*	3/25/94 (est.).
84.023F	State and Local Education Efforts to Implement the Transition Requirements in the Individuals with Disabilities Education Act.	11/18/93 (est.)*	4/1/94 (est.).
84.023H	Center for Policy Research	11/18/93 (est.)*	4/8/94 (est.).
84.023N	Initial Career Awards	11/18/93 (est.)*	2/18/94 (est.).
84.024B	Model Demonstration Projects for Young Children with Disabilities	9/16/93 (58 FR 48554)	1/10/94.
84.024D	Outreach Projects for Young Children with Disabilities	9/16/93 (58 FR 48554)	1/5/94.
84.024K	Early Childhood Research Institute on Integration	9/16/93 (58 FR 48554)	1/10/94.
84.024P	Early Childhood Model Inservice Training Projects	9/16/93 (58 FR 48554)	12/29/93.
84.025S	Research Validation and Implementation Projects for Children who Are Deaf-Blind.	9/21/93 (58 FR 49039)	12/17/93.
84.026A	Closed-Captioned Sports Programs	10/5/93 (est.)*	2/4/94 (est.).
84.026C	Broadcast and Cable Video Description	10/5/93 (est.)*	2/3/94 (est.).
84.026D	Educational Video Selection and Captioning	10/5/93 (est.)*	1/3/94 (est.).
84.026G	Research on Video Description	10/5/93 (est.)*	2/4/94 (est.).
84.026H	Described Home Video	10/5/93 (est.)*	3/3/94 (est.).
84.026M	Symposium on Exploring New Strategies for Providing Captioned Media Services	10/5/93 (est.)*	2/4/94 (est.).
84.026R	Research on Captioning as a Language Development Tool	10/5/93 (est.)*	2/4/94 (est.).
84.029	Training Personnel for the Education of Individuals with Disabilities:		
84.029A	Training Personnel to Serve Low-Incidence Disabilities	6/3/93 (58 FR 31512)	10/1/93.
84.029B	Preparation of Personnel for Careers in Special Education	6/3/93 (58 FR 31512)	9/17/93.
84.029C	Technical Assistance to Professional Development Partnerships	8/31/93 (58 FR 45884)	10/29/93.
84.029D	Preparation of Leadership Personnel	6/3/93 (58 FR 31512)	9/17/93.
84.029E	Minority Institutions	6/3/93 (58 FR 31512)	1/14/94.
84.029F	Preparation of Related Services Personnel	6/3/93 (58 FR 31512)	9/17/93.
84.029H	Grants to State Educational Agencies and Institutions of Higher Education	5/28/93 (58 FR 31102)	12/17/93.
84.029K	Special Projects	6/3/93 (58 FR 31512)	11/19/93.
84.029L	Training Educational Interpreters	6/3/93 (58 FR 31512)	1/14/94.
84.029M	Parent Training and Information Centers	6/3/93 (58 FR 31512)	8/27/93.
84.029Q	Training Early Intervention and Preschool Personnel	6/3/93 (58 FR 31512)	10/1/93.
84.078C	Model Demonstration Projects to Improve the Delivery and Outcomes of Post-secondary Education for Individuals with Disabilities.	9/14/93 (58 FR 48042)	2/4/94.
84.086D	Research Projects for Educating Children with Severe Disabilities in Inclusive Settings.	9/22/93 (58 FR 49398)	12/15/93.
84.086J	Statewide Systems Change: Children with Severe Disabilities	9/22/93 (58 FR 49398)	1/14/94.
84.086R	Model Inservice Training Projects to Prepare Personnel to Educate Students with Severe Disabilities in General Education Classrooms and Community Settings.	9/22/93 (58 FR 49398)	2/3/94.
84.086V	Institute on Implementing Inclusive Education for Children with Severe Disabilities	9/22/93 (58 FR 49398)	12/30/93.
84.158D	Model Demonstration Projects to Identify and Develop Alternatives for Youth with Disabilities Who Have Dropped Out of School or Are at Risk of Dropping Out of School.	9/21/93 (58 FR 49154)	12/17/93.
84.158Q	Outreach Projects for Services for Youth with Disabilities	9/21/93 (58 FR 49154)	3/28/94.
84.158U	Research Projects on Student Involvement in Transition Planning	9/21/93 (58 FR 49154)	4/8/94.
84.159A	State Agency-Federal Evaluation Studies Projects	10/15/93 (est.)	3/25/94 (est.).
84.159D	Technical Assistance for State Agencies Participating in the State Agency-Federal Evaluation Studies Program.	11/30/93 (est.)*	3/18/94 (est.).
84.159F	State Agency-Federal Evaluation Studies Projects—Feasibility Studies of Impact and Effectiveness.	10/15/93 (est.)	3/25/94 (est.).
84.180A	Organizational Support and Professional Development in the Use of Technology, Media, and Materials with Children and Youth with Disabilities.	9/14/93 (58 FR 48041)	1/7/94.
84.180G	Technology, Educational Media, and Materials Research Projects that Promote Literacy.	8/13/93 (58 FR 43190)	11/19/93.
84.237F	Preventing the Development of Serious Emotional Disturbance Among Children and Youth with Emotional and Behavioral Problems.	10/8/93 (est.)*	1/7/94 (est.).
	National Institute on Disability and Rehabilitation Research		
84.133A–1	Research and Demonstration Projects	7/7/93 (58 FR 36554)	11/4/93.
84.133A–4	Research and Demonstration Projects	12/1/93 (est.)*	3/1/94 (est.).
84.133B–2	Rehabilitation Research and Training Centers	10/1/93 (est.)*	11/19/93 (est.).
84.133B–5	Rehabilitation Research and Training Centers	11/18/93 (est.)*	3/4/94 (est.).
84.133B–9	Rehabilitation Research and Training Centers	6/30/93 (58 FR 34994)	9/1/93.
84.133D–1	Knowledge Dissemination and Utilization Program	12/1/93 (est.)*	3/11/94 (est.).
84.133E–5	Rehabilitation Engineering Centers	11/30/93 (est.)*	3/11/94 (est.).
84.133F	Rehabilitation Research Fellowships Program	7/7/93 (58 FR 36554)	10/15/93.
84.133G–2	Field-Initiated Research	7/7/93 (58 FR 36554)	10/5/93.
84.133P–1	Research Training and Career Development Program	7/7/93 (58 FR 36554)	8/27/93.
84.224A–6	State Grants for Technology-Related Assistance for Individuals with Disabilities	4/15/94 (est.)*	6/10/94 (est.).

PART I.—CHART 1—LIST OF APPLICATION NOTICES—Continued

CFDA No.	Name of program	Application notice	Application deadline date
	Rehabilitation Services Administration		
84.128A	Special Projects and Demonstrations for Providing Supported Employment—Community-Based Projects.	In this issue	3/24/94.
84.128B	Special Projects and Demonstrations for Providing Supported Employment—Statewide Demonstration Projects.	In this issue	12/1/93.
84.128G	Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers with Disabilities.	In this issue.	1/14/94.
84.128J	Projects for Initiating Recreational Programs for Individuals with Disabilities	In this issue	1/21/94.
84.128N	Special Projects and Demonstrations for Providing Supported Employment to Individuals with the Most Severe Disabilities—Community-Based Projects for Serving Individuals Who Are Low-Functioning and Deaf or Low-Functioning and Hard-of-Hearing.	In this issue.	12/1/93.
84.129A–1	Rehabilitation Long-Term Training—Rehabilitation Medicine	In this issue.	11/30/93
84.129A–3	Rehabilitation Long-Term Training—Rehabilitation Nursing	In this issue	11/30/93.
84.129A–5	Rehabilitation Long-Term Training—Prosthetics and Orthotics	In this issue	11/30/93.
84.129B	Rehabilitation Long-Term Training—Rehabilitation Counseling	In this issue	2/18/94.
84.129C–1	Rehabilitation Long-Term Training—Community Rehabilitation Program Administration.	In this issue	11/30/93.
84.129C–3	Rehabilitation Long-Term Training—Rehabilitation Administration	In this issue	11/30/93.
84.129D–1	Rehabilitation Long-Term Training—Physical Therapy	In this issue	11/30/93.
84.129D–3	Rehabilitation Long-Term Training—Occupational Therapy	In this issue	11/30/93.
84.129E	Rehabilitation Long-Term Training—Rehabilitation Technology	In this issue	11/30/93.
84.129F	Rehabilitation Long-Term Training—Vocational Evaluation and Work Adjustment	In this issue	11/30/93.
84.129G	Rehabilitation Long-Term Training—Community Rehabilitation Program Personnel.	In this issue	11/30/93.
84.129H	Rehabilitation Long-Term Training—Rehabilitation of Individuals Who Are Mentally Ill.	In this issue	11/30/93.
84.129J	Rehabilitation Long-Term Training—Rehabilitation Psychology	In this issue	11/30/93.
84.129K	Rehabilitation Long-Term Training—Specialized Personnel for Supported Employment.	In this issue	11/30/93.
84.129L	Rehabilitation Long-Term Training—Undergraduate Education in Rehabilitation Services.	In this issue.	11/30/93.
84.129M	Rehabilitation Long-Term Training—Independent Living	In this issue	11/30/93.
84.129N	Rehabilitation Long-Term Training—Speech Pathology and Audiology	In this issue	11/30/93.
84.129P	Rehabilitation Long-Term Training—Rehabilitation of Individuals Who Are Blind	In this issue	11/30/93.
84.129Q	Rehabilitation Long-Term Training—Rehabilitation of Individuals Who Are Deaf	In this issue	11/30/93.
84.129R	Rehabilitation Long-Term Training—Rehabilitation Job Development and Placement.	In this issue	11/30/93.
84.129V	Rehabilitation Long-Term Training—Technician Training	In this issue	1/14/94.
84.132A	Centers for Independent Living	4/12/94 (est.)*	6/14/94 (est.).
84.177A	Independent Living Services for Older Individuals Who Are Blind	4/12/94 (est.)*	6/14/94 (est.).
84.240A	Protection and Advocacy of Individual Rights	In this issue	12/3/93.
84.246A	Rehabilitation Short-Term Training—Training Rehabilitation Counselors, Practitioners, and Educators on Student Financial Aid and Student Support Services for Individuals with Disabilities in Postsecondary Education Settings.	11/15/93 (est.)*	1/18/94 (est.).
84.246B	Rehabilitation Short-Term Training—Training Rehabilitation Practitioners and Educators on Provisions of Titles II and XVI of the Social Security Act.	11/15/93 (est.)*	1/18/94 (est.).
84.250D	Vocational Rehabilitation Service Projects for American Indians with Disabilities	In this issue	4/7/94.
84.263	Rehabilitation Training—Experimental and Innovative Training	In this issue	11/23/93.
84.264	Rehabilitation Training—Rehabilitation Continuing Education Programs	7/28/93 (58 FR 40414)	9/30/93.
84.265A	State Vocational Rehabilitation Unit In-Service Training	4/15/94 (est.)*	6/15/94 (est.).
	Office of Vocational and Adult Education		
84.099	Bilingual Vocational Instructor Training Program	8/5/93 (58 FR 41918)	9/20/93.
84.101A	Indian Vocational Education Program	3/18/93 (58 FR 15052)	7/15/93.
84.198	National Workplace Literacy Program	11/10/93 (est.)*	1/7/94 (est.).
84.199G	Cooperative Demonstration Program—Community Education Employment Centers.	11/19/93 (est.)*	1/14/94 (est.).
84.199H	Cooperative Demonstration Program—School-to-Work Opportunities Implementation Grants.	11/29/93 (est.)*	1/28/94 (est.).
84.248	Demonstration Projects for the Integration of Vocational and Academic Learning Program.	6/11/93 (58 FR 32808)	7/30/93
84.255A	Life Skills for State and Local Prisoners Program	3/16/93 (58 FR 14278); 4/9/93 (58 FR 18381).	5/17/93.
84.259A	Native Hawaiian Vocational Education Program	In this issue	3/25/94.

[1] For institutions needing to establish eligibility (Part I only).
[2] For all project descriptions (Part II).
[3] Applicants for 84.116B must submit preapplications under 84.116A by 12/2/93.

Part II

The following Charts 2 through 7 contain fiscal and programmatic information about each of the programs announced in this notice. Each chart is followed by additional information regarding these programs.

CHART 2.—OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.162 Emergency Immigrant Education Program	2/1/94	5/13/94	7/12/94	N/A	N/A	45

84.162 Emergency Immigrant Education Program

Purpose of Program: This program provides financial assistance for supplementary educational services and costs for eligible immigrant children enrolled in elementary and secondary public and nonpublic schools.

Eligible Applicants: State educational agencies (SEAs).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 581.

Project Period: Up to 12 months.

Programmatic Information: An SEA may apply for a grant if it meets the eligibility requirements specified in 34 CFR 581.2. An eligible SEA must provide a count, taken during March or April 1994, of the number of immigrant children enrolled in public and nonpublic schools in accordance with the requirements specified in 34 CFR 581.11. The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for fewer than three complete academic years.

The authorizing statute for the program requires the Department of Education to reduce a State's grant award under this program by the amount of Federal funds that the State receives in fiscal year (FY) 1994 for the same purpose as the Emergency Immigrant Education Program (EIEP) funds. However, the Department reduces the award only to the extent that the other Federal funds are made available specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served. Therefore, in its EIEP application, a State must provide information regarding any other Federal assistance it requested for FY 1994 that is for the same purpose as the EIEP funds (*i.e.*, supplementary educational services and costs for eligible immigrant children).

For Applications or Information Contact: Harpreet K. Sandhu, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6641. Telephone: (202) 205–9808.

Program Authority: 20 U.S.C. 3121–3130.

CHART 3.—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
Library Programs						
All programs have been announced (see Chart 1)						
Fund for the Improvement and Reform of Schools and Teaching (FIRST)						
84.215B FIE—Comprehensive School Health Education Program.	10/20/93	12/10/93	2/10/94	$50,000–150,000 ...	$100,000	7
Office of Research						
84.117J Office of Educational Research and Improvement Fellows Program.	10/8/93	12/10/93	N/A	$25,000–45,000 (per indiv. fellow).	$25,000 (per indiv. fellow).	3 (indiv. fellowships).
Programs for the Improvement of Practice						
84.073A National Diffusion Network—New Developer Demonstrator Projects.	2/18/94	4/8/94	6/7/94	$60,000–100,000 ...	$75,000	23
84.073C National Diffusion Network—New State Facilitator Project (for Palau Only).	1/14/94	3/8/94	5/7/94	60,000–70,000	65,000	1

CHART 3.—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT—Continued

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
National Center for Education Statistics						
84.999B The National Assessment of Educational Progress (NAEP)—Data Reporting Program.[1]						

[1] The announcement for this program appears in a separate notice in this issue of the **Federal Register.**

84.215B Fund for Innovation in Education (FIE)—Comprehensive School Health Education Program

Purpose of Program: To encourage the provision of comprehensive school health education for elementary and secondary students.

Eligible Applicants: State educational agencies (SEAs); local educational agencies (LEAs); and SEAs or LEAs in collaboration with other entities of their choice, such as institutions of higher education, private schools, and other public and private agencies, organizations, and institutions.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98.

Priority: Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects in which schools work in partnerships with families and the community on comprehensive school health education for grades K–12.

Within this invitational priority the Secretary particularly invites applications that address one of the following:

(a) Demonstration or teacher professional development programs that involve new approaches to curriculum, instruction, and assessment in elementary or secondary schools or both.

(b) Projects in elementary or secondary schools or both to provide teachers and administrators with inservice professional development to assist in the implementation of new comprehensive school health education programs.

Supplementary Information: The Comprehensive School Health Education Program supports projects in comprehensive school health education that are broad in scope and cover a wide range of health topics. Topics may include: personal health and fitness, nutrition, mental and emotional health, prevention of chronic disease, substance use and abuse, accident prevention and safety, community and environmental health, prevention and control of communicable diseases, effective use of health services delivery systems, and development and aging.

The Secretary is interested in projects that also have the potential to be disseminated by the National Diffusion Network (NDN). NDN is a dissemination system through which proven exemplary educational programs and processes are made available to interested school systems or other educational institutions around the country. To become eligible for dissemination by NDN, a project must be proven to be effective. A grantee interested in having its project disseminated must collect evidence of project effectiveness and present the evidence to the Department's Program Effectiveness Panel (PEP).

Therefore, the Secretary encourages applicants who are interested in having their projects disseminated by NDN to include an evaluation plan that would assess the effectiveness and impact of project activities with emphasis on changes in school practices and student behavior.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in EDGAR, 34 CFR 75.210.

The regulations in 34 CFR 75.210(c) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes these 15 points as follows:

Evaluation Plan (34 CFR 75.210(b)(6)). Fifteen points are added to this criterion for a possible total of 20 points.

Estimated Award Date: 5/6/94.

Project Period: Up to 36 months.

For Applications or Information Contact: Shirley Jackson, U.S. Department of Education, 555 New Jersey Avenue, NW., room 300–Q, Washington, DC 20208–5524. Telephone (202) 219–1556.

Program Authority: 20 U.S.C. 3151, 3155.

84.117J Office of Educational Research and Improvement Fellows Program

Purpose of Program: To provide Federal financial assistance enabling individuals to make contributions to the improvement of education by engaging in educational research at the Office of Educational Research and Improvement (OERI) in Washington, DC.

Eligible Applicants: Individuals who have training and experience indicating that they have the potential to conduct educational research. An individual must be a citizen of the United States to be eligible for a fellowship.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.60 and 75.61, and 34 CFR parts 77, 81, 82, and 85; and (b) The regulations for this program in 34 CFR part 762.

Selection Criteria: In selecting fellows under this program, the Secretary rates applications using the criteria in 34 CFR 762.21 and then determines the order in which the applications will be selected.

The program regulations in 34 CFR part 762 provide that the Secretary may award up to 100 points for the selection criteria in evaluating each applicant for a fellowship. The Secretary distributes the 100 points as follows:

(a) *Quality of the plan for the proposed activity* (40 points). The Secretary reviews the quality of each proposed project to ensure that—

(1) The design of the project is of high quality;

(2) The applicant's project relates to the purposes of the fellowship program; and

(3) The applicant's project is feasible.

(b) *Significance of the proposed project* (20 points). The Secretary

assesses the significance of each proposed project to ensure that—

(1) The project addresses important issues in American education;

(2) Project results will benefit American education; and

(3) The project will enhance educational practice.

(c) *Qualifications of the applicant* (40 points). The Secretary reviews the qualifications of each applicant to ensure—

(1) The appropriateness and quality of the education and experience of the applicant as they may be related to the proposed project; and

(2) Demonstrated ability to produce a final product that is comprehensive and useful.

Supplementary Information: Under 34 CFR 762.21(b)(1) the Secretary assesses the significance of each proposed project to ensure that the project addresses important issues in American education. The following paragraphs contain examples of educational topics that address issues the Secretary considers to be important in American education. Note, however, that (1) these topics are examples only; (2) the Secretary also considers many other educational topics to be important issues in American education; and (3) the Secretary does not give competitive preference to applications that propose research activities based on these examples.

The following are some examples of educational topics:

1. Helping parents support the learning of their young children.

2. Improving the education of children and youth whose circumstances put them at a disadvantage.

3. Identifying factors that will lead to greater student learning at any stage from birth through postsecondary and graduate education.

4. Identifying how school or college organization and environment affect student achievement.

Project Period: Each project is for a period of not fewer than four months and not more than 12 months of full-time activity or the equivalent if less than full-time activity.

For Applications or Information Contact: L. Ann Benjamin, U.S. Department of Education, 555 New Jersey Avenue, NW., room 615, Washington, DC 20208–5647. Telephone: (202) 219–2243.

Program Authority: 20 U.S.C. 1221e.

84.073A National Diffusion Network Program—New Developer Demonstrator Projects

Purpose of Program: To provide grants to disseminate, to new sites nationwide, exemplary education programs that have been previously approved by the Department of Education's Program Effectiveness Panel (PEP).

Eligible Applicants: Public or nonprofit private agencies, organizations, or institutions that have developed programs, products, or practices that (a) have approval by PEP and (b) are in use in sites that can be visited.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 785 and 786.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 786.3(b) the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary funds under this competition only applications that meet one of these absolute priorities:

Absolute Priority 1. Applications proposing projects in English, mathematics, science, history, geography, the arts, foreign languages, or comprehensive change strategies for schools that serve concentrations of at-risk students.

Absolute Priority 2. Applications proposing any subject area or special need in 34 CFR 786.3(b), other than a subject area or special need listed in Absolute Priority 1 of this notice.

Fiscal Information: The Secretary expects to reserve $1,000,000 to fund applications that meet Absolute Priority 1; however, the Secretary may increase or decrease this amount, depending on the number of high-quality applications addressing Absolute Priority 1. The Secretary uses the remainder of the total funds for new awards under this program to support applications that address Absolute Priority 2.

Project Period: Up to 48 months.

For Applications or Information Contact: Therressa Ivey, U.S. Department of Education, 555 New Jersey Avenue, NW., room 510, Washington, DC 20208–5645. Telephone: (202) 219–2156.

Program Authority: 20 U.S.C. 2962.

84.073C National Diffusion Network Program—New State Facilitator Project (for Palau Only)

Purpose of Program: To provide grants to disseminate exemplary educational programs within Palau.

Note: Competitions for new State Facilitator awards were held previously and grants were made in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Therefore, this competition is limited to Palau.

Eligible Applicants: Public or nonprofit private agencies, organizations, or institutions located in the territory to be served.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; (b) The regulations for Student Rights in Research, Experimental Activities, and Testing in 34 CFR part 98; and (c) The regulations for this program in 34 CFR parts 785 and 788.

Project Period: Up to 24 months.

For Applications or Information Contact: Linda Jones, U.S. Department of Education, 555 New Jersey Avenue, NW., room 510, Washington, DC 20208–5645. Telephone: (202) 219–2153.

Program Authority: 20 U.S.C. 2962.

CHART 4.—OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.061A Educational Services for Indian Children	12/10/93	2/11/94	4/12/94	$65,000–200,000	$151,000	14
84.061F Indian Education—Educational Personnel Development	12/10/94	2/11/94	4/11/94	50,000–250,000	233,333	3
84.062A Educational Services for Indian Adults	12/10/93	2/11/94	4/12/94	50,000–277,000	162,000	17

CHART 4.—OFFICE OF ELEMENTARY AND SECONDARY EDUCATION—Continued

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.072A Indian-Controlled Schools—Enrichment Projects	12/10/93	2/11/94	4/12/94	77,000–344,000	184,000	5
84.083A Women's Educational Equity Act Program—General Significance Grants	1/14/94	3/11/94	5/10/94	50,000–150,000	75,000	5
84.083B Women's Educational Equity Act Program—Challenge Grants	1/14/94	3/11/94	5/10/94	30,000–40,000	35,000	5
84.123A Law-Related Education Program	12/13/93	2/4/94	4/5/94	50,000–400,000	160,000	24
84.214 Migrant Education Even Start Program	2/7/94	3/28/94	5/27/94	99,000–187,000	180,000	4
84.233A Drug-Free Schools and Communities Emergency Grants Program	11/26/93	1/26/94	3/27/94	100,000–1,000,000	500,000	30
84.241A Drug-Free Schools and Communities Counselor Training Grants Program	12/6/93	1/24/94	3/25/94	75,000–125,000	100,000	35
84.258A Even Start Program—Indian Tribes and Tribal Organizations	1/11/94	3/21/94	N/A	75,000–175,000	150,000	2

84.061A Educational Services for Indian Children

Purpose of Program: (1) To provide grants for educational services for Indian children; and (2) to provide grants to encourage Indian students to acquire a higher education and to reduce the incidence of dropouts among Indian elementary and secondary school students.

Eligible Applicants:

(a) For grants under purpose No. 1: State educational agencies; local educational agencies; Indian tribes; Indian organizations; and Indian institutions.

(b) For grants under purpose No. 2: consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 250 and 253.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Project Period: Up to 24 months.

For Applications or Information Contact: Cathie Martin, U.S. Department of Education, 400 Maryland Avenue, SW., room 2177, Washington, DC 20202–6335. Telephone: (202) 401–1902.

Program Authority: 25 U.S.C. 2621(a), (c).

84.061F Indian Education—Educational Personnel Development

Purpose of Program: Educational Personnel Development consists of two programs (under section 5321(d) of the Indian Education Act and under section 5322 of the Act) that provide grants to prepare or improve the qualifications of persons serving Indian students as educational personnel or ancillary educational personnel.

Eligible Applicants: (a) Under the section 5321(d) program: institutions of higher education (IHEs); local educational agencies in combination with IHEs; and State educational agencies in combination with IHEs. (b) Under the section 5322 program: IHEs; Indian tribes; and Indian organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 250 and 256.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Fiscal Information: The Secretary expects to set the stipend maximum at $600 per month for graduate students and $375 per month for undergraduate students. An estimated maximum allowance of $90 per month will be paid for each dependent.

Project Period: Up to 36 months.

For Applications or Information Contact: Cathie Martin, U.S. Department of Education, 400 Maryland Avenue, SW., room 2177, Washington, DC 20202–6335. Telephone: (202) 401–1902.

Program Authority: 25 U.S.C. 2621(d), 2622.

84.062A Educational Services for Indian Adults

Purpose of Program: To provide grants for educational service projects designed to improve educational opportunities for Indian adults.

Eligible Applicants: Indian tribes; Indian organizations; and Indian institutions.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 250 and 257.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Project Period: Up to 36 months.

For Applications or Information Contact: Cathie Martin, U.S. Department of Education, 400 Maryland Avenue, SW., room 2177, Washington, DC 20202–6335. Telephone: (202) 401–1902.

Program Authority: 25 U.S.C. 2631.

84.072A Indian-Controlled Schools—Enrichment Projects

Purpose of Program: To provide grants for educational enrichment projects designed to meet the special educational and culturally related academic needs of Indian children in those Indian-controlled elementary and secondary schools or local educational

agencies (LEAs) eligible under the statute and regulations.

Eligible Applicants: Indian tribes; Indian organizations; and LEAs that have been in existence not more than three years.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 250 and 252.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Project Period: Up to 24 months.

For Applications or Information Contact: Cathie Martin, U.S. Department of Education, 400 Maryland Avenue, SW., room 2177, Washington, DC 20202–6335. Telephone: (202) 401–1902.

Program Authority: 25 U.S.C. 2602(c).

84.083 A and B Women's Educational Equity Act Program—General Significance Grants and Challenge Grants

Purpose of Program: (a) To promote educational equity for women and girls at all levels of education, particularly those who suffer multiple discrimination, bias, or stereotyping based on sex and on race, national origin, disability, or age; and (b) to provide financial assistance to help educational agencies and institutions meet the requirements of title IX of the Education Amendments of 1972.

Eligible Applicants: Public agencies, institutions, and organizations; nonprofit private agencies, institutions, and organizations, including student and community groups; and individuals. A consortium of these entities is also eligible to receive a challenge grant.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 245 and 246.

Priorities: Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet either of the following priorities listed in 34 CFR 246.11. The Secretary first funds under general significance and challenge grants applications that meet either of these absolute priorities:

Absolute Priority 1. Projects to develop and test model programs and materials that could be used by local educational agencies and other entities in meeting the requirements of title IX.

Invitational Priority. Within Absolute Priority 1 the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Applications that propose projects to prevent sexual harassment of students.

Absolute Priority 2. Projects to develop new educational programs, training programs, counseling programs, or other programs designed to increase the interest and participation of women in instructional courses in mathematics, science, and computer science.

Note: An applicant must indicate if it is submitting its application under one of these priorities. Applications under a priority compete against other applications submitted under the same priority for funds allocated to the priority.

Supplementary Information: Under 34 CFR 75.105(c)(3) the Secretary may allocate the amount reserved for each priority after determining the number of high-quality applications received. An applicant may propose a project that is not under either of these absolute priorities but is within the scope of other authorized activities described in 34 CFR 245.11. These applications will compete for the remaining funds not allocated to the priorities. If an applicant fails to indicate that its proposed project is under either priority, the application will compete with other applications not evaluated under one of the priorities.

Fiscal Information: Challenge grants may not exceed $40,000 each.

Project Period: Up to 24 months.

For Applications or Information Call: Carrolyn N. Andrews, U.S. Department of Education, 400 Maryland Avenue, SW., room 2049, Washington, DC 20202–6239. Telephone: (202) 401–1342.

Program Authority: 20 U.S.C. 3041–3047.

84.123A Law-Related Education Program

Purpose of Program: To provide persons with knowledge and skills pertaining to the law, the legal process, the legal system, and the fundamental principles and values on which these are based.

Eligible Applicants: State educational agencies (SEAs); local educational agencies (LEAs); and public or nonprofit private agencies, organizations, and institutions.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 241.

Priorities:

Absolute Priorities. Under 34 CFR 75.105(c)(3) and 34 CFR 241.11(a) the Secretary gives an absolute preference to applications that meet one or more of the following priorities. The Secretary funds under this competition only applications that meet one or more of these absolute priorities:

Absolute Priority 1. Projects that support the institutionalization of existing model law-related education programs in elementary and secondary school classrooms.

Absolute Priority 2. Projects that provide assistance from established law-related education programs to enable other SEAs and LEAs to institutionalize successful law-related education programs.

Absolute Priority 3. Projects that support the development, testing, demonstration, and dissemination of new approaches or techniques in law-related education that can be used or adapted and eventually institutionalized by other agencies and institutions.

Competitive Preference Priority. Within the absolute priorities specified in this notice, the Secretary, under 34 CFR 75.105(c)(2)(i) and 34 CFR 241.11(b) and in accordance with the Education Council Act of 1991 (Pub. L. 101–62, enacted June 27, 1991), gives preference to applications that meet the following competitive priority. The Secretary awards up to 5 points to an application that meets this competitive priority in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for the program:

Projects to operate statewide programs in law-related education.

Project Period: Up to 36 months.

For Applications or Information Contact: Alice T. Ford, U.S. Department of Education, 400 Maryland Avenue, SW., room 2049, Washington, DC 20202–6245. Telephone: (202) 401–1342.

Program Authority: 20 U.S.C. 2965, as amended by Pub. L. 102–62, 105 Stat. 305 (1991).

84.214A Migrant Education Even Start Program

Purpose of Program: To support family-centered education projects to help parents of currently migratory children become full partners in the education of their children, to assist currently migratory children in reaching their full potential as learners, and to provide literacy training for their parents.

Eligible Applicants: State educational agencies (SEAs); and consortia of SEAs.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 212.

Project Period: Up to 48 months.

For Applications or Information Contact: Regina Kinnard, U.S. Department of Education, 400 Maryland Avenue, SW., room 2145, Washington, DC 20202–6135. Telephone: (202) 401–0742.

Program Authority: 20 U.S.C. 2743(a).

84.233A Drug-Free Schools and Communities Emergency Grants Program

Purpose of Program: To award grants to eligible applicants that demonstrate significant need for additional assistance for purposes of combatting drug and alcohol abuse by students served by those applicants.

Eligible Applicants: Local educational agencies (LEAs) that (a) receive assistance under section 1006 of chapter 1, title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2712), or meet the criteria of section 1006(a)(1)(A) (i) and (ii) of the Act; and (b) serve an area (1) in which there is a large number or high percentage of (i) arrests for, or while under the influence of, drugs or alcohol; or (ii) convictions of youths for drug or alcohol-related crimes; (2) in which there is a large number or high percentage of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; and (3) that has a significant drug and alcohol abuse problem, as indicated by other appropriate data.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; (b) The regulations in 34 CFR parts 98 and 99; and (c) The regulations for this program in 34 CFR parts 231 and 232.

Priorities:

Absolute Priority. Under 34 CFR 75.105(c)(3) and 34 CFR 232.6, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects that support the development and implementation of comprehensive, community-wide drug and alcohol abuse education and prevention programs for students in the most troubled areas of a local educational agency (LEA). The program must involve, *at a minimum*, (1) families, (2) school personnel, and (3) representatives of community or social service organizations. To be eligible for funding, applications must propose projects that involve all three of these groups.

Invitational Priority. Within the absolute priority specified in this notice, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1), an application that meets the invitational priority does not receive competitive or absolute preference over other applications:

Projects that use innovative approaches to implement integrated service models that coordinate school and community efforts to reduce drug and alcohol use by students.

Supplementary Information: For more than five years, the Drug-Free Schools and Communities programs have been providing funding to school districts, colleges, and community organizations for the development and implementation of drug and alcohol abuse prevention and education programs. The grants have provided needed support and assistance to schools and communities in reducing or eliminating drug and alcohol use by school-age children and youth. During this same period schools have begun to employ a comprehensive and coordinated network of school and community resources as an approach to improving students' academic performance, health, and well-being.

The Department of Education is interested in funding Emergency Grants for eligible LEAs to develop and implement projects using this type of integrated services approach in providing a comprehensive, community-wide program of drug and alcohol prevention and education in schools.

Two examples of an integrated services model follow, one that could be funded entirely with Emergency Grant funds, and one that combines Emergency Grant funding with other Federal, State, or local funding. Several Federal programs—including chapter 2, title I of the Elementary and Secondary Education Act of 1965, as amended (chapter 2) and Assistance to Local Educational Agencies in Areas Affected by Federal Activities (Impact Aid)—offer flexibility in that these funds generally can be used to support a variety of activities in an integrated services project. Applicants are encouraged to propose combining Emergency Grants funding with funding from (1) other Federal education programs, including Drug-Free Schools and Communities Act (DFSCA) Part B State Grants; (2) other Federal agencies (e.g., the Departments of Housing and Urban Development, Justice, and Health and Human Services); (3) State and local governments; and (4) the private sector.

Integrated Services Model A—Funding Source: Emergency Grants

An LEA that uses this model will target students who meet one or more of the characteristics of high-risk youth, as defined by section 5122(b)(2) of the DFSCA. For example, the LEA might target pregnant teens (under section 5122(b)(2)(C) of the Act), youths affiliated with gangs who have committed violent or delinquent acts (under section 5122(b)(2)(G)), or economically disadvantaged youths (under section 5122(b)(2)(D)).

This model will provide a comprehensive, community-wide drug and alcohol abuse education and prevention program for the targeted high-risk students in the most troubled areas of the LEA. In addition to involving families, school personnel, and representatives of community or social service organizations, this model will include—

(1) A broad needs assessment of the high-risk student participants to determine the types of services, both educational and community-based, needed to reduce the risk of alcohol and other drug use; and

(2) One or more coordinators, full- or part-time, who will be responsible for integrating the services of school and community providers by establishing a network of available alcohol and other drug prevention resources and arranging for the direct provision of needed services. For example, the coordinator might arrange for an after-school or weekend program in which students receive the services of counselors, social workers, and others who are trained to provide guidance and assistance in alcohol and other drug prevention.

In this model, costs charged to the DFSCA must be limited to activities that are directly related to drug and alcohol abuse education and prevention, such as the activities noted in the preceding paragraphs.

Integrated Services Model B—Funding Sources: Emergency Grants and Other Federal, State, or Local Funds

An LEA that uses this model may target all students served by the LEA, or may target any subset of students, such as students who are in age groups or communities particularly vulnerable to alcohol and other drug use.

This model will provide comprehensive services to the targeted

population. These services must include, but are not limited to, community-wide drug and alcohol abuse education and prevention activities in the most troubled areas of an LEA that involve families, school personnel, and representatives of community or social service organizations. For example, this model may provide, in addition to alcohol and other drug prevention activities funded under a DFSCA Emergency Grant and DFSCA Part B State Grant, integrated services that are designed to meet the needs of children, such as one or more of the following:

(1) *Comprehensive health education* (funding source: State funding; local funding; Federal funding under chapter 2, title I of the Elementary and Secondary Education Act of 1965, as amended (Chapter 2)—provided the activities are consistent with the statutory and regulatory requirements of Chapter 2; or a combination of any of these funding sources).

(2) *After-school remedial reading and mathematics instruction* (funding source: LEA Program for services for eligible children under Chapter 1, Title I of the Elementary and Secondary Education Act of 1965, as amended, provided the activities are consistent with the statutory and regulatory requirements of Chapter 1).

(3) *Training in and instructional use of computers, video, and other technologies as part of a mathematics and science program* (funding source: Eisenhower National Program for Mathematics and Science, provided the activities are consistent with the statutory and regulatory requirements of this mathematics and science program).

(4) *After-school or weekend instructional activities in the performing and creative arts* (funding source: Chapter 2, provided the activities are consistent with the statutory and regulatory requirements of Chapter 2).

(5) *Literacy training for parents* (funding source: Adult Education Act, provided the activities are consistent with the statutory and regulatory requirements of the Adult Education Act).

(6) *Transportation services* (funding source: Assistance for Local Educational Agencies in Areas Affected by Federal Activities (Impact Aid), provided the activities are consistent with State law and the statutory and regulatory requirements of the Impact Aid program).

(7) *Vocational skills training* (funding source: the Governor's Program in Part B of DFSCA, provided the activities are consistent with the statutory requirements of DFSCA).

(8) *Vocational education and services for parents or vocational education students; or use of vocational education equipment for other instructional purposes; or both* (funding source: Carl D. Perkins Vocational and Applied Technology Education Act, provided the population served, the activities conducted, and the use of equipment are consistent with the statutory and regulatory requirements of the Perkins Act).

In this model the costs of administering a needs assessment to participating students and the salary costs of one or more coordinators will be shared by all funding sources. As in Model A, costs charged to the DFSCA must be limited to activities that are directly related to drug and alcohol abuse education and prevention, and costs charged to other programs must be allowable under the applicable statutes and regulations.

Applications for Emergency Grant funding may propose funding for security personnel or the purchase of metal detectors or other security-related assets as part of a comprehensive, community-wide drug and alcohol abuse education and prevention program. Applications that propose these types of security-related activities must demonstrate a direct relationship between these activities and alcohol and other drug use prevention and education.

Selection Criteria: In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 231.22.

The program regulations in 34 CFR 231.20 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities (34 CFR 231.22(a)). Five points are added to this criterion for a possible total of 25 points.

Applicant's commitment and capacity (34 CFR 231.22(f)). Ten points are added to this criterion for a possible total of 20 points.

Project Period: Up to 24 months, in 12-month increments.

For Applications or Information Contact: Division of Drug-Free Schools and Communities, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 2123, Washington, DC 20202–6439. Telephone: (202) 401–1258.

Program Authority: 20 U.S.C. 3216.

84.241A Drug-Free Schools and Communities Counselor Training Grants Program

Purpose of Program: To award grants to establish, expand, or enhance programs and activities for the training of counselors, social workers, psychologists, or nurses who are providing or will provide drug abuse prevention, counseling, or referral services in elementary and secondary schools.

Note: Funds under this program may not be used for treatment services.

Eligible Applicants: State educational agencies; local educational agencies (LEAs); institutions of higher education; consortia of those agencies or institutions; and any private nonprofit agency that has a written agreement with an LEA to provide training in drug abuse counseling for individuals who will provide counseling in the schools of that LEA.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; (b) The regulations in 34 CFR parts 98 and 99; and (c) The regulations for this program in 34 CFR parts 231 and 238.

Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 238.6, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Programs and activities that train school counselors, social workers, psychologists, or nurses how to provide counseling and referral services for (1) children from families that are dysfunctional because of problems related to alcohol or drugs or (2) children with social problems that stem from addiction or (3) both (1) and (2).

Selection Criteria: In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 231.22.

The program regulations in 34 CFR 231.20 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Concept design and contribution to improving the quality of drug and alcohol abuse education and prevention activities (34 CFR 231.22(a)). Five points are added to this criterion for a possible total of 25 points.

Applicant's commitment and capacity (34 CFR 231.22(f)) Ten points are added to this criterion for a possible total of 20 points.

Project Period: Up to 18 months.

For Applications or Information Contact: Division of Drug-Free Schools and Communities, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 2123, Washington, DC 20202–6439. Telephone: (202) 401–1258.

Program Authority: 20 U.S.C. 3202, 3203.

84.258A Even Start Program—Indian Tribes and Tribal Organizations

Purpose of Program: To provide the Federal share of family-centered education projects for Indian families to (a) help parents become full partners in the education of their children, (b) assist these children in reaching their full potential as learners, and (c) provide literacy training for their parents.

Eligible Applicants: Federally recognized Indian tribes and tribal organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR part 212.

Project Period: Up to 48 months.

For Applications or Information Contact: Patricia McKee, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., room 2017, Washington, DC 20202–6132. Telephone: (202) 401–1692.

Program Authority: 20 U.S.C. 2741–2749.

CHART 5.—OFFICE OF POSTSECONDARY EDUCATION

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.031G Endowment Challenge Grant Program.	4/15/94	6/14/94	N/A	$50,000–500,000	$350,000	20
84.031H Strengthening Institutions Program and Endowment Challenge Grant Program—Designation as an Eligible Institution.[1]						
84.055A Cooperative Education Program—Administration, Part A Projects.	11/15/93	2/14/94	4/15/94	25,000–300,000	78,125	28
84.055B Cooperative Education Program—Demonstration Projects.	11/15/93	2/14/94	4/15/94	20,000–150,000	100,000	3
84.055C Cooperative Education Program—Research Projects.	11/15/93	2/14/94	4/15/94	20,000–150,000	100,000	3
84.055D Cooperative Education Program—Training and Resource Center Projects.	11/15/93	2/14/94	4/15/94	20,000–150,000	100,000	3
84.055E Cooperative Education Program—Administration, Part B Projects.	11/15/93	2/14/94	4/15/94	1,000–75,000	15,000	44
84.097A Law School Clinical Experience Program.	12/13/93	1/28/94	3/29/94	27,000–250,000	130,000	34
84.103 Training Program for Federal TRIO Programs.	2/14/93	3/31/94	5/31/94	80,000–280,000	190,000	10
84.120 Minority Science Improvement Program—Institutional, Design, Special, and Cooperative Projects.	10/15/93	12/17/93	2/15/93	Institutional Projects 100,000–300,000	154,000	15
				Design Projects 16,000–20,000	18,000	2
				Special Projects 20,000–150,000	30,000	20
				Cooperative Projects 200,000–500,000	217,907	2
84.202A Grants to Institutions and Consortia to Encourage Women and Minority Participation in Graduate Education Program.	10/25/93	12/6/93	2/4/94	25,000–100,000	80,000	65
84.204 School, College, and University Partnerships.	1/28/94	4/1/94	6/1/94	250,000–400,000	285,000	14
Fund for the Improvement of Postsecondary Education (FIPSE)						
84.116F Fund for the Improvement of Postsecondary Education—Innovative Projects for Community Service.	10/18/93	12/21/93	2/21/94	$25,000–75,000	$50,000	40
84.183A Drug Prevention Programs in Higher Education—Institution-Wide Program.	12/6/93	1/21/94	3/22/94	10,000–250,000	100,000	100

CHART 5.—OFFICE OF POSTSECONDARY EDUCATION—Continued

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.183B Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program.	12/6/93	4/4/94	6/3/94	100,000–250,000	100,000	4
84.183D Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention).	12/13/93	2/18/94	4/19/94	5,000–40,000	35,000	40
84.183E Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Dissemination of Successful Projects.	12/6/93	1/24/94	3/25/94	85,000–200,000	125,000	4
84.183F Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Analysis Projects.	12/6/93	1/25/94	3/28/94	Up to 150,000	107,000	7

[1] The announcement for this program appears in a separate notice in this issue of the **Federal Register.**

84.031G Endowment Challenge Grant Program

Purpose of Program: To provide matching grants to eligible institutions of higher education to establish or increase their endowment funds.

Eligible Applicants: Institutions of higher education that are designated as eligible. The Secretary is publishing separately in the **Federal Register** a notice informing interested parties how to be designated as eligible to apply for Endowment Challenge Grant funds.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR 74.61(h) or 34 CFR 80.26 and the appendix to 34 CFR part 80, as applicable; 74.80, 74.84 and 74.85; 75.100 through 75.102 and 75.217; and in 34 CFR parts 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 628.

Project Period: 240 months (20 years).

Fundraising Period: 18 months (September 1994–March 1996).

For Applications or Information Contact: Anne Price-Collins, U.S. Department of Education, 400 Maryland Avenue, SW., room 3042, ROB–3, Washington, DC 20202–5337. Telephone: (202) 708–8866. Applications will be sent to those institutions designated as eligible under the Title III Programs.

Program Authority: 20 U.S.C. 1065a.

84.055A Cooperative Education Program—Administration, Part A Projects

Purpose of Program: To provide grants for new projects to encourage institutions of higher education to offer their students work experiences that will aid these students in their future careers and support them financially while in school.

Eligible Applicants: Institutions of higher education (IHEs), as defined in section 1201(a) of the Higher Education Act of 1965, as amended; and combinations of IHEs.

Note: The Secretary awards a grant for a new project to an institution, or combinations of institutions, that has not received an Administration project grant in the 10-year period immediately preceding the date for which the institution, or combination of institutions, requests a grant under this part.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 631 and 632, published in the **Federal Register** on August 11, 1993 (58 FR 42651).

Project Period: Up to 60 months.

For Applications or Information Contact: Dr. John E. Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–9407.

Program Authority: 20 U.S.C. 1133–1133b.

84.055B Cooperative Education Program—Demonstration Projects

Purpose of Program: To provide grants to demonstrate or determine the feasibility or value of innovative cooperative education projects, as well as to disseminate information about effective innovative projects.

Eligible Applicants: Institutions of higher education (IHEs), as defined in section 1201(a) of the Higher Education Act of 1965, as amended; combinations of IHEs; and public and private nonprofit agencies and organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 631 and 633, published in the **Federal Register** on August 11, 1993 (58 FR 42651).

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 633.21(a) the Secretary gives an absolute preference to applications that meet one or more of the following priorities. The Secretary funds under this competition only applications that meet one or more of these absolute priorities:

Absolute Priority 1. Model cooperative education projects in the fields of science and mathematics for women and minorities who are underrepresented in those fields.

Absolute Priority 2. Model cooperative education projects specializing in developing technical and professional work force skills for nontraditional students and students from special or underrepresented populations.

Absolute Priority 3. Model cooperative education projects that focus on developing and establishing articulation and other cooperative arrangements between or among

secondary and postsecondary educational institutions.

Project Period: Up to 36 months.

For Applications or Information Contact: Dr. John E. Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–9407.

Program Authority: 20 U.S.C. 1133, 1133a, 1133c.

84.055C Cooperative Education Program—Research Projects

Purpose of Program: To provide grants to conduct studies to improve, develop, or evaluate methods of cooperative education for the benefit of the cooperative education community.

Eligible Applicants: Institutions of higher education (IHEs), as defined in section 1201(a) of the Higher Education Act of 1965, as amended; combinations of IHEs; and public and nonprofit private agencies and organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 631 and 634, published in the **Federal Register** on August 11, 1993 (58 FR 42651).

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 634.21(a) the Secretary gives an absolute preference to applications that meet one or more of the following priorities. The Secretary funds under this competition only applications that meet one or more of these absolute priorities:

Absolute Priority 1. Longitudinal studies on former cooperative education students and non-cooperative education students to determine the relationship between the students' cooperative education work experiences and one or more of the following:

(1) Initial job placement.

(2) Job advancement.

(3) Long-term earnings.

Absolute Priority 2. Assessment of the impact of cooperative education on college retention rates and on the academic achievement of students participating in cooperative education, compared to nonparticipants.

Absolute Priority 3. Assessment of the impact of comprehensive cooperative education projects on—

(1) The institution;

(2) Students at the institution;

(3) Faculty;

(4) Employment opportunities; and

(5) Factors influencing the successes and failures of comprehensive cooperative education projects.

Absolute Priority 4. Identification and assessment of incentives and factors that influence an IHE to continue its cooperative education project successfully after Federal financial assistance has ended.

Project Period: Up to 36 months.

For Applications or Information Contact: Dr. John E. Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–9407.

Program Authority: 20 U.S.C. 1133, 1133a, 1133c.

84.055D Cooperative Education Program—Training and Resource Center Projects

Purpose of Program: To provide grants to train and assist individuals who participate in or are planning to participate in the planning, establishment, and administration of cooperative education projects.

Eligible Applicants: Institutions of higher education (IHEs), as defined in section 1201(a) of the Higher Education Act of 1965, as amended; combinations of IHEs; and public and private nonprofit agencies and organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 631 and 635, published in the **Federal Register** on August 11, 1993 (58 FR 42651).

Priority: Under 34 CFR 75.105(c)(2)(ii) and 34 CFR 635.4(b)(5) and 34 CFR 635.21(a) the Secretary gives preference to applications that meet the following competitive priority. An application that meets this competitive priority is selected by the Secretary over applications of comparable merit that do not meet the priority:

Supporting partnerships in which an institution with an existing comprehensive cooperative education program assists one or more institutions to—

(1) Improve their existing cooperative education program; or

(2) Establish, expand, or improve a comprehensive cooperative education program.

Project Period: Up to 36 months.

For Application or Information Contact: Dr. John E. Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–9407.

Program Authority: 20 U.S.C. 1133, 1133a, 1133c.

84.055E Cooperative Education Program—Administration, Part B Projects

Purpose of Program: To provide grants for existing projects to encourage individual institutions of higher education to offer their students work experiences that will aid these students in their future careers and support them financially while in school.

Eligible Applicants: Individual institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, as amended.

Note: The Secretary awards a grant for an existing project to an institution that is operating a cooperative education program, as defined under 34 CFR 631.5(b).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 631 and 632, published in the **Federal Register** on August 11, 1993 (58 FR 42651).

Project Period: Up to 60 months.

For Applications or Information Contact: Dr. John E. Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–9407.

Program Authority: 20 U.S.C. 1133–1133b.

84.097A Law School Clinical Experience Program

Purpose of Program: To provide grants to continue, expand, or establish programs that provide clinical experience to students in the practice of law.

Eligible Applicants: Individual law schools that have been accredited by a nationally recognized agency approved by the Secretary; and combinations and consortiums of accredited law schools.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) the regulations of this program in 34 CFR part 639.

Priorities: Under 34 CFR 75.105(c) and 34 CFR 639.11 the Secretary gives an absolute preference to applications that meet both of the following priorities. The Secretary funds under this program only those competing applications that meet both of these absolute priorities:

Projects that—

(a) Provide legal experience in the preparation and trial of actual cases, including administrative cases and the settlement of controversies outside the courtroom; and

(b) Provide service to persons who have difficulty in gaining access to legal representation.

Supplementary Information: The authorizing statute for the program permits the Secretary to pay up to 90 percent of the costs of projects at law schools (20 U.S.C. 1134u(a)). The program regulations permit the Secretary to establish annually a lower maximum Federal share (34 CFR 639.40(a)(2)). For fiscal year 1994 the Secretary sets the maximum Federal share at 65 percent to establish programs, 50 percent to expand programs, and 35 percent to continue programs of legal clinical experience.

Project Period: Up to 36 months.

For Applications or Information Contact: John J. Lank, U.S. Department of Education, 400 Maryland Avenue, SW., room 3106A, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–7863.

Program Authority: 20 U.S.C. 1134u, 1134v.

84.103 Training Program for Federal TRIO Programs (Training Program)

Purpose of Program: To provide Federal financial assistance to train the staff and leadership personnel employed in, or preparing for employment in, projects under the Federal TRIO Programs.

Eligible Applicants: Institutions of higher education; and public and nonprofit private agencies and organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

Priorities: Under 34 CFR 642.34(a) the Secretary gives preference to applications that meet one or more of the following priorities. Under 34 CFR 75.201(a) and 642.31(f)(2)(iii) the Secretary awards up to 8⅓ points to an application that provides effective training in one or more of the following subjects:

(1) Student financial aid.

(2) General project management for new directors.

(3) Legislative and regulatory requirements for the operation of the Federal TRIO programs.

(4) The design and operation of model programs for projects funded under the Federal TRIO programs.

Estimated Award Date: March 31, 1994.

Project Period: Up to 24 months.

For Applications or Information Contact: May J. Weaver, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, Washington, DC 20202–5249. Telephone: (202) 708–4804.

Program Authority: 20 U.S.C. 1070d–1d.

84.120 Minority Science Improvement Program—Institutional, Design, Special, and Cooperative Projects

Purpose of Program: To effect long-range improvement in science education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities into scientific careers.

Eligible Applicants:

(a) *For institutional, design, and special projects described in 34 CFR 637.14 (a), (b) and (c).* Public and nonprofit private minority institutions.

Note: A minority institution is defined in 34 CFR 637.4(b) as an accredited college or university whose enrollment of a single minority group or combination of minority groups, as defined in 34 CFR 637.4(b), exceeds 50 percent of the total enrollment.

(b) *For institutional, design, and special projects described in 34 CFR 637.14 (b) and (c).* Non-profit science-oriented organizations; professional scientific societies; and nonprofit accredited colleges and universities that render a needed service to a group of eligible minority institutions, as defined in 34 CFR 637.4(b), or that provide inservice training of project directors, scientists, and engineers from eligible minority institutions.

(c) *For cooperative projects.* Groups of nonprofit accredited colleges and universities whose primary fiscal agent is an eligible institution, as defined in 34 CFR 637.4(b).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 637.

Project Period: Up to 36 months.

For Applications or Information Contact: Dr. Argelia Velez-Rodriguez, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–4662.

Program Authority: 20 U.S.C. 1135b–1135b–3, 1135d–1135d–6.

84.202A Grants to Institutions and Consortia To Encourage Women and Minority Participation in Graduate Education Program

Purpose of Program: To provide grants to enable institutions of higher education to (1) recruit talented undergraduate students who demonstrate financial need and are individuals from minority groups or women underrepresented in graduate education; and (2) provide students with effective preparation for graduate study.

Eligible Applicants: Institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, as amended; and consortia of institutions of higher education.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the EDGAR selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210 (a) and (c) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Plan of Operation. (34 CFR 75.210(b)(3)). Fifteen points are added to this criterion for a possible total of 30 points.

Project Period: Six weeks to 24 months. All student activities must begin during summer 1994.

For Applications or Additional Information Contact: Vicki Payne, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB–3, Washington, DC 20202–5251. Telephone: (202) 708–8405.

Program Authority: 20 U.S.C. 1134–1134c–2.

84.204 School, College, and University Partnerships (SCUP)

Purpose of Program: To provide grants to conduct activities that will improve high school retention and graduation rates of low-income and disadvantaged students, improve their academic skills, and prepare them for programs of postsecondary education or gainful employment following graduation from high school.

Eligible Applicants: Institutions of higher education; State higher education agencies; consortia of one or more institutions of higher education or State higher education agencies or both.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 610, as published elsewhere in this issue of the **Federal Register**.

Priorities:

Absolute Priorities. Under 34 CFR 75.105(c)(3) and 34 CFR 610.4(a) the Secretary gives an absolute preference to applications that meet two or more of

the following priorities. The Secretary funds under this program only applications that meet two or more of these absolute statutory priorities:

(1) Projects that will serve predominantly low-income communities.

(2) Projects that will conduct programs during both the regular school year and the summer.

(3) Projects designed to serve one or more of the following historically underrepresented and underserved populations of students: educationally disadvantaged students; students with disabilities; potential dropouts, pregnant adolescents, and teenage parents; children of migratory agricultural workers or of migratory fishermen; and students whose native language is other than English.

(4) Projects designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue these fields of study.

Competitive Priorities. Within the absolute priorities specified in this notice, the Secretary, under 34 CFR 75.105(c)(2)(ii) and 34 CFR 610.4(b), gives preference to applications that meet one or more of the following competitive priorities. An application that meets one or more of these competitive priorities is selected by the Secretary over applications of comparable merit that do not meet the priorities:

(1) Projects that will involve students in apprenticeships or other on-the-job training.

(2) Projects that will involve businesses in carrying out the project objectives.

(3) Projects that will involve nonprofit private organizations in carrying out the project objectives.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in 34 CFR 610.21.

The program regulations in 34 CFR 610.20 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Need for the project—priorities (34 CFR 610.21(a)(2)). Seven points are added to this criterion for a possible total of 13 points.

Plan of Operation (34 CFR 610.21(b)). Four points are added to this criterion for a possible total of 28 points.

Partnership participation and coordination (34 CFR 610.21(e)). Four points are added to this criterion for a possible total of 12 points.

Estimated Award Date: August 15, 1994.

Project Period. Up to 60 months.

For Applications or Information Contact: May J. Weaver, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, Washington, DC 20202–5249. Telephone: (202) 708–4804.

Program Authority: 20 U.S.C. 1001 et seq.

84.116F Fund for the Improvement of Postsecondary Education—Innovative Projects for Community Service

Purpose of Program: To provide grants to support projects encouraging students to participate in community service activities.

Eligible Applicants: IHEs; combinations of IHEs; and other public and nonprofit private institutions and agencies.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86, with the exceptions noted in 34 CFR 630.4(b); and (b) The regulations for this program in 34 CFR part 630.

Selection Criteria: In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 630.32.

(a) *Significance for Postsecondary Education.* The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purpose of the Innovative Projects for Community Service Program as referenced in 34 CFR 630.11(c);

(2) Address an important problem or need;

(3) Represent an improvement upon, or important departure from, existing practice; and

(4) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The proposed project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the proposed project as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives, approaches, and evaluation plan;

(iii) The adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(v) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the proposed project, as evidenced by, for example—

(i) Contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the proposed project beyond the period of funding (unless the project would be self-terminating); and

(4) The proposed project demonstrates potential for dissemination to or adaptation by other organizations, and shows evidence of interest by potential users.

(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Secretary is appropriate in terms of the availability of other funding sources for the proposed activities.

The Secretary gives equal weight to the selection criteria on significance, feasibility, and appropriateness. Within each of these criteria, the Secretary gives equal weight to each of the subcriteria. In applying the criteria, the Secretary first analyzes an application in terms of each individual criterion. The Secretary then bases the final judgment of an application on the overall assessment of the degree to which the applicant addresses all selection criteria.

Project Period: 12 to 36 months.

For Applications and Information Contact: FIPSE, 400 Maryland Avenue, SW., room 3100, ROB–3, Washington, DC 20202–5175. Telephone: (202) 205–0082 to order applications; or (202) 708–5750 for information.

Program Authority: 20 U.S.C. 1137–1137a.

84.183A Drug Prevention Programs in Higher Education—Institution-Wide Program

Purpose of Program: To provide grants to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in institutions of higher education (IHEs). Grants under the Institution-Wide Program competitions support comprehensive, institution-wide programs designed to prevent or eliminate students' use of illegal drugs and abuse of other drugs and alcohol,

including activities whose direct or indirect purpose is to train students, faculty, and staff in drug abuse education and prevention.

Eligible Applicants: IHEs; and consortia of IHEs.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 612.

Selection Criteria: In evaluating applications for grants under this program competition, the Secretary uses the selection criteria in 34 CFR 612.23(c)(1).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Methods and management plan (34 CFR 612.23(c)(1)(iii)). Five points are added to this criterion for a possible total of 20 points.

Evaluation (34 CFR 612.23(c)(1)(v)). Five points are added to this criterion for a possible total of 15 points.

Organizational commitment (34 CFR 612.23(c)(1)(vii)). Five points are added to this criterion for a possible total of 20 points.

Project Period: 28 months.

For Applications or Information Contact: FIPSE, FY 1994–A Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–5175. Telephone: (202) 205–0082 to order applications; or (202) 708–5750 for information.

Program Authority: 20 U.S.C. 3211.

84.183B Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program

Purpose of Program: To provide grants to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in institutions of higher education (IHEs).

Eligible Applicants: IHEs; and consortia of IHEs.

Note: Because only IHEs and consortia of IHEs are eligible to receive awards under this competition, an interested national college student network or organization must be sponsored by an IHE. The IHE will serve as both the applicant and grantee.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 612.

Priority: Under 34 CFR 75.105(c)(3), 34 CFR 612.21(c)(1), and 34 CFR 612.21(c)(2)(ii) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Applications proposing the development and implementation of projects (a) conducted in conjunction with national college student networks or organizations *and* (b) addressing one or more specific approaches or problem areas related to drug abuse education and prevention for students enrolled in IHEs.

Selection Criteria: In evaluating applications for grants under this program competition, the Secretary uses the selection criteria in 34 CFR 612.23(c)(2)(ii).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Design (34 CFR 612.23(c)(2)(ii)(A)). Five points are added to this criterion for a possible total of 25 points.

Organizational commitment (34 CFR 612.23(c)(2)(ii)(F)). Ten points are added to this criterion for a possible total of 20 points.

Project Period: 28 or 36 months.

For Applications or Information Contact: FIPSE, FY 1994–B Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–5175. Telephone: (202) 205–0082 to order applications; or (202) 708–5750 for information.

Program Authority: 20 U.S.C. 3211.

84.183D Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention)

Purpose of Program: To provide grants to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in institutions of higher education (IHEs).

Eligible Applicants: IHEs; and consortia of IHEs.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 612.

Priorities:

Absolute Priority. Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(c)(2)(iii)(B) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects designed to develop, implement, operate, or improve programs that concentrate on specific approaches to the prevention of drug use or alcohol abuse.

Invitational Priority. Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Applications proposing to develop, implement, operate, or improve higher education consortia for drug prevention.

Applicants are invited to propose consortia arrangements to assist either (a) local IHE alcohol and other drug prevention professionals, or (b) IHE chief executive officers and other senior administrators. In these types of arrangements, participants would be expected to meet monthly to work toward the development, improvement, and implementation of their own comprehensive, institution-wide programs of drug education and prevention activities and services.

Selection Criteria: In evaluating applications for Specific Approaches to Prevention grants, the Secretary uses the selection criteria in 34 CFR 612.23(c)(2)(iii).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Need (34 CFR 612.23(c)(2)(iii)(A)). Five points are added to this criterion for a possible total of 20 points.

Methods and management plan (34 CFR 612.23(c)(2)(iii)(C)). Five points are added to this criterion for a possible total of 20 points.

Evaluation (34 CFR 612.23(c)(2)(iii)(E)). Five points are added to this criterion for a possible total of 15 points.

Project Period: 28 months.

For Applications or Information Contact: FIPSE, FY 1994–D Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–5175. Telephone: (202) 205–0082 to order applications; or (202) 708–5750 for information.

Program Authority: 20 U.S.C. 3211.

84.183E Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Dissemination of Successful Projects

Purpose of Program: To provide grants to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in institutions of higher education (IHEs). Grants under Analysis and Dissemination Program competitions support projects to analyze and disseminate successful project designs, policies, and results of projects supported under Institution-Wide Program competitions and Special Focus Program competitions.

Eligible Applicants: IHEs; and consortia of IHEs.

Note: Under 34 CFR 612.2(d) eligibility under this Analysis and Dissemination Program competition is limited to current or former recipients of awards under an Institution-Wide Program competition or a Special Focus Program competition.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 612.

Priorities:

Absolute Priority. Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(d) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects designed to disseminate successful project designs, policies, and results of projects supported under Institution-Wide Program competitions or Special Focus Program competitions.

Note: Because Institution-Wide and Special Focus projects are diverse, the Department has not adopted a single operational definition of a "successful project." Instead, the Secretary expects applicants to make their most persuasive case for the success of their respective projects and to provide convincing evidence that the projects are effective and worth disseminating to other campuses. What constitutes convincing evidence may differ among projects.

Applicants may wish to strengthen their case by providing data on several project outcomes associated with the use of alcohol and other drugs. Examples of these outcomes include, but are not limited to, the following:

(a) Changes in students' knowledge, social skills, intentions, attitudes, and perceptions of risk.

(b) Changes in institutional policies and their enforcement.

(c) Changes in the campus social environment.

(d) Changes in rates of students' use of alcohol and other drugs.

(e) Changes in the incidence of student-related campus crime and other violations of law or campus policies.

(f) Changes in the incidence of student-related injury or death.

(g) Changes in student attrition rates, graduation rates, and academic achievement.

Invitational Priorities. Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet one or both of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or both of these invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1. Applications to assist (a) other IHEs in the implementation of a successful Institution-Wide project or (b) national college student organizations in the implementation of a successful National College Student Organizational Network project. The project to be disseminated is based on the applicant's own successful Institution-Wide or National College Student Organizational Network project for which departmental assistance has ended.

Invitational Priority 2. Applications to disseminate one or more specific successful project components, approaches, or types of activity to (a) other IHEs, (b) national college student organizations, or (c) national higher education associations. The components, approaches, or types of activity to be disseminated are based on a number of successful Institution-Wide or National College Student Organizational Network projects, which may include the applicant's own successful Institution-Wide or National College Student Organizational Network project, for which departmental assistance has ended.

Selection Criteria: In evaluating applications for grants under the Analysis and Dissemination Program, the Secretary uses the selection criteria in 34 CFR 612.23(c)(3).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Design (34 CFR 612.23(c)(3)(i)). Five points are added to this criterion for a possible total of 35 points.

Key personnel (34 CFR 612.23(c)(3)(iii)). Five points are added to this criterion for a possible total of 20 points.

Evaluation (34 CFR 612.23(c)(3)(iv)). Five points are added to this criterion for a possible total of 15 points.

Project Period: 28 months.

For Applications or Information Contact: FIPSE, FY 1994–E Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–5175. Telephone: (202) 205–0082 to order applications; or (202) 708–5750 for information.

Program Authority: 20 U.S.C. 3211.

84.183F Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Analysis Projects

Purpose of Program: To provide grants to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in institutions of higher education (IHEs). Grants under Analysis and Dissemination Program competitions support projects to analyze and disseminate successful project designs, policies, and results of projects supported under Institution-Wide Program competitions and Special Focus Program competitions.

Eligible Applicants: IHEs; and consortia of IHEs.

Note: Under 34 CFR 612.2(d) eligibility under this Analysis and Dissemination Program competition is limited to current or former recipients of awards under an Institution-Wide Program competition or a Special Focus Program competition.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 612.

Priorities:

Absolute Priority. Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(d) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Projects designed to analyze successful project designs, policies, and results of projects supported under Institution-Wide or Special Focus Program competitions.

Invitational Priorities. Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet one or both of the following invitational priorities. However, under 34 CFR 75.105(c)(1) an application that meets one or both of these invitational priorities does not

receive competitive or absolute preference over other applications:

Invitational Priority 1. Applications by current or former recipients of grants under Institution-Wide or Special Focus Program competitions proposing to analyze the direct and indirect impacts of one or more fiscal-year cohorts of Institution-Wide or Special Focus projects for which departmental assistance has ended.

Invitational Priority 2. Applications by current or former recipients of grants under Institution-Wide or Special Focus Program competitions proposing to analyze special topics or issues related to the effectiveness of Institution-Wide or Special Focus projects, examples of which have been selected from Institution-Wide or Special Focus projects for which departmental assistance has ended.

Topics or issues may include, among others—

(a) The use of the Environmental Assessment Instrument by selected Institution-Wide projects:

(b) The use by Institution-Wide projects of the Core Survey instrument developed by selected Institution-Wide projects;

(c) The use of student peers;

(d) The use of IHE student social activities not involving alcohol or other drugs;

(e) IHE activities or organizational changes associated with empowering students, staff, and faculty to set positive social norms; and

(f) The role of the IHE president, chancellor, or other senior policy makers in preventing alcohol and other drug problems in IHEs.

Selection Criteria: In evaluating applications for grants under the Analysis and Dissemination Program, the Secretary uses the selection criteria in 34 CFR 612.23(c)(3).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Key personnel (34 CFR 612.23(c)(3)(iii)). Ten points are added to this criterion for a possible total of 25 points.

Evaluation (34 CFR 612.23(c)(3)(iv)). Five points are added to this criterion for a possible total of 15 points.

Project Period: Up to 28 months.

For Applications or Information Contact: FIPSE, FY 1994–F Competition, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202–5175. Telephone: (202) 205–0082 to order applications; or (202) 708–5750 for information.

Program Authority: 20 U.S.C. 3211.

CHART 6—OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
Office of Special Education Programs						
All programs have been announced or will be announced at a future date.						
National Institute on Disability and Rehabilitation Research						
All programs have been announced or will be announced at a future date.						
Rehabilitation Services Administration						
84.128A Special Projects and Demonstrations for Providing Supported Employment—Community-Based Projects	10/14/93	3/24/94	5/24/94	$120,000–130,000	$128,000	11
84.128B Special Projects and Demonstrations for Providing Supported Employment—Statewide Demonstration Projects	10/14/93	12/1/93	2/1/94	400,000–500,000	450,000	12
84.128G Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers with Disabilities	10/14/93	1/14/94	3/14/94	75,000–120,000	98,000	3
84.128J Projects for Initiating Recreational Programs for Individuals with Disabilities	10/14/93	1/21/94	3/21/94	85,000–110,000	97,500	7
84.128N Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with the Most Severe Disabilities—Community-Based Projects for Serving Individuals Who Are Low-Functioning and Deaf or Low-Functioning and Hard-of-hearing	10/14/93	12/1/93	2/1/94	130,000–150,000	140,000	2
84.129A–1 Rehabilitation Long-Term Training—Rehabilitation Medicine	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	6
84.129A–3 Rehabilitation Long-Term Training—Rehabilitation Nursing	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	2
84.129A–5 Rehabilitation Long-Term Training—Prosthetics and Orthotics	10/14/93	11/30/93	1/31/94	165,000–185,000	175,000	1
84.129B Rehabilitation Long-Term Training—Rehabilitation Counseling	10/14/93	2/18/94	4/18/94	60,000–110,000	86,000	22

CHART 6—OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.129C–1 Rehabilitation Long-Term Training—Community Rehabilitation Program Administration	10/14/93	11/30/93	1/31/94	107,000–127,000	117,000	3
84.129C–3 Rehabilitation Long-Term Training—Rehabilitation Administration	10/14/93	11/30/93	1/31/94	220,000–260,000	233,000	3
84.129D–1 Rehabilitation Long-Term Training—Physical Therapy	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	4
84.129D–3 Rehabilitation Long-Term Training—Occupational Therapy	10/14/93	11/30/93	1/31/94	65,000–85,000	75,000	3
84.129E Rehabilitation Long-Term Training—Rehabilitation Technology	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	3
84.129F Rehabilitation Long-Term Training—Vocational Evaluation and Work Adjustment	10/14/93	11/30/93	1/31/94	75,000–95,000	85,000	4
84.129G Rehabilitation Long-Term Training—Community Rehabilitation Program Personnel	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	4
84.129H Rehabilitation Long-Term Training—Rehabilitation of Individuals Who are Mentally Ill	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	4
84.129J Rehabilitation Long-Term Training—Rehabilitation Psychology	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	3
84.129K Rehabilitation Long-Term Training—Specialized Personnel for Supported Employment	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	3
84.129L Rehabilitation Long-Term Training—Undergraduate Education in Rehabilitation Services	10/14/93	11/30/93	1/31/94	65,000–85,000	75,000	5
84.129M Rehabilitation Long-Term Training—Indpendent Living	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	1
84.129N Rehabilitation Long-Term Training—Speech Pathology and Audiology	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	2
84.129P Rehabilitation Long-Term Training—Rehabilitation of Individuals Who Are Blind	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	7
84.129O Rehabilitation Long-Term Training—Rehabilitation of Individuals Who Are Deaf	10/14/93	11/30/93	1/31/94	90,000–110,000	100,000	7
84.129R Rehabilitation Long-Term Training—Rehabilitation Job Development and Placement	10/14/93	11/30/93	1/31/94	80,000–100,000	90,000	3
84.129V Rehabilitation Long-Term Training—Technician Training	10/14/93	1/14/94	3/14/94	90,000–110,000	100,000	2
84.240A Protection and Advocacy of Individuals Rights	10/14/93	12/3/93	2/3/94	95,000–105,000	100,000	12
84.250D Vocational Rehabilitation Service Projects for American Indians with Disabilities	10/21/93	4/7/94	6/7/94	150,000–250,000	200,000	3
84.263A Rehabilitation Training—Experimental and Innovative Training	10/7/93	11/23/93	1/24/94	90,000–110,000	100,000	4

84.128A Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With the Most Severe Disabilities and Technical Assistance Projects—Community-Based Projects

Purpose of Program: To provide grants for community-based special projects and demonstrations (a) to stimulate the development of innovative approaches for improving and expanding the provision of supported employment services to individuals with the most severe disabilities; and (b) to enhance local capacity to provide supported employment services.

Eligible Applicants: Public and nonprofit community rehabilitation programs; designated State units; and other public and private agencies and organizations.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86; and (b) The regulations for this program in 34 CFR part 380.

Project Period: Up to 36 months.

For Applications: Telephone (202) 205–9343.

For Information Contact: Ted Gonzales, U.S. Department of Education, 400 Maryland Avenue, SW., room 3320, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8321.

Program Authority: 29 U.S.C. 777a(c).

84.128B Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With the Most Severe Disabilities and Technical Assistance Projects—Statewide Supported Employment Demonstration Projects

Purpose of Program: To provide grants for Statewide special projects and demonstrations to stimulate the development of systems changes that will increase supported employment options for individuals with the most severe disabilities.

Eligible Applicants: Public and nonprofit community rehabilitation programs; designated State units; and other public and private agencies and organizations.

Note: The Secretary funds under this competition only projects in States that have not previously received grants for this purpose.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86; and (b) The regulations for this program in 34 CFR part 380.

The priority in the notice of final priority for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

Project Period: Up to 36 months.

For Applications: Telephone (202) 205–9343.

For Information Contact: Ted Gonzales, U.S. Department of Education, 400 Maryland Avenue, SW., room 3320, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8321.

Program Authority: 29 U.S.C. 777a(c).

84.128G Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers With Disabilities

Purpose of Program: To provide grants for vocational rehabilitation services for migratory agricultural workers or seasonal farmworkers with disabilities.

Eligible Applicants: State vocational rehabilitation agencies (SVRAs); nonprofit agencies working in collaboration with SVRAs; local agencies administering vocational rehabilitation programs under written agreements with SVRAs; and SVRAs that enter into agreements with the State vocational rehabilitation agencies of one or more other States to develop cooperative programs for the provision of vocational rehabilitation services.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86; and (b) The regulations for this program in 34 CFR parts 369 and 375.

Project Period: Up to 36 months.

For Applications: Telephone: (202) 205–9343.

For Information Contact: Tony Cavataio, U.S. Department of Education, 400 Maryland Avenue, SW., room 3411, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8206.

Program Authority: 29 U.S.C. 777b.

84.128J Projects for Initiating Recreational Programs for Individuals With Disabilities

Purpose of Program: To provide grants for initiating recreation programs providing individuals with disabilities recreational activities and related experiences that can be expected to aid in their employment, mobility, socialization, independence, and community integration.

Eligible Applicants: States; and other public agencies and nonprofit private organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 369 and 378.

Project Period: Up to 36 months.

For Applications: Telephone: (202) 205–9343.

For Information Contact: Tony Cavataio, U.S. Department of Education, 400 Maryland Ave., SW., room 3411, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8829.

Program Authority: 29 U.S.C. 777(f).

84.128N Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With the Most Severe Disabilities—Community-Based Projects for Serving Individuals Who Are Low-Functioning and Deaf or Low-Functioning and Hard-of-Hearing

Purpose of Program: To provide grants for community-based special projects and demonstrations (a) to stimulate the development of innovative approaches for improving and expanding the provision of supported employment services to individuals with the most severe disabilities; and (b) to enhance local capacity to provide supported employment services.

Eligible Applicants: Public and nonprofit community rehabilitation programs; designated State agencies; and other public and private agencies and organizations.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86; and (b) The regulations for this program in 34 CFR part 380.

Statutory Mandate: Section 311(c)(1)(C) of the Rehabilitation Act, as added by the 1992 Amendments to the Act, requires that a minimum of two grants under this program serve individuals who are either low-functioning and deaf or low-functioning and hard-of-hearing. In accordance with this requirement, this competition is limited to projects that propose to serve either or both of these two populations.

Project Period: Up to 36 months.

For Applications: Telephone (202) 205–9343.

For Information Contact: Ted Gonzales, U.S. Department of Education, 400 Maryland Avenue, SW., room 3320, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–8321.

Program Authority: 29 U.S.C. 777a(c).

84.129A–V Rehabilitation Training—Rehabilitation Long-Term Training

Purpose of Program: To provide grants (a) to increase the supply of qualified personnel available for employment in public and private agencies and institutions involved in the vocational rehabilitation and independent living rehabilitation of individuals with disabilities, especially those individuals with the most severe disabilities; and (b) to maintain and upgrade the skills and knowledge of personnel employed as providers of vocational, social, or psychological rehabilitation services.

Eligible Applicants: State agencies; and other public or nonprofit private agencies and organizations, including institutions of higher education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 385 and 386.

Priorities:

Absolute Priorities. Under 34 CFR 75.105(c)(3) and 34 CFR 386.1, the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under this competition only applications that meet one of these absolute priorities:

Projects that propose to provide training in one of the following areas of personnel shortages:

Rehabilitation medicine (CFDA No. 84.129A–1).

Rehabilitation nursing (CFDA No. 84.129A–3).
Prosthetics and orthotics (CFDA No. 84.129A–5).
Rehabilitation counseling (CFDA No. 84.129B).
Community rehabilitation program administration (CFDA No. 84.129C–1).
Rehabilitation administration (CFDA No. 84.129C–3).
Physical therapy (CFDA No. 129D–1).
Occupational therapy (CFDA No. 84.129D–3).
Rehabilitation technology (CFDA No. 129E).
Vocational evaluation and work adjustment (CFDA No. 84.129F).
Community rehabilitation program personnel (CFDA No. 84.129G).
Rehabilitation of individuals who are mentally ill (CFDA No. 84.129H).
Rehabilitation psychology (CFDA No. 84.129J).
Specialized personnel for supported employment (CFDA No. 84.129K).
Undergraduate education in rehabilitation services (CFDA No. 84.129L).
Independent living (CFDA No. 84.129M).
Speech pathology and audiology (CFDA No. 84.129N).
Rehabilitation of individuals who are blind (CFDA No. 84.129P).
Rehabilitation of individuals who are deaf (CFDA No. 84.129Q).
Rehabilitation job development and placement (CFDA No. 84.129R).
Rehabilitation technician training (CFDA No. 84.129V).

Invitational Priorities. Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet one of the following invitational priorities. However, an application that meets one of these invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1. Within the absolute priorities specified in this notice, projects designed to provide financial assistance to individuals for long-term academic training in certificate- or degree-granting courses of study.

Invitational Priority 2. Within the absolute priority of Rehabilitation Counseling, projects that provide academic training to individuals at both the master's degree level and the doctoral degree level.

Project Period: Up to 36 months, except for Rehabilitation Counseling (84.129B), which is up to 60 months.

For Applications: Telephone: (202) 205–9343.

For Information Contact: Richard Melia, U.S. Department of Education, 400 Maryland Avenue, SW., room 3324, Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–9400.

Program Authority: 29 U.S.C. 774.

84.240A Protection and Advocacy of Individual Rights

Purpose of Program: To provide support to protect the legal and human rights of certain individuals with disabilities.

Individuals who are eligible under this program are those who (1) need services beyond those authorized by the Client Assistance Program under section 112 of the Rehabilitation Act of 1973, as amended; and (2) are ineligible for protection and advocacy programs under Part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041–6043) and the Protection and Advocacy for Individuals with Mental Illness Act of 1986 (42 U.S.C. 10801–10851).

Eligible Applicants: State protection and advocacy systems (a) established under part C of the Developmental Disabilities Assistance and Bill of Rights Act and (b) meeting the requirements of 34 CFR 381.10, published on August 12, 1993 (58 FR 43018).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 76 (except for 76.103, 76.125–137, 76.300–401, 76.704, 76.734, and 76.740), 77, 79, 80, 81, 82, 85, and 86; (b) The regulations for this program in 34 CFR part 381; and (c) The regulations in 34 CFR 369.43, 369.46 and 369.48 relating to certain conditions that must be met by grantees.

Project Period: Up to 36 months.

For Applications: Telephone (202) 205–9343.

For Applications or Information Contact: Deborah Havens, U.S. Department of Education, 400 Maryland Ave, SW., room 3320, Switzer Building, Washington, DC 2202–2735. Telephone: (202) 205–8733.

Program Authority: 29 U.S.C. 794e.

84.250D Vocational Rehabilitation Services Projects for American Indians With Disabilities

Purpose of Program: To provide grants for vocational rehabilitation services to American Indians with disabilities who reside on Federal or State reservations.

Eligible Applicants: Governing bodies of Indian tribes; and consortia of these governing bodies located on Federal and State reservations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 371.

Project Period: Up to 36 months.

For Applications: Telephone: (202) 205–9343.

For Information Contact: Barbara Sweeney, U.S. Department of Education, 400 Maryland Avenue, SW., room 3225, Switzer Building, Washington, DC 20202–2650. Telephone: (202) 205–9544.

Program Authority: 29 U.S.C. 750.

84.263 Rehabilitation Training—Experimental and Innovative Training

Purpose of Program: To support pilot projects that develop new types of training programs for rehabilitation personnel or that develop new and improved methods of training rehabilitation personnel.

Eligible Applicants: State agencies; and other public or nonprofit private agencies and organizations, including institutions of higher education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 385 and 387.

Priority: Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects designed to train rehabilitation counselors, practitioners, educators, and individuals with disabilities on rehabilitation needs of individuals who are HIV positive or who have Acquired Immune Deficiency Syndrome (AIDS).

Project Period: Up to 36 months.

For Applications: Telephone: (202) 205–9343.

For Information Contact: Bob Werner, U.S. Department of Education, 400 Maryland Avenue, SW., room 3322, Switzer Building, Washington, DC 20202–2649. Telephone: (202) 205–8291.

Program Authority: 29 U.S.C. 774.

CHART 7—OFFICE OF VOCATIONAL AND ADULT EDUCATION

CFDA number and name	Applications available	Application deadline date	Deadline for intergovernmental review	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.259A Native Hawaiian Vocational Education Program	1/14/94	3/25/94	5/24/94	N/A	$2,528,708	1

84.259A Native Hawaiian Vocational Education Program

Purpose of Program: To provide Federal financial assistance for projects that offer vocational education for the benefit of native Hawaiians.

Eligible Applicants: Organizations that (a) primarily serve and represent native Hawaiians and (b) are recognized by the Governor of the State of Hawaii.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; (b) The regulations in 34 CFR part 400; and (c) The regulations for this program in 34 CFR part 402.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in 34 CFR 402.21.

The program regulations in 34 CFR 402.20(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Management Plan: (34 CFR 402.21(b)). Fifteen points are added to this criterion for a possible total of 40 points.

Project Period: Up to 36 months.

For Applications or Information Contact: Kate Holmberg, U.S. Department of Education, 400 Maryland Avenue, SW., room 4519, Switzer Building, Washington, DC 20202–7242. Telephone: (202) 205–5563.

Program Authority: 20 U.S.C. 2313(c).

Invitation to Comment

The Secretary welcomes comments and suggestions for improving the annual combined application notice.

Please direct any comments and suggestions to Steven N. Schatken, Assistant General Counsel for Regulations, U.S. Department of Education, 400 Maryland Avenue, SW. (room 5131, FOB–6), Washington, DC 20202–2241.

Dated: September 16, 1993.

Richard W. Riley,

Secretary of Education.

Appendix—Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive Order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, EO 12372—CFDA# [commenter must insert number—including suffix letter, if any], U.S. Department of Education, room 4161, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

State Single Points of Contact

Note: In accordance with Executive Order #12372, this listing represents the designated State Single Points of Contact. Because participation is voluntary some States no longer participate in the process. These include: Alabama, Alaska, Kansas, Idaho, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, Virginia, and Washington.

Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

Arkansas

Mr. Joseph Gillespie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Telephone (303) 866–2156

Connecticut

Mr. William T. Quigg, Intergovernmental Review Coordinator, State Single Point of Contact, Office of Policy and Management, Intergovernmental Policy Division, 80 Washington Street, Hartford, Connecticut 06106–4459, Telephone (203) 566–3410

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 739–3326

District of Columbia

Rodney T. Hallman, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street, NW., Suite 500, Washington, DC 20005, Telephone (202) 727–6551

Florida

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit,

Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8441

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington Street, SW., Room 534A, Atlanta, Georgia 30334, Telephone (404) 656–3855

Illinois

Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, Telephone (217) 782–1671

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, Telephone (502) 564–2382

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

Maryland

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201, Telephone (301) 225–4490

Massachusetts

Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001

Michigan

Richard S. Pastula, Director, Michigan Department of Commerce, Office of Federal Grants, P.O. Box 30225, Lansing, Michigan 48909, Telephone (517) 335–1590

Mississippi

Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, Department of Finance and Administration, 301 West Pearl Street, Jackson, Mississippi 39203, Telephone (601) 949–2174

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Attn: Ron Sparks, Clearinghouse Coordinator, Telephone (702) 687–4065

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

New Jersey

Gregory D. Adkins, Acting Director, Division of Community Resources, New Jersey Department of Community Affairs

Please direct all correspondence and questions about intergovernmental review to: Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, Room 609, Trenton, New Jersey 08625–0814, Telephone (609) 292–9025

New Mexico

George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773–3212

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

West Virginia

Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

William C. Carey, Federal/State Relations, Wisconsin Department of Administration, 101 South Webster Street, P.O. Box 7864, Madison, Wisconsin 53707

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal/State Relations Office, Wisconsin Department of Administration, Telephone (608) 266–0267

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Territories

Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose B. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct correspondence to: Linda Clarke, Telephone (809) 774–0750

Note: This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to Donna Rivelli (Telephone (202) 395–5090) at the Office of Management and Budget and to the State in question.

[FR Doc. 93–21521 Filed 9–23–93; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
September 24, 1993

Part V

Department of Education

34 CFR Part 610
School, College, and University Partnerships; Rule

DEPARTMENT OF EDUCATION

34 CFR Part 610

RIN 1840–AB63

School, College, and University Partnerships

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary establishes regulations to govern the School, College, and University Partnerships (SCUP) program. The regulations are needed to implement the recently enacted Higher Education Amendments of 1992. These regulations clarify and interpret certain statutory provisions and establish procedures for grant competitions and for administering the SCUP program. Previously, the SCUP program has been administered using only the program statute and the Education Department General Administrative Regulations (EDGAR).

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Frances A. Bergeron, U.S. Department of Education, 400 Maryland Avenue, SW., room 5065, FOB–6, Washington, DC 20202–5249. Telephone: (202) 708–4804. 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: The SCUP program, which is authorized under title I of the Higher Education Act of 1965, as amended, provides support for higher education and secondary school partnerships to conduct activities that will improve high school retention and graduation rates of low-income and disadvantaged students, improve their academic skills, and prepare them for programs of postsecondary education or gainful employment following graduation from high school. These regulations implement title I, part A of the Higher Education Amendments of 1992 (Pub. L. 102–325), enacted July 23, 1992.

The authorized activities and the priorities contained in these regulations support the National Education Goals. Specifically, this program encourages partnerships to design projects that address Goal 2 (High School Completion); Goal 3 (Student Achievement, Citizenship, and Preparation for Employment); and Goal 4 (Student Achievement in Science and Mathematics).

On June 7, 1993, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the **Federal Register** (58 FR 32014). The NPRM included a discussion of the major provisions of these regulations.

Based upon public comments, the Secretary has revised the program priorities and clarified provisions regarding eligible applicants and the limitation on the project period. Further, the Secretary has included a requirement that SCUP projects engage full-time project directors.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, seven parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

Major issues are grouped according to subject, with appropriate sections of the regulations referenced in parentheses. Other substantive issues are discussed under the section of the regulations to which they pertain.

Eligible Applicants (§ 610.2)

Comments: The Secretary received two comments regarding eligible applicants under this program. One commenter objected to the elimination of local educational agencies (LEAs) as eligible applicants. This commenter noted that many of the neediest school districts might be denied the opportunity to participate in the program since the higher education institutions applying for the partnerships would select the school districts or schools within the district to participate in the program. Further, the commenter noted that the LEA partners would have to do a major portion of the proposal writing because of the demographic and student achievement data needed to respond to the selection criteria.

Another commenter encouraged the Secretary to include interstate higher education organizations as eligible applicants under this program.

Discussion: The Secretary believes § 610.2 of these regulations accurately reflects the language of the authorizing statute. Though the higher education community would have responsibility for applying for and monitoring grant funds, the SCUP grants are given only to eligible higher education and secondary school partnerships. Thus, each member of the partnership, especially the higher education institutions and the local school districts, should be involved in developing the application, selecting the school sites, and in administering the project. The critical role and relationship of each partner in the project is confirmed by the provisions in §§ 610.2(a), 610.10, and 610.37(b) of these regulations.

Interstate higher education organizations would be eligible to apply for SCUP funding if they satisfy the definition of consortium in § 610.6 of these regulations and if each member State agency meets the definition of a State higher education agency in section 1201(h) of the Higher Education Act.

Changes: None.

Priorities (§ 610.4)

Comments: The Secretary received three comments regarding the proposed project priorities in § 610.4(b) of the regulations. One commenter encouraged the Secretary to include as a program priority disadvantaged students who also live in rural, isolated regions of the country. Another commenter noted that program priorities and activities should encourage parent involvement in the projects. A third commenter stated that the priority for projects to stimulate school-wide reform was inconsistent with the provisions regarding eligible applicants because local school districts would not allow institutions of higher education to dictate school-wide or systemic reform initiatives.

Discussion: The Secretary recognizes the important role of families in student success in school. The Secretary also believes low-income and disadvantaged students face significant, though sometimes different, problems in both urban and rural areas. Thus, these regulations allow for these differences to be addressed by the applicants.

Though not eligible applicants, local school districts are essential and required partners under this program. Thus, the Secretary believes SCUP projects should be encouraged to propose project activities that could stimulate school-wide reform.

Changes: The Secretary has added a priority to encourage family involvement in the projects and has retained the priority for stimulating school-wide reform. A priority has not been added for rural projects.

Definitions (§ 610.6)

Comments: One commenter suggested that the Department add a sixth item, pregnant or parenting teen, to the

definition of potential dropout. Further, the commenter suggested that students exhibiting only one of the risk factors should qualify for program participation.

Discussion: The Secretary did not include pregnant or parenting teen as one of the risk factors in the definition of potential dropout because the authorizing statute and these regulations in § 610.4(a)(3)(iv) include this group in the list of underrepresented and underserved populations that may be served by a SCUP project. Further, the Secretary believes that a combination of factors are predictors of those students who may drop out. Thus, to be considered a potential dropout, a student should exhibit more than one of the risk factors.

The Secretary has determined that the definition of State higher education agency in the Higher Education Act applies to the SCUP program. The Secretary, therefore, will use this statutory definition instead of the definition proposed in the NPRM.

Changes: No change has been made to the definition of potential dropout. However, the Secretary has dropped the definition of State higher education agency from § 610.6(c) and included in § 610.6(a) a reference to the definition of State higher education agency in section 1201(h) of the Higher Education Act.

Limitation on Project Period (§ 610.23(b)

Comments: Two commenters inquired as to how the limitation on the number of years the partnership may be funded would impact SCUP projects funded prior to the enactment of the Higher Education Amendments of 1992.

Discussion: Though the limitation on the project period is a new statutory provision, the Secretary believes it should apply to all partnerships funded under the SCUP program since 1988. Thus, all SCUP projects are eligible to receive only a total of five years of Federal funding under this program. The intent of this provision is for these partnerships, which have received substantial Federal support for up to five years, to develop the capacity and secure the resources needed to continue operations when Federal assistance ends.

The limitation on the project period, however, applies only to the partnership and the activities supported by the SCUP partnership and not to each individual entity in the partnership arrangement. Thus, a partner in a previously funded SCUP project may partner with other entities requesting SCUP funding to carry out new activities in new target areas. A partnership, however, may not request additional years of Federal support simply to expend or add services or target schools to a previously funded SCUP project.

Changes: None.

Additional Requirements (§ 610.37)

Comments: The Secretary received two comments regarding other requirements that apply to grantees. One commenter objected to the requirement that the governing body include at least one representative from each partner since the governing body for some projects would be too large to function effectively.

Another commenter suggested that the Secretary require or at least encourage projects to employ full-time project directors.

Discussion: The authorizing statute stipulates that the governing body should include one representative of each partner participating in the project. Nonetheless, several of a project's partners may choose one person to represent them, thus limiting the size and improving the efficiency of the governing body.

Based on the Department's experience in administering this program, the Secretary has found that most SCUP projects operate more effectively with full-time project directors.

Changes: The Secretary has not changed the requirements for the governing body but has included in these regulations the requirement that each SCUP grantee engage a full-time project director. The Secretary, however, may waive the full-time director requirement in accordance with the provisions in the Education Department General Administrative Regulations, 34 CFR 75.511.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirement of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 610

Colleges and universities, Education of disadvantaged, Grant programs—education, Partnerships, Reporting and recordkeeping requirements, Secondary education.

(Catalog of Federal Domestic Assistance Number 84.204, School, College, and University Partnerships.)

Dated: September 15, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends title 34 of the Code of Federal Regulations by adding a new part 610 to read as follows:

PART 610—SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS

Subpart A—General

Sec.

610.1 What is the School, College, and University Partnerships program?
610.2 Who is eligible for an award?
610.3 What activities does the Secretary fund?
610.4 What priorities may the Secretary establish?
610.5 What regulations apply?
610.6 What definitions apply?

Subpart B—How Does One Apply for an Award?

610.10 What are the application requirements for a grant?

Subpart C—How Does the Secretary Select an Applicant for an Award?

610.20 How does the Secretary evaluate an application?
610.21 What selection criteria does the Secretary use?
610.22 What additional factors does the Secretary consider in making an award?
610.23 What are the funding requirements the Secretary considers in making an award?

Subpart D—What Conditions Must Be Met by a Grantee?

610.30 What are the cost-sharing requirements?
610.31 How are the Federal and non-Federal shares of the project costs determined?
610.32 What are the other funding requirements?
610.33 What are allowable costs?
610.34 What are nonallowable costs?
610.35 What evaluation activities must a grantee conduct?
610.36 What dissemination activities may a grantee conduct?
610.37 What additional requirements must be met by a grantee?

Authority: 20 U.S.C. 1001 *et seq.*, unless otherwise noted.

Subpart A—General

§ 610.1 What is the School, College, and University Partnerships program?

The School, College, and University Partnerships (SCUP) program provides support for higher education and secondary school partnerships to conduct programs that will—

(a) Improve the high school retention and graduation rates of low-income and disadvantaged students;

(b) Improve the academic skills of secondary school students;

(c) Prepare students for programs of postsecondary education; and

(d) Improve students' prospects for employment following graduation from secondary school.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.2 Who is eligible for an award?

(a) To be eligible for a SCUP grant, an institution of higher education, or State higher education agency, or a consortium of these, must enter into a written partnership agreement with a local educational agency.

(b) The partnership may also include businesses, labor organizations, professional associations, community-based organizations, public television stations or other telecommunications entities, or other private or public agencies or organizations.

(c) The applicant for the partnership must be—

(1) An institution of higher education;

(2) A State higher education agency; or

(3) A consortium as defined in § 610.6.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.3 What activities does the Secretary fund?

The Secretary funds a partnership under this part to support activities that—

(a) Are designed to improve the basic academic skills of secondary school students;

(b) Use college students to tutor secondary school students in an effort to improve their basic academic skills;

(c) Are designed to increase the understanding of specific subjects of secondary school students;

(d) Involve secondary school students in community service and learning projects;

(e) Are designed to improve the opportunity for secondary school students to continue an education program after graduation; and

(f) Are designed to increase employment prospects for secondary school students after graduation.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.4 What priorities may the Secretary establish?

(a) To be eligible for SCUP funding, projects must address two or more of the following statutory priorities:

(1) Projects that will serve predominantly low-income communities.

(2) Projects that will conduct programs during both the regular school year and the summer.

(3) Projects designed to serve one or more of the following historically underrepresented and underserved populations of students:

(i) Educationally disadvantaged students.

(ii) Students with disabilities.

(iii) Potential dropouts.

(iv) Pregnant adolescents and teenage parents.

(v) Children of migratory agricultural workers or of migratory fishermen.

(vi) Students whose native language is other than English.

(4) Projects designed to encourage women and minorities who are underrepresented in the fields of science and mathematics to pursue these fields of study.

(b) In addition to the preferences under paragraph (a) of this section, the Secretary may also establish as a funding priority in any fiscal year one or more or any combination of the following:

(1) Projects that support the National Education Goals by:

(i) Increasing high school graduation rates.

(ii) Improving achievement in specific subject areas, such as English, mathematics, science, history, or geography.

(iii) Preparing high school students for post-graduation employment or postsecondary education.

(2) Projects that will involve businesses in carrying out the project objectives.

(3) Projects that will involve private, nonprofit organizations in carrying out the project objectives.

(4) Projects that will involve students in apprenticeships or other on-the-job training.

(5) Projects where the primary focus is to stimulate school-wide reform and systemic improvements in schools serving a high concentration of disadvantaged students (in contrast to projects where the aim is to provide supplemental services to a discrete sub-population of students).

(6) Projects that will involve parents and families in carrying out the project activities and objectives.

(7) Projects that will evaluate program effectiveness and disseminate information on exemplary programs to other institutions of higher education and secondary schools for the purpose of promoting greater use of higher education and secondary school partnerships without direct Federal financial assistance.

(8) Projects that will involve one or more of the activities listed in § 610.3(a) or combinations of those activities.

(c) The Secretary announces the selection of priorities under paragraph (b) of this section in an application notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.5 What regulations apply?

The following regulations apply to the SCUP program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86(Drug-Free Schools and Campuses).

(b) The regulations in this part 610.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.6 What definitions apply?

(a) *Definitions in the Act.* The following terms used in this part are defined in section 1201(a) and (h) of the Act:

Institution of higher education
State higher education agency

(b) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget
Department
EDGAR
Equipment
Facilities
Fiscal year
Grant
Grantee
Local educational agency
Nonprofit
Private
Project
Public
Secondary school
Secretary
State
Supplies

(c) *Other definitions.* The following definitions also apply to this part:

Act means the Higher Education Act of 1965, as amended.

Annual dropout rate means the proportion of students in grades 10, 11, and 12 who drop out in a single year without completing high school.

Children of migratory agricultural workers or migratory fishermen means persons who are entitled to free public education through grade 12 whose parents or guardians are migratory agricultural workers or migratory fishermen and who have moved within the past 12 months from one school district to another—or, in a State that is made up of a single school district, have moved from one school administrative area to another—to enable the children, the guardians, or members of the immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity.

Consortium means one or more institutions of higher education or State higher education agencies or both that have entered into a cooperative arrangement for the purpose of carrying out common objectives.

Disadvantaged students means students from any of the following categories: Educationally disadvantaged students; students with disabilities; potential dropouts; pregnant adolescents and teenage parents; children of migratory agricultural workers or of migratory fishermen; and students whose native language is other than English.

Educationally disadvantaged student means an individual whose educational attainment is below the level that is appropriate for students at that age.

Governing body means a board consisting of representatives from each of the project partners with the responsibility for providing direction and supervision of the SCUP project on behalf of the partnership.

Low-income student means an individual whose family's taxable income did not exceed 150 percent of the poverty level amount in the calendar year preceding the year in which the individual initially participates in the project. Poverty-level income is determined by using poverty criteria established by the Bureau of the Census of the U.S. Department of Commerce.

National Education Goals mean the six national goals for education adopted in 1990 by the President of the United States and the Governors of the several States. The goals are:

(1) All children in America will start school ready to learn.

(2) The high school graduation rate will increase to at least 90 percent.

(3) American students will leave grades four, eight, and twelve having demonstrated competency in challenging subject matter including English, mathematics, science, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

(4) U.S. students will be first in the world in science and mathematics achievement.

(5) Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship;

(6) Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

Partner means a member of a SCUP partnership that is legally responsible for carrying out the activities it agrees to perform and for using the funds it receives in accordance with Federal grant requirements.

Partnership means the institutions of higher education, State higher education agencies, local educational agencies, and other organizations that have entered into a written partnership agreement for the purpose of conducting a SCUP project.

Partnership agreement means the document signed by each member of a SCUP partnership that stipulates the responsibilities of each partner and the resources to be committed by each partner.

Postsecondary education means education beyond the secondary school level.

Potential dropout means a student who exhibits two or more of the following high-risk factors:

(1) Is two or more grade levels below the level in basic skills that is appropriate for the student's age.

(2) Has a history of low academic achievement, low test scores, and retention in earlier grades.

(3) Is two or more years older than other students in the same grade.

(4) Is from a low socioeconomic, single parent family.

(5) Is from a family where one or both parents or an older sibling has dropped out.

Predominantly low-income community means a discrete geographic area—as determined by the applicant—in which the median income of the community residents is at or below the poverty level established by the Bureau of the Census of the U.S. Department of Commerce.

Pregnant adolescent means a girl between the ages of 12 and 19 who, in the year in which she participates in the project, is pregnant.

Secondary school student means an individual who is enrolled in a school that in accordance with State law provides secondary education.

Student of limited proficiency in English means a student whose native language is other than English and who has sufficient difficulty speaking, reading, writing, or understanding the English language to deny that student the opportunity to learn successfully in classrooms in which English is the language of instruction.

Student with a disability or disabilities means an individual who has a diagnosed physical or mental impairment that substantially limits that person's ability to participate in the educational experiences and opportunities provided.

Supplant means substituting grant funds to pay for personnel, activities, services, or other costs that were supported from other sources prior to receiving grant funds.

Supplement means using grant funds to improve, enrich, or enhance an existing service or activity through the addition of new services or activities.

Target area means a geographical area that is or will be served by a SCUP project.

Target school means a secondary school that enrolls students who are or will be served by a SCUP project.

Teenage parent means a secondary school student between the ages of 13 and 19 who has one or more children.

(Authority: 20 U.S.C. 1001 *et seq.*)

Subpart B—How Does One Apply for an Award?

§ 610.10 What are the application requirements for a grant?

An application for a SCUP grant must contain—

(a) A written partnership agreement that is signed by authorized officials of each of the partners and includes—

(1) A listing of all partners, including designation of the official representative of each partner;

(2) A description of the responsibilities of each partner; and

(3) A listing of the resources to be contributed by each partner;

(b) A listing of the public and private nonprofit secondary school or schools to be involved in the program;

(c) A description of activities and services for which assistance is sought; and

(d) A description of the programs to be developed and operated by the partnership.

(Authority: 20 U.S.C. 1001 *et seq.*)

(Approved by the Office of Management and Budget under control number 1840–0602)

Subpart C—How Does the Secretary Select an Applicant for an Award?

§ 610.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 610.21.

(b) The maximum score for all of the criteria in § 610.21 is 100 points.

(c) Subject to paragraph (d) of this section, the maximum score for each criterion is indicated in parentheses with the criterion.

(d) The Secretary distributes an additional 15 points among the criteria listed in § 610.21. The Secretary indicates in an application notice for the program that is published in the **Federal Register** how these 15 points are distributed.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application:

(a) *Need for the project.* (21 points)

(1) (15 points) The Secretary reviews each application for documented evidence that a need for a SCUP project exists in the area the applicant plans to serve, including information that shows:

(i) The quality of the assessment of the needs to be addressed through the project;

(ii) The magnitude of the need for the project in the target community where the project would be carried out, including, but not limited to, the following information—

(A) The estimated number and percentage of low-income and disadvantaged students enrolled in each of the target schools;

(B) The annual dropout rate of students in each of the target schools;

(C) The estimated number and percentage of low-income and disadvantaged students from each of the target schools who, following graduation from secondary school, enroll in programs of postsecondary education or are gainfully employed; and

(D) The academic and other problems of low-income and disadvantaged students in the target schools.

(iii) The extent to which the needs identified can be addressed through the proposed partnership project.

(2) (6 points) The Secretary also considers the extent to which the proposed project addresses the statutory funding priorities under § 610.4(a) and any priorities established by the Secretary for the competition under § 610.4(b).

(b) *Plan of operation.* (24 points) The Secretary reviews each application to determine the quality of the project design and management plan for the project, including—

(1) The quality of the applicant's plans to carry out one or more of the activities described in § 610.3, including goals with specific measurable objectives for the project, a description of activities to be accomplished under each objective for the regular school year and the summer programs, and a timetable of important goals to be achieved during each budget year;

(2) The extent to which the project design takes into account current research findings and information on practices effective for serving the target populations;

(3) The extent to which the applicant sets out an effective management plan for the project that includes communication and coordination among members of the partnership, appropriate allocations of the resources and personnel of the partnership, and adequate time commitments for the project director and all other project personnel in order to achieve each objective and intended outcome during the period of Federal funding; and

(4) The quality of the applicant's plan to identify and select project participants and ensure that students who otherwise are eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(c) *Evaluation and dissemination plans.* (11 points)

(1) (8 points) The Secretary reviews each application to determine the quality of the project's evaluation plan, including the extent to which the applicant's methods of evaluation are appropriate for the project and address the evaluation requirements in § 610.35

(2) (3 points) The Secretary reviews each application to determine the quality of the applicant's dissemination plans such as those described in § 610.36.

(d) *Quality of key personnel.* (6 points) To determine the quality of key personnel the applicant plans to use on the project, the Secretary looks for information that shows—

(1) The qualifications of the project director, including formal educational training in fields related to the objectives of the project and experience in designing, managing, or implementing similar projects;

(2) The qualifications of each of the other key persons to be used in the project, including formal educational training and experience related to the objectives of the project; and

(3) The quality of the project's plan for employing qualified persons. The plan must include a description of the procedures used to include members of groups that have been traditionally underrepresented among the project staff.

(e) *Partnership participation and coordination.* (8 points) The Secretary looks for information that shows—

(1) The extent to which representatives of the secondary schools, the postsecondary institutions, and the community have participated in designing the project and preparing the application;

(2) The roles and responsibilities of the project's governing body;

(3) The extent to which the partners and other organizations have provided commitments and resources to support and supplement authorized activities; and

(4) The capacity of the partnership to continue the project when Federal assistance ends.

(f) *Cost-effectiveness and adequacy of the budget and resources.* (9 points) The

Secretary reviews each application to determine the extent to which—

(1) The allocations of Federal and non-Federal resources in the budget are clearly related to the objectives of the project.

(2) Project costs are reasonable in relation to the objectives and scope of the project; and

(3) The other resources, including facilities, equipment, and supplies, that will be provided by each member of the partnership are adequate to support the project and are clearly related to the objectives of the project.

(g) *Likelihood of success.* (6 points) The Secretary reviews each application for information that shows the extent to which the project is likely to—

(1) Increase the retention and graduation rates of secondary school students at the target schools;

(2) Prepare project participants for programs of postsecondary education or gainful employment following graduation from secondary school; and

(3) Develop innovative and effective project designs appropriate for the disadvantaged populations to be served.

(Authority: 20 U.S.C. 1001 *et seq.*)

(Approved by the Office of Management and Budget under control number 1840–0602)

§ 610.22 What additional factors does the Secretary consider in making an award?

In addition to the criteria in § 610.21, the Secretary considers the following factors in making an award:

(a) *Geographic distribution.* After applications are scored and placed in rank order, the Secretary selects applications for funding in a manner that will achieve an equitable geographical distribution of funded projects.

(b) *Model projects.* After ensuring an equitable geographical distribution of grantees, the Secretary, in making the final selection from among similarly rated applications, may also consider the potential of each project to be a model SCUP project of local, State, or national significance that could be easily replicated and disseminated. In determining a project's potential to be a model, the Secretary uses information provided in the application narrative, particularly evidence provided in response to § 610.21(g).

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.23 What are the funding requirements the Secretary considers in making an award?

(a) *Amount of award.* The Secretary makes grant awards under this program in amounts that are not less than $250,000 and not more than $1,000,000 for each project year.

(b) *Limitation on number of years the partnership may be funded.* The Secretary awards grants under this program to eligible partnerships for project periods not to exceed five years.

(Authority: 20 U.S.C. 1001 *et seq.*)

Subpart D—What Conditions Must Be Met by a Grantee?

§ 610.30 What are the cost-sharing requirements?

(a) The Federal share of the total cost of each project selected for funding may not exceed—

(1) Seventy percent in the first year;

(2) Sixty percent in the second year; and

(3) Fifty percent in the third and any subsequent years.

(b) The partnership's share may be derived from non-Federal cash or in-kind contributions. In-kind contributions may include services, supplies, or equipment that is fairly appraised and needed to carry out project activities;

(c)(1) The Secretary may waive the cost-sharing requirements described in paragraph (a) of this section for any partnership that demonstrates to the Secretary's satisfaction a unique hardship that prevents its compliance with the cost-sharing requirements.

(2) If a partnership desires a waiver of the cost-sharing requirements, it shall submit a written request as part of its application. The request must include—

(i) An explanation of the special conditions in the target area that prevent the partnership from meeting the cost-sharing requirements;

(ii) An estimate of the amount, if any, of non-Federal resources that will be committed to the project; and

(iii) Plans for soliciting non-Federal resources to continue the project when Federal assistance ends.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.31 How are the Federal and non-Federal shares of the project costs determined?

The following are examples of how the Federal and non-Federal shares of the project costs are determined:

(a) *Example* #1. If the total cost for a SCUP project is estimated at $500,000 per year, what are the Federal and non-Federal shares of the project costs?

(1) In year one of the grant, the Federal share may not exceed $350,000, or 70 percent of project costs, and the non-Federal share shall be at least $150,000.

(2) In year two of the grant, the Federal share may not exceed $300,000, or 60 percent of project costs, and the non-Federal share shall be at least $200,000.

(3) In year three and any subsequent year of funding, the Federal share may not exceed $250,000, or 50 percent of project costs, and the non-Federal share shall be at least $250,000.

(b) *Example* #2. If the total cost for a SCUP project is estimated at $357,143 in year one of the grant, $416,667 in year two, and $500,000 in year three, what are the Federal and non-Federal shares of the project costs?

(1) In year one of the grant, the Federal share would be $250,000, or 70 percent of project costs, and the non-Federal share shall be at least $107,143.

(2) In year two of the grant, the Federal share would be $250,000, or 60 percent of project costs, and the non-Federal share shall be at least $166,667.

(3) In year three of the grant, the Federal share would also be $250,000, or 50 percent of project costs, and the non-Federal share shall be at least $250,000.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.32 What are the other funding requirements?

(a) A local educational agency or institution of higher education receiving funds under this program may not reduce its combined fiscal effort per student or its aggregate expenditure on education.

(b) A local educational agency or institution of higher education shall use any Federal funds it receives from the grant to supplement, and, to the extent practicable, increase the resources that would, in the absence of these Federal funds, be made available from non-Federal sources for educating students participating in the project.

(c) A grantee may not use SCUP funds to supplant non-Federal funds that are already available.

(d) A grantee shall maintain separate project budgets for the regular school year activities and summer activities and may not transfer grant funds from the approved school year budget to the summer budget and vice versa without written approval.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.33 What are allowable costs?

Allowable costs may include the following costs not specifically covered in 34 CFR part 74 if they are reasonably related to carrying out the project activities included in the approved application:

(a) Transportation and other costs for participants and project staff and, when approved by the Secretary, for parents for—

(1) Visits to postsecondary educational institutions in the area;

(2) Participation in college and career information fairs;

(3) Field trips to observe and meet with people who are employed in various career fields and can serve as role models for participants; and

(4) Participation in Saturday, summer, and after-school activities sponsored by the project for the purpose of enhancing the academic or cultural development of the project participants.

(b) Costs for one project-sponsored awards banquet or ceremony each year. The Secretary may establish a maximum cost per participant for this activity.

(c) Costs for providing special classes and instruction for project participants, as long as these classes are not part of the regular school curriculum and are not otherwise available at the target schools.

(d) Tutorial and counseling services for project participants that supplement those services available at the target schools.

(e) Costs related to establishing and conducting an apprenticeship or other on-the-job training program.

(f) Purchase of computer hardware, software, and other equipment for student instruction and project administration and recordkeeping, provided it has been demonstrated to the Secretary's satisfaction that the equipment is required to meet the purposes of the project. The Secretary may restrict funds made available for capital-equipment purchases to a certain percentage of a project's total grant.

(g) Project evaluation and dissemination. The Secretary may restrict funds made available for evaluation and dissemination to a certain percentage of a project's total grant.

(h) In-service training for project staff and secondary school personnel who work with disadvantaged students.

(i) Training for persons from the community or private sector who may participate in tutoring and other volunteer activities described in the approved application.

(j) Student stipends and incentives, provided these are given only to students who meet certain participation and performance standards established by the project and described in the approved application.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.34 What are nonallowable costs?

Costs that may not be charged against a grant under this program include—

(a) Research not directly related to evaluating or improving the project;

(b) The construction, renovation, or remodeling of any facilities; and

(c) Renting space unless space is not available at the host institution and the space rented is not owned by any of the project partners.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.35 What evaluation activities must a grantee conduct?

(a) A grantee shall develop and implement an evaluation plan to assess the project's effectiveness in meeting its stated goals and objectives.

(b) The evaluation design must include, but is not limited to—

(1) Collecting baseline data on student achievement to allow for measuring of effectiveness at project's end;

(2) Specific intended outcomes for participating students and the partnership that accomplish the purposes of the program and are attainable within the project period;

(3) Strategies for assessing the effectiveness of the partnership arrangement in delivering services and for documenting the impact of the project on the grantee, the target schools, and other project partners, if any; and

(4) For multi-year projects, specific objectives for each budget period that can be used to determine the project's progress toward meeting its intended outcomes.

(c) An external evaluator may be used to assist the project staff in meeting the requirement in paragraph (a) of this section.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.36 What dissemination activities may a grantee conduct?

(a) The Secretary encourages grantees to disseminate information about successful activities conducted through the project.

(b) To disseminate information about project activities, a grantee may use strategies that include, but are not limited to—

(1) Providing descriptive materials to interested parties;

(2) Making presentations at conferences;

(3) Submitting articles about the project to appropriate publications; and

(4) Submitting the project for review by the U.S. Department of Education's Program Effectiveness Panel of the National Diffusion Network in accordance with 34 CFR part 786.

(Authority: 20 U.S.C. 1001 *et seq.*)

§ 610.37 What additional requirements must be met by a grantee?

A grantee shall—

(a) Engage a full-time project director. However, the Secretary may waive the full-time requirement as specified in EDGAR, 34 CFR 75.511;

(b) Establish a governing body that includes at least one representative from each partner;

(c) Submit to the Secretary reports and other information as requested to evaluate program effectiveness and to provide information for dissemination on exemplary programs and practices to other institutions of higher education and secondary schools; and

(d) Participate in SCUP program meetings and workshops conducted by the Secretary to the extent funds are provided in the grant for this purpose.

(Authority: 20 U.S.C. 1001 *et seq.*)

[FR Doc. 93–23330 Filed 9–23–93; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
September 24, 1993

Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 701, et al.
Permanent Regulatory Program; Underground Mining Permit Application Requirements; Underground Mining Performance Standards; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 784 and 817

RIN 1029–AB69

Permanent Regulatory Program; Underground Mining Permit Application Requirements; Underground Mining Performance Standards

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior (DOI) proposes to amend the regulations applicable to underground coal mining and control of subsidence-caused damage to lands and structures through the adoption of a number of permitting requirements and performance standards. The proposed rule requires all underground coal mining operations conducted after October 24, 1992, to promptly repair or compensate for material damage to non-commercial buildings and occupied residential dwellings and related structures as a result of subsidence due to underground coal mining operations. The proposed rule would require repair of damage to include rehabilitation, restoration, or replacement of the identified structures and compensation to the owners in the full amount of the diminution in value resulting from the subsidence. The proposed rule would require prompt replacement of water supplies which have been adversely affected by underground coal mining operations. The proposed rule would require an operator to perform a pre-subsidence survey and repair or compensate for subsidence-related damage caused by underground mining activities to structures or facilities. The proposed rule would require an operator to provide, when necessary, an additional performance bond to cover subsidence-related material damage. The proposed rule provides for broader protection of structures by removing the provision that imposes a State law limitation on an underground coal mine operator's liability for damage to structures. Performance standards required by the Energy Policy Act of 1992 would be enforceable nationwide immediately upon effective date of the final rule.

DATES: *Written comments:* OSM will accept written comments on the proposed rules until 5 p.m. Eastern time on November 23, 1993.

Public hearings: Upon request, OSM will hold public hearings on the proposed rules within the comment period. OSM will accept requests for hearing until 5 p.m. Eastern time on October 22, 1993.

Individuals wishing to attend but not testify at any hearing should contact the person identified under **FOR FURTHER INFORMATION CONTACT** beforehand to verify that the hearing will be held.

ADDRESSES: *Written comments:* Hand-deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 660, North Capitol Street, NW., Washington, DC, or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 660 N.C., U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240.

Public Hearings: The addresses and times for any hearings which may be scheduled will be announced prior to the hearings.

Requests for public hearings: Requests for public hearings may be made by contacting the person specified under **FOR FURTHER INFORMATION CONTACT** by the time specified under **DATES.**

FOR FURTHER INFORMATION CONTACT: Nancy R. Broderick, Branch of Federal and Indian Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; telephone (202) 208–2550.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Discussion of Proposed Rule
IV. Procedural Matters

I. Public Comment Procedures

Written Comments: Written comments submitted on the proposed rules should be specific, should be confined to issues pertinent to the proposed rules, and should explain the reason for any recommended change. OSM appreciates any and all comments, but those most useful and likely to influence decisions on the content of a final rule will be those which include citation to legislative history, case law, technical literature, or other relevant reasons for any given recommendation. Where practicable, commenters should submit five copies of their comments (see **ADDRESSES**). Comments received after the close of the comment period (see **DATES**) may not be considered or included in the Administrative Record for the final rules.

Public Hearings: OSM will hold public hearings on the proposed rules upon request only. If only one person expresses an interest, a public meeting rather than a hearing may be held and the results included in the Administrative Record.

If a hearing is held, it will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSM requests that persons who testify at a hearing give the transcriber a written copy of their testimony. To assist OSM in preparing appropriate responses, OSM also requests that persons who plan to testify submit to OSM, at the address previously specified for the submission of written comments (see **ADDRESSES**), an advance copy of their testimony.

II. Background

The Energy Policy Act of 1992, Public Law 102–486, 106 Stat. 2776 (1992) (hereinafter, "the Energy Policy Act") was enacted October 24, 1992. Section 2504 of that Act, 106 Stat. 2776, 3104, amends the Surface Mining Control and Reclamation Act of 1977 (SMCRA). As noted in the legislative history, section 2504 "provides for greater stability in the surface mining act program by settling controversies over subsidence protection." H.R. Rep. No. 474, 102d Cong., 2d Sess. pt. 8 at 86 (1992). The report also states that "at present, OSM's regulations do not protect coalfield citizens from the types of damages that can occur from land subsidence caused by underground coal mining, either in the form of compensation for, or repair of, damages to homes and other structures as well as replacement of adversely affected water supplies." *Id.*

Section 2504 of the Energy Policy Act added to new section 720 to SMCRA. Section 720(a)(1) requires that all underground coal mining operations conducted after October 24, 1992, promptly repair or compensate for material damage to non-commercial buildings and occupied residential dwellings and related structures as a result of subsidence due to underground coal mining operations. Repair of damage includes rehabilitation, restoration, or replacement of the structures identified by section 720(a)(1), and compensation must be provided to the owners in the full amount of the diminution in value resulting from the subsidence. Section 720(a)(2) requires prompt replacement of certain identified water supplies which have been adversely affected by underground coal mining operations. Under section 720(b), the Secretary of the Interior is required to promulgate final regulations to implement the provisions of section 720(a) by October

24, 1993. The requirements to repair and compensate and replace water supply were effective upon passage of the Energy Policy Act. Operators both in primacy States and in Federal program States, as well as on Indian lands, are required to comply with these provisions of the Energy Policy Act for their operations conducted after October 24, 1992.

Congress recognized that regulations would be required to implement the new section 720(a) and mandated in section 720(b) that OSM promulgate final regulations within one year from the date of enactment. OSM interprets these provisions to mean that promulgation of final Federal regulations is necessary to directly enforce the section 720(a) requirements to repair or compensate for damages, or replace affected water supply, due to underground coal operations that occurred after October 24, 1992. On the other hand, section 720(a) provides that its requirements are applicable to all underground coal mining operations conducted after the date of enactment. Therefore, OSM is proposing that the final Federal rules establishing performance standards required by section 720(a) would supersede any inconsistent requirements contained in State programs upon promulgation of a final rule. These Federal performance standards would be directly enforceable in all States and on Indian lands, retroactive to October 24, 1992. The final rules concerning performance standards would be enforced with regard to unrepaired damage caused by underground coal operations that occurred after October 24, 1992, regardless of whether the damage occurs prior to the effective date of the final rule. This is consistent with Congressional intent in the Energy Policy Act. OSM is requesting comment on this proposed enforcement scheme.

In the interim pending direct enforcement in a State, each regulatory authority is encouraged to conduct investigations of any complaints alleging violations of the nature covered under new section 720(a). This will ensure that circumstances at a site of alleged violations are observed and documented contemporaneously, and are available for later enforcement action, if necessary. OSM will conduct investigations of complaints reported to OSM if the State regulatory authority chooses not to conduct an investigation. OSM or the State regulatory authority will ensure that complaints are documented and a record of alleged violations is maintained.

On July 18, 1991, OSM published a notice of inquiry soliciting comments from the public concerning whether additional subsidence control regulations are necessary. 56 FR 33170. As a result of the information submitted by respondents to the notice of inquiry, OSM contacted 70 families to clarify allegations of subsidence-caused damage to private property, including structures, water supplies and land. The cases were analyzed to determine the need for additional nationwide rulemaking on subsidence. Subsequently, OSM suspended the rulemaking process. OSM specifically solicits comments on whether a need exists for nationwide rules that go beyond those required by the Energy Policy Act.

OSM resumed the rulemaking process to fulfill the requirement of the Energy Policy Act of 1992 to promulgate final regulations to address issues on "repair of damage" and "water replacement," within one year of the date of enactment. In addition to the provisions intended to implement new SMCRA section 720, the proposed rule includes other subsidence-related provisions to be promulgated under the authority of SMCRA provisions including sections 201(c)(2), 508(a)(13) and 516. The additional provisions would become effective in the same way as other revisions to the permanent program regulations, i.e., within 30 days of promulgation for Federal program States and on Indian lands, and upon the adoption of counterpart State regulatory program provisions in primacy States.

The following discussion relates the history of the provisions in the current regulations for which OSM is now proposing substantive revisions.

Definition of Material Damage

Section 516(b)(1) of the Act requires underground coal mine operators to "adopt measures consistent with known technology in order to prevent subsidence causing *material damage* to the extent technologically and economically feasible. . . ." (Emphasis added.) No definition of the term "material damage" is given in the statute.

In 1979, OSM adopted regulations to implement the permanent regulatory program. The term "material damage" was not defined in relation to the permitting requirements or performance standards. In response to a suggestion that a definition be provided, OSM said that it "believes that it is not necessary to define the term 'material damage' in reference to subsidence. Instead, it is left to each regulatory authority to define and use the term in a manner appropriate for subsidence problems in its jurisdiction." 44 FR 15075, March 13, 1979.

In 1988, OSM issued a proposed rule to address the issue of whether and to what extent the mining prohibitions of § 522(e) of the Act, which identifies the areas designated by Congress as unsuitable for mining, apply to subsidence. 53 FR 52374, December 27, 1988. In one option of that proposal, OSM defined "material damage" as a "functional impairment of the surface, features, facilities, or structures." Consideration was given at that time to providing additional guidance concerning what is "material damage." However, the entire proposed rule was withdrawn for further study in 1989. 54 FR 30557, July 21, 1989.

Pre-subsidence Survey

In 1979, OSM promulgated final rules establishing the permit application information requirements related to subsidence control at 30 CFR 784.20. 44 FR 14902, 15074, 15369, March 13, 1979. Where the regulatory authority determined, as a result of a pre-subsidence survey conducted by the permit applicant, that material damage or diminution of reasonably foreseeable use of structures or renewable resource lands could occur, the permit applicant had to include a subsidence control plan that identified, among other things, the measures to be taken to determine the degree of damage or diminution, including, but not limited to, a pre-subsidence survey of structures and surface features that might be materially damaged by subsidence and monitoring. 30 CFR 784.20(d) (1979).

In its 1983 rules, OSM dropped the explicit requirement for a description of measures to be taken to determine the degree of damage caused by subsidence. 48 FR 24638, 24642, 24650, June 1, 1983. OSM acknowledged that "[i]t may be to the operator's advantage to conduct pre-subsidence surveys or monitoring to avoid unnecessary liability or complications with the surface owners," and indicated that to the extent applicable "such measures * * * can be included as an element of the [subsidence control] plan." "However," OSM asserted, "the Act does not *require* the operator to conduct such surveys or monitoring."

On October 1, 1984, the U.S. District Court for the District of Columbia determined that the 1979 rule, 30 CFR 784.20(d), requiring the subsidence control plan to include the results of a pre-subsidence survey of structures and a detailed description of any monitoring proposed to measure subsidence near structures, both of which were deleted in the 1983 rule, was "inextricably

linked" to the issue of the repair of subsidence-caused material damage to structures. Thus, OSM was ordered to request additional public comment on this deletion in conjunction with comments on 30 CFR 817.121(c)(2). In re Permanent Surface Mining Regulation Litigation II, Round II, No. 79–1144, Mem. Op. (D.D.C. 1984), 21 ERC 1732 (hereafter PSMRL II, Round II).

OSM sought additional comments on proposed changes to 30 CFR 784.20 in 1985. 50 FR 27910, July 8, 1985. In its 1987 final rule, OSM did not restore the pre-subsidence survey requirement because it believed that it was "redundant." 52 FR 4860, February 17, 1987. In OSM's view, the pre-mining condition of structures could be established during the survey to see if a subsidence control plan is needed; it was not necessary to require a second survey for that purpose.

Citizen and environmental groups challenged the 1987 rule for failing to include the pre-subsidence survey requirement formerly at 30 CFR 784.20(d). The district court upheld the rule, agreeing with OSM's position that the absence of an explicit survey requirement does not affect the duty to measure and remedy damage and that retaining such a survey would be duplicative and would place an unnecessary burden on mine operators. *National Wildlife Federation* v. *Lujan*, 733 F. Supp. 419, 429 (D.D.C. February 12, 1990) (hereafter *NWF* v. *Lujan*).

Water Replacement for Underground Mining

In 1979, OSM promulgated regulations at 30 CFR 817.54 requiring mine operators to replace water supplies damaged by underground mining operations. 44 FR 14902, 15268, 15430, March 13, 1979. The coal industry challenged the regulations, arguing that section 717(b) of the Act authorizes water replacement only when a water supply is damaged by surface mining. The district court agreed and remanded the regulation. *In re Permanent Surface Mining Regulation Litigation I, Round II*, No. 79–1144, Mem. Op. (D.D.C. May 16, 1980), 19 ERC 1477 (hereafter *PSMRL I, Round II*).

OSM suspended the rule in 1980 (45 FR 51547, August 4, 1980), and removed it from the permanent program regulations when the revised hydrology and geology regulations were adopted in 1983. 48 FR 43956, September 26, 1983. Citizen and environmental groups challenged this action, arguing that not only does section 717(b) of the Act require replacement of water supplies damaged by underground mining, but also that a similar requirement can be inferred from section 508(a)(13) of the Act.

The district court upheld the 1983 removal of 30 CFR 817.54, based on its earlier finding that section 717(b) does not require water replacement by underground mine operators. PSMRL II, Round III, 620 F. Supp. at 1533. The court also found no water replacement requirement for underground mining in section 508(a)(13), a permitting provision.

In 1988, the U.S. Court of Appeals for the D.C. Circuit affirmed the district court's ruling. *National Wildlife Federation* v. *Hodel*, 839 F. 2d 694, 753 (D.C. Cir. January 29, 1988) (hereafter *NWF* v. *Hodel*). Based on the language of section 717(b) and the legislative history of SMCRA, the court of appeals found that water replacement is required only of surface mine operators. Concerning section 508(a)(13), the court found that it is basically "an information-gathering provision" that imposes no independent performance standard. However, the court went on to suggest that section 508(a)(13) could be read as authorizing the regulatory authority to require replacement of water supplies damaged by underground mining, rather than compelling replacement.

Repair of Damage to Structures

Section 817.124 of the 1979 rules set forth a requirement for the correction of subsidence-caused material damage to both structures and surface lands. The 1979 rule required that underground mine operators mitigate subsidence-related material damage by restoring the land to its pre-mining capabilities, and by restoring, rehabilitating, removing and replacing, or purchasing damaged structures or facilities or, alternatively, by compensating surface structure owners through the purchase of a non-cancelable, premium-prepaid insurance policy or other means designed to cover the amount of diminution in value caused by subsidence. 44 FR 14902 15440 (March 13, 1979).

Industry plaintiffs challenged the restoration requirement of 30 CFR 817.124 in In rePermanent Surface Mining Regulation Litigation I, No. 79–1144, Mem. Op. (D.D.C. February 26, 1980), 14 ERC 1083 (hereafter PSMRL I, Round I), based on the argument that Congress intended the insurance requirement of section 507(f) of SMCRA as the exclusive means for setting operator responsibility for subsidence damage. The court rejected that argument and held that the requirements for remedying the effects of subsidence "find support in the Act. The restoration requirement is consonant with section 515(b)(2) of the Act." PSMRL I, Round I, 14 ERC 1108. The court also held that the compensation requirement of the 1979 rules, which extended to surface structures or facilities, was "an insurance mechanism authorized by section 507(f) of the Act." *Id.*

On June 1, 1983, OSM revised the rule at 30 CFR 817.121(c)(1) (48 FR 24652) and retained the requirement for the operator to correct, to the extent technologically and economically feasible, all subsidence-caused material damage to surface lands. Revised § 817.121(c)(2) (48 FR 24652) required operators to correct material damage to any structures or facilities resulting from subsidence only to the extent required by State law. 48 FR 24652. In essence, the 1983 rules retained the land restoration requirement for the 1979 rules, but modified the requirement to repair structures by specifying that material damage to structures shall be repaired or corrected in accordance with the requirements of State laws.

In PSMRL II, Round II, 21 ERC 1724, citizen and environmental groups, industry, and the States challenged a number of permanent program rules, including provisions of the 1983 subsidence control rules.

In regard to the requirement at 30 CFR 817.121(c)(1) to repair subsidence-caused material damage to surface lands, the district court upheld the rule against an industry challenge, finding that the "restoration requirement" is a "reasonable reading of the statute." 21 ERC 1729. However, the court held that 30 CFR 817.121(c)(2) of the 1983 rules, requiring operators to redress subsidence-caused material damage to structures only to the extent required by State law, represented a "radical change" from both the earlier rule and the 1982 proposed rule, both of which required such redress irrespective of State law. PSMRL II, Round II, 21 ERC 1730. Accordingly, the court remanded 30 CFR 817.121(c)(2) to the Secretary for proper notice and comment. The court never reached the merits of the Secretary's rule on damage to structures.

On February 21, 1985, in accordance with the court's ruling, OSM suspended the portion of 30 CFR 817.121(c)(2) limiting operator responsibility for repair of damage to that required under State law. 50 FR 7274 (February 21, 1985). Subsequently, on July 8, 1985, OSM re-proposed 30 CFR 817.121(c)(2) with a provision for deference to State law with respect to damage to surface structures or facilities and solicited additional public comment on the deletion of former 30 CFR 784.20(d). 50 FR 27910. The proposed language was

substantially the same as the text of the remanded 1983 regulation.

On February 17, 1987, OSM promulgated a final rule substantially identical to the 1985 proposal that reinstated the State law limitation on the obligation to repair subsidence-caused material damage to structures or facilities. 52 FR 4860. At the same time, the corresponding permit information requirement was redesignated 30 CFR 784.20(g)(2) without any other change.

On January 29, 1988, the Court of Appeals for the District of Columbia Circuit, in *NWF* v. *Lujan*, ruled on industry's appeal of the District Court's 1984 decision upholding the 1983 requirement to repair subsidence-caused damage to lands. 839 F. 2d 694, 739. Although the court of appeals found a different basis in SMCRA for upholding the rule than that expressed by OSM in the 1983 preamble or by the district court in its 1984 decision upholding that requirement, it nevertheless affirmed the requirement for restoration of subsided lands.

In response to a challenge to the 1987 rule by environmental groups, the District Court remanded the requirement at 30 CFR 817.121(c)(2) for repair of subsidence-caused damage to structures with instructions to revise it by striking the reference to State law. *NWF* v. *Lujan*, Nos. 87–1051, 87–1814 and 88–2788, Mem. Op. at 20 (D.D.C. February 12, 1990). The court ruled that because sections 102(b) and 516(b)(1) of SMCRA require that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto be fully protected and that the operator maintain the value and reasonably foreseeable use of surface lands underlain by underground mining operations, the State law limitation on an operator's duty to correct or compensate the owner for subsidence-caused material damage is contrary to SMCRA.

The district court decision was appealed by industry, and on March 22, 1991, the U.S. Court of Appeals for the District of Columbia Circuit reversed the February 12, 1990, decision of the district court remanding the regulation. *National Wildlife Federation* v. *Lujan*, No. 90–5114 (D.C.Cir. 1991). The court of appeals found that section 516(b)(1) does not specifically require the Secretary to impose a duty to restore structures damaged by subsidence. Since the Secretary's regulation was based on a permissible interpretation of SMCRA, and the grounds for modifying the initial regulation were adequately explained, the court of appeals upheld the rule and reversed the district court.

Bonding for Subsidence-caused Damage

On March 13, 1979, OSM promulgated the permanent program bonding and insurance rules at 30 CFR chapter VII, subchapter J, parts 800–809. 44 FR 14902, 15109, 15385. On August 6, 1980, OSM amended portions of its permanent regulatory program relating to bond and insurance requirements for surface coal mining and reclamation operations. Several of the changes were in direct response to a petition for rulemaking filed with OSM while others were generated from comments received during the petition review process. OSM added § 801.16 that required bonding for surface measures undertaken to prevent subsidence. It stipulated that all measures undertaken to conform with 30 CFR 784.20(b) in the prevention of damage to surface facilities through planned subsidence would be subject to performance bond coverage. 45 FR 52309, 52318.

On October 26, 1981, OSM published in the **Federal Register** a proposal to suspend the self-bonding rules and the requirement to bond subsidence control and surface protection measures that had been published on August 6, 1980. 46 FR 52287. On December 7, 1981, OSM issued a final rule suspending the effect of the surface protection bonding rules at 30 CFR 801.16(a) and self-bonding rules at 30 CFR 806.14(a). At that time, OSM was involved in litigation concerning the August 6, 1980 rules. Evaluation of that litigation and of comments received during the August 6 rulemaking led OSM to the conclusion that the rules should be suspended. OSM believed at the time that there was a need to require completion of surface measures to be taken to prevent subsidence, but no need to bond for these actions or those measures not disturbing the surface. OSM considered bonding unnecessary because the work would not be required if operations were ceased under forfeiture. 46 FR 59934.

On July 19, 1983, in response to the administrative mandate to simplify and remove excessive regulatory burdens, OSM issued final rules that revised and consolidated the bonding and insurance requirements for surface coal mining and reclamation operations. 48 FR 32932, 32944, 32961. These rules were challenged by citizen and environmental groups, who alleged that they failed to require bond for reclamation of the surface effects of underground mining. The plaintiffs asserted that the bond must be set at an amount sufficient to cover the cost of restoring subsided land. The district court upheld the rules, finding that it would be speculative to require an initial bond for subsidence-caused damage, but the bond must be adjusted to cover repair of subsidence-caused material damage. PSMRL II, Round II, 21 ERC 1743.

Subsequently, the court of appeals agreed and affirmed the district court decision. The court of appeals found that one of the distinct differences between surface and underground mining is the difficulty in accurately estimating the cost of repairing subsidence-caused material damage. Thus, a regulatory scheme that allows bond to be increased to cover repair work after damage occurs (and allows liability insurance proceeds to be applied to the repair effort) is consistent with SMCRA. *NWF* v. *Hodel*, 839 F. 2d 726.

III. Discussion of Proposed Rule

Section 701.5—Definitions

OSM is proposing to add definitions of the terms that are used in the existing or proposed regulations: "drinking, domestic or residential water supply," "material damage," "non-commercial building," "occupied residential dwelling and structures related thereto," "replacement of water supply," and "structures or facilities."

Definition of Drinking, Domestic or Residential Water Supply

"Drinking, domestic or residential water supply" would mean water received from a well or spring and any appurtenant delivery system that provides water for direct human consumption or household use. Wells and springs that serve only agricultural, commercial or industrial enterprises are not included.

The proposed definition for drinking, domestic or residential water supply is needed to implement SMCRA Section 720(a)(2), which requires prompt replacement of certain identified water supplies which have been adversely affected by underground coal mining operations.

Definition of Material Damage

OSM is proposing to define "material damage" to include two categories or effects. The first category is functional impairment of the surface lands, features, structures or facilities. The second category is any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or any significant change in the condition, appearance or utility of any structure or facility from its pre-subsidence condition.

OSM continues to hold the view expressed in the preamble to the 1979 rules that it is the responsibility of the regulatory authority to make individual determinations of what would constitute material damage under its regulatory program so that the term is applied appropriately to the subsidence problems in its jurisdiction. 44 FR 15075, March 13, 1979. However, OSM has determined that it may be both necessary and appropriate to provide an overall policy framework at the national level, within which the individual determinations of "material damage" may be made. Such a national policy framework will confer a desirable degree of consistency on the determinations made by the regulatory authorities. The proposed definition of "material damage" would cover damage to the surface and to surface features, such as wetlands, streams and bodies of water, and to structures or facilities, a definition of which is also being proposed.

Definition of Non-commercial Building

"Non-commercial building" would mean any structure, other than an occupied residential dwelling, that, at the time the subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building as those terms are defined in § 761.5 of this chapter. Buildings used only for agricultural, industrial, retail or other commercial enterprises are excluded.

The proposed definitions for "non-commercial buildings" and "occupied residential dwelling and structures related thereto" are needed to implement section 2504 of the Energy Policy Act of 1992, which requires all underground coal mining operations to promptly repair or compensate for material damage to non-commercial buildings and occupied residential dwellings or related structures as a result of subsidence due to underground mining operations.

Definition of Occupied Residential Dwelling and Related Structures

"Occupied residential dwelling and structures related thereto" would mean any building or other structure that, at the time the subsidence occurs, is used on a regular or temporary basis for human habitation. This term also would include any building, structure or facility installed on, above or below the land surface if that building, structure or facility is adjunct to or used in connection with the occupied dwelling. Examples of such structures include, but are not limited to, garages; storage sheds; utilities and cables; fences and other enclosures; retaining walls; paved or improved patios, walks and driveways; septic sewage treatment facilities; and lot drainage, and lawn and garden irrigation systems. Structures used only for agricultural, commercial or industrial purposes would be excluded.

Definition of Structures or Facilities

"Structures or facilities" would mean any building, constructed object or improvement whether installed on, above, or below the land surface, including, but not limited to, park facilities; roads; cemeteries; utilities; fences and other enclosures; retaining walls; and septic sewage treatment, irrigation and drainage systems.

This definition would include all structures or facilities and is therefore more comprehensive than the terms used in the Energy Policy Act of 1992, ("non-commercial building" and "occupied residential dwelling and structures related thereto"). The protection of all structures or facilities is a primary goal of the subsidence control regulations under SMCRA, even though the Energy Policy Act does not specifically mandate protection for commercial and certain other non-residential structures. This comprehensive definition would help to ensure consistent application of the proposed regulatory standards nationwide.

Definition of Replacement of Water Supply

The proposal would define the term "replacement of water supply" to mean provision of water quality and quantity equivalent to the premining quality and quantity, provision of an equivalent water delivery system, and payment of operation and maintenance costs in excess of costs that would be customary and reasonable for the delivery of such supplies. In addition to establishing the obligation for underground coal operators, this proposal would clarify the obligation currently applicable to surface operations that affect water supplies. The provision of water quality and quantity equivalent to that of premining supplies is plainly required by replacement. Inclusion of a delivery system is part and parcel of replacement.

OSM has previously construed water replacement to include payment of excess operation and maintenance costs for water delivery that are higher than those associated with the premining supply. The inclusion of excess utility costs was challenged by one State as not being required by the federal regulations. The proposed definition would clarify the obligation. Comment is solicited as to whether operators should pay any operation and maintenance costs, only costs in excess of customary and reasonable costs, or should be required to pay all costs in excess of the costs which would have existed had the water supply not been interrupted or contaminated by mining.

Section 784.10—Information Collection

OSM proposes to revise § 784.10 which contains the information collection requirements for part 784 and the Office of Management and Budget (OMB) clearance number. The proposed revision updates the data contained in the section by including the estimated reporting burden per respondent for complying with the information collection requirements.

Section 784.14(e)(3) (iv) and (v)—Hydrologic Information

In addition to proposing a water supply replacement provision in § 817.41, a parallel permit application requirement is proposed in 30 CFR 784.14. Proposed § 784.14(e)(3)(iv) would require a determination of probable hydrologic consequence equivalent to that required in 30 CFR 780.21(f) for surface mining. The proposed rule would require a permit applicant to find whether the proposed operation may proximately result in contamination, diminution, or interruption of a well or spring within the proposed permit area or adjacent area if the well or spring within the proposed permit area or adjacent area is a water supply protected under SMCRA section 720(a)(2) and 30 CFR 817.41(j).

In proposed § 817.41(j), OSM is also proposing a broader protection for water supplies than is required under the Energy Policy Act, based on other provisions of SMCRA, including section 508(a)(13). The corresponding proposed permitting rule at § 784.14(e)(3)(v) would require a permit applicant to find whether the proposed operation may proximately result in contamination, diminution, or interruption of any underground or surface source of water within the proposed permit area or adjacent area which is used for domestic, agricultural, industrial, or other legitimate purposes.

Section 784.20(a)—Baseline Conditions

OSM is proposing to add § 784.20(a), entitled "Baseline Conditions" that would require each application to include for the proposed permit area and adjacent area a map, a narrative, and a survey. A survey is required under existing rules.

Paragraph (a)(1) of § 784.20 would require each application to include a map of the proposed permit area and adjacent area at a scale of 1:4,800 or larger scale. The map would indicate the location and type of structures, facilities and surface features, including renewable resource lands, which may be materially damaged or diminished in value by subsidence.

The proposed rule would add paragraph (a)(2) that would require a narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value of structures, facilities, and surface features including renewable resource lands. Unless access for the purpose of determining the pre-mining condition is denied by the owner, paragraph (a)(3) of the proposed rule would require a survey of the condition of all structures, facilities and surface features including renewable resource lands that might be materially damaged or diminished in value by subsidence. Proposed 30 CFR 817.121(c)(4) provides that denial of access would remove the rebuttable presumption of operator causation of damage within the influence area. Therefore, the proposed regulation would require the applicant to notify the owner in writing, of the effect of denial of access. Any technical assessment or engineering evaluations that would be used in determining the pre-mining condition would have to be conducted at the permit applicant's expense. Copies of the survey and any technical assessments or engineering evaluations would have to be provided by the applicant to the property owner and regulatory authority.

The proposed changes differ from the existing regulations in two significant ways. First, permit applicants are now required to include a survey which shows structures or renewable resource lands that exist within the proposed permit area and adjacent area and whether subsidence, if it occurred, could cause material damage or diminution of reasonably foreseeable use of those structures, or renewable resource lands. Under the proposal, the survey would still be required, but it would have to be accompanied by the map and accompanying narrative. Second, the survey itself is proposed to be changed from a mere inventory of structures, and renewable resource lands, to a survey of the condition of structures, facilities, and surface features. Based on OSM's experience, OSM believes that the proposed format for the survey information is the minimum needed to adequately assess the sufficiency of the subsidence control plan.

As noted in the "Background" section, OSM has successfully argued in litigation that the requirement to submit a survey to indicate whether structures or renewable resource lands exist implicitly imposes an obligation to establish pre-mining conditions. OSM believes that an explicit requirement to establish and document the pre-mining condition of structures and lands would serve the interests of both underground mine operators and landowners potentially affected by subsidence. This information would serve as a baseline against which the effects of subsidence may be measured and would allow the regulatory authority to evaluate the damage predictions of the permit applicant. Since most mining companies are already conducting pre-mining surveys of the condition of structures and other features, OSM believes that these proposed changes will impose little additional burden on the industry. Since OSM is proposing a water supply replacement provision applicable to underground mining (see below), under these proposed provisions and those currently found at 30 CFR 784.14 and 784.22, permit applicants would also gather baseline water quality and quantity information on existing water supplies as part of the survey.

Section 784.20(b)—Subsidence Control Plan

If the survey conducted pursuant to paragraph (a) of this section shows that no structures, facilities, or renewable resource lands exist, or that no material damage or diminution in value could occur, as a result of mine subsidence, and if the regulatory authority agrees with such conclusion, no further information need be provided in the application under this section. In the event that the survey shows that such structures, facilities, or renewable resources lands exist and that subsidence could cause material damage or diminution in value, or if the regulatory authority determines that such damage or diminution could occur, the application shall include a subsidence control plan.

Comments are solicited on an alternative simplification of the rule which OSM is considering. Under that alternative, all permit applications for underground mining would include subsidence control plans. Under this alternative, submission of subsidence control plan would not be contingent on a regulatory authority determination based upon the survey.

Proposed § 784.20(b), entitled "Subsidence control plan," would require each subsidence control plan to contain the following information: (1) A description of the method of coal removal, such as longwall mining, room-and-pillar removal, hydraulic mining, or other extraction methods, including the size, sequence and timing for the development of underground workings; (2) a map of the proposed underground workings that describes the location and extent of the areas in which planned-subsidence mining methods will be used and that identifies all areas where the measures described in paragraphs (b)(4) and (b)(5) of this section will be taken to prevent or minimize subsidence and subsidence-related damage; and where appropriate, to correct subsidence-related material damage; (3) a description of the physical conditions, such as depth of cover, seam thickness, and lithology of the overlaying strata, which affect the likelihood or extent of subsidence and subsidence-related damage; (4) a description of the monitoring, if any, needed to determine the commencement and degree of subsidence so that, when appropriate, other measures can be taken to prevent, reduce, or correct material damage in accordance with § 817.121(c) of this chapter; (5) a detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage, such as, but not limited to backstowing or backfilling of voids; leaving support pillars of coal; leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving coal in place; and taking measures on the surface to prevent material damage or diminution in value of the surface; (6) a description of the anticipated effects of planned subsidence, if any; (7) a description of the measures to be taken in accordance with § 817.121(c) of this chapter to mitigate or remedy any subsidence-related material damage; and (8) other information specified by the regulatory authority as necessary to demonstrate that the operation will be conducted in accordance with § 817.121 of this chapter.

OSM is proposing a change to § 784.20(b)(5) as an adjunct to the proposed changes to § 817.12(a). The substance of these proposed changes is discussed *infra* under the heading for § 817.121(a).

Section 817.10—Information Collection

OSM proposes to revise Section 817.10 which contains the information collection requirements for part 817 and the OMB clearance number. Although, the proposed rule does not affect the information collection burden for this

part, the regulatory language being proposed would improve uniformity within the 30 CFR parts.

Section 817.41(j)—Hydrologic Balance Protection

In 817.41(j), OSM is proposing to require any person who conducts underground mining activities to replace the water supply of an owner of an interest in real property who obtains water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been adversely affected by contamination, diminution, or interruption proximately resulting from the underground mining activities. The baseline hydrologic information required in 30 CFR 784.14 and 784.22 would also be used to determine the extent of the impact of mining upon ground water and surface water under this provision. This information is not intended to be the exclusive basis for determining such impacts, and other relevant information could also be considered.

Section 516(b)(1) of SMCRA requires the underground mine operator to "maintain the value and reasonably foreseeable use" of surface lands subject to subsidence. Since both the value and use of land are very often wholly dependent, or at least significantly affected by, the availability of water, it is reasonable to infer authority to require water replacement authority from section 516(b)(1) of the Act. It is upon this basis that OSM's requirement to repair subsidence damage to lands was upheld in *NWF* v. *Hodel*, 839 F. 2d 694, 739 (D.C. Cir. 1988).

As discussed in the "Background" section above, the court of appeals in *NWF* v. *Hodel*, 839 F.2d at 753 suggested further that section 508(a)(13)(C) of the Act, by requiring both surface and underground mine operators to provide a description of their plans to provide alternate sources of water where protection of the water supply cannot be assured, "authorizes the Secretary * * * to require underground mine operators to replace damaged water supplies, or to allow state regulatory authorities to require from underground mine operators, as a permit condition, commitments to replace damaged water supplies," although that section does not compel the Secretary to do so.

Similarly, section 516(b)(7) of SMCRA requires underground mine operators to "protect offsite areas from damages which may result from mining operations." To the extent that a damaged water supply results from underground mining operations, its replacement is countenanced under section 516(b)(7) as a form of damage protection. Thus, OSM finds that ample authority exists in SMCRA to require underground mine operators to replace damaged water supplies.

Section 817.41 (k)—Hydrologic Balance Protection

OSM is proposing to add to the hydrologic balance protection performance standards applicable to underground mining at 30 CFR 817.41, a new paragraph (k) requiring the permittee to promptly replace any drinking, domestic, or residential water supply that has been contaminated, diminished, or interrupted by any underground mining activities conducted after October 24, 1992, if the affected well or spring was in existence prior to the date the regulatory authority received the permit application for the activities causing the loss, contamination, or interruption. Under the proposal, the baseline hydrologic information required in 30 CFR 784.14 and 784.22 would be used to determine the impact of underground mining activities upon the well or spring. This information is not intended to be the exclusive basis for determining such impacts, and other relevant information could also be considered.

Proposed paragraph § 817.41(k) implements the provision of new SMCRA section 720(a)(2), which requires prompt replacement of certain identified water supplies that have been adversely affected by underground coal mining operations. Operators both in primacy States and in Federal program States, as well as on Indian lands, are required to comply with these provisions for operations conducted after October 24, 1992. This provision would apply to all permittees nationwide upon the effective date of the final rule, and would be enforceable at that time. In OSM's opinion, Congress did not intend enforcement of this Energy Policy Act provision to await State program amendment, a process that may take years.

OSM is seeking the views of the public and other interested parties on the necessity for and possible scope of, revisions to its current regulations applicable to underground coal mining and control of subsidence affecting lands and structures. OSM is particularly interested in public comments concerning the need for requirements to monitor well water supply, the need to require a plan to repair subsidence-related damage to well water supply, the need to require the operators to cover utility costs as part of the replacement of water supply, and the need to provide broader requirements to replace a water supply damaged from underground mining than is provided for under the Energy Policy Act of 1992.

Section 817.121(a)—Subsidence Control

An unresolved issue from the case of *National Wildlife Federation* v. *Lujan*, No. 87–1051 (D.D.C. Feb. 12, 1990), relates to the obligations in 30 CFR 817.121(a) of operators employing mining technology which provides for planned subsidence in a predictable and controlled manner. In a 1988 brief filed in that case, the Government asserted that under § 817.121(a) operators engaging in planned subsidence are not required to prevent subsidence. Slip op. at 30. The court refused to rule on this interpretation of § 817.121 because this statement was contained in a brief filed five years after promulgation of the rule and was neither an official action by the Secretary nor a national rule. The Court stated that if the Secretary wished to adopt the interpretation of the brief, the Secretary may publish a proposed rule or notice. Slip op. at 32.

This proposed rule clarifies the Secretary's interpretation of § 817.121(a) with regard to the obligations of operators employing planned subsidence in a predictable and controlled manner. It reorganizes the paragraph into three subparagraphs, two of which contain the language of the existing rule and a third which specifically addresses the obligations of persons employing planned subsidence in a predictable and controlled manner.

OSM is proposing to revise § 817.121(a)(1) to include the language currently contained in the first sentence of § 817.121(a) and provide that the operator shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology which provides for planned subsidence in a predictable and controlled manner.

The emphasized language means that as an alternative to adopting measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, an operator may adopt mining technology which provides for planned subsidence in a predictable and controlled manner. This interpretation is not intended to be a change from the rules promulgated in 1983 (see 48 FR

26443) and would rely on the basis and purpose stated in 1983.

OSM is also proposing to add § 817.121(a)(2) which would expressly establish the obligations of operators employing planned subsidence in a predictable and controlled manner. It would specify that if an operator employs mining technology which provides for planned subsidence in a predictable and controlled manner, the operator would have to take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to surface lands, structures or facilities to the extent technologically and economically feasible. It would contain an exception that upon written consent of the owners of such structures or facilities no such measures would be required to protect structures or facilities.

The obligation of operators employing planned subsidence to take measures to minimize material damage resulting from subsidence is intended to protect surface owners whose land, structures, and facilities will be undermined. This would not be a prevention standard. OSM recognizes that some material damage is possible from planned subsidence and cannot be prevented. Under § 817.121(c), such damaged has to be repaired. Under the proposal, such damage would have to be minimized prior to occurrence.

This proposed rule would not be intended to discourage the use of planned and controlled subsidence or to require underground activities not normally associated with such operations. It is intended, however, to require measures be taken, most likely on the surface, to protect surface features from material damage.

To the degree that operators could negotiate arrangements with owners of structures or facilities, the proposed rule would allow such owners to waive the protection afforded by § 817.121(a)(2). Such a written waiver would have to waive expressly the regulatory protection provided by the proposed rule and could not be a document which predates adoption of the final rule.

The obligation of regulatory authorities to require operators engaging in planned and controlled subsidence to limit and control damage has been recognized by OSM since its 1979 rules requiring such operators to submit subsidence control plans. See 44 FR 15075 (March 13, 1979). The concerns expressed in that preamble remain valid, and the Sections of SMCRA supporting that provision provide a statutory basis for this proposal. Such sections include sections 102(b), 516(b)(1), 516(b)(7), 516(b)(9), 516(b)(11), and 516(c). Sections 201(c)(2), 501, and 516(b)(8) also provide authority. OSM has proposed to include a specific paragraph in section 817.121(a) because of the controversy and ambiguity surrounding the obligations of operators employing planned subsidence in a predictable and controlled manner. This proposal is intended to eliminate the ambiguity.

Section 817.121(a)(3) would be a restatement of the last sentence of existing § 817.121 and is not proposed to be changed.

As a conforming change, OSM is proposing to revise the provision currently codified at 30 CFR 784.20(e). Existing 784.20(e) requires the operator to include in the subsidence control plan a detailed description of subsidence control measures to prevent or minimize subsidence and subsidence related damage. The proposed rule at 30 CFR 784.20(b)(5) would reestablish that this provision applies to operations employing planned subsidence. This would be accomplished by removing the introductory phrase "Except for those areas where planned subsidence is projected to be used." Making this paragraph applicable to planned subsidence is not intended to establish a subsidence prevention standard for such operations, but rather to require a listing of the measures to be taken to minimize material damage.

As explained in the 1979 preamble to the predecessor to § 784.20(e), the measures listed in that section are examples and are not to be construed as either requirements or limitations on operators from employing other technologically feasible measures. See 44 FR 15075 (1979). To clarify that these measures are examples, the proposed rule would replace the word "including" with the words "such as." As mentioned earlier, the measures required for operations employing planned and controlled subsidence could be limited to measures to be taken on the surface.

Section 817.121(c)—Subsidence Control

OSM is proposing changes to strengthen the subsidence control performance standards, as well as to make them parallel to those proposed for corresponding portions of the permit information requirements at 30 CFR 784.20. OSM proposes changes to the subsidence control performance standards at 30 CFR 817.121(c). OSM proposes to designate § 817.121(c), "Repair of damage."

OSM is proposing to redesignate existing paragraph (c) as paragraph (c)(1).

OSM is proposing to add paragraph (c)(2), which concerns the prompt repair of subsidence-related material damage to any non-commercial building or occupied residential dwelling or related structure, and would also include compensation for damage to structures. If the repair option is selected the permittee shall fully rehabilitate, restore or replace the damaged structure. Otherwise, compensation shall be provided to the owner of the damaged structure in the full amount of the diminution of value resulting from the subsidence-related damage. Compensation may be accomplished by the purchase, prior to mining, of a non-cancelable premium-prepaid insurance policy. The requirements of this paragraph would apply to all subsidence-related damage caused by underground mining activities conducted after October 24, 1992.

Proposed paragraph § 817.121(c)(2) implements new SMCRA section 720(a)(1), which requires that all underground coal mining operations promptly repair or compensate for material damage to non-commercial buildings and occupied residential dwellings or related structures as a result of subsidence due to underground coal mining operations. Operators both in primacy States and in Federal program States, as well as on Indian lands, are required to comply with this provision of the Energy Policy Act for their operations conducted after October 24, 1992. Paragraph (c)(2) would apply to all permittees nationwide upon the effective date of the final rule, and would be enforceable at this time. As noted previously, OSM believes that Congress did not intend enforcement of this Energy Policy Act provision to await State program amendment, a process that may take years.

OSM is proposing to add paragraph (c)(3) that would require the permittee to correct subsidence-related material damage to structures or facilities not protected by paragraph (c)(2). The permittee would be required to repair the damage or compensate the owner of such structures or facilities in the full amount of the diminution in value resulting from the subsidence. The repair of damage shall include rehabilitation, restoration, or replacement of damaged structures or facilities, and compensation may be accomplished by the purchase, prior to mining, of a non-cancelable premium-prepaid insurance policy.

The purpose of this section is to ensure that subsidence-related material damage to structures or facilities not covered by paragraph (c)(2) is either corrected or repaired, irrespective of

limitations otherwise applicable under State law. Therefore, the reference to State law in current 30 CFR 817.121(c)(2) would be deleted. The proposed rule would require a permittee to either correct subsidence-related material damage to any structures or facilities not protected by paragraph (c)(2) of this section by repairing the damage or compensate the owner of such structures or facilities in the full amount of the diminution in value resulting from the subsidence. The repair of damage would include rehabilitation, restoration or replacement of damaged structures or facilities. Compensation by the permittee could be accomplished by the purchase, prior to mining, of a non-cancelable premium-prepaid insurance policy. This provision would apply to those structures or facilities not covered under new SMCRA section 720(a)(1).

OSM is proposing to add new § 817.121(c)(4) that would establish a rebuttable presumption of a causal link between the operation of an underground mine and subsidence damage occurring within a specified zone over the area of coal extraction. Specifically, if damage to lands, structures, or facilities, or diminution in value occurs within an area above the mine determined by projecting a thirty-five degree angle from the vertical from the outer boundary of any coal removal area (35 degree angle of draw), a rebuttable presumption of operator causation of the damage would be established. A lesser angle could be employed where the operator demonstrates in the permit application to the regulatory authority's satisfaction that site-specific factors, such as the depth of mining and overburden characteristics, would limit the impacted area on the surface. If the operator was denied access to the land or property for the purpose of conducting the pre-subsidence survey in accordance with § 784.20(a) of this chapter, no such rebuttable presumption would be established.

The purpose of this provision is to describe the surface area in which the existing literature supports a rebuttable presumption that subsidence from underground mining did cause surface damage to structures or facilities. This evidentiary standard would simplify establishing causation of subsidence damage in many cases, by relieving a damaged party within the 35 degree area of the initial burden of providing evidence that damage was caused by the mine operation, the nature of which the landowner or surface occupant may poorly understand and about which he or she may have no information. The shift in burden of proof would place the burden of rebutting the presumption on the mine operator, who will have the best information as to mining activities, geological conditions, etc. OSM chose a 35 degree angle of draw based on its review of the technical literature. Hasenfus found draw angles typically range from zero to 35 degrees. Hasenfus, G.J., "The Prediction of Surface Subsidence Due to Room and Pillar Mining in the Appalachian Coalfield," MS Thesis, VPI & SU, 1984. Peng reports that angles of draw vary between 15 and 45 degrees. Peng, S.S., Coal Mine Ground Control, 2nd ed., 1986, pp. 422, 427, cited in Hunt, D.K., "Coal Mine Roof Control, Ventilation, and Subsidence: A Primer for the Lawyer," 9 E. MIN. L. INST. 9–36, 1988. Comments are specifically solicited concerning the appropriateness of the 35 degree angle of draw standard.

Finally, OSM is proposing to add new § 817.121(c)(5). Under new paragraph (c)(5), where material damage to land, structures, or facilities protected under paragraphs (c)(1) through (c)(3) of this section occurs, the regulatory authority would require the permittee to obtain additional performance bond in the amount of the cost of the estimated repairs. The permittee would be required to obtain the additional bond within 90 days of the occurrence of damage unless repair or compensation is completed within that time frame, in which case no additional bond would be required. The purpose of this provision is to assure that funds are available in a timely fashion to cover the cost of repairs in case of default by the permittee. The proposal would not establish a time limit for repair; the permittee would establish the time period for reclamation, subject to approval by the regulatory authority. Under the current rules at 30 CFR 800.14 (b) and (c), operators are required to adjust the amount of the bond upward when a reclamation obligation is established with regard to material damage from subsidence. The current rules do not specify a time for such adjustments.

Currently, 30 CFR 800.15(a) requires the regulatory authority to increase the amount of the bond from time to time where the cost of reclamation changes. The regulatory authority may specify periodic times or set a schedule. The U.S. Court of Appeals for the D.C. Circuit in its January 29, 1988 decision noted that "when the operator defaults before upward adjustment of the bond * * * land damaged by subsidence may be left incompletely reclaimed." *NWF* v. *Hodel*, 839 F.2d at 727. The proposal is aimed at avoiding incomplete reclamation by translating the authority provided by 30 CFR 800.15(a) into a requirement for bond increase within 90 days. OSM chose a 90-day standard based on its experience that action to increase a performance bond normally requires a significant amount of time. Specific comments are requested concerning whether the 90-day standard is appropriate. It should be noted that under § 800.14(c) if the liability insurance policy required under 30 CFR 800.60 would provide coverage sufficient to fund the reclamation of subsidence damage, that insurance may be substituted for increased bond.

Effect in Federal Program States and on Indian Lands

The rules proposed today, if adopted, would be applicable through cross-referencing in those States with Federal programs and on Indian lands. The States with Federal programs are California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for these States appear at 30 CFR parts 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. The Indian lands program appears at 30 CFR part 750.

Comments are specifically solicited as to whether unique conditions exist in any of these States or on Indian lands relating to these proposed rules which should be reflected either as changes to the national rules or as specific amendments to any or all of the Federal programs or Indian lands program.

Effect on State Programs

The performance standards set forth in proposed 30 CFR 817.41(k) and 817.12(c)(2) would implement new SMCRA sections 720(a) (1) and (2). New SMCRA section 720(a) requires that operations conducted after October 24, 1992 will comply with these provisions, and new section 720(b) requires that within one year the Secretary promulgate final rules implementing section 720(a). Therefore, OSM has concluded that Congress intended new section 720(a) to immediately supersede inconsistent State program performance standards, by operation of law, as of the effective date of the final Federal rules. OSM believes it is essential to provide as orderly a transition as possible for implementing the Energy Policy Act. OSM would work with the States to identify superseded State regulatory program provisions.

For all other provisions in the final rule, OSM will follow established procedures for notice of required changes in State regulatory programs.

That is, following promulgation of the final rule, OSM will evaluate permanent State regulatory programs approved under section 503 of the Act to determine whether any changes in these programs will be necessary. If the Director determines that certain State program provisions should be amended in order to be made no less effective than the revised Federal rules, the individual States will be notified in accordance with the provisions of 30 CFR 732.17.

IV. Procedural Matters

Federal Paperwork Reduction Act

The collections of information contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Public reporting burden for this collection of information is estimated to average 25.1 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 burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., room 640 NC, Washington, DC 20240, and the Office of the Management and Budget, Paperwork Reduction Project (1029–0039), Washington, DC 20503.

Executive Order 12291 and Regulatory Flexibility Act

The DOI has determined that this proposed rule is not a major rule under the criteria of Executive Order 12291 (February 17, 1981) and certifies that this document would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This determination is based on the fact that the revisions will have the greatest effect on coal mine operators that employ longwall mining methods, and few, if any, small operators employ longwall mining methods. In addition, the majority of permit applicants already provide subsidence control plans, and 9 of the 24 coal producing states already require water replacement.

National Environmental Policy Act

OSM has prepared a draft environmental assessment (EA) and has made an interim finding that the proposed rule would not significantly affect the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). It is anticipated that a finding of no significant impact will be approved for the final rule in accordance with OSM procedures under NEPA. The EA is on file in the OSM Administrative Record at the address specified previously (see **ADDRESSES**). An EA will be completed on the final rule and a finding will be made on the significance of any resulting impacts prior to promulgation of the final rule.

Executive Order 12778 (Civil Justice Reform)

This rule has been reviewed under the applicable standards of section 2(b)(2) of Executive Order 12778, "Civil Justice Reform" (56 FR 55195). In general, the requirements of section 2(b)(2) are covered by the preamble discussion of this rule. Individual elements of the order are addressed below:

A. What would be the preemptive effect, if any, to be given to the regulation?

Because Congress mandated in section 720(b) that OSM promulgate final regulations within one year from the date of the enactment, and mandated in section 720(a) that all underground coal operations occurring after October 24, 1992 repair or compensate for damages to certain structures, and replace affected water supply, the final rules establishing performance standards implementing section 720(a) would supersede any inconsistent requirements in State programs upon promulgation of a final rule.

The remainder of the proposed regulation would have the same preemptive effect as other standards adopted pursuant to SMCRA. To retain primacy, States have to adopt and apply standards for their regulatory programs that are no less effective than those set forth in OSM's regulations. Any State law that is inconsistent with or that would preclude implementation of the remainder of the proposed regulation would be subject to preemption under SMCRA section 505 and implementing regulations at 30 CFR 730.11. To the extent that the proposed regulation would result in preemption of State law, the provisions of SMCRA are intended to preclude inconsistent State laws and regulations. Preemption of inconsistent State provisions under section 505 is established in SMCRA, and has been judicially affirmed. See *Hodel* v. *Virginia Surface Mining and Reclamation Ass'n*, 452 U.S. 264 (1981).

B. What would be the effect of the regulation on existing Federal law or regulation, if any, including all provisions repealed or modified?

The proposed regulation would modify the implementation of SMCRA as described herein, and is not intended to modify the implementation of any other Federal statute. The preceding discussion of the proposed action specifies the Federal regulatory provisions that are affected by the proposed revision.

C. Would the regulation provide a clear and certain legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction?

The standards established by this rule are as clear and certain as practicable, given the complexity of the topics covered and the mandates of SMCRA.

D. What would be the retroactive effect, if any, to be given to the regulation?

Section 2504 of the Energy Policy Act requires that water replacement, and repair or compensation for material damage, be retroactive to October 24, 1992.

E. Are administrative proceedings required before parties may file suit in court? Which proceedings apply? Is the exhaustion of administrative remedies required?

No administrative proceedings would be required before parties may file suit in court challenging the provisions of the proposed revision under section 526(a) of SMCRA, 30 U.S.C. 1276(a). Prior to any judicial challenge to the application of the rule, however, administrative procedures must be exhausted. Applicable administrative procedures may be found at 43 CFR part 4.

F. Would the proposed action define key terms, either explicitly or by reference to other regulations or statutes that explicitly define those items.

Terms which are important to the understanding of the proposed action are set forth in 30 CFR 701.5.

G. Would the regulation address other important issues affecting clarity and general draftsmanship of regulations set forth by the Attorney General, with the concurrence of the Director of the Office of Management and Budget, that are determined to be in accordance with the purposes of the Executive Order?

The Attorney General and the Director of the Office of Management and Budget

have not issued any guidance on this requirement.

Agency Approval

Section 516(a) of the Act requires that, with regard to rules directed toward the surface effects of underground mining, OSM must obtain written concurrence from the head of the department which administers the Federal Mine Safety and Health Act of 1977, the successor to the Federal Coal Mine Health and Safety Act of 1969. OSM will obtain the written concurrence of the Assistant Secretary for Mine Safety and Health, U.S. Department of Labor, on the final rule to be promulgated following analysis of public comments received on this proposal.

Author

The principal author of this regulation is Nancy R. Broderick, Branch of Federal and Indian Programs, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240; telephone (202) 208–2550.

List of Subjects

30 CFR Part 701

Law enforcement, Surface mining, Underground mining.

30 CFR Part 784

Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 817

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Accordingly, it is proposed that 30 CFR parts 701, 784 and 817 be amended as set forth below.

Dated: June 18, 1993.

Bob Armstrong,

Assistant Secretary—Land and Minerals Management.

SUBCHAPTER A—GENERAL

PART 701—PERMANENT REGULATORY PROGRAM

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

Authority: 30 U.S.C. 1201 *et seq.* and Pub. L. 102–486.

2. Section 701.5 is amended by adding, alphabetically, definitions of "drinking, domestic or residential water supply", "material damage", "non-commercial building", "occupied residential dwelling and structures related thereto", "replacement of water supply", and "structures or facilities" to read as follows:

§ 701.5 Definitions.

* * * * *

Drinking, domestic or residential water supply means water received from a well or spring and any appurtenant delivery system that provides water for direct human consumption or household use. Wells and springs that serve only agricultural, commercial or industrial enterprises are not included.

* * * * *

Material damage, in the context of §§ 784.20 and 817.121 of this chapter, means:

(a) Any functional impairment of surface lands, features, structures or facilities;

(b) Any physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income; or

(c) Any significant change in the condition, appearance or utility of any structure or facility from its pre-subsidence condition.

* * * * *

Non-commercial building means any structure, other than an occupied residential dwelling , that, at the time the subsidence occurs, is used on a regular or temporary basis as a public building or community or institutional building as those terms are defined in § 761.5 of this chapter. Buildings used for agricultural, industrial, retail or other commercial enterprises are excluded.

* * * * *

Occupied residential dwelling and structures related thereto means any building or other structure that, at the time the subsidence occurs, is used for human habitation. This term also includes any building, structure or facility installed on, above or below the land surface if that building, structure or facility is adjunct to or used in connection with the occupied dwelling. Examples of such structures include, but are not limited to, garages; storage sheds and barns used for non-commercial purposes; utilities and cables; fences and other enclosures; retaining walls; paved or improved patios, walks and driveways; septic sewage treatment facilities; and lot drainage, and lawn and garden irrigation systems. Structures used only for agricultural, commercial or industrial purposes are excluded.

* * * * *

Replacement of water supply means provisions of water quality and quantity equivalent to the premining quality and quantity, provision of an equivalent water delivery system, and payment of operation and maintenance costs in excess of costs that would be customary and reasonable for the delivery of such supplies.

* * * * *

Structures or facilities means, any building, constructed object or improvement whether installed on, above, or below the land surface, including, but not limited to, park facilities; roads; cemeteries; utilities; fences and other enclosures; retaining walls; and septic sewage treatment, irrigation and drainage systems.

* * * * *

SUBCHAPTER G—SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMITS AND COAL EXPLORATION SYSTEMS UNDER REGULATORY PROGRAMS

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

3. The authority citation for part 784 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* as amended; 30 U.S.C. 1257; 16 U.S.C. 470 *et seq;* and Pub. L. 102–486.

4. Section 784.10 is revised as follows:

§ 784.10 Information collection.

The collections of information contained in part 784 have been approved by Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–0039. The information will be used to meet the requirements of section 507(b), 508(a) and 516(b) of Public Law 95–87, which require applicants for underground mine permits to provide a description of each existing structure proposed to be used in the mining or reclamation operation and a compliance plan for structures proposed to be modified or constructed for use in the operation. The obligation to respond is required to obtain a benefit. Public reporting burden for this information is estimated to average 25.1 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 aspects of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Room 640 NC, Washington, DC 20240; and the Office

of Management and Budget, Paperwork Reduction Project (1029–0039), Washington, DC 20503.

5. Section 784.14 is amended by adding paragraph (e)(3)(iv) and (v) as follows:

§ 784.14 Hydrologic information.

* * * * *

(e) *Probable hydrologic consequences determination.*

(3) * * *

* * * * *

(iv) Whether the proposed operation may proximately result in contamination, diminution or interruption of a water supply, within the proposed permit or adjacent areas, of an owner of an interest in real property who obtains water for agricultural, industrial, or other legitimate use from an underground or surface source if the water supply is protected under § 817.41(j) of this chapter.

(v) Whether the underground mining activities conducted after October 24, 1992 may proximately result in contamination, diminution or interruption of a well or spring used for domestic, drinking, or residential use within the proposed permit or adjacent areas if the well or spring is a protected water supply under § 817.41(k) of this chapter.

* * * * *

6. Section 784.20 is revised to read as follows:

§ 784.20 Subsidence control plan.

(a) *Pre-subsidence survey.* Each application shall include:

(1) A map of the proposed permit and adjacent areas at a scale of 1:4,800 or larger showing the location and type of structures or facilities and surface features, including renewable resource lands, which may be materially damaged or diminished in value by subsidence;

(2) A narrative indicating whether subsidence, if it occurred, could cause material damage to or diminish the value of structures or facilities, surface features or renewable resource lands;

(3) A survey of the condition of all structures or facilities, surface features and renewable resource lands that might be materially damaged or diminished in value by subsidence, unless the applicant was denied access for the purpose of determining such condition by the owner. In the latter case, the applicant shall notify the owner, in writing, of the effect that denial of access will have as described in § 817.121(c)(4) of this chapter. Any technical assessment or engineering evaluation used to determine the pre-mining condition or value of renewable resource lands and structures or facilities shall be conducted at the applicant's expense. The applicant shall provide copies of the survey and any technical assessment or engineering evaluation to the property owner and regulatory authority.

(b) *Subsidence control plan.* If the survey conducted pursuant to paragraph (a) of this section shows that no structures, facilities or renewable resource lands exist, or that no material damage or diminution in value could occur as a result of mine subsidence, and if the regulatory authority agrees with such conclusion, no further information need be provided under this section. In the event that the survey shows that such structures, facilities or renewable resource lands exist and that subsidence could cause material damage or diminution in value, or if the regulatory authority determines that such damage or diminution could occur, the application shall include a subsidence control plan, which shall contain the following information:

(1) A description of the method of coal removal, such as longwall mining, room-and-pillar or hydraulic mining, including the size, sequence and timing of the development of underground workings;

(2) A map of the proposed underground workings that describes the location and extent of the areas in which planned-subsidence mining methods will be used and that identifies all areas where the measures described in paragraphs (b)(4) and (b)(5) of this section will be taken to prevent or minimize subsidence and subsidence-related damage and, when appropriate, to correct subsidence-related material damage;

(3) A description of the physical conditions, such as depth of cover, seam thickness and lithology of overlaying strata, which affect the likelihood or extent of subsidence and subsidence-related damage;

(4) A description of the monitoring, if any, needed to determine the commencement and degree of subsidence so that, when appropriate, other measures can be taken to prevent, reduce or correct material damage in accordance with § 817.121(c) of this chapter;

(5) A detailed description of the subsidence control measures that will be taken to prevent or minimize subsidence and subsidence-related damage, such as, but not limited to:

(i) Backstowing or backfilling of voids;

(ii) Leaving support pillars of coal;

(iii) Leaving areas in which no coal is removed, including a description of the overlying area to be protected by leaving coal in place; and

(iv) Taking measures on the surface to prevent material damage or diminution in value of the surface;

(6) A description of the anticipated effects of planned subsidence, if any;

(7) A description of the measures to be taken in accordance with § 817.121(c) of this chapter to mitigate or remedy any subsidence-related material damage; and

(8) Other information specified by the regulatory authority as necessary to demonstrate that the operation will be conducted in accordance with § 817.121 of this chapter.

SUBCHAPTER K—PERMANENT PROGRAM PERFORMANCE STANDARDS

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

7. The authority citation for part 817 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, as amended; 30 U.S.C. 1257; and Pub. L. 102–486.

8. Section 817.10 is revised as follows:

§ 817.10 Information collection.

The collections of information contained in part 817 have been approved by Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029–0048. The information will be used to meet the requirements of section 516 of Public Law 95–87, which provide that permittees conducting underground coal mining operations shall meet the applicable performance standards of the Act. This information will be used by the regulatory authority in monitoring and inspecting underground mining activities. The obligation to respond is required to obtain a benefit.

Public reporting burden for this information is estimated to average 25.9 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 aspects of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., room 640 NC, Washington, DC 20240; and the Office of Management and Budget, Paperwork

Reduction Project (1029–0048), Washington, DC 20503.

9. In § 817.41, paragraphs (j) and (k) are added to read as follows:

§ 817.41 Hydrologic balance protection.

* * * * *

(j) *Water replacement.* Any person who conducts underground mining activities shall replace the water supply of an owner of an interest in real property who obtains water for agricultural, industrial, or other legitimate use from an underground or surface source, where the water supply has been adversely impacted by contamination, diminution, or interruption proximately resulting from the underground mining activities. Baseline hydrologic information required in §§ 784.14 and 784.22 of this chapter shall be used to determine the extent of the impact of mining upon ground water and surface water. This requirement applies to any person who conducts underground mining activities after the effective date of the final regulations, under a Federal program or on Indian lands, or after the effective date of counterpart provisions in a State program.

(k) *Drinking, domestic or residential water supply.* The permittee shall promptly replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities conducted after October 24, 1992, if the affected well or spring was in existence prior to the date the regulatory authority received the permit application for the activities causing the loss, contamination or interruption. The baseline hydrologic information required in §§ 784.14 and 784.22 of this chapter shall be used to determine the impact of underground mining activities upon the well or spring. This paragraph applies upon [THE EFFECTIVE DATE OF THE FINAL REGULATIONS] to all permittees in States with State or Federal programs and on Indian lands.

10. In § 817.121, paragraphs (a) and (c) are revised to read as follows:

§ 817.121 Subsidence control.

(a)(1) The operator shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology which provides for planned subsidence in a predictable and controlled manner.

(2) If an operator employs mining technology which provides for planned subsidence in a predictable and controlled manner, the operator shall take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to surface lands, structures or facilities to the extent technologically and economically feasible, except that no such measures are required to protect structures or facilities upon written consent of the owners of such structures or facilities.

(3) Nothing in this part shall be construed to prohibit the standard method of room-and-pillar mining.

* * * * *

(c) *Repair of damage.* (1) The permittee shall correct any subsidence-related material damage to surface lands to the extent technologically and economically feasible by restoring the land to a condition capable of maintaining its pre-subsidence value and supporting the reasonably foreseeable uses it was capable of supporting prior to subsidence damage.

(2) The permittee shall promptly repair, or compensate the owner for, subsidence-related material damage to any non-commercial building or occupied residential dwelling or structure related thereto. If the repair option is selected, the permittee shall fully rehabilitate, restore or replace the damaged structure. Otherwise, the permittee shall compensate the owner of the damaged structure in the full amount of the diminution of value resulting from the subsidence-related damage. The permittee may provide compensation by the purchase, prior to mining, of a non-cancelable premium-prepaid insurance policy. The requirements of this paragraph apply only to subsidence-related damage caused by underground mining activities conducted after October 24, 1992. This paragraph applies upon [THE EFFECTIVE DATE OF THE FINAL REGULATIONS] to all permittees in States with State or Federal programs and on Indian lands.

(3) The permittee shall either correct subsidence-related material damage to any structures or facilities not protected by paragraph (c)(2) of this section by repairing the damage or compensate the owner of such structures or facilities in the full amount of the diminution in value resulting from the subsidence. Repair of damage shall include rehabilitation, restoration or replacement of damaged structures or facilities. The permittee compensation may be accomplished by the purchase, prior to mining, of a non-cancelable premium-prepaid insurance policy.

(4) If damage to lands, structures or facilities occurs as a result of earth movement within an area determined by projecting a thirty-five degree angle from the vertical outward from the outermost boundary of any underground mine workings to the surface of the land, a rebuttable presumption that the permittee caused the damage shall be established. A lesser angle may be employed if the permittee can demonstrate in the permit application to the regulatory authority's satisfaction that site-specific factors, such as the depth of mining and overburden characteristics, limit the area of surface impact. If the permittee was denied access to the land or property for the purpose of conducting the pre-subsidence survey in accordance with § 784.20(a) of this chapter, no such rebuttable presumption shall be established. This paragraph applies to permittees at the same time the requirements of paragraphs (c) (2) or (3) apply.

(5) When subsidence-related material damage to land, structures or facilities protected under paragraphs (c)(1) through (c)(3) of this section occurs, the regulatory authority shall require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs or diminution in value, whichever is less, until the repair or compensation is completed. Such bond is to be obtained within 90 days of the occurrence of damage unless repair or compensation is completed within that time, in which case no additional bond is required.

* * * * *

[FR Doc. 93–23414 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–05–M

federal register

Friday
September 24, 1993

Part VII

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20
Migratory Bird Hunting; Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AA24

Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final late-season frameworks from which States may select season dates, limits, and other options for the 1993–94 migratory bird hunting season. These late seasons include most waterfowl seasons, the earliest of which generally commence on or about October 1, 1993. The effects of this final rule are to facilitate the selection of hunting seasons by the States to further the annual establishment of the late-season migratory bird hunting regulations. State selections will be published in the Federal Register as amendments to §§ 20.104 through 20.107 and § 20.109 of title 50 CFR part 20.

EFFECTIVE DATE: September 24, 1993.

ADDRESSES: Season selections from States are to be mailed to: Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240. Comments received are available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1993

On April 9, 1993, the Service published for public comment in the Federal Register (58 FR 19008) a proposal to amend 50 CFR part 20, with comment periods ending July 22 for early-season proposals and September 1 for late-season proposals. On June 1, 1993, the Service published for public comment a second document (58 FR 31244) which provided supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. On June 24, 1993, a public hearing was held in Washington, DC, as announced in the April 9 and June 1 Federal Registers to review the status of migratory shore and upland game birds. Proposed hunting regulations were discussed for these species and for other early seasons. On July 13, 1993, the Service published in the Federal Register (58 FR 37828) a third document in the series of proposed, supplemental, and final rulemaking documents which dealt specifically with proposed early-season frameworks for the 1993–94 season. On August 5, 1993, a public hearing was held in Washington, DC, as announced in the April 9, June 1, and July 13 Federal Registers to review the status of waterfowl. Proposed hunting regulations were discussed for these late seasons. On August 23, 1993, the Service published a fourth document (58 FR 44576) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for 1993–94. The fifth document in the series, published August 23, 1993 (58 FR 44590), dealt specifically with proposed frameworks for the 1993–94 late-season migratory bird hunting regulations. On August 27, 1993, the Service published in the Federal Register a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. This document, which establishes final frameworks for late-season migratory bird hunting regulations for the 1993–94 season, is the seventh in the series.

Review of Comments and the Service's Response

Public-hearing and written comments received through September 6, 1993, relating to proposed late-season frameworks are discussed and addressed here. Thirteen individuals presented statements at the August 6, 1992, public hearing. Organizations that they represented were: Mr. Lloyd Plasse Jr., Cedar Gun Club and Massachusetts Beach Buggy Association; Mr. Paul Accomando, Parker River Refuge Access Committee; Mr. Charles Potter, Delta Waterfowl Foundation; Mr. Bruce Barbour, National Audubon Society; Mr. Frank Anderson, Concerned Coastal Sportsmen's Association; Mr. Gerald Woodmansee, Andover Sportsman Club and Lynn Fish and Game; Mr. David Harbison, Essex County League of Sportsmen; Mr. James Smith, Massachusetts Sportsmen's Council; Mr. Wayne Pacelle, Fund for Animals; Mr. Vernon Bevill, Central Flyway Council; Mr. Thomas Aldrich, Pacific Flyway Council; Mr. Richard Elden, Michigan Department of Natural Resources and the Mississippi Flyway Council; and Ms. Susan Hagood, The Humane Society of the United States. The Service received 42 written comments that specifically addressed late-season issues. These late-season comments are summarized and discussed in the order used in the April 9, 1993 Federal Register. Only the numbered items pertaining to late seasons for which comments were received are included.

General

Council Recommendations: The Mississippi Flyway Council supported no change in frameworks from those of last year except as otherwise noted below.

Public-Hearing Comments: Mr. Lloyd Plasse Jr., Mr. Frank Anderson, and Mr. David Harbison expressed support for traditional shooting hours. Mr. Gerald Woodmansee suggested that population thresholds be used to set regulations on waterfowl species. Mr. Charles Potter opposed presunrise shooting hours, recommending sunrise instead. Mr. Wayne Pacelle opposed the recreational killing of any animal. Ms. Susan Hagood recommended that the Service undertake surveys for all hunted species and that shooting hours not open until 1/2-hour after sunrise.

Written Comments: Two local sportsmen's organizations from Massachusetts requested that the Service establish threshold levels for all hunted species and supported traditional shooting hours. An individual from Massachusetts supported traditional shooting hours, while an individual from Illinois opposed presunrise shooting hours.

The Humane Society of the U.S. opposed all seasons on species for which information is lacking, or for which populations are at or near all-time lows. They further suggested that all seasons should open at noon during mid-week and that, after the opening day, shooting hours begin at one-half hour after sunrise.

The Fund for Animals believed that sport hunting is unethical. They also stated that the regulations are not restrictive enough and that, without a complete data-set, the Service should be more cautious when establishing frameworks to ensure waterfowl populations are not overhunted. They suggested an immediate prohibition on hunting species for which little or no data on population status or trends are collected. They suggested a prohibition on presunrise shooting of waterfowl and stated that by elimination of this archaic

practice, misidentification of waterfowl can be minimized.

An individual from Pennsylvania requested additional information regarding these hunting regulations.

Service Response: The long-term objectives of the Service include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvest to levels compatible with each population's ability to maintain healthy viable populations. Annually, the status of populations are evaluated and the potential impacts of hunting are considered. The Service believes that hunting seasons are consistent with the current status of waterfowl populations and long-term population goals.

The Service encourages the Flyway Councils to develop and adopt management plans. Plans have been adopted for many populations of migratory birds and are currently being used to guide harvest management; other plans are being developed.

In regard to shooting hours, the Service has received considerable support for the proposed shooting hours. The Service has compiled information which demonstrates that, for most seasons, shooting hours beginning at one-half hour before sunrise do not contribute significantly to the harvest of nontarget species or illegal kill. Consistent with the Service's long-term strategy for shooting hours, published in the September 21, 1990, Federal Register (55 FR 38898), the frameworks herein provide for shooting hours of one-half hour before sunrise to sunset, unless otherwise specified.

1. Ducks

a. General Harvest Strategy

Public-Hearing Comments: Mr. Bruce Barbour stated that the National Audubon Society supports the continuation of harvest restrictions until duck numbers and production improves. Mr. Thomas Aldrich complimented the Service for its efforts to cooperatively develop an adaptive harvest-management system which he believes will be an improvement over the current system, provide greater objectivity to the process, and allow States to maximize hunter opportunity. Mr. Richard Elden supports the efforts now under way to develop breeding-population surveys for ducks in eastern North America.

Written Comments: The National Wildlife Federation supported the continuation of current restrictive duck-hunting regulations. An individual from Illinois supported the current regulations, while an individual from Texas suggested that liberalization was appropriate. The Humane Society of the U.S. suggested that the Service should obtain better population estimates for ruddy ducks, buffleheads, mergansers, and goldeneyes.

The Fund for Animals believed that the presentation of data by the Service is misleading because the use of long-term averages may not accurately depict the status of a population. They presented their own analysis of population data for 10 duck species using 1972 population data for comparison. For most species, 1972 population levels were above the long-term averages. They also noted that age ratios are declining. They stated that the Service recognizes that poor production caused by drought, agricultural impacts, and increased predator populations are the primary cause of declining duck populations; but the Service refuses to consider that existing frameworks for waterfowl hunting may also be contributing to, or, at the very least, not preventing the ongoing decline in duck populations. Since hunting is the easiest of all the limiting factors to control, they suggested that a logical first step is to significantly modify Federal frameworks to reduce or eliminate waterfowl hunting opportunities. While significantly restricting or eliminating hunting may not represent the entire solution to the population decline, they believe it certainly would aid in population recovery.

Service Response: The Service concurs with recommendations to continue the restrictive harvest strategies used in recent years. Because most duck populations remain at levels below long-term averages, the Service believes that restrictive regulations should be continued until a sustained recovery is evident. Therefore, the frameworks contained herein do not differ substantially from those in effect during 1992–93.

In regard to the use of long-term averages, the Service believes that their use for comparison purposes is valid. We note that comparison of current population levels with those of a selected year will yield different results, depending on the year chosen. Long-term averages likely provide the best base-line information for comparison purposes. Because waterfowl populations are influenced by short-term and long-term changes in precipitation patterns, population variation between major time periods is expected. The Service recognizes that there are many different ways to analyze and present population data, and notes that the interpretation of long-term averages can be complicated when species are undergoing extended decreases or increases. Therefore, the Service annually considers both status and trend information during its assessment of waterfowl populations.

The Service recognizes the low age ratios for many duck species as a symptom of poor recruitment. We remain concerned about the current low recruitment rates of ducks and have implemented several habitat programs to address this problem, and are controlling predators locally where specific action is warranted. We also have enacted very restrictive harvest regulations to ensure that sport harvests do not inhibit population recovery.

The Service recognizes the importance of reliable information on the status of breeding duck populations in eastern North America. Efforts are under way to evaluate experimental surveys that have been conducted in eastern areas for the last several years. Continuation of eastern surveys will, in part, depend on results of the evaluation. The Service looks forward to continued cooperative efforts with the Flyway Councils to investigate the feasibility of an adaptive harvest-management program for ducks.

B. Framework Dates

Council Recommendations: The Atlantic Flyway Council recommended continuation of October 1 to January 20 framework dates. The Upper-Region and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that the opening framework date be the Saturday nearest October 1 and that the closing date be January 20. The Central and Pacific Flyway Councils recommended the use of floating dates for framework dates including the Saturday nearest October 1 through the Sunday nearest January 20.

Public-Hearing Comments: Mr. Bruce Barbour supported the Service's use of framework dates as a tool to achieve harvest-management objectives. Mr. Vernon Bevill supported the use of floating framework dates for duck hunting in the Central Flyway.

Written Comments: The National Wildlife Federation opposed the continuation of duck hunting through January 20, instead of January 5, because as the season progresses a greater proportion of the birds taken are likely from the breeding stock for the coming spring.

Service Response: Framework dates for the 1993–94 regular duck seasons are October 1 and January 20. These dates are identical to those used last season. Harvests will continue to be monitored to better understand the effects of

liberalizing framework dates while maintaining restrictions on bag limits and season lengths. Regarding fixed versus floating dates, a State may choose to delay its opening date to correspond with a particular day of the week or to close earlier to maximize the number of weekends that hunting is allowed. The Service appreciates support for its policy to retain the use of framework dates as a tool to help manage duck harvests.

C. Season Length

Council Recommendations: The Atlantic, Mississippi, and Central Flyway Councils recommended continuation of the current season lengths; while the Pacific Flyway Council recommended an increase from 59 days to 60 days to accommodate the majority of States in that Flyway which have split seasons and also desire to open seasons on Saturdays and close on Sundays.

Public-Hearing Comments: Mr. Lloyd Plasse Jr., Mr. Paul Accomando, and Mr. Richard Elden supported the 30–day duck season. Mr. Frank Anderson requested a 40–day duck season.

Written Comments: Two local sportsmen's organizations and one individual from Massachusetts requested a 40–day season. An individual from Texas requested longer seasons. An individual from Illinois was satisfied with the current duck frameworks, but indicated that he preferred an increase in days to an increase in limits should any liberalizations be warranted in the future.

Service Response: The Service believes that longer seasons are not warranted in any flyway during 1993–94, because many duck populations remain below long-term averages. The Service concurs with recommendations for no change in season length and denies the Pacific Flyway Council's request for an increase in season length from 59 to 60 days to allow seasons to open on a Saturday and close on a Sunday.

D. Closed Seasons

Public-Hearing Comments: Ms. Susan Hagood recommended that seasons should be closed on all species at or near record-low levels, such as the pintail, black duck, mallard, and redhead; or at least it should be closed for the pintail and black duck, and for all ducks in areas where these species concentrate. Ms. Hagood also opposed seasons on species about which there is little or no status information, such as buffleheads, goldeneyes, and ruddy ducks. Mr. Wayne Pacelle supported a closure of hunting for pintails.

Written Comments: The Fund for Animals opposed the continuation of the open seasons for mottled ducks. Based on their independent population assessment, they also suggested closed seasons for mallards, wigeon, teal, pintails, redheads, canvasbacks, and scaup until population levels return to those recorded in the 1970's. The Humane Society of the U.S. suggested closing the seasons for pintails, mallards, black ducks, and redheads as well as closing the season for all species in those areas where pintails and black ducks concentrate.

Service Response: The option of closing the duck season was considered at several points in the regulations development process. One of the regulatory options in the Environmental Assessment, "Waterfowl Hunting Regulations for 1993," was a closed season on all duck hunting.

Due to any compensatory increases in natural mortality that might occur and because of the extremely small proportion of the total mortality that occurred from hunting in recent years and will likely occur from hunting during this season, it is unlikely that further reductions in the harvest would measurably improve survival or otherwise lead to increased duck populations.

One of the Service's goals is to establish regulations that protect the breeding stock and yet provide recreational hunting opportunity to the hunting community, whose support for habitat conservation and other management efforts benefits a wide variety of wildlife species. A closed season would eliminate most of this support and significantly diminish cooperative management efforts. The Service will continue the restrictive regulations of recent years and believes that hunting seasons are consistent with the current status of waterfowl populations and long-term population goals. As further protection, the Service may institute specific closures if needed.

E. Bag Limits

Council Recommendations: The Atlantic Flyway Council recommended continuation of current bag-limit restrictions for mallards and black ducks and continuation of an overall 3–duck limit.

The Upper-Region and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that male mallards be changed from 50–point to 35–point birds under the point system and that an additional teal be allowed in production States for the first 9 days of the season.

The Central Flyway Council recommended removal of the within-bag-limit restriction for drake mallards flyway-wide. They cited a negligible impact of this change upon the harvest of ducks in the High Plains Unit, improved conditions in areas associated with the flyway, selectivity by Central Flyway hunters of drakes over hens, and a high proportion of drakes among mallards in that flyway. They noted that more than twice as many hunters are afield and more than three times as many mallards are harvested in the Mississippi Flyway as compared to the Central Flyway.

The Pacific Flyway Council recommended no change in bag limits.

Public-Hearing Comments: Mr. Lloyd Plasse Jr. requested liberalization of the mallard bag limit in the northern States of the Atlantic Flyway to reduce the threat of hybridization with black ducks. Mr. Frank Anderson requested 2 hen mallards in the daily bag. Mr. Bruce Barbour, Mr. Richard Elden, and Mr. Vernon Bevill supported the Central Flyway's request for a third drake mallard in the low-plains portion of the Central Flyway. Mr. Thomas Aldrich expressed support for requests from the Central and Mississippi Flyway Councils for 1 additional drake mallard in the bag.

Mr. Richard Elden recommended that 1 additional teal be allowed in the daily bag limit during the first 9 days of the season. Mr. Elden indicated that the point system offered in the Mississippi and Central Flyways is not equitable with the conventional bag limit; therefore, drake mallards should be 35 points instead of 50. Mr. Vernon Bevill recommended that the Service conduct another review of the point system with specific reference to its equitability with the conventional bag-limit system.

Written Comments: The National Wildlife Federation supported continuation of restrictive bag limits, including the 1–pintail bag limit. An individual from Washington suggested that the Service establish a supplemental-tag system for controlling the harvest of various duck species. An individual from California suggested reducing the number of mallards allowed each day to 2 (but only 1 hen), increasing the number of pintails allowed each day to 2 (but only 1 hen), and increasing the overall duck bag limit to 5. An individual from Minnesota opposed bonus bag limits for teal. An individual from Massachusetts requested an extra mallard be allowed in the northeast portion of the Atlantic Flyway. A college student from Virginia

suggested that the Service first establish criteria upon which to judge the request for the extra drake in the Central Flyway, and then assess that issue based upon those criteria.

Service Response: The Service believes that because of the currently low population and recruitment levels of mallards and other prairie-nesting duck species, significant changes in bag limits that would increase harvests are not warranted at this time. Because this year's fall-flight index is similar to that of recent years, the Service believes that continuation of the same bag limits as those in recent years is appropriate.

In regard to the recommendation to allow a total of 3 mallards in the bag for the entire Central Flyway, the Service believes that such an increase is not warranted at this time. Improvements in breeding population levels and recruitment from important breeding areas in southern Saskatchewan and southern Manitoba would be desirable before bag-limit adjustments that may result in higher harvest are allowed. However, the Service acknowledges continued habitat improvement in other areas that supply ducks to the Low-Plains portion of the Flyway, such as the eastern Dakotas, and believes that more favorable summer precipitation patterns in many areas may result in more promising breeding-habitat conditions next year.

The Service shares the Council's hope that with improved habitat conditions and breeding populations there will be an opportunity to adjust bag limits while recognizing flyway differences. In addition, the Service is also encouraged by completion of the draft portions of the Central Flyway's "High Plains Mallard Management Report." The completed report will provide an opportunity to cooperatively assess the current biological justification necessary to reestablish historical flyway bag-limit differences for drake mallards.

Regarding requests for changing the point value of mallard drakes from 50 to 35 points in the Mississippi Flyway, the Service believes that such a change would be in conflict with the strategy for use of the point system published in the September 21, 1990, Federal Register (55 FR 38898). That strategy stated that the point system must be at least as restrictive as the conventional system in terms of total ducks and species/sex restrictions. Thus, the Service views a point value less than 50 points as more liberal than a bag limit of 2 birds.

With regard to requests for "bonus" teal, the Service published its strategy regarding bonus bag limits in the September 21, 1990, Federal Register. That strategy stated that the use of bonus bag limits would be discontinued. Bonus limits have not been adequately evaluated, offer limited potential for adequate evaluation, and can increase harvest of all species, not just the "bonus" species.

F. Zones and Splits

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the special Catahoula Lake Zone in Louisiana be permitted a split season with a maximum of 14 days between season segments. They stated that this represented a compromise between the straight season used last year to reduce lead-poisoning losses of waterfowl and the season desired by many hunters. The surrounding portion of the State has 28 days between season segments. They indicated that deep-tillage operations will begin this fall in an effort to bury spent lead shot and reduce its accessibility by waterfowl.

The Pacific Flyway Council recommended permanent establishment of the temporary exception to the duck-zoning criteria which was allowed in 1991 for the Southern San Joaquin Valley of California. This exception was granted based on emergency conditions caused by the severe drought that prevailed in this area. In 1992, the Service allowed this temporary exception to continue for the 1992–93 season only. The Council stated that additional wetland habitat would be provided as a result of this zoning exception. The Council also recommended reinstatement of Gilliam County, Oregon, into the Columbia Basin Unit.

Public-Hearing Comments: Mr. Lloyd Plasse Jr. and Mr. Frank Anderson supported current zoning configurations. Mr. Thomas Aldrich stated that the purpose of the Southern San Joaquin Valley Temporary Zone was for the maintenance of wetland habitats that would not otherwise have been flooded had that locality been required to take the same season as the Balance-of-the-State Zone. Ms. Susan Hagood opposed split seasons and stated that, if allowed, penalties of at least 10 days should be assessed.

Written Comments: The California Department of Fish and Game, the National Audubon Society, the California Waterfowl Association, three local sportsmen's organizations, and eight individuals requested establishing the Southern San Joaquin Valley Temporary Zone as a permanent zone.

Two local sportsmen's organizations and one individual from Massachusetts requested continuation of zoning for their State. The Humane Society of the U.S. urged the Service to discontinue split seasons or, as an alternative, establish a 10–day penalty. The Fund for Animals opposed the use of zones and splits because they increase hunter opportunity and, consequently, the number of waterfowl killed.

Service Response: In regard to the Catahoula Lake Temporary Zone in Louisiana, the Service commends the ongoing efforts to reduce the incidence of lead poisoning, including the use of the temporary zone. The Service notes, however, that the limited split season offered this year will provide somewhat less protection in this regard than the continuous season last year, but considerably more protection than the seasons used prior to 1991. The Service looks forward to a successful completion of the deep-tillage efforts being used on the bed of Catahoula Lake and, hopefully, this temporary exception to the zoning criteria can end when those efforts are complete, preferably by the next "open season" for zone changes to be held in 1996. The State agreed earlier this year to recheck the boundary markings before the hunting season occurs to be sure signs and markings are still highly visible and present.

In regard to the Southern San Joaquin Valley Temporary Zone in California, the temporary exception was originally established solely in consideration of the severe drought that existed at the time but has since abated. The Service recognizes the desire of the State to maintain that zone because of their belief that additional habitat is provided because of this zone. The Service desires to accommodate efforts to provide additional habitat, but does not believe that it is necessary to violate the zoning criteria to do so. Last year, the Service extended the use of the temporary zone for 1 more year only. However, in an effort to allow the State the time necessary to develop an alternative to the current zoning situation that would better conform with the established zoning criteria, the Service will provide another 1-year extension for this temporary zone with continuation of the requirement of investigating and reporting the consequences of this zone on habitat and harvest. During the coming year, the Service will work with the State of California to identify feasible alternatives that will more fully comply with the zoning criteria.

G. Special Seasons/Species Management

i. Canvasback

The Service announced in the April 9, 1993, **Federal Register** its intent to implement an interim harvest strategy for canvasbacks, based on its review of databases and input received from Flyway Councils. Further, the Service requested that Flyway Councils provide additional assistance in developing and refining this interim strategy by identifying objective methods that will be used to determine a goal for the size of the breeding population, the annual allowable harvest, and the allocation of harvest among countries and flyways; and the harvest-management tools most appropriate to achieve harvest objectives.

Council Recommendations: In March, the Atlantic Flyway Council accepted the concept of an interim strategy for canvasback harvest management. They supported the idea of managing canvasbacks on the basis of a continental population, equal harvest opportunity among flyways, and utilization of population goals. They also raised concerns that the parts-collection survey may not be adequate to monitor the harvest closely, and indicated that many details of the implementation need further exploration.

In July, the Atlantic Flyway Council recommended a nationwide open season for canvasbacks, with a season length of 10 days within the regular duck season, and a daily bag limit of 1. However, the Council recommended that the Service cooperate with the States in developing a hunt plan which would provide equal opportunity to harvest canvasbacks in all flyways.

In March, the Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service complete its evaluation of the interim harvest-management strategy in sufficient time for review by the Council's Technical Section prior to the Council's summer meetings. They believed that the review of available population data, pond numbers, and harvest could be utilized in a model to develop optimum population objectives for one continental population. This would allow determination of the potential to sustain an annual harvest in all Flyways.

In March, the Lower-Region Regulations Committee of the Mississippi Flyway Council supported the management of canvasbacks as a continental population, the implementation of canvasback harvest opportunity for the 1993 hunting season, and the equitable distribution of harvest opportunity among all flyways. They opposed the closed-area concept with reference to canvasback hunting.

In March, the Central Flyway Council supported the concept of an interim strategy for managing canvasback harvest. They believed that canvasbacks should be treated as a continental population. They also believed that the canvasback population is regulated primarily by factors other than hunting, such as environmental conditions or density-dependent mechanisms. The Council believed that it is unlikely that canvasbacks will exceed a breeding population index of 500,000 (except during periods of wet years) without an intensive habitat-management program to restore drained wetlands across prairie Canada and the northcentral U.S. They did not agree with the suggested method of allocating allowable harvest. They believed that all flyways and Canada should have an open season -- but not identical season lengths or bag limits, since some flyways will be able to exert more harvest pressure than others. They recommended a daily limit of 1 in the conventional bag limit, and a point value of 100 under the point system for the length of the duck hunting season.

In July, the Central Flyway Council again recommended that the canvasback season be opened during the regular duck season with a bag limit of 1.

In March, the Pacific Flyway Council did not support the Service's proposed interim strategy for canvasback harvest management. They believed that the strategy ignored flyway differences in the biology of canvasbacks and hunter behavior. They stated that there was no rationale for identical season lengths and bag limits in all flyways. They also had serious concerns about harvest allocation as it pertains to other flyways and Canada. They believed that the Service is considering a limited season for canvasbacks in all flyways without first trying other options in the Pacific Flyway. The Council indicated that a reduction in bag limit from 2 to 1 should be considered before reducing the season length. They supported the Service's attempt to provide hunting opportunity to all flyways and a strategy that would allow graduated changes in harvest as opposed to the current season-on/season-off approach; however, they did not support this strategy at the cost of losing flyway-management emphasis.

In July, the Pacific Flyway Council recommended no change for canvasbacks, including continuation of the 2–bird bag limit.

Public-Hearing Comments: Mr. Charles Potter supported no open season on canvasbacks in the three eastern flyways. Mr. Frank Anderson requested a 6-day canvasback season with 1 bird daily. Mr. Vernon Bevill supported the proposal to hunt canvasbacks. Mr. Richard Elden expressed support for the management of canvasbacks as one continental population.

Mr. Bruce Barbour supported continental management of canvasbacks and the development of a conservative population-dynamics model to predict annual allowable harvests. For 1993, he recommended a nationwide closure for canvasback hunting. Upon consensus that an allowable harvest may exist in the future, he would advocate a limited conservative season of perhaps 10 days across all four flyways. He also suggested that certain specific concentration areas should be closed to hunting. Finally, he supported International, cooperative approaches to develop equitable allocation of harvest among the Flyways and Canada.

Written Comments: The National Wildlife Federation endorsed the continued closure of the canvasback season in the three eastern flyways, as well as the continued conservative take of canvasbacks in the Pacific Flyway. The California Waterfowl Association requested continuation of the current framework. The Fund for Animals opposed managing canvasbacks as a continental population, expressing their concern that this could result in overharvest of portions of that population. They prefer a nationwide closure for canvasback. An individual from Oklahoma requested a closed season, an individual from Alabama opposed the season until more improvement is realized for the population, and an individual from Massachusetts requested a 6–day season. A college student from Virginia opposed managing canvasbacks as a single population because of the potential for mismanagement of either segment of the population.

Service Response: After reviewing all available band-recovery data, the Service announced that there was not sufficient evidence to warrant managing canvasbacks as separate eastern and western populations. The Service reaffirms this position and there appears to be general consensus on this management strategy.

However, more work is necessary to gain consensus on a harvest strategy, including a means of estimating the annual allowable harvest, allocating that harvest among Canada, Alaska, and the remainder of the U.S., and regulatory

measures necessary to achieve the desired harvest in the U.S. The Service hopes to resolve these issues prior to the 1994–95 regulatory cycle with the continued cooperation of the Flyway Councils and others.

For 1993–94, the Service will continue to rely on guidelines developed in 1983 to direct harvest-management decisions. The 3–year average breeding population index indicated that restrictions should be considered and that liberalizations were not warranted in 1993–94. Last year, only the Pacific Flyway and Alaska were allowed canvasback seasons. The Service considered restricting or closing these seasons this year; however, in light of the relatively small harvest expected under current regulations, the Service declined to take further restrictive actions. No change is made from the regulations of the 1992–93 season.

Although the Service has delayed implementation of a revised harvest-management strategy until further revisions are made and consensus is developed, the Service is not satisfied with indefinite continuation of the 1983 guidelines and hopes to work cooperatively with Canada and the four flyways to implement an improved interim harvest-management strategy for use during the 1994 regulations-development cycle. The Service welcomes any suggestions regarding these issues during the coming year.

Regarding the issue of population segments, the Service recognizes that any harvest strategy based on continental management may also require consideration of the status and trend of canvasbacks wintering in various regions of the country, and that prudent harvest measures may be necessary at times to avoid over-exploitation of any component of the population.

ii. Scaup

Public-Hearing Comments: Mr. Lloyd Plasse Jr. and Mr. Frank Anderson asked for consideration of special harvest opportunities on scaup. Ms. Susan Hagood opposed special seasons.

Written Comments: An individual from Massachusetts requested a special scaup season for the northeast portion of the Atlantic Flyway. An individual from Minnesota opposed special scaup seasons because he does not believe there are sufficient numbers of scaup available.

Service Response: The breeding population estimate for scaup, both greater and lesser combined, was 4.1 million in 1993. This was the lowest estimate on record and 27 percent below the 1955–92 average. The Service does not believe that additional harvest opportunity on scaup is currently warranted. Furthermore, the Service summarized in the September 20, 1991, **Federal Register** strategies for use of bonus bag limits and special seasons. The Service concluded that the use of bonus bag limits would be discontinued because bonus limits have not been adequately evaluated, offer limited potential for adequate evaluation, and may increase harvests of nontarget species. The Service also stated that special scaup seasons could not be evaluated adequately with existing data. Until data-gathering abilities improve, an adequate evaluation plan is developed, and the status of scaup improves, the special scaup season will remain suspended.

iii. Green-winged teal

Public-Hearing Comments: Mr. Lloyd Plasse Jr. and Mr. Frank Anderson asked for consideration of special harvest opportunities on green-winged teal in the Atlantic Flyway. Ms. Susan Hagood opposed special seasons.

Service Response: The Service recognizes that the current breeding population estimate for green-winged teal is near its long-term average. Daily bag limits on green-winged teal are as liberal as possible under the current overall limit for ducks, and so no increases in the daily bag limit are possible, considering the Service's policy on bonus bag limits. Some additional opportunity to harvest green-winged teal outside of the regular duck season is currently available to those States in the Mississippi and Central Flyways that are allowed September teal seasons. If it is determined that additional harvest opportunity through the use of special seasons is warranted, the Service would consider proposals for special seasons on green-winged teal but notes that any such proposals must conform to the policy on use of special seasons [September 21, 1990, **Federal Register** (55 FR 38898].

3. Mergansers

Public-Hearing Comments: Mr. Gerald Woodmansee suggested that the impacts of merganser depredations on fisheries programs be studied.

Service Response: The Service is not aware of any documented problems with mergansers adversely impacting fisheries. If such problems exist, the problem areas should be delineated and the extent of the impacts determined before any corrective actions are considered. The Service doubts that liberalizing hunting regulations is likely to be a proper or effective means of addressing localized depredations on fisheries.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Atlantic Flyway Council recommended that Pennsylvania be permitted to modify the boundaries of the Susquehanna/Juniata Area. They also recommended that an experimental season be permitted in 1994 in the western half of New York's Long Island Zone. They further indicated that this request is for 1 year only based upon their intent to review the cumulative harvest effects on the Atlantic Population that result from special seasons.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended initiation of a 3–year experimental late season in the Fergus Falls/Alexandria Zone of Minnesota with a season length of 10 days.

Public-Hearing Comments: Mr. Paul Accomando asked that seasons on resident Canada geese in Massachusetts be expanded. Mr. Richard Elden indicated that the efforts to control increasing populations of giant Canada geese are complicated by the restrictive regulations necessitated by declining populations of migrant Canada geese, and stated that the Service should consider innovative ways of redirecting harvest.

Written Comments: The Funds for Animals does not believe that goose hunting should be permitted. They believe, if such seasons are allowed, they should be restricted to areas where actual damage has occurred.

Service Response: The Service herein provides frameworks for special seasons as recommended by the Flyway Councils. The Service commends the Atlantic Flyway for initiating an assessment of the cumulative harvest effects on the Atlantic Population that result from special seasons.

B. Regular Seasons

Council Recommendations: The Atlantic Flyway Council recommended that the season length in Crawford County, Pennsylvania, be reduced from 70 days to 35 days due to the decline in the Southern James Bay Population.

In March, the Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that framework dates continue to allow the regular goose season to open in September, similar to those framework dates utilized in the

past 5 years in some portions of the Mississippi Valley Population range.

In July, the Upper-Region Regulations Committee of the Mississippi Flyway Council recommended a number of changes in season lengths, bag limits, and quotas based on the current status of the respective Canada goose populations. Generally, these recommendations were for regulations that are considerably more restrictive than last year. Other changes recommended by the Upper-Region Regulations Committee included: in Indiana, expanding the Southern James Bay Population control area; in Iowa, expanding the southern zone and delaying the statewide opening date until October 9; in Minnesota, establishing new West and Northwest zones; and in Ohio, expanding the Lake Erie SJBP Zone.

In March, the Lower-Region Regulations Committee of the Mississippi Flyway Council supported Louisiana's experimental Canada goose hunting season and indicated that a final report on the season would be provided by July 1993, at which time a recommendation for an operational season similar to the experimental season would be submitted.

In July, the Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the following: in Alabama and Kentucky, create new zones to better manage the harvest of Southern James Bay Population Canada geese, with seasons of 35 days compared to 50 days in 1992–93; in Arkansas, move the closing date for the Canada goose season from January 31 to February 15 to minimize overlap with the duck season and to maintain harvest at low levels; in Louisiana, operational status for the Canada goose season; and in Tennessee, establish a quota system for the Kentucky/Barkley Lakes Zone to better manage the harvest of Southern James Bay Population Canada geese.

The Central Flyway Council recommended adjusting the dates upon which the within-bag-limit restriction changes from 1 Canada goose to 2 Canada geese in North Dakota and the Missouri River Unit of South Dakota. The date would change from the Saturday nearest October 20 to the Saturday nearest October 15 in North Dakota and from the Saturday nearest November 8 to the Saturday nearest November 1 in the Missouri River Unit of South Dakota. The Council also supported the request for operational status for the season in southwest Louisiana.

The Pacific Flyway Council recommended an increase in season length from 93 days to 100 days in many parts of the Flyway; other parts of the Flyway already have a 100–day season. They also recommended an increase in the daily bag limit from 3 to 4 in certain parts of the Flyway, and an extension in the closing framework date for the western portion of Montana in order to accommodate the longer season length.

Public-Hearing Comments: Mr. Lloyd Plasse Jr. requested a review of the status of the Atlantic Population of Canada geese before further restrictions are imposed. Mr. Bruce Barbour expressed concern for the status of Cackling, Dusky, Aleutian, Southern James Bay, Atlantic, Eastern Prairie, and Mississippi Valley Canada Goose Populations. Mr. Barbour recommended continuing harvest restrictions in place on these populations. For the Atlantic, Southern James Bay, Eastern Prairie, and Mississippi Valley Populations of Canada geese, Mr. Barbour suggested that further harvest reductions may be appropriate. Mr. Vernon Bevill supported the proposal to adjust the dates upon which the within-bag-limit restriction changes from 1 Canada goose to 2 Canada geese in North and South Dakota. Mr. Thomas Aldrich requested changing the ending framework date for goose seasons in Montana, west of the Continental Divide, from the first Sunday in January to the Sunday closest to January 20 to accommodate the 100-day season being proposed.

Written Comments: The States of Michigan and Wisconsin requested continuation of seasons opening prior to October 1. A college student from Virginia encouraged the Service to prohibit regular goose seasons prior to October 1 citing the need for annual population data prior to opening seasons. Two local sportsmen's organizations and an individual from Massachusetts supported continuation of current regulations with no restrictions until a full evaluation has been completed. An individual from California requested opening of the Willows/Colusa closure area with a 1 dark goose bag limit. An individual from Minnesota requested the use of restrictive shooting hours for geese in order to increase dispersal thereby reducing the probability of disease.

An individual from Maryland suggested that a provision be added to the framework that would allow States which are more restrictive, in terms of season length, than Federal frameworks be allowed to consider the number of days not selected against any time-dependant changes in bag limits. For instance, if the framework provides for a 60–day season with 1 goose per day for the first 20 days and 2 geese per day thereafter, a State should be able to select a 40–day, 2–goose-per-day season.

The Fund for Animals opposed all Canada goose seasons. Citing generally low age ratios, they believed frameworks are too liberal for geese, particularly so for migratory populations. They said Federal frameworks are simply too liberal to ensure the future survival of migratory Canada geese in Maryland. They indicated that the State has established regulations which are more restrictive than the frameworks. They believe that the Service should begin to manage geese on a population basis, rather than a flyway basis.

The Lower-Region Regulations Committee of the Mississippi Flyway Council requested correction of their recommendation in regard to the requested quota levels in the Northwestern Zone of Tennessee. The State of Louisiana requested correction of the recommendation regarding framework dates for their Canada goose season. They requested that the framework dates open and close one day earlier than originally requested.

Service Response: The Service concurs with most of the Flyway Councils' recommendations for changes in zones, seasons, and limits on geese. In addition, the Service applauds actions by the Flyway Councils to reduce harvests of Atlantic, Southern James Bay, and Eastern Prairie Populations of Canada geese.

The Service does not believe that 3–way splits in regular goose seasons are warranted at this time. Current frameworks and options for special seasons already provide wide flexibility for selecting seasons. An additional split in a season likely would increase harvest at least to some extent, and this result would not be consistent with the current efforts to reduce harvests.

The Service notes that the reductions in quotas for Mississippi Valley Population areas may be insufficient to achieve the harvest-reduction objectives. The Service will continue to monitor the status of the Mississippi Valley Population and the level of harvest-reduction achieved by the 1993–94 frameworks.

Regarding the harvest quota for the Kentucky/Barkley Lakes Zone in Tennessee, the Service notes that the State is implementing a harvest-monitoring system that appears sound and that they will make an effort to measure the level of compliance. As an added protection, the establishment of a conservative quota will help reduce the chances of overharvest.

The Service notes that the adjustments in the recommendation for

the Northwest Zone of Tennessee were included in the proposed frameworks and that the 1–day change in frameworks requested by Louisiana are reflected in these final frameworks.

Lastly, the Service believes the impacts of increasing the season length for goose seasons from 93 to 100 days in many parts of the Pacific Flyway will be minimal.

5. White-fronted Geese

Council Recommendations: The Central Flyway Council recommended no change for white-fronted geese, although the change in dates requested for Canada geese may alter the amount of harvest pressure exerted upon whitefronts.

The Pacific Flyway Council recommended an increase in season length from 93 days to 100 days in many parts of the flyway and an extension of the framework opening date from October 24 to October 16 in Lake, Klamath, and Harney Counties, Oregon. They also recommended a decrease in the number of whitefronts permitted in the dark goose bag limit from 3 to 2, except in special areas.

Public-Hearing Comments: Mr. Bruce Barbour indicated continuing concern for white-fronted goose populations and recommended continued harvest restrictions. Mr. Thomas Aldrich stated that general increases for goose seasons and limits throughout much of the flyway would have minimal impacts on white-fronted geese because seasons and limits in areas where those geese are most likely harvested are mostly unchanged from previous years.

Written Comments: An individual from California suggested increasing the season length for whitefronts to coincide with the light goose season, and requested that an additional 10 days to be added to goose seasons in the Sacramento Valley Area.

The Fund for Animals, citing generally low age ratios, believes frameworks are too liberal for white-fronted geese and supported managing geese on a population basis, rather than a flyway basis.

Service Response: The Service herein provides frameworks recommended by the Flyway Councils. The Service believes that lengthening the season from 93 to 100 days in many parts of the Pacific Flyway will have minimal effect on white-fronted geese because restrictive frameworks in the major harvest areas in California are unchanged and numbers of the Pacific Flyway Population have continued to increase.

6. Light Geese

Council Recommendations: The Atlantic, Mississippi, and Central Flyway Councils recommended no change in the frameworks. The Pacific Flyway Council recommended an increase in season length from 93 to 100 days in many parts of the flyway. They also recommended allowing possession limits to be twice the daily bag limit and not coupled with possession limits on dark geese. The Central Flyway Council recommended a review of framework closing dates for light geese.

Public-Hearing Comments: Mr. Bruce Barbour indicated that with the prospect for high production for the Mid-continent Population of lesser snow geese, there is a continuing concern for degradation of breeding habitats and the loss of our ability to manage population size through hunting regulations. Mr. Thomas Aldrich stated that general increases for goose seasons and limits throughout much of the flyway would have minimal impacts on Wrangel Island snow geese because seasons and limits in areas where those geese are most likely harvested are mostly unchanged from previous years.

Written Comments: An individual from California requested that an additional 10 days be added to goose seasons in the Sacramento Valley Area.

The Fund for Animals, citing generally low age ratios, believes the frameworks are too liberal for light geese, and supported managing geese on a population basis, rather than a flyway basis.

Service Response: The Service herein provides frameworks recommended by the Flyway Councils. The Pacific Flyway Council recommendation to lengthen the season from 93 to 100 days in many parts of the flyway will have a minimal effect on light geese. The additional days will occur at times when light geese are largely absent and restrictive measures in high-harvest areas remain unchanged from recent years. The Service will work with the Flyway Councils during the coming year to review its policy on framework dates for light geese.

7. Brant

Council Recommendations: The Atlantic Flyway Council recommended that the season length be reduced from 50 days to 30 days consistent with the guidelines in the interim Atlantic Brant Hunt Plan, based upon mid-winter population estimates. The Pacific Flyway Council recommended no change in the frameworks for brant.

Public-Hearing Comments: Mr. Bruce Barbour expressed continuing concern for brant populations and recommended continuing harvest restrictions. Mr. Frank Anderson requested a 30–day brant season with a 2-bird daily bag limit.

Written Comments: Two local sportsmen's organizations from Massachusetts supported the reduction in season length to 30 days, but requested a 4–bird bag limit. An individual from Massachusetts supported the proposed reduction to a 30–day season with retention of the 2–bird limit.

Service Response: The Service concurs with Flyway Council recommendations for brant seasons.

8. Tundra Swans

Council Recommendations: The Pacific Flyway Council recommended an increase in season length from 93 days to 100 days with no change in permit allocation.

Public-Hearing Comments: Mr. Wayne Pacelle and Ms. Susan Hagood opposed the hunting of tundra swans.

Written Comments: The Fund for Animals and the Humane Society of the U.S. believe no swan seasons are warranted. A college student from Virginia suggested that the Service obtain information about swan depredations on a State-by-State basis.

Service Response: The Service believes the impacts of increasing the season length for swan seasons from 93 to 100 days in the Pacific Flyway will be minimal because the size of the harvest is mainly influenced by the number of permits issued, which remains unchanged.

The Service recognizes the importance of sound data to manage tundra swans. Presently, management plans provide population goals and establish criteria to guide harvest. Data from mid-winter waterfowl surveys suggest that both the eastern and western populations of tundra swans are stable or increasing; and they are several fold larger now than during the 1940's and 1950's when they were not being hunted. Current harvest estimates, including unretrieved losses, account for less than 5 percent of the fall population index. The Service believes that these controlled hunts do not adversely affect swan populations and that they can be conducted while maintaining swan populations sufficiently large to satisfy the desires of both hunters and nonhunters.

10. Coots

Council Recommendations: The Pacific Flyway Council recommended no change in the frameworks for coots.

Public-Hearing Comments: Mr. Wayne Pacelle suggested that the high daily bag limits for coots and moorhens were inappropriate.

Written Comments: The Humane Society of the U.S. suggested that the Service should obtain better population estimates for coots.

Service Response: The Service does not believe that establishing separate frameworks for coots and moorhens, similar to those in other flyways, would compromise the principles of flyway management because there are not sufficient data to indicate that there are flyway differences for moorhens. For coots, recognition of flyway differences are reflected in considerably longer seasons for the Pacific Flyway. However, after review of the status of coots in the Pacific Flyway, the Service concurs with the Pacific Flyway recommendation for no change in the framework for coots and moorhens. The Service believes that the opportunity to hunt coots between duck-season segments may be warranted since little additional harvest pressure results from this provision. In regard to daily bag limits, the Service notes that the 25–bird aggregate limit of coots and moorhens in the Pacific Flyway is similar to the separate limits of 15 coots and 15 moorhens in the other flyways. Also, extremely few hunters ever fill their daily limit in any flyway. The Service does not have evidence of any problem with the current framework; therefore, the frameworks contained herein remain unchanged from those in effect during the 1992–93 season.

23. Other

A. Emperor Geese

Public Hearing Comments: Mr. Bruce Barbour expressed concern for emperor geese and recommended continued harvest restrictions.

Service Response: The Service shares Mr. Barbour's concerns. The season is closed in Alaska and there is no migration of emperors to the lower 48 States -- with the exception of an occasional bird migrating with other geese as a result of brood-mixing, egg-parasitism, or other unlikely occurrences. The harvest in the lower 48 is negligible and has no population impact.

B. Compensatory Days

Public-Hearing Comments: Mr. Lloyd Plasse Jr. asked for consideration of additional days in those States prohibiting Sunday hunting. Mr. Paul Accomando, Frank Anderson, and David Harbison requested compensatory days for Sunday closures. Mr. Vernon Bevill supported additional days for compensation of days lost to Sunday closures in the Atlantic Flyway. Ms. Susan Hagood expressed support for Sunday-hunting closures.

Written Comments: Three local sportsmen's organizations and an individual from Massachusetts suggested the use of compensatory days for those days lost due to State-imposed, Sunday-hunting prohibitions. They requested compensatory days be added to migratory bird hunting seasons, including seasons for ducks, sea ducks, and geese. The Humane Society of the U.S. supports Sunday closures.

Service Response: The Service is not aware of any biological basis for prohibiting hunting on Sundays and therefore neither promotes nor condones prohibition of Sunday hunting. Sunday-hunting closures are established by State or local law. The Service has stated previously in the September 26, 1991, (56 FR 49104) and September 22, 1992, (57 FR 43356) **Federal Registers** that it believes this problem is an individual State issue and can best be resolved by each State removing its self-imposed restrictions.

C. Licensing Guides

Public-Hearing Comments: Mr. Gerald Woodmansee indicated that legislation is needed to regulate commercial outfitters. He recommended that certain safety equipment be used when hunting sea ducks and that the Service collect information about their harvests. Mr. Frank Anderson asked the Service to consider a licensing system for commercial guides, and indicated the need to collect information on harvest and better monitor the impacts of commercial guides.

Service Response: The Service acknowledges that sea duck harvests resulting from the aid of professional guides is likely increasing in some regions, but does not believe there is currently a need to require a Federal license of commercial guides. The Service notes that guides are already required to obtain special licenses in many States. The Migratory Bird Harvest Information Program, which is being implemented by the Service in cooperation with the States, will allow better assessment of sport harvests.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)," filed with EPA on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). However, this programmatic document does not prescribe year-specific regulations; those are developed annually. The annual regulations and options were considered in the Environmental Assessment, "Waterfowl Hunting Regulations for 1993," which is available upon request.

Endangered Species Act Consideration

On August 30, 1993, the Division of Endangered Species concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for inspection in the Division of Endangered Species and the Office of Migratory Bird Management.

Regulatory Flexibility Act; Executive Orders 12291, 12612, 12630, and 12778; and the Paperwork Reduction Act

In the April 9 **Federal Register**, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and Executive Order 12291. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publishing a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. It has been determined that these rules will not involve the taking of any constitutionally protected property rights, under Executive Order 12630, and will not have any significant federalism effects, under Executive Order 12612. The Department of the Interior has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. These determinations are detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and

Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the **Federal Register** dated August 23, 1993 (58 FR 44576).

Authorship

The primary authors of this proposed rule are William O. Vogel, David F. Caithamer, and Patricia R. Hairston, Office of Migratory Bird Management.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select season dates and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703–711), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials may select hunting season dates and other options. Upon receipt of season and option selections from these officials, the Service will publish in the **Federal Register** a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 1993–94 season.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1993–94 hunting season are authorized under the Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703–711); the Fish and Wildlife Improvement Act of 1978 (November 8, 1978), as amended, (16 U.S.C. 712); and the Fish and Wildlife Act of 1956 (August 8, 1956), as amended, (16 U.S.C. 742 a—d and e—j).

Dated: September 16, 1993.

Robert P. Davison,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 1993–94 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Director has approved frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 1993, and March 10, 1994.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Definitions: For the purpose of hunting regulations listed below, the collective terms "dark" and "light" geese include the following species:

Dark geese - Canada geese, white-fronted geese, and brant.

Light geese - lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Area, Zone, and Unit Descriptions: Geographic descriptions that differ from those published in the September 22, 1992, **Federal Register** (at 57 FR 43876) are contained in a later portion of this document.

Area-Specific Provisions: Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by flyway.

Atlantic Flyway

The Atlantic Flyway includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Ducks, Mergansers, and Coots

Hunting Season: Not more than 30 days.

Outside Dates: Between October 1 and January 20.

Duck Limits: The daily bag limit is 3 and may include no more than 1 hen mallard, 2 wood ducks, 2 redheads, 1 black duck, 1 mottled duck, 1 pintail, and 1 fulvous whistling duck.

Closures: The seasons on canvasbacks and harlequin ducks are closed.

Sea Ducks: In all areas outside of special sea duck areas, sea ducks are included in the regular duck daily bag and possession limits. However, during the regular duck season within the special sea duck areas, the sea duck daily bag and possession limits may be in addition to the regular duck daily bag and possession limits.

Merganser Limits: The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser.

Coot Limits: The daily bag limit is 15 coots.

Lake Champlain Zone, New York: The waterfowl seasons, limits, and shooting hours shall be the same as those selected for the Lake Champlain Zone of Vermont.

Zoning and Split Seasons: Delaware, Maryland, North Carolina, Rhode Island, and Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and West Virginia may select hunting seasons by zones and may split their seasons into two segments in each zone; while Florida, Georgia, and South Carolina may split their statewide seasons into two segments.

Canada Geese

Season Lengths, Outside Dates, and Limits: Unless specified otherwise, seasons may be split into two segments. Seasons in States, and in independently described goose management units within States, may be as follows:

Connecticut: 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening. In addition, a special experimental season

may be held in the South Zone between January 15 and February 15, with 5 geese per day.

Delaware: 60 days between November 16 and January 20, with 1 goose per day for the first 20 days; 2 geese per day thereafter.

Florida: Closed season.

Georgia: In specific areas, an 8–day experimental season may be held between November 15 and February 5, with a limit of 5 Canada geese per day.

Maine: 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

Maryland: 60 days between November 16 and January 20, with 1 goose per day for the first 20 days and 2 geese per day thereafter.

Massachusetts: 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening. In addition, a special 16–day season for resident Canada geese may be held in the Coastal and Central Zones during January 21 to February 5, with 5 geese per day.

New Hampshire: 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

New Jersey: 70 days between October 15 and January 31, with 1 goose per day through November 15; 2 geese per day through December 31; 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening; no more than 15 days before November 16.

New York

Northeastern Zone - 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

Remainder of State - 70 days between October 15 and January 31, with 1 goose per day through November 15; 2 geese per day through December 31; 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening; no more than 15 days before November 16. In addition, an experimental special season may be held in the Long Island Zone during February 1–14, with 5 geese per day.

North Carolina

East Zone - Suspended.

West Zone - Suspended.

Pennsylvania

South Zone - 70 days between October 15 and January 31, with 1 goose per day through November 15; 2 geese per day through December 31; 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening; no more than 15 days before November 16. In addition, an experimental season may be held in the Susquehanna/Juniata Zones from January 20 to February 5 with 5 geese per day.

Erie, Mercer, and Butler Counties - 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

Crawford County - 35 days between October 1 and January 20; with 1 goose per day.

Remainder of State - 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

Rhode Island: 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

South Carolina: Suspended regular season. A 4–day special season may be held in the Central Piedmont, Western Piedmont, and Mountain Hunt Units during January 15 to February 15, with a daily bag limit of 5 Canada geese per day.

Vermont: 70 days between October 1 and January 31, with 1 goose per day through October 15; 2 geese per day through December 31; and 3 geese per day thereafter; 1 goose per day for the first 8 days after the opening.

Virginia

Back Bay - Suspended.

Remainder - 60 days between November 16 and January 20, with 1 goose per day for the first 20 days; 2 geese per day thereafter.

West Virginia: 70 days between October 1 and January 20, with 3 geese per day.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107–day season between October 1 and February 10, with 5 geese per day. States may split their seasons into two segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 30–day season between October 1 and January 20, with 2 brant per day.

Mississippi Flyway

The Mississippi Flyway includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Ducks, Mergansers, and Coots

Hunting Seasons: Not more than 30 days.

Outside Dates: Between October 1 and January 20.

Duck Limits: The daily bag limit is 3, and may include no more than 2 mallards (no more than 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, and 1 redhead.

As an alternative to conventional bag limits for ducks and mergansers, a point system for bag and possession limits may be selected. Point values are as follows:

100 points - female mallard, pintail, black duck, redhead, hooded merganser.

50 points - male mallard, wood duck.

35 points - all other ducks and mergansers.

Under the point system, the daily bag limit is reached when the point value of the last bird taken, added to the sum of point values of all other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds that legally could have been taken in 2 days.

Closures: The season on canvasbacks is closed.

Merganser Limits: Under the conventional bag-limit option only, a daily bag limit of 5 mergansers may be taken, only 1 of which may be a hooded merganser.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Ohio, Tennessee, and Wisconsin may select hunting seasons by zones.

In Alabama, Indiana, Iowa, Kentucky, Louisiana, Michigan, Ohio, Tennessee, and Wisconsin, the season may be split into two segments in each zone.

In Mississippi, the season may be split into two segments.

In Arkansas and Minnesota, the season may be split into three segments.

Pymatuning Reservoir Area, Ohio: The seasons, limits, and shooting hours shall be the same as those selected in the adjacent portion of Pennsylvania (Northwest Zone).

Geese

Split Seasons: Seasons for geese may be split into two segments.

Season Lengths, Outside Dates, and Limits: States may select seasons for geese not to exceed 70 days for dark geese between the Saturday nearest October 1 (October 2) and January 31,

and 80 days for light geese between the Saturday nearest October 1 (October 2), and February 14. The daily bag limit is 7 geese, to include no more than 2 Canada and 2 white-fronted geese. Specific regulations for Canada geese and exceptions to the above general provisions are shown below by State.

Alabama: In the SJBP Goose Zone, the season for Canada geese may not exceed 35 days. Elsewhere, the season for Canada geese may extend for 70 days in the respective duck-hunting zones. The daily bag limit is 2 Canada geese.

Arkansas: The season for Canada geese may extend for 23 days in the East Zone. In the West Zone, an experimental season for Canada geese of up to 14 days may be selected. In both zones, the season may extend to February 15. The daily bag limit is 2 Canada geese. In the remainder of the State, the season for Canada geese is closed.

Illinois: The total harvest of Canada geese in the State will be limited to 61,300 birds.

(a) Southern Illinois Quota Zone - The season for Canada geese will close after 51 days or when 30,600 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 10 in possession. All harvested Canada geese in excess of twice the daily bag limit that are transported outside the zone must be tagged with tags containing the name and signature of the hunter and the date and location where the birds were taken. If any of the following conditions exist after December 20, the State, after consultation with the Service, will close the season by emergency order with 48 hours notice:

1. 10 consecutive days of snow cover, 3 inches or more in depth.
2. 10 consecutive days of daily high temperatures less than 20 degrees F.
3. Average body weights of adult female geese less than 3,200 grams as measured from a weekly sample of a minimum of 50 geese.
4. Starvation or a major disease outbreak resulting in observed mortality exceeding 5,000 birds in 10 days, or a total mortality exceeding 10,000 birds.

(b) Rend Lake Quota Zone - The season for Canada geese will close after 51 days or when 9,200 birds have been harvested, whichever occurs first. Limits are 2 Canada geese daily and 10 in possession. All harvested Canada geese in excess of twice the daily bag limit that are transported outside the zone must be tagged with tags containing the name and signature of the hunter and the date and location where the birds were taken.

(c) Fulton-Knox Zone - The season for Canada geese may not exceed 46 days. The daily bag limit is 2 Canada geese.

(d) Remainder of the State - The season for Canada geese may extend for 46 days in the North and Central duck-hunting zones, except in the Northeastern Zone, where the season may not exceed 55 days. In the South duck-hunting zone, the season may extend for 51 days. The daily bag limit is 2 Canada geese.

Indiana: The total harvest of Canada geese in the State will be limited to 14,300 birds.

(a) Posey County - The season for Canada geese will close after 51 days or when 3,500 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(b) Remainder of the State - The season for Canada geese may extend for 70 days in the respective duck-hunting zones, except in the SJBP Zone, where the season may not exceed 35 days. The daily bag limit is 2 Canada geese.

Iowa: The season may extend for 55 days in the respective duck-hunting zones and may open no earlier than October 9. The daily bag limit is 2 Canada geese.

Kentucky

(a) Western Zone - The season for Canada geese may extend for 66 days, and the harvest will be limited to 17,500 birds. Of the 17,500–bird quota, 11,400 birds will be allocated to the Ballard Reporting Area and 3,360 birds will be allocated to the Henderson/Union Reporting Area. If the quota in either reporting area is reached prior to completion of the 66–day season, the season in that reporting area will be closed. If this occurs, the season in those counties and portions of counties outside of, but associated with, the respective subzone (listed in State regulations) may continue for an additional 7 days, not to exceed a total of 66 days. The season in Fulton County may extend to February 15. The daily bag limit is 2 Canada geese.

(b) Pennyroyal/Coalfied Zone - The season may extend for 35 days. The daily bag limit is 2 Canada geese.

(c) Remainder of the State - The season may extend for 50 days. The daily bag limit is 2 Canada geese.

Louisiana: Louisiana may hold 80–day seasons on light geese and 70–day seasons on white-fronted geese and brant between the Saturday nearest October 1 (October 2), and February 14, in the respective duck-hunting zones. The daily bag limit is 7 geese, to include no more than 2 white-fronted geese, except as noted below. In the Southwest Zone, a season for Canada geese may be held during January 19–27. During the season, the daily bag limit for Canada and white-fronted geese in the Southwest Zone is 2, no more than 1 of which may be a Canada goose. Hunters participating in the Canada goose season must possess a special permit issued by the State.

Michigan: The total harvest of Canada geese in the State will be limited to 42,500 birds.

(a) North Zone - The framework opening date for all geese is September 25 and the season for Canada geese may extend for 23 days. The daily bag limit is 2 Canada geese.

(b) Middle Zone - The season for Canada geese may extend for 23 days. The daily bag limit is 2 Canada geese.

(c) South Zone

(1) Allegan County GMU - The season for Canada geese will close after 50 days or when 2,000 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(2) Muskegon Wastewater GMU - The season for Canada geese will close after 52 days or when 400 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(3) Saginaw County GMU - The season for Canada geese will close after 40 days or when 2,000 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(4) Tuscola/Huron GMU - The season for Canada geese will close after 40 days or when 750 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(5) Remainder of South Zone - The season for Canada geese may extend for 30 days. The daily bag limit is 1 Canada goose.

(d) Southern Michigan GMU - An experimental special Canada goose season may be held between January 8 and February 6. The daily bag limit is 2 Canada geese.

Minnesota

(a) West Zone

(1) West Central Zone - The season for Canada geese may extend for 30 days. In the Lac qui Parle Zone the season will close after 30 days or when a harvest index of 4,000 birds has been reached, whichever occurs first. Throughout the West Central Zone, the daily bag limit is 1 Canada goose.

(2) Remainder of West Zone - The season for Canada geese may extend for 40 days. The daily bag limit is 1 Canada goose.

(b) Northwest Zone - The season for Canada geese may extend for 40 days. The daily bag limit is 1 Canada goose.

(c) Southeast Zone - The season for Canada geese may extend for 70 days, except in the Twin Cities Metro Zone and Olmsted County, where the season may not exceed 80 days. The daily bag limit is 2 Canada geese.

(d) Remainder of the State - The season for Canada geese may extend for 50 days. The daily bag limit is 2 Canada geese.

(e) Fergus Falls/Alexandria Zone - An experimental special Canada goose season of up to 10 days may be held in

December. During the special season, the daily bag limit is 2 Canada geese.

Mississippi: The season for Canada geese may extend for 70 days. The daily bag limit is 2 Canada geese.

Missouri

(a) Swan Lake Zone - The season for Canada geese will close after 40 days or when 5,000 birds have been harvested, whichever occurs first. The daily bag limit is 2 Canada geese.

(b) Schell-Osage Zone - The season for Canada geese may extend for 40 days. The daily bag limit is 2 Canada geese.

(c) Central Zone - The season for Canada geese may extend for 50 days. The daily bag limit is 2 Canada geese. An experimental special season of up to 10 consecutive days prior to October 15 may be selected in addition to the regular season. During the special season, the daily bag limit is 3 Canada geese.

(d) Remainder of the State - The season for Canada geese may extend for 50 days in the respective duck-hunting zones. The daily bag limit is 2 Canada geese.

Ohio: The season may extend for 70 days in the respective duck-hunting zones, with a daily bag limit of 2 Canada geese, except in the Lake Erie SJBP Zone, where the season may not exceed 30 days and the daily bag limit is 1 Canada goose. In the Pymatuming Reservoir Area; the seasons, limits, and shooting hours for all geese shall be the same as those selected in the adjacent portion of Pennsylvania.

Tennessee

(a) Northwest Zone - The season for Canada geese may extend for 74 days, and the harvest will be limited to 6,800 birds. Of the 6,800–bird quota, 4,800 birds will be allocated to the Reelfoot Quota Zone. If the quota in the Reelfoot Quota Zone is reached prior to completion of the 74–day season, the season in the quota zone will be closed. If this occurs, the season in the remainder of the Northwest Zone may continue for an additional 7 days, not to exceed a total of 74 days. The season may extend to February 15. The daily bag limit is 2 Canada geese.

(b) Southwest Zone - The season for Canada geese may extend for 59 days, and the harvest will be limited to 500 birds. The daily bag limit is 2 Canada geese.

(c) Kentucky/Barkley Lakes Zone - The season for Canada geese will close after 50 days or when 1,800 birds have been harvested, whichever occurs first. All geese harvested must be tagged. The daily bag limit is 2 Canada geese.

(d) Remainder of the State - The season for Canada geese may extend for 70 days. The daily bag limit is 2 Canada geese.

Wisconsin: The total harvest of Canada geese in the State will be limited to 56,300 birds.

(a) Horicon Zone - The framework opening date for all geese is September 25. The harvest of Canada geese is limited to 34,700 birds. The season may not exceed 80 days. All Canada geese harvested must be tagged. The daily bag limit is 1 Canada goose and the season limit will be the number of tags issued to each permittee.

(b) Collins Zone - The framework opening date for all geese is September 25. The harvest of Canada geese is limited to 1,000 birds. The season may not exceed 61 days. All Canada geese harvested must be tagged. The daily bag limit is 1 Canada goose and the season limit will be the number of tags issued to each permittee.

(c) Exterior Zone - The framework opening date for all geese is October 1. The harvest of Canada geese is limited to 16,100 birds. The season may not exceed 70 days and the daily bag limit is 1 Canada goose. In the Mississippi River Subzone, the season for Canada geese may extend for 70 days in each duck zone. The progress of the harvest in the Exterior Zone must be monitored, and the zone's season closed, if necessary, to ensure that the harvest does not exceed the limit stated above.

Additional Limits: In addition to the harvest limits stated for the respective zones above, an additional 4,500 Canada geese may be taken in the Horicon Zone under special agricultural permits.

Quota Zone Closures: When it has been determined that the quota of Canada geese allotted to the Southern Illinois and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Swan Lake Zone in Missouri, and the Kentucky/Barkley Lakes Zone and the Reelfoot Subzone in Tennessee will have been filled, the season for taking Canada geese in the respective area will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

Central Flyway

The Central Flyway includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Ducks, Mergansers, and Coots

Hunting Seasons: Seasons in the High Plains Mallard Management Unit, roughly defined as that portion of the Central Flyway which lies west of the 100th meridian, may include no more than 51 days, provided that the last 12 days start no earlier than the Saturday nearest December 10 (December 11). Seasons in the Low Plains Unit may include no more than 39 days.

Outside Dates: October 1 through January 20.

Duck Limits: The daily bag limit is 3, including no more than 2 mallards (3 in the High Plains), no more than 1 of which may be a female mallard, 1 mottled duck, 1 pintail, 1 redhead, and 2 wood ducks.

As an alternative to conventional bag limits for ducks and mergansers, a point system for bag and possession limits may be selected. Point values are as follows:

100 points - female mallard, pintail, redhead, hooded merganser, mottled duck.

50 points - male mallard (Low Plains), wood duck.

35 points - male mallard (High Plains), all other ducks, and mergansers.

Under the point system, the daily bag limit is reached when the point value of the last bird taken, added to the sum of point values of all other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds that legally could have been taken in 2 days.

Closures: The season on canvasbacks is closed.

Merganser Limits: Under the conventional bag-limit option only, a daily bag limit of 5 mergansers may be taken, only 1 of which may be a hooded merganser.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Montana, Nebraska (Low Plains portion), New Mexico, Oklahoma (Low Plains portion), and South Dakota (Low Plains portion) may select hunting seasons by zones.

In Montana, Nebraska (Low and High Plains portions), New Mexico, North Dakota (Low Plains portion), Oklahoma (Low and High Plains portions), South Dakota (High Plains portion), and Texas

(Low Plains portion), the season may be split into two segments.

In Colorado, Kansas (Low and High Plains portions), North Dakota (High Plains portion), and Wyoming, the season may be split into three segments.

Geese

Season Lengths, Outside Dates, and Limits: Seasons may be split into two segments. The Saturday nearest October 1 (October 2), through January 31, for dark geese and the Saturday nearest October 1 (October 2), through the Sunday nearest February 15 (February 13), except in New Mexico where the closing date is February 28, for light geese. Seasons in States, and independently in described goose management units within States, may be as follows:

Colorado: No more than 107 days, with a daily bag limit of 5 light geese and 3 dark geese.

Kansas: For dark geese, no more than 79 days, with a daily bag limit of not more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for no more than 30 consecutive days, and a daily bag limit of not more than 1 Canada goose and 1 white-fronted goose for the remaining 49 days; or no more than 72 days, with a daily bag limit of not more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for no more than 37 consecutive days, and a daily bag limit of not more than 1 Canada goose and 1 white-fronted goose for the remaining 35 days.

For light geese, no more than 107 days, with a daily bag limit of 10.

Montana: No more than 107 days, with daily bag limits of 2 dark geese and 5 light geese in Sheridan County and 4 dark geese and 5 light geese in the remainder of the Central Flyway portion.

Nebraska: For dark geese in the North Unit, no more than 79 days, with daily bag limits of 1 Canada goose and 1 white-fronted goose until the Saturday nearest November 8 (November 6), and no more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for the remainder of the season.

For dark geese in the East and West Units, no more than 79 days, with a daily bag limit of not more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for no more than 30 consecutive days, and a bag limit of not more than 1 Canada goose and 1 white-fronted goose for the remaining 49 days; or no more than 72 days, with a daily bag of not more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for no more than 37 consecutive days, and a bag limit of not more than 1 Canada goose and 1 white-fronted goose for the remaining 35 days.

For light geese, no more than 107 days, with a daily bag limit of 10.

New Mexico: No more than 107 days, with a daily bag limit of 5 light geese and 3 dark geese, except in the Middle Rio Grande Valley where the daily bag limit of light geese is 10.

North Dakota: For dark geese, no more than 79 days, with a daily bag limit of 1 Canada goose and 1 white-fronted goose, or 2 white-fronted geese, until the Saturday nearest October 15 (October 16), and no more than 2 dark geese during the remainder of the season.

For light geese, no more than 107 days, with a daily bag limit of 10.

Oklahoma: For dark geese, no more than 79 days, with a daily bag limit of 2 Canada geese, or 1 Canada goose and 1 white-fronted goose.

For light geese, no more than 107 days, with a daily bag limit of 10.

South Dakota: For dark geese in the Missouri River Unit, no more than 79 days, with a daily bag limit of 1 Canada goose and 1 white-fronted goose until the Saturday nearest November 1 (October 30), and no more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for the remainder of the season.

For dark geese in the remainder of the State, no more than 79 days, with a daily bag limit of not more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for no more than 30 consecutive days, and a daily bag limit of not more than 1 Canada goose and 1 white-fronted goose for the remaining 49 days; or no more than 72 days, with a daily bag limit of not more than 2 Canada geese, or 1 Canada goose and 1 white-fronted goose, for no more than 37 consecutive days, and a daily bag limit of not more than 1 Canada goose and 1 white-fronted goose for the remaining 35 days.

For light geese, no more than 107 days, with a daily bag limit of 10.

Texas: West of U.S. 81, no more than 107 days, with a daily bag limit of 5 light geese and 3 dark geese.

For dark geese east of U.S. 81, no more than 79 days. The daily bag limit is 1 Canada goose and 1 white-fronted goose during the first 72 days; during the last 7 days, the season is closed on white-fronted geese and the daily bag limit is 2 Canada geese.

For light geese east of U.S. 81, no more than 107 days, with a daily bag limit of 10.

Wyoming: No more than 107 days, with a daily bag limit of 5 light geese and 3 dark geese.

Pacific Flyway

Ducks, Mergansers, Coots, and Common Moorhens

Hunting Seasons: Concurrent 59–day seasons may be selected except as subsequently noted. In the Columbia Basin Mallard Management Unit, the seasons may be an additional 7 days. The season on coots and common moorhens may be between the outside dates for the season on ducks, but not to exceed 93 days.

Outside Dates: Between October 1 and January 20.

Duck and Merganser Limits: The basic daily bag limit is 4 ducks, including no more than 3 mallards, no more than 1 of which may be a female, 1 pintail, and either 2 canvasbacks, 2 redheads, or 1 of each.

Coot and Common Moorhen Limits: The daily bag and possession limits of coots and common moorhens are 25, singly or in the aggregate.

Zoning and Split Seasons: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington may select hunting seasons by zones.

Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington may split their seasons into two segments either statewide or in each zone.

Colorado, Montana, New Mexico, and Wyoming may split their duck seasons into three segments.

Colorado River Zone, California: Seasons and limits shall be the same as seasons and limits selected in the adjacent portion of Arizona (South Zone).

Geese

Season Lengths, Outside Dates, and Limits: Except as subsequently noted, 100–day seasons may be selected, with outside dates between the Saturday nearest October 1 (October 2), and the Sunday nearest January 20 (January 23), and the basic daily bag limits are 3 light geese and 3 dark geese, including no more than 2 white-fronted geese.

Brant Season - A 16–consecutive-day season may be selected in Oregon and Washington, and a 30–consecutive day season may be selected in California. In only California, Oregon, and Washington, the daily bag limit is 2 brant and is additional to dark goose limits, and the open season on brant in those States may differ from that for other geese.

Closures: There will be no open season on Aleutian Canada geese in the Pacific Flyway and no open season on cackling Canada geese in California, Oregon, and Washington; those three States must include a statement on the closure for both those subspecies in

their respective regulations leaflet. Emergency closures may be invoked for all Canada geese should Aleutian Canada goose distribution patterns or other circumstances justify such actions.

Arizona: The daily bag limit for dark geese is 2 geese.

California

Northeastern Zone - White-fronted geese may be taken only during the first 23 days of the goose season. The daily bag limit is 3 geese and may include no more than 2 Canada geese or 2 white-fronted geese.

Colorado River Zone - The seasons and limits must be the same as those selected in the adjacent portion of Arizona (Balance-of-the-State Zone).

Southern Zone - The daily bag and possession limits for dark geese is 2 geese.

Balance-of-the-State Zone - A 79–day season may be selected, except that white-fronted geese may be taken during only the first 65 days of such season. Limits may not include more than 3 geese per day and in possession, of which not more than 1 may be a dark goose. The dark goose limits may be expanded to 2, provided that they are Canada geese.

Three areas in the Balance-of-the-State Zone are restricted in the hunting of certain geese:

(1) In the Counties of Del Norte and Humboldt there will be no open season for Canada geese.

(2) In the Sacramento Valley Area, the season on white-fronted geese must end on or before November 30, and, except in the Western Canada Goose Hunt Area, there will be no open season for Canada geese.

(3) In the San Joaquin Valley Area, the hunting season for Canada geese will close no later than November 23.

Colorado: The daily bag limit for dark geese is 2 geese.

Idaho

Northern Unit - The daily bag limit is 4 geese, including 4 dark geese, but not more than 2 white-fronted geese, and 3 light geese.

Southwestern Unit - The season must end on or before the first Sunday in January (January 2) with a daily bag limit of 3 geese, that may not include more than 2 dark geese.

Southeastern Unit - The daily bag limit is 3 geese, including not more than 2 white-fronted geese.

Montana

West of Divide Zone - The daily bag limit on dark geese is 4, including not more than 2 white-fronted geese.

Nevada

Clark County Zone - The daily bag limit of dark geese is 2 geese.

New Mexico: The daily bag limit for dark geese is 2 geese.

Oregon: Except as subsequently noted, the dark goose limit is 4, including not more than 2 white-fronted geese.

Malheur County Zone - The season must end on or before the first Sunday in January (January 2). From November 26, through the remainder of the season, the daily bag limit of dark geese may not include more than 2 Canada geese.

Lake, Klamath, and Harney Counties Zone - The season length may be 100 days. White-fronted geese may not be taken before October 17 during the regular goose season.

Western Zone - In the Special Canada Goose Management Area, except for designated areas, there shall be no open season on Canada geese. In the designated areas, individual quotas shall be established which collectively shall not exceed 210 dusky Canada geese. See section on quota zones. In those designated areas, the daily bag limit of dark geese is 3, including not more than 2 white-fronted geese.

Utah: The daily bag limit for dark geese is 2 geese.

Washington: The daily bag limit is 4 geese, including 4 dark geese, but not more than 2 white-fronted geese, and 3 light geese.

West Zone - In the Lower Columbia River Special Goose Management Area, except for designated areas, there shall be no open season on Canada geese. In the designated areas, individual quotas shall be established which collectively shall not exceed 90 dusky Canada geese. See section on quota zones.

Wyoming: In Lincoln, Sweetwater, and Sublette Counties, the combined special September Canada goose seasons and the regular goose season shall not exceed 100 days.

Quota Zones: Seasons on Canada geese must end upon attainment of individual quotas of dusky Canada geese allotted to the designated areas of Oregon and Washington. Hunting of Canada geese in those designated areas shall only be by hunters possessing a State-issued permit authorizing them to do so. In a Service-approved investigation, the State must obtain quantitative information on hunter compliance of those regulations aimed at reducing the take of dusky Canada geese and eliminating the take of cackling and Aleutian Canada geese.

Tundra Swans

In Montana, Nevada, New Jersey, North Carolina, North Dakota, South Dakota, Utah, and Virginia, an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States and will authorize each permittee to take no more than 1 tundra swan per season. The States must obtain harvest and hunter participation data. These seasons will be subject to the following conditions:

In the Atlantic Flyway

—The season will be experimental.

—The season may be 90 days, must occur during the light goose season, but may not extend beyond January 31.

—In New Jersey, no more than 200 permits may be issued.

—In North Carolina, no more than 6,000 permits may be issued.

—In Virginia, no more than 600 permits may be issued.

In the Central Flyway

—The season may be 107 days and must occur during the light goose season.

—In the Central-Flyway portion of Montana, no more than 500 permits may be issued.

—In North Dakota, no more than 2,000 permits may be issued during the experimental season.

—In South Dakota, no more than 1,500 permits may be issued during the experimental season.

In the Pacific Flyway

—A 100–day season may be selected between the Saturday nearest October 1 (October 2), and the Sunday nearest January 20 (January 23). Seasons may be split into 2 segments.

—In Utah, no more than 2,500 permits may be issued.

—In Nevada, no more than 650 permits may be issued.

—In the Pacific-Flyway portion of Montana, no more than 500 permits may be issued.

Area, Unit and Zone Descriptions

Ducks (Including Mergansers) and Coots

Atlantic Flyway

Connecticut

North Zone: That portion of the State north of I–95.

South Zone: That portion of the State south of I–95.

Maine

North Zone: Game Management Zones 1 through 5.

South Zone: Game Management Zones 6 through 8.

Massachusetts

Western Zone: That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone: That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–

93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone: That portion of Massachusetts east and south of the Central Zone.

New Hampshire

Coastal Zone: That portion of the State east of a line extending west from Maine border in Rollinsford on NH 4 to the city of Dover, south to NH 108, south along NH 108 through Madbury, Durham, and Newmarket to NH 85 in Newfields, south to NH 101 in Exeter, east to NH 51 (Exeter-Hampton Expressway), east to I–95 (New Hampshire Turnpike) in Hampton, and south along I–95 to the Massachusetts border.

Inland Zone: That portion of the State north and west of the above boundary.

New Jersey

Coastal Zone: That portion of the State seaward of a line beginning at the New York border in Raritan Bay and extending west along the New York border to NJ 440 at Perth Amboy; west on NJ 440 to the Garden State Parkway; south on the Garden State Parkway to the shoreline at Cape May and continuing to the Delaware border in Delaware Bay.

North Zone: That portion of the State west of the Coastal Zone and north of a line extending west from the Garden State Parkway on NJ 70 to the New Jersey Turnpike, north on the turnpike to U.S. 206, north on U.S. 206 to U.S. 1 at Trenton, west on U.S. 1 to the Pennsylvania border in the Delaware River.

South Zone: That portion of the State not within the North Zone or the Coastal Zone.

New York

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone: That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Pennsylvania

Lake Erie Zone: The Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula.

Northwest Zone: The area bounded on the north by the Lake Erie Zone and including all of Erie and Crawford Counties and those portions of Mercer and Venango Counties north of I–80.

North Zone: That portion of the State east of the Northwest Zone and north of a line extending east on I–80 to U.S. 220, Route 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.

South Zone: The remaining portion of Pennsylvania.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to the Canadian border.

Interior Zone: The remaining portion of Vermont.

West Virginia

Zone 1 : That portion outside the boundaries in Zone 2.

Zone 2 (Allegheny Mountain Upland): That area bounded by a line extending south along U.S. 220 through Keyser to U.S. 50; U.S. 50 to WV 93; WV 93 south to WV 42; WV 42 south to Petersburg; WV 28 south to Minnehaha Springs; WV 39 west to U.S. 219; U.S. 219 south to I–64; I–64 west to U.S. 60; U.S. 60 west to U.S. 19; U.S. 19 north to I–79, I–79 north to U.S. 48; U.S. 48 east to the Maryland border; and along the border to the point of beginning.

Mississippi Flyway

Alabama

South Zone: Mobile and Baldwin Counties.

North Zone: The remainder of Alabama.

Illinois

North Zone: That portion of the State north of a line extending east from the Iowa border along Illinois Highway 92 to Interstate Highway 280, east along I–280 to I–80, then east along I–80 to the Indiana border.

Central Zone: That portion of the State between the North and South Zone boundaries.

South Zone: That portion of the State south of a line extending east from the Missouri border along the Modoc Ferry route to Randolph County Highway 12, north along County 12 to Illinois Highway 3, north along Illinois 3 to Illinois 159, north along Illinois 159 to Illinois 161, east along Illinois 161 to Illinois 4, north along Illinois 4 to Interstate Highway 70, then east along I–70 to the Indiana border.

Indiana

North Zone: That portion of the State north of a line extending east from the Illinois border along State Road 18 to U.S. Highway 31, north along U.S. 31 to U.S. 24, east along U.S. 24 to Huntington, then southeast along U.S. 224 to the Ohio border.

Ohio River Zone: That portion of the State south of a line extending east from the Illinois border along Interstate Highway 64 to New Albany, east along State Road 62 to State 56, east along State 56 to Vevay, east and north on State 156 along the Ohio River to North Landing, north along State 56 to U.S. Highway 50, then northeast along U.S. 50 to the Ohio border.

South Zone: That portion of the State between the North and Ohio River Zone boundaries.

Iowa

North Zone: That portion of the State north of a line extending east from the Nebraska border along State Highway 175 to State 37, southeast along State 37 to U.S. Highway 59, south along U.S. 59 to Interstate Highway 80, then east along I–80 to the Illinois border.

South Zone: The remainder of Iowa.

Kentucky

West Zone: That portion of the State west of a line extending north from the Tennessee border along Interstate Highway 65 to Bowling Green, northwest along the Green River Parkway to Owensboro, southwest along U.S. Bypass 60 to U.S. Highway 231, then north along U.S. 231 to the Indiana border.

East Zone: The remainder of Kentucky.

Louisiana

West Zone: That portion of the State west of a line extending south from the Arkansas border along Louisiana Highway 3 to Bossier City, east along Interstate Highway 20 to Minden, south along Louisiana 7 to Ringgold, east along Louisiana 4 to Jonesboro, south along U.S. Highway 167 to Lafayette,

southeast along U.S. 90 to Houma, then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass.

East Zone: The remainder of Louisiana.

Catahoula Lake Area: All of Catahoula Lake, including those portions known locally as Round Prairie, Catfish Prairie, and Frazier's Arm. See State regulations for additional information.

Michigan

North Zone: The Upper Peninsula.

South Zone: That portion of the State south of a line beginning at the Wisconsin border in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and east and south along the south shore of, Stony Creek to Webster Road, east and south on Webster Road to Stony Lake Road, east on Stony Lake and Garfield Roads to Michigan Highway 20, east on Michigan 20 to U.S. Highway 10B.R. in the city of Midland, east on U.S. 10B.R. to U.S. 10, east on U.S. 10 and Michigan 25 to the Saginaw River, downstream along the thread of the Saginaw River to Saginaw Bay, then on a northeasterly line, passing one-half mile north of the Corps of Engineers confined disposal island offshore of the Carn Power Plant, to a point one mile north of the Charity islands, then continuing northeasterly to the Ontario border in Lake Huron.

Middle Zone: The remainder of Michigan.

Missouri

North Zone: That portion of Missouri north of a line running west from the Illinois border along Interstate Highway 70 to U.S. Highway 54, south along U.S. 54 to U.S. 50, then west along U.S. 50 to the Kansas border.

South Zone: That portion of Missouri south of a line running west from the Illinois border along Missouri Highway 34 to Interstate Highway 55; south along I–55 to U.S. Highway 62, west along U.S. 62 to Missouri 53, north along Missouri 53 to Missouri 51, north along Missouri 51 to U.S. 60, west along U.S. 60 to Missouri 21, north along Missouri 21 to Missouri 72, west along Missouri 72 to Missouri 32, west along Missouri 32 to U.S. 65, north along U.S. 65 to U.S. 54, west along U.S. 54 to Missouri 32, south along Missouri 32 to Missouri 97, south along Missouri 97 to Dade County NN, west along Dade County NN to Missouri 37, west along Missouri 37 to Jasper County N, west along Jasper County N to Jasper County M, west along Jasper County M to the Kansas border.

Middle Zone: The remainder of Missouri.

Ohio

North Zone: The Counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking (excluding the Buckeye Lake Area), Muskingum, Guernsey, Harrison and Jefferson and all counties north thereof.

Pymatuning Area: Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 (known as Woodward Road), on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Ohio River Zone: The Counties of Hamilton, Clermont, Brown, Adams, Scioto, Lawrence, Gallia and Meigs.

South Zone: That portion of the State between the North and Ohio River Zone boundaries, including the Buckeye Lake Area in Licking County bounded on the west by State Highway 37, on the north by U.S. Highway 40, and on the east by State 13.

Tennessee

Reelfoot Zone: All or portions of Lake and Obion Counties.

State Zone: The remainder of Tennessee.

Wisconsin

North Zone: That portion of the State north of a line extending northerly from the Minnesota border along the center line of the Chippewa River to State Highway 35, east along State 35 to State 25, north along State 25 to U.S. Highway 10, east along U.S. 10 to its junction with the Manitowoc Harbor in the city of Manitowoc, then easterly to the eastern State boundary in Lake Michigan.

South Zone: The remainder of Wisconsin.

Central Flyway

Kansas

High Plains: That area west of U.S. 283.

Low Plains: That area east of U.S. 283.

Montana (Central Flyway Portion)

Zone 1: The Counties of Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, and Yellowstone.

Zone 2: The Counties of Big Horn, Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure, and Wibaux.

Nebraska

High Plains: West of Highways U.S. 183 and U.S. 20 from the northern State line to Ainsworth, NE 7 and NE 91 to Dunning, NE 2 to Merna, NE 92 to Arnold, NE 40 and NE 47 through Gothenburg to NE 23, NE 23 to Elwood, and U.S. 283 to the southern State line.

Low Plains: East of the High Plains boundary.

Zone 1: Those portions of Burt, Dakota, and Thurston Counties north and east of a line starting on NE 51 on the Iowa border to U.S. 75, north on U.S. 75 to U.S. 20, west on U.S. 20 to NE 12; west on NE 12 to the Boyd County line; to include those portions of Cedar, Dakota, Dixon, and Knox Counties north of NE 12; all of Boyd County; Keya Paha County east of U.S. 183. Where the Niobrara River forms the southern boundary of Keya Paha and Boyd Counties, both banks of the river shall be included in Zone 1.

Zone 2: The area bounded by designated highways and political boundaries starting on NE 2 at the State line near Nebraska City; west to U.S. 75; north to U.S. 34; west to NE 63; north and west to U.S. 77; north to NE 92; west to U.S. 81; south to NE 66; west to NE 14; south to U.S. 34; west to NE 2; south to I–80; west to U.S. 34; west to U.S. 136; east on U.S. 136 to NE 10; south to the State line; west to U.S. 283; north to NE 23; west to NE 47; north to U.S. 30; east to NE 14; north to NE 52; northwesterly to NE 91; west to U.S. 281, north to NE 91 in Wheeler County; west to U.S. 183; north to northerly boundary of Loup County; east along the north boundaries of Loup, Garfield, and Wheeler Counties; south along the east Wheeler County line to NE 70; east on NE 70 from Wheeler County to NE 14; south to NE 39; southeast to NE 22; east to U.S. 81; southeast to U.S. 30; east to the State line; and south and west along the State line to the point of beginning.

Zone 3: The area, excluding Zone 1, north of Zone 2.

Zone 4: The area south of Zone 2.

New Mexico (Central Flyway Portion)

North Zone: The Central-Flyway portion of New Mexico north of I–40 and U.S. 54.

South Zone: The remainder of the Central-Flyway portion of New Mexico.

North Dakota

High Plains: That portion of North Dakota west of a line extending north from the South Dakota border on U.S. 83 and I–94 to ND 41, north to ND 53, west to U.S. 83, north to ND 23, west to ND 8, north to U.S. 2, west to U.S. 85, north to the Canadian border.

Low Plains: The remainder of North Dakota.

Oklahoma

High Plains: Beaver, Cimarron, and Texas Counties.

Low Plains

Zone 1: That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I–40, I–40 to U.S. 177, U.S. 177 to OK 33, OK 33 to I–35, I–35 to U.S. 60, U.S.

60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Kansas border.

Zone 2: The remainder of the Low Plains portion of Oklahoma.

South Dakota

High Plains: West of highways and political boundaries starting at the State line north of Herreid; U.S. 83 and U.S. 14 to Blunt, Blunt-Canning Road to SD 34, a line across the Missouri River to the northwestern corner of the Lower Brule Indian Reservation, the Reservation Boundary and Lyman County Road through Presho to I–90, and U.S. 183 to the southern State line.

Low Plains

North Zone: That portion of northeastern South Dakota bounded by the following highways: starting at the North Dakota border, U.S. 83 south to U.S. 212, U.S. 212 east to I–29, I–29 north to SD 15, SD 15 east to Hartford Beach, due east of Hartford Beach to the Minnesota border.

South Zone: Charles Mix County south of SD 44 to the Douglas County line, south on SD 50 to Geddes, East on Geddes Highway to U.S. 281, south on U.S. 281 and U.S. 18 to SD 50, south and east on SD 50 to the Bon Homme County line, the Counties of Bon Homme, Yankton, and Clay south of SD 50, and Union County south and west of SD 50 and I–29.

Middle Zone: The remainder of the Low Plains portion of South Dakota.

Texas

High Plains: West of highways U.S. 183 from the northern State line to Vernon, U.S. 283 to Albany, TX 6 and TX 351 to Abilene, U.S. 277 to Del Rio, and the Del Rio International Toll Bridge access road.

Low Plains: The remainder of Texas.

Pacific Flyway

Arizona—Game Management Units (GMU) as follows:

South Zone: Those portions of GMUs 6 and 8 in Yavapai County, and GMUs 11, 12B, 13B, and 14–45.

North Zone: GMUs 1–5, those portions of GMUs 6 and 8 within Coconino County, and GMUs 7, 9, 10, 12A, and 13A.

California

Northeastern Zone: That portion of the State east and north of a line beginning at the Oregon border; south and west along the Klamath River to the mouth of Shovel Creek; south along Shovel Creek to Forest Service Road 46N10; south and east along FS 46N10 to FS 45N22; west and south along FS 45N22 to U.S. 97 at Grass Lake Summit; south and west along U.S. 97 to I–5 at the town of Weed; south along I–5 to CA 89; east and south along CA 89 to the junction with CA 49; east and north on CA 49 to CA 70; east on CA 70 to U.S. 395; south and east on U.S. 395 to the Nevada border.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as "Aqueduct Road" in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the "Desert Center to Rice Road" to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east seven miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Idaho

Zone 1: Includes all lands and waters within the Fort Hall Indian Reservation, including private inholdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; and Power County east of ID 37 and ID 39.

Zone 2: Includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of ID 75, south and east of U.S. 93, and between ID 75 and U.S. 93 north of U.S. 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou except the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties.

Zone 3: Ada includes the Counties of; Blaine between ID 75 and U.S. 93 south of U.S. 20 and that additional area between ID 75 and U.S. 93 north of U.S. 20 within the Silver Creek drainage; Boise; Canyon; Cassia except that portion within the Minidoka National Wildlife Refuge; Elmore except the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of ID 37 and ID 39 except that portion within the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties.

Nevada

Clark County Zone: All of Clark County.

Remainder-of-the-State Zone: The remainder of Nevada.

Oregon

Zone 1: Statewide, except Deschutes, Klamath, and Lake Counties.

Columbia Basin Mallard Management Unit: Gilliam, Morrow, and Umatilla Counties.

Zone 2: Deschutes, Klamath, and Lake Counties.

Utah

Zone 1: All of Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Utah, Wasatch, and Weber Counties and that part of Toole County north of I–80.

Zone 2: The remainder of Utah.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Columbia Basin Mallard Management Unit: Same as East Zone.

West Zone: All areas to the west of the East Zone.

Geese

Atlantic Flyway

Connecticut

Same zones as for ducks.

Georgia

Special Area for Canada Geese: The Counties of Baldwin, Hancock, Harris, Jones, McDuffie, Meriwether, Monroe, Richmond, Upson, Warren, and all Counties north thereof; and Decatur and Seminole Counties and all of Lake Seminole within the State of Georgia.

Maryland

Early-Season Canada Goose Area: Counties of Garret, Allegany, Washington, Frederick, Carroll, Harford, Baltimore, Howard, Montgomery, Prince George's, Anne Arundel, Calvert, Charles, and St. Mary's.

Massachusetts
Same zones as for ducks.
New Hampshire
Same zones as for ducks.
New Jersey
Early-Season Canada Goose Area: That portion of New Jersey within a continuous line that runs east along the New York State boundary line to the Hudson River; then south along the New York State boundary to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Parkway to its intersection with Route 70; then west on Route 70 to its intersection with Route 206; then south on Route 206 to its intersection with Route 54; then south on Route 54 to its intersection with Route 40; then west on Route 40 to its intersection with the New Jersey Turnpike; then south on the Turnpike to the Delaware State boundary line; then north on the Delaware State boundary line to its intersection with the Pennsylvania State boundary; then north on the Pennsylvania boundary in the Delaware River to its intersection with the New York State boundary.
New York
Same zones as for ducks, but in addition:
Early-Season Canada Goose Areas
Northern Area: All or portions of St. Lawrence County; see State hunting regulations for area descriptions.
Western Area: Counties of Erie, Cattaraugus, Chautauqua, Niagara, Orleans, and Genesee, and portions of Wyoming, Livingston, Allegany and Steuben Counties.
Southeastern Area: All of Rockland, Westchester, Orange, Putnam, Dutchess, Columbia, and Rensselaer Counties, and portions of Sullivan, Delaware, Ulster, Greene, Albany, Schenectady, Saratoga, Warren, and Washington Counties.
North Carolina
Canada Geese
East Zone: That portion of North Carolina east of I–95.
West Zone: That portion of North Carolina west of I–95.
Early-season Canada Goose Area: That portion of the State west of I–95; see State hunting regulations for area descriptions.
Pennsylvania
Erie, Mercer, and Butler Counties: All of Erie, Mercer, and Butler Counties.
North Zone: That portion of the State north of a line extending east from the Ohio border along I–80 to U.S. 220, U.S. 220 to I–180, I–180 to I–80, and I–80 to the Delaware River.
South Zone: The remaining portion of Pennsylvania.
Northwestern Early-Season Goose Area: Butler, Crawford, Erie, and Mercer Counties.
Southeastern Early-Season Goose Area: Berks, Bucks, Chester, Delaware, Lehigh, and Montgomery Counties.
Susquehanna/Juniata—See State regulations for detailed description.
South Carolina
Canada Goose Area: The Central Piedmont, Western Piedmont, and Mountain Hunt Units. These designated areas include: Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York Counties.
Virginia
Back Bay Area
Defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake east of U.S. 17 and I–64.
Defined for white geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Binson Inlet Lake (formerly known as Lake Tecumseh) and Red Wing Lake and the marshes adjacent thereto.
Early-Season Canada Goose Area: Counties of Albemarle, Caroline, Charles City, Culpeper, Fairfax, Fauquier, Fluvanna, Goochland, Greene, Hanover, Henrico, James City, Loudoun, Louisa, Madison, New Kent, Orange, Prince William, Rappahannock, Spotsylvania, Stafford, and York.
West Virginia
Same zones as for ducks.

Mississippi Flyway

Alabama
Same zones as for ducks, but in addition:
SJBP Zone: That portion of Morgan County east of U.S. Highway 31, north of State Highway 36, and west of U.S. 231; that portion of Limestone County south of U.S. 72; and that portion of Madison County south of Swancott Road and west of Triana Road.
Arkansas
East Zone: Arkansas, Ashley, Chicot, Clay, Craighead, Crittenden, Cross, Desha, Drew, Greene, Independence, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, White, and Woodruff Counties.
West Zone: Baxter, Benton, Boone, Carroll, Cleburne, Conway, Crawford, Faulkner, Franklin, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searcy, Sharp, Stone, Van Buren, and Washington Counties, and those portions of Logan, Perry, Sebastian, and Yell Counties lying north of a line extending east from the Oklahoma border along State Highway 10 to Perry, south on State 9 to State 60, then east on State 60 to the Faulkner County line.
Illinois
Same zones as for ducks but in addition:
Northeastern Zone: Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties.
Central Zone
Fulton-Knox Zone: Knox County and, in Fulton County, the Townships of Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, and Putnam, and that portion of Banner Township bounded on the north by Illinois Highway 9 and on the east by U.S. Highway 24.
South Zone
Southern Illinois Quota Zone: Alexander, Jackson, Union, and Williamson Counties.
Rend Lake Quota Zone: Franklin and Jefferson Counties.
Indiana
Same zones as for ducks, but in addition:
Early-season Canada Goose Area: Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, LaGrange, Noble, Steuben, Wabash, Wells, and Whitley Counties.
SJBP Area: Jasper, LaGrange, Lake, LaPorte, Newton, Porter, Pulaski, Starke, and Steuben Counties.
Iowa
Same zones as for ducks.
Kentucky
Western Zone: That portion of the state west of a line beginning at the Tennessee border at Fulton and extending north along the Purchase Parkway to Interstate Highway 24, east along I–24 to U.S. Highway 641, north along U.S. 641 to U.S. 60, northeast along U.S. 60 to the Henderson County line, then south, east, and northerly along the Henderson County line to the Indiana border.
Ballard Reporting Area: That area encompassed by a line beginning at the northwest city limits of Wickliffe in Ballard County and extending westward to the middle of the Mississippi River, north along the Mississippi River and along the low-water mark of the Ohio River on the Illinois shore to the Ballard-McCracken County line, south along the county line to Kentucky Highway 358, south along Kentucky 358 to U.S. Highway 60 at LaCenter; then southwest along U.S. 60 to the northeast city limits of Wickliffe.

Henderson-Union Reporting Area: Henderson County and that portion of Union County within the Western Zone.

Pennyroyal/Coalfield Zone: That portion of the state between the Western Zone and a line described as follows: From the Indiana border south along U.S. Highway 231 to the Green River Parkway, southeast along the Green River Parkway to Interstate Highway 65, then south along I–65 to the Tennessee border.

Louisiana

Southwest Zone: That portion of the State encompassed by a line extending east from the Texas border along Louisiana Highway 12 to Ragley, east along U.S. Highway 190 to Interstate Highway 49 near Opelousas, south along I–49 to U.S. 167 near Lafayette, south along U.S. 167 to Louisiana 82 at Abbeville, south and west along Louisiana 82 to the Intercoastal Waterway at Forked Island, westerly along the Intercoastal Waterway to the Calcasieu Ship Channel, south along the west side of the Calcasieu Ship Channel to Louisiana 82 at Cameron, westerly along Louisiana 82 to the Texas border. All open waters of Lake Arthur and the Mermentau River from the Louisiana 14 bridge southward are closed.

Michigan

Same zones as for ducks but in addition:

South Zone

Tuscola/Huron Goose Management Unit (GMU): Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bayport Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly 1/2 mile along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU: That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Southern Michigan GMU: That portion of the State, including the Great Lakes and interconnecting waterways and excluding the Allegan County GMU, south of a line beginning at the Ontario border at the Bluewater Bridge in the city of Port Huron and extending westerly and southerly along Interstate Highway 94 to I–69, westerly along I–69 to Michigan Highway 21, westerly along Michigan 21 to I–96, northerly along I–96 to I–196, westerly along I–196 to Lake Michigan Drive (M–45) in Grand Rapids, westerly along Lake Michigan Drive to the Lake Michigan shore, then directly west from the end of Lake Michigan Drive to the Wisconsin border.

Early Canada Goose Seasons:

Lower Peninsula: All areas except Huron, Saginaw, and Tuscola Counties and the Allegan State Game Area in Allegan County.

Upper Peninsula: That area encompassed by a line beginning at the Michigan/Wisconsin border in Green Bay and extending north through the center of Little Bay De Noc and the center of White Fish River to U.S. Highway 2, east along U.S. 2 to Interstate Highway 75, north along I–75 to State Highway 28, west along State 28 to State 221, north along State 221 to Brimley, then north to the Ontario border.

Minnesota

West Zone: That portion of the state encompassed by a line beginning at the junction of U.S. Highway 71 and the Iowa border, then north along U.S. 71 to Interstate Highway 94, then north and west along I–94 to the North Dakota border.

West Central Zone: That area encompassed by a line beginning at the intersection of State Trunk Highway (STH) 29 and U.S. Highway 212 and extending west along U.S. 212 to U.S. 59, south along U.S. 59 to STH 67, west along STH 67 to U.S. 75, north along U.S. 75 to County State Aid Highway (CSAH) 30 in Lac qui Parle County, west along CSAH 30 to County Road 70 in Lac qui Parle County, west along County 70 to the western boundary of the State, north along the western boundary of the State to a point due south of the intersection of STH 7 and CSAH 7 in Big Stone County, and continuing due north to said intersection, then north along CSAH 7 to CSAH 6 in Big Stone County, east along CSAH 6 to CSAH 21 in Big Stone County, south along CSAH 21 to CSAH 10 in Big Stone County, east along CSAH 10 to CSAH 22 in Swift County, east along CSAH 22 to CSAH 5 in Swift County, south along CSAH 5 to U.S. 12, east along U.S. 12 to CSAH 17 in Swift County, south along CSAH 17 to CSAH 9 in Chippewa County, south along CSAH 9 to STH 40, east along STH 40 to STH 29, then south along STH 29 to the point of beginning.

Lac qui Parle Zone: That area encompassed by a line beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27 in Lac qui Parle County and extending north along CSAH 27 to CSAH 20 in Lac qui Parle County, west along CSAH 20 to State Trunk Highway (STH) 40, north along STH 40 to STH 119, north along STH 119 to CSAH 34 in Lac qui Parle County, west along CSAH 34 to CSAH 19 in Lac qui Parle County, north and west along CSAH 19 to CSAH 38 in Lac qui Parle County, west along CSAH 38 to U.S. 75, north along U.S. 75 to STH 7, east along STH 7 to CSAH 6 in Swift County, east along CSAH 6 to County Road 65 in Swift County, south along County 65 to County 34 in Chippewa County, south along County 34 to CSAH 12 in Chippewa County, east along CSAH 12 to CSAH 9 in Chippewa County, south along CSAH 9 to STH 7, southeast along STH 7 to Montevideo and along the municipal boundary of Montevideo to U.S. 212; then west along U.S. 212 to the point of beginning.

Northwest Zone: That portion of the state encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Southeast Zone: The Counties of Anoka, Carver, Chisago, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Mower, Olmsted, Ramsey, Rice, Scott, Steele, Wabasha, Washington, and Winona.

Special Canada Goose Seasons

Fergus Falls/Alexandria Zone: That area encompassed by a line beginning at the intersection of State Trunk Highway

(STH) 55 and STH 28 and extending east along STH 28 to County State Aid Highway (CSAH) 33 in Pope County, north along CSAH 33 to CSAH 3 in Douglas County, north along CSAH 3 to CSAH 69 in Otter Tail County, north along CSAH 69 to CSAH 46 in Otter Tail County, east along CSAH 46 to the eastern boundary of Otter Tail County, north along the east boundary of Otter Tail County to CSAH 40 in Otter Tail County, west along CSAH 40 to CSAH 75 in Otter Tail County, north along CSAH 75 to STH 210, west along STH 210 to STH 108, north along STH 108 to CSAH 1 in Otter Tail County, west along CSAH 1 to CSAH 14 in Otter Tail County, north along CSAH 14 to CSAH 44 in Otter Tail County, west along CSAH 44 to CSAH 35 in Otter Tail County, north along CSAH 35 to STH 108, west along STH 108 to CSAH 19 in Wilkin County, south along CSAH 19 to STH 55, then southeast along STH 55 to the point of beginning.

Southwest Canada Goose Zone - All of Blue Earth, Cottonwood, Faribault, Jackson, LeSueur, Lincoln, Lyon, Martin, McLeod, Murray, Nicollet, Nobles, Sibley, Waseca, and Watonwan Counties; that portion of Brown County lying south and west of the following described line: beginning at the junction of U.S. Highway 14, and the east of Brown County line; thence west on U.S. Highway 14 to Cobden; thence due west one mile on U.S. Highway 14 and the township road to the Brown County line; thence due west 12 miles along the county line to the west Brown County line; that portion of Renville County east of State Trunk Highway 4 (STH); that portion of Meeker County south of U.S. Highway 12; in Scott County, the Townships of Belle Plaine, Blakeley, and Helena, including the municipalities located therein; and that portion of Carver County lying west, of the following described line: beginning at the northeast corner of San Francisco Township, thence west along the San Francisco Township line to the east boundary of Dahlgren Township, thence north on the Dahlgren Township line to U.S. Highway 212, thence west on U.S. Highway 212 to STH 284, thence north on STH 284 to County State Aid Highway (CSAH) 10, thence north and west on CSAH 10 to CSAH 30, thence north and west on CSAH 30 the STH 25, thence east and north on STH 25 to CSAH 10, thence north on CSAH 10 to the Carver County line.

Twin Cities Metro Zone: All of Hennepin and Ramsey Counties.

In Anoka County; the municipalities of Andover, Anoka, Blaine, Centerville, Circle Pines, Columbia Heights, Coon Rapids, Fridley, Hilltop, Lexington, Lino Lakes, Ramsey, and Spring Lake Park; that portion of Columbus Township lying south of County State Aid Highway (CSAH) 18; and all of the municipality of Ham Lake except that portion described as follows:

Beginning at the intersection of CSAH 18 and U.S. Highway 65, then east along CSAH 18 to the eastern boundary of Ham Lake, north along the eastern boundary of Ham Lake to the north boundary of Ham Lake, west along the north boundary of Ham Lake to U.S. 65, and south along U.S. 65 to the point of beginning.

In Carver County; the municipalities of Carver, Chanhassen, Chaska, and Victoria; the Townships of Chaska and Laketown; and those portions of the municipalities of Cologne, Mayer, Waconia, and Watertown and the Townships of Benton, Dahlgren, Waconia, and Watertown lying north and east of the following described line:

Beginning on U.S. 212 at the southwest corner of the municipality of Chaska, then west along U.S. 212 to State Trunk Highway (STH) 284, north along STH 284 to CSAH 10, north and west along CSAH 10 to CSAH 30, north and west along CSAH 30 to STH 25, west and north along STH 25 to CSAH 10, north along CSAH 10 to the Carver County Line, and east along the Carver County Line to the Hennepin County Line.

In Dakota County; the municipalities of Apple Valley, Burnsville, Eagan, Farmington, Hastings, Inver Grove Heights, Lakeville, Lilydale, Mendota, Mendota Heights, Rosemont, South St. Paul, Sunfish Lake, and West St. Paul; and the Township of Nininger.

In Scott County; the municipalities of Jordan, Prior Lake, Savage and Shakopee; and the Townships of Credit River, Jackson, Louisville, St. Lawrence, Sand Creek, and Spring Lake.

In Washington County; the municipalities of Afton, Bayport, Birchwood, Cottage Grove, Dellwood, Forest Lake, Hastings, Hugo, Lake Elmo, Lakeland, Lakeland Shores, Landfall, Mahtomedi, Marine, Newport, Oakdale, Oak Park Heights, Pine Springs, St. Croix Beach, St. Mary's Point, St. Paul Park, Stillwater, White Bear Lake, Willernie, and Woodbury; the Townships of Baytown, Denmark, Grant, Gray Cloud Island, May, Stillwater, and West Lakeland; that portion of Forest Lake Township lying south of STH 97 and CSAH 2; and those portions of New Scandia Township lying south of STH 97 and a line due east from the intersection of STH 97 and STH 95 to the eastern border of the State.

Missouri

Same zones as for ducks but in addition:

North Zone

Swan Lake Zone: That area bounded by U.S. Highway 36 on the north, Missouri Highway 5 on the east, Missouri 240 and U.S. 65 on the south, and U.S. 65 on the west.

Central Zone: Boone County and that portion of Callaway County west of U.S. Highway 54.

Middle Zone

Schell-Osage Zone: That portion of the State encompassed by a line extending east from the Kansas border along U.S. Highway 54 to Missouri Highway 13, north along Missouri 13 to Missouri 7, west along Missouri 7 to U.S. 71, north along U.S. 71 to Missouri 2, then west along Missouri 2 to the Kansas border.

Ohio

Same zones as for ducks but in addition:

North Zone

Pymatuning Area: Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 (known as Woodward Road), on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Northeast Early-Season Canada Goose Zone: Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Summit, and Trumbull Counties.

Southwest Early-Season Canada Goose Zone: Allen, Auglaize, Butler, Champaign, Clark, Clermont, Clinton, Darke, Delaware, Fairfield, Fayette, Franklin, Greene, Hamilton, Hancock, Hardin, Licking, Logan, Madison, Marion, Mercer, Miami, Morrow, Montgomery, Preble, Pickaway, Putnum, Ross, Shelby, Union, and Warren Counties.

Lake Erie SJBP Zone: That portion of the state encompassed by a line extending south from the Michigan border along Interstate Highway 75 to I–280, south along I–280 to I–80, and east along I–80 to the Pennsylvania border.

Tennessee

Southwest Zone: That portion of the State south of State Highways 20 and 104, and west of U.S. Highways 45 and 45W.

Northwest Zone: Lake, Obion and Weakley Counties and those portions of Gibson and Dyer Counties not included in the Southwest Tennessee Zone.

Kentucky/Barkley Lakes Zone: That portion of the State bounded on the west by the eastern boundaries of the Northwest and Southwest Zones and on the east by State Highway 13 from the Alabama border to Clarksville and U.S. Highway 79 from Clarksville to the Kentucky border.

Wisconsin

Horicon Zone: That area encompassed by a line beginning at the intersection of State Highway 21 and the Fox River in Winnebago County and extending westerly along State 21 to the west boundary of Winnebago County, southerly along the west boundary of Winnebago County to the north boundary of Green Lake County, westerly along the north boundaries of Green Lake and Marquette Counties to State 22, southerly along State 22 to State 33, westerly along State 33 to U.S. Highway 16, westerly along U.S. 16 to Weyh Road, southerly along Weyh Road to County Highway O, southerly along County O to the west boundary of Section 31, southerly along the west boundary of Section 31 to the Sauk/Columbia County boundary, southerly along the Sauk/Columbia County boundary to State 33, easterly along State 33 to Interstate Highway 90/94, southerly along I–90/94 to State 60, easterly along State 60 to State 83, northerly along State 83 to State 175, northerly along State 175 to State 33, easterly along State 33 to U.S. Highway 45, northerly along U.S. 45 to the east shore of the Fond Du Lac River, northerly along the east shore of the Fond Du Lac River to Lake Winnebago, northerly along the western shoreline of Lake Winnebago to the Fox River, then westerly along the Fox River to State 21.

Collins Zone: That area encompassed by a line beginning at the intersection of Hilltop Road and Collins Marsh Road in Manitowoc County and extending westerly along Hilltop Road to Humpty Dumpty Road, southerly along Humpty Dumpty Road to Poplar Grove Road, easterly and southerly along Poplar Grove Road to County Highway JJ, southeasterly along County JJ to Collins Road, southerly along Collins Road to the Manitowoc River, southeasterly along the Manitowoc River to Quarry Road, northerly along Quarry Road to Einberger Road, northerly along Einberger Road to Moschel Road, westerly along Moschel Road to Collins Marsh Road, northerly along Collins Marsh Road to Hilltop Road.

Exterior Zone: That portion of the State not included in the Horicon or Collins Zones.

Mississippi River Subzone: That area encompassed by a line beginning at the intersection of the Burlington Northern Railway and the Illinois border in Grant County and extending northerly along the Burlington Northern Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota border.

Early-Season Goose Subzone: That area encompassed by a line beginning at Lake Michigan in Port Washington and extending west along State Highway 33 to State 175, south along State 175 to State 83, south along State 83 to State 36, southwest along State 36 to State 120, south along State 120 to U.S. Highway 12, then southeast along U.S. 12 to the Illinois border.

Central Flyway

Colorado (Central Flyway Portion)

Northern Front Range Area: All lands in Adams, Boulder, Clear Creek, Denver, Gilpin, Jefferson, Larimer, and Weld Counties west of I–25 from the Wyoming border south to I–70; west on I–70 to the Continental Divide; north along the Continental Divide to the Jackson-Larimer County Line to the Wyoming border.

South Park Area: Chaffee, Custer, Fremont, Lake, Park, and Teller Counties.

San Luis Valley Area: Alamosa, Conejos, Costilla, and Rio Grande Counties and the portion of Saguache County east of the Continental Divide.

North Park Area: Jackson County.

Arkansas Valley Area: Baca, Bent, Crowley, Kiowa, Otero, and Prowers Counties.

Remainder: Remainder of the Central-Flyway portion of Colorado.

Kansas

Light Geese

Unit 1: That area east of U.S. 75 and north of I–70.

Unit 2: The remainder of Kansas.

Dark Geese

Marais des Cygne Valley Unit: The area is bounded by the Missouri border to KS 68, KS 68 to U.S–169, U.S. 169 to KS 7, KS 7 to KS 31, KS 31 to U.S. 69, U.S. 69 to KS 239, KS 239 to the Missouri border.

South Flint Hills Unit: The area is bounded by Highways U.S. 50 to KS 57, KS 57 to U.S. 75, U.S. 75 to KS 39, KS 39 to KS 96, KS 96 to U.S. 77, U.S. 77 to U.S. 50.

Central Flint Hills Unit: That area southwest of Topeka bounded by Highways U.S. 75 to I–35, I–35 to U.S. 50, U.S. 50 to U.S. 77, U.S. 77 to I–70, I–70 to U.S. 75.

Southeast Unit: That area of southeast Kansas bounded by the Missouri border to U.S. 160, U.S. 160 to U.S. 69, U.S. 69 to KS 39, KS 39 to U.S. 169, U.S. 169 to the Oklahoma border, and the Oklahoma border to the Missouri border.

Montana (Central Flyway Portion)

Sheridan County: Includes all of Sheridan County.

Remainder: Includes the remainder of the Central-Flyway portion of Montana.

Nebraska

North Unit: Keya Paha County east of U.S. 183 and all of Boyd County, including the boundary waters of the Niobrara River, all of Knox County and that portion of Cedar County west of U.S. 81.

East Unit: The area east of a line beginning at U.S. 183 at the northern State line; south to NE 2; east to U.S. 281; south to the southern State line, excluding the North Unit.

West Unit: All of Nebraska west of the East Unit.

New Mexico (Central Flyway Portion)

Light Geese

Middle Rio Grande Valley Unit: The Central-Flyway portions of Socorro and Valencia Counties.

Remainder: The remainder of the Central-Flyway portion of New Mexico.

North Dakota

Dark Geese

Missouri River Zone: That area encompassed by a line extending from the South Dakota border north on U.S. 83 and I–94 to ND 41, north to ND 53, west to U.S. 83, north to ND 23, west to ND 37, south to ND 1804, south approximately 9 miles to Elbowoods Bay on Lake Sakakawea, south and west across the lake to ND 8, south to ND 200, east to ND 31, south to ND 25, south to I–94, east to ND 6, south to the South Dakota border, and east to the point of origin.

Statewide: All of North Dakota.

South Dakota

Dark Geese

Missouri River Unit: The Counties of Bon Homme, Brule, Buffalo, Campbell, Charles Mix, Corson (east of SD 65), Dewey, Gregory, Haakon (north of Kirley Road and east of Plum Creek), Hughes, Hyde, Lyman (north and east of I–90 and U.S. 183), Potter, Stanley, Sully, Tripp (east of U.S. 183), Walworth, and Yankton (west of U.S. 81).

Remainder: The remainder of South Dakota.

Texas

West Unit: West of U.S. 81.

East Unit: East of U.S. 81.

Wyoming (Central Flyway Portion)

Area 1: Albany, Campbell, Carbon, Crook, Johnson, Laramie, Niobrara, Sheridan, and Weston Counties east of the Continental Divide.

Area 2: The Counties of Converse and Natrona.

Area 3: The Counties of Bighorn, Fremont, Hot Springs, Park, and Washakie.

Area 4: Goshen County.

Area 5: Platte County.

Pacific Flyway

Arizona

GMU 22 and 23: Game Management Units 22 and 23.

Remainder of State: The remainder of Arizona.

California

Northeastern Zone: That portion of the State east and north of a line beginning at the Oregon border; south and west along the Klamath River to the mouth of Shovel Creek; south along Shovel Creek to Forest Service Road 46N10; south and east along FS 46N10 to FS 45N22; west and south along FS 45N22 to U.S. 97 at Grass Lake Summit; south and west along U.S. 97 to I–5 at the town of Weed; south along I–5 to CA 89; east and south along CA 89 to the junction with CA 49; east and north on CA 49 to CA 70; east on CA 70 to U.S. 395; south and east on U.S. 395 to the Nevada border.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as "Aqueduct Road" in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the "Desert Center to Rice Road" to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east seven miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Balance-of-the-State Zone: The remainder of California not included in the Northeastern, Southern, and the Colorado River Zones.

Del Norte and Humboldt Area: The Counties of Del Norte and Humboldt.

Sacramento Valley Area: That area bounded by a line beginning at Willows in Glenn County proceeding south on I–5 to Hahn Road north of Arbuckle in Colusa County; easterly on Hahn Road and the Grimes Arbuckle Road to Grimes on the Sacramento River; southerly on the Sacramento River to the Tisdale Bypass to O'Banion Road; easterly on O'Banion Road to CA 99; northerly on CA 99 to the Gridley-Colusa Highway in Gridley in Butte County; westerly on the Gridley-Colusa Highway to the River Road; northerly on the River Road to the Princeton Ferry; westerly across the Sacramento River to CA 45; northerly on CA 45 to CA 162; northerly on CA 45–162 to Glenn; westerly on CA 162 to the point of beginning in Willows.

Western Canada Goose Hunt Area: That portion of the above described Sacramento Valley Area lying east of a line formed by Butte Creek from the Gridley-Colusa Highway south to the Cherokee Canal; easterly along the Cherokee Canal and North Butte Road to West Butte Road; southerly on West Butte Road to Pass Road; easterly on Pass Road to West Butte Road; southerly on West Butte Road to CA 20; and westerly along CA 20 to the Sacramento River.

San Joaquin Valley Area: That area bounded by a line beginning at Modesto in Stanislaus County proceeding west on CA 132 to I–5; southerly on I–5 to CA 152 in Merced County; easterly on CA 152 to CA 165; northerly on CA 165 to CA 99 at Merced; northerly and westerly on CA 99 to the point of beginning.

Colorado (Pacific Flyway Portion)

Browns Park Area: The Browns Park portion of Moffatt County.

Delta/Montrose Area: All of Delta and Montrose Counties.

Gunnison/Saguache Area: Gunnison County and that portion of Saguache County west of the Continental Divide.

Dolores/Montezuma Area: All of Dolores and Montezuma Counties.

State Area: The remainder of the Pacific-Flyway Portion of Colorado.

Idaho

Zone 1: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties.

Zone 2: The Counties of Ada; Adams; Boise; Canyon; those portions of Elmore north and east of I–84, and south and west of I–84, west of ID 51, except the Camas Creek drainage; Gem; Owyhee west of ID 51; Payette; Valley; and Washington.

Zone 3: The Counties of Blaine; Camas; Cassia except the Minidoka National Wildlife Refuge; those portions of Elmore south of I–84 east of ID 51, and within the Camas Creek drainage; Gooding; Jerome; Lincoln; Minidoka; Owyhee east of ID 51; and Twin Falls.

Zone 4: The Counties of Bear Lake; Bingham within the Blackfoot Reservoir drainage; Bonneville, Butte; Caribou except the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Custer; Franklin; Fremont; Jefferson; Lemhi; Madison; Oneida; Power west of ID 37 and ID 39; and Teton.

Zone 5: All lands and waters within the Fort Hall Indian Reservation, including private inholdings; Bannock County; Bingham County, except that portion within the Blackfoot Reservoir drainage; and Power County east of ID 37 and ID 39.

In addition, goose frameworks are set by the following geographical areas:

Northern Unit: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties.

Southwestern Unit: That area west of the line formed by U.S. 93 north from the Nevada border to Shoshone, northerly on ID 75 (formerly U.S. 93) to Challis, northerly on U.S. 93 to the Montana border (except the Northern Unit and except Custer and Lemhi Counties).

Southeastern Unit: That area east of the line formed by U.S. 93 north from the Nevada border to Shoshone, northerly on ID 75 (formerly U.S. 93) to Challis, northerly on U.S. 93 to the Montana border, including all of Custer and Lemhi Counties.

Montana (Pacific Flyway Portion)

East of the Divide Zone: The Pacific-Flyway portion of the State located east of the Continental Divide.

West of the Divide Zone: The remainder of the Pacific-Flyway portion of Montana.

Nevada

Clark County Zone: Clark County.

Remainder-of-the-State Zone: The remainder of Nevada.

New Mexico (Pacific Flyway Portion)

North Zone: The Pacific-Flyway portion of New Mexico located north of I–40.

South Zone: The Pacific-Flyway portion of New Mexico located south of I–40.

Oregon

Western Zone: All counties west of the summit of the Cascades, excluding Klamath and Hood River Counties.

Special Canada Goose Management Area: Those portions of Coos, Curry, Douglas, and Lane Counties west of U.S. 101; and that portion of western Oregon west and north of a line starting at the Columbia River at Portland, south on I–5 to OR 22 at Salem, east on OR 22 to the Stayton Cutoff, south on the Stayton Cutoff to Stayton and straight south to the Santiam River, west (downstream) along the north shore of the Santiam River to I–5, south on I–5 to OR 126 at Eugene, west on OR 126 to OR 36, north on OR 36 to Forest Road 5070 at Brickerville, west and south on Forest

Road 5070 to OR 126, west on OR 126 to the Pacific Coast.

Northwest Oregon Special Permit Goose Area: Includes Sauvie Island Wildlife Area, only in designated areas but excluding North Unit and Columbia River Beaches, private lands of Sauvie Island, and including Scappoose Flat and Deer Island, lower Columbia River Area, Ankeny National Wildlife Refuge, private lands adjacent to William L. Finley National Wildlife Refuge, and private lands adjacent to Baskett Slough National Wildlife Refuge.

Lower Columbia River Early-Season Canada Goose Zone: Those portions of Clatsop, Columbia, and Multnomah Counties within the following boundary: beginning at Portland, Oregon, at the south end of the Interstate 5 Bridge; south on I–5 to Highway 30; west on Highway 30 to the town of Svensen; south from Svensen to Youngs River Falls; due west from Youngs River Falls to the Pacific Ocean coastline; north along the coastline to a point where Clatsop Spit and the South Jetty meet; due north to the Oregon-Washington border; east and south along the Oregon-Washington border to the I–5 Bridge; south on the I–5 Bridge to the point of beginning.

Northwest Oregon Early-Season Canada Goose Zone: All of Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties; except for the Lower Columbia River Zone.

Eastern Zone: All counties east of the summit of the Cascades, including all of Klamath and Hood River Counties.

Columbia Basin Goose Area: Gilliam, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco Counties.

Malheur County Zone: All of Malheur County.

Lake, Klamath, and Harney Counties Zone: All of Klamath, Lake, and Harney Counties.

Utah

Washington County Zone: All of Washington County.

Remainder-of-the-State Zone: The remainder of Utah.

Early-Season Canada Goose Area: Cache County.

Washington

East Zone: All areas east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Columbia Basin Goose Area: Adams, Benton, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Counties and east of Satus Pass (U.S. 97) in Klickitat County.

West Zone: All areas west of the East Zone.

Lower Columbia River Area: Clark, Cowlitz, Pacific and Wahkiakum Counties.

Skagit Area: Island, Skagit, Snohomish, and Whatcom Counties.

Lower Columbia River Early-Season Canada Goose Zone: Beginning at the Washington-Oregon border on the I–5 Bridge near Vancouver, Washington; north on I–5 to Kelso; west on Highway 4 from Kelso to Highway 401; south and west on Highway 401 to Highway 101 at the Astoria-Megler Bridge; west on Highway 101 to Gray Drive in the City of Ilwaco; west on Gray Drive to Canby Road; southwest on Canby Road to the North Jetty; southwest on the North Jetty to its end; southeast to the Washington-Oregon border; upstream along the Washington-Oregon border to the point of origin.

Wyoming (Pacific Flyway Portion): See State Regulations.

Bear River Area: That portion of Lincoln County described in State regulations.

Salt River Area: That portion of Lincoln County described in State regulations.

Eden-Farson Area: Those portions of Sweetwater and Sublette Counties described in State regulations.

Swans

Central Flyway

South Dakota: Brown, Campbell, Clark, Codington, Deuel, Day, Edmunds, Faulk, Grant, Hamlin, Marshall, McPherson, Potter, Roberts, Spink, and Walworth.

Pacific Flyway

Montana (Pacific Flyway Portion)

Open Area: Cascade, Hill, Liberty, Pondera, Teton, and Toole Counties.

Nevada

Open Area: Churchill, Lyon, and Pershing Counties.

[FR Doc. 93–23467 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–55–F

50 CFR Part 20

RIN 1018–AA24

Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) is correcting errors made in the August 27, 1993, **Federal Register** (58 FR 45392) on early seasons and bag and possession limits for certain migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. Indiana erroneously selected the extended falconry season for ducks, mergansers, and coots in the North Zone to begin on September 26; and Iowa erroneously selected 3 more days than were allowed by Federal regulations for geese in the extended falconry season.

EFFECTIVE DATE: August 27, 1993.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240 (703) 358–1714.

SUPPLEMENTARY INFORMATION: In the **Federal Register** document published on August 27, on page 45404, under Indiana, the extended falconry dates for ducks, mergansers, and coots in the North Zone are corrected to read September 25 through September 30.

In the same document, on page 45404, under Iowa, the entry for the extended falconry season for geese is removed and the following will replace it:

* * * * *

Iowa

* * * * *

Light Geese	Sept. 1–Sept. 27.
Dark Geese	Sept. 1–Sept. 27.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 20, 1993.

Bruce Blanchard,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–23468 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–55–P

50 CFR Part 20

RIN 1018–AA24

Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands For the 1993–94 Late Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special late season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This is in response to tribal requests for Service recognition of their authority to regulate hunting under established guidelines. This rule is necessary to allow establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

EFFECTIVE DATE: This rule takes effect on September 25, 1993.

ADDRESSES: Comments received on the tribal proposals and special hunting regulations are available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, VA. Communications regarding the documents should be sent to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, 634 ARLSQ, 1849 C St., NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Keith A. Morehouse, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 634 ARLSQ, 1849 C St., NW., Washington, DC 20240 (703/358–1714).

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 13, 1993 **Federal Register** (58 FR 43191), the U. S. Fish and Wildlife Service (Service) proposed special migratory bird hunting regulations for the 1993–94 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for: (1) On-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the March 10–September 1 closed season mandated by the 1916 Convention on the Protection of Migratory Birds Between the U.S. and Great Britain (for Canada). Tribes that desired special hunting regulations in the 1993–94 hunting season were requested in the May 26, 1993, **Federal Register** (58 FR 30138) to submit a proposal that included details on: (1) Requested season dates and other regulations to be observed; (2) harvest anticipated under the requested regulations; (3) methods that will be employed to measure or monitor harvest; (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations. No action is required if a tribe wishes to observe the hunting regulations that are established by the State(s) in which an Indian reservation is located. The guidelines have been used successfully since the 1985–86 hunting season, and they were made final beginning with the 1988–89 hunting season (August 18, 1988; 53 FR 31612).

Although the August 13, 1993, proposed rule included generalized regulations for both early and late season hunting, this rulemaking addresses only the late season proposals. Early season hunting was addressed in the rulemaking published in the **Federal Register** on August 31, 1993 (58 FR 46057). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons are ordinarily those that begin in late-September or early-October, or later, each year and have a primary emphasis on waterfowl.

Also, in the August 13, 1993, proposed rule, the Service pointed out that duck hunting regulations likely would have to continue to be restrictive because of little overall improvement in duck population status from last year. Hunting regulations were restrictive last year for the same reason. Recently completed breeding population surveys indicate that both diver and dabbler numbers have declined significantly (−11 percent) from the low level of last year, and are down 18 percent from the long term average. This is reflected in the projected fall flight forecast of 59 million birds, some 3 million below the fall flight index of 62 million for 1992–93. Thus, the established frameworks are conservative and late season duck hunting regulations are restrictive again during the 1993–94 hunting season.

Tribal Proposals

For the 1993–94 migratory bird hunting season, the Service received requests from 12 tribes and/or Indian groups that followed the June 4, 1985, guidelines and are appropriate for rulemaking. Some of the proposals submitted by the tribes have both early and late season elements. However, as noted earlier, only those with late season proposals are included in this final rulemaking; 11 tribes have proposals with late seasons. Seven tribes are represented in the early season regulations.

There have been no tribal comments or revised proposals for the late seasons received since publication of the early season final rule. Other questions and/or comments regarding tribally proposed regulations, received earlier, were addressed in the early season final rule.

Great Lakes Indian Fish and Wildlife Commission

In a letter dated August 23, 1993, the State of Wisconsin, Department of Natural Resources (WIDNR), advised the Service that their July 16 position on the Great Lakes Indian Fish and Wildlife Commission's (GLIFWC) proposal for the 1993–94 waterfowl season for ceded lands remained unchanged. The major points of the July 16 WIDNR comment on the GLIFWC proposal were that: The Canada goose limit should remain at the level of last year; the length of other goose seasons and daily bag limits should be consistent with those offered the State in Federal frameworks; and the duck season should not be opened as early as September 15. Inasmuch as duck bag limits had been deferred by the GLIFWC, the WIDNR suggested that these should remain the same as in the 1992–93 season. In the August 23 letter, the WIDNR supplements earlier comments by stating that it cannot endorse the unlimited duck bag limit proposed by the GLIFWC, despite the recognition that the harvest by tribal members is small. The WIDNR states that this proposed "* * * bag limit would be inconsistent with the season recommendations of your [Service] office."

In an August 30, 1993, letter to the Service, the State of Michigan Department of Natural Resources (MIDNR), commented on the GLIFWC proposal. The MIDNR advised that the proposed rules for migratory bird hunting in the 1842 ceded area are consistent with State regulations, and they commented in support of maintaining the Canada goose limit (5 birds) as it was in the 1992–93 season. The State also supported the 20 coot and gallinule daily limit and for maintaining the daily Canada goose limit, season length and dates in the 1836 ceded area the same as those promulgated by the State. However, the MIDNR also expressed that it would be difficult for them to support a request for an unlimited duck bag limit within ceded areas in Michigan as was requested by the GLIFWC for the Minnesota and Wisconsin ceded areas, even though limitations are placed on certain important species.

The Service's response to these issues was covered in the August 31 **Federal Register** notice of the final rule for early season. Briefly, the Service response was that there is a concern not only with the last 3-year downward trend for the Mississippi Valley Population of Canada geese but also that the proposal conform to Service guidelines on seasons and limits, and reducing the Canada goose limit to 3 was an appropriate course of action at this time. The Service postion was stated as "* * * it was not prudent management to liberalize here in the face of more restrictive regulations elsewhere in the Flyway." Too, the Service approved the early, September 15 duck season beginning because it did meet the guidelines for approval of tribal seasons. The request for an unlimited duck bag limit was disapproved for the reasons that not only was this outside of Service guidelines but it is not consistent with sound wildlife conservation and management principles. The Service advised in the early season rule that the GLIFWC would be held to the 1992–93 bag limits "* * * until such time as the overall duck population situation improves and/or a biologically appropriate request for bag limit change can be entertained."

In summary, this rule amends § 20.110 of 50 CFR to make current for the late 1993–94 migratory bird hunting season the regulations that will apply on Federal Indian reservations, off-reservation trust lands and ceded lands. These regulations take into account the need to continue the reduced harvest of ducks.

Administrative Actions

NEPA Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). A supplement to the final environmental statement, the "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88–14)" was filed on June 9, 1988, and a notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). In addition, an August 1985 environmental assessment titled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543), provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" (and) shall "insure that any action authorized, funded or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *." Consequently, the Service initiated section 7 consultation under the Endangered Species Act for the 1993–94 migratory bird hunting season regulations, which includes those that apply on Federal Indian reservations and ceded lands. The Service's biological opinions resulting from its consultation under section 7 of the Endangered Species Act may be inspected by the public in either the Division of Endangered Species or the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634—Arlington Square Building, 4401 N. Fairfax Drive, Arlington, VA, or write Director/MBMO, U.S. Fish and Wildlife Service, 634 ARLSQ, 1849 C St., NW., Washington, DC 20240. Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES**.

On August 30, 1993, the Division of Endangered Species concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats. Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats.

Regulatory Flexibility Act, Executive Orders 12291, 12612, and 12630, the Civil Justice Reform Executive Order (Executive Order 12778) and the Paperwork Reduction Act

In the April 9, 1993 **Federal Register**, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) and Executive Order 12291, "Federal Regulation," of February 17, 1981. These included preparing a Determination of Effects and revising the Final Regulatory Impact Analysis (FRIA), and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291, and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. A Regulatory Flexibility Analysis (RFA), prepared as part of the FRIA, concluded that this rule would have significant effects on small entities. Information contained in that document stated that while the Service believes that its rules for migratory bird hunting are "major," and impact "small entities," particularly small businesses, it has been unable to locate information of the kind needed to complete its analysis of effects on small entities. The FRIA and RFA document the relationships between hunting regulations, and hunter numbers and hunter days, both of which have major economic implications. The Service concluded that the adoption of other regulatory options would have little impact upon hunter expenditures at the national-economy or small-entity levels. Unless migratory bird hunting regulations are established, the national economy stands to lose at least $1 billion annually. Most of this loss would be borne by small entities.

It has been determined that this rule will not involve the taking of any Constitutionally protected property rights, as defined in Executive Order 12630, and will not have any significant federalism effects, under Executive Order 12612. The Department of the Interior has certified to the Office of

Management and Budget that these regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. These determinations are detailed in the aforementioned documents which, with other documentation, are available on request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 634 ARLSQ, 1849 C St., NW., Washington, DC 20240. This rule does not contain any information collection requiring approval of the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Memorandum of Law

In the April 9 **Federal Register**, the Service stated that it planned to publish its Memorandum of Law for the 1993–94 migratory bird hunting regulations with its first final rulemaking. This has occurred with the "Final Frameworks for Early-Season Migratory Bird Hunting Regulations," and can be found in that document, published in the **Federal Register** on August 23, 1993 (58 FR 44576). The Department has determined that it has fulfilled requirements of section 4 of Executive Order 12291 and the Migratory Bird Treaty Act in developing the 1993–94 migratory bird hunting regulations; the regulations are adequately supported by the Service's records.

Authorship

The primary author of this final rule is Dr. Keith A. Morehouse, Office of Migratory Bird Management, working under the direction of Paul R. Schmidt, Chief.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its very nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed hunting regulations for certain tribes were published on August 13, 1993, the Service established the longest possible period for public comments. In doing this, the Service recognized that time would be of the essence. However, the comment period provided the maximum amount of time possible while ensuring that this final rule would be published before the late hunting season beginning on September 25, 1993.

Under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 *et seq.*), the Service prescribes final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds other than waterfowl.

Therefore, for the reasons set out above, the Service finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and this final rule will take effect on September 25, 1993.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, part 20, subchapter B, chapter I of title 50 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

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

Authority: Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*).

(Editorial Note: The following annual hunting regulations provided for by § 20.110 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.)

2. Section 20.110 is revised to read as follows:

§ 20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nonmembers)

Ducks.

Season Dates: Begin October 9, end November 14, 1993; then open December 11, 1993, close January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 4, which may include no more than 1 pintail. Also, the daily bag may not include more than 2 redheads or 2 canvasbacks, or 2 in the aggregate. The possession limit is twice the daily bag limit.

Geese.

Season Dates: Begin October 16, 1993, end January 16, 1994.

Daily Bag and Possession Limits: The daily bag limit is 5, with 5 in possession. The daily bag limit may not include more than 2 dark (Canada) geese and 3 white (snow, blue, Ross's) geese.

General Conditions: A valid Colorado River Indian Reservation hunting permit is required and must be in possession before taking any wildlife on tribal lands. Persons fourteen years and older are required to have a valid permit. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

(b) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nonmembers)

Ducks:

Season Dates: Begin October 16, end November 28, 1993.

Daily Bag and Possession Limits: The daily bag limit is 3, of which: no more than 2 may be mallards (of which only 1 may be a female mallard); only 1 may be a redhead; only 1 may be a pintail; only 2 may be wood ducks; and only 1 may be a hooded merganser. The possession limit is 6, the makeup of which may be no more than twice each of the above.

Dark Geese:

Canada, Brant and White-fronted Geese:

Season Dates: Begin October 9, 1993, end January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 1 Canada goose and 1 white-fronted goose (or brant) through October 30. Beginning on October 30, through the remainder of the season, the daily bag may include 2 Canada geese or 1 Canada goose and 1 white-fronted goose (or brant). The possession limit is twice what is provided for in the daily bag limit.

Light Geese:

Season Dates: Begin October 9, 1993, end January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 10, and the possession limit is 20.

General Conditions: The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and nontribal hunters will comply with basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

(c) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Ducks.

Michigan, 1842 Treaty Zone:
Season Dates: Begin October 2, end October 31, 1993.
Daily Bag Limit: The daily bag limit is 3.
Michigan, 1836 Treaty Zone:
Season Dates: North Zone, begin October 2 and end October 31, 1993; Middle Zone, begin October 9 and end November 7, 1993; South Zone, begin October 16 and end November 11, 1993, then begin November 26 and end November 28, 1993.
Daily Bag Limit: The daily bag limit is 3.
Mergansers.
Michigan, 1842 Treaty Zone:
Season Dates: Begin October 2, end October 31, 1993.
Daily Bag Limit: The daily bag limit is 5, including no more than 1 hooded merganser.
Michigan, 1836 Treaty Zone:
Season Dates: North Zone, begin October 2 and end October 31, 1993; Middle Zone, begin October 9 and end November 7, 1993; South Zone, begin October 16 and end November 11, 1993, and then begin November 26 and end November 28, 1993.
Daily Bag Limit: The daily bag limit is 5, including no more than 1 hooded merganser.
Canada Geese.
Michigan, 1842 Treaty Zone:
Season Dates: Begin September 25, end October 17, 1993.
Daily Bag Limit: The daily bag limit is 3.
Michigan, 1836 Treaty Zone:
Season Dates: Same season dates and length selected by the State of Michigan for each zone in this area.
Daily Bag Limit: The daily bag limit is 1 or 2, depending upon the State hunting zone in which the Treaty Zone is located; see State/tribal regulations.
Other Geese (Blue, Snow, and White-fronted).
Michigan, 1842 Treaty Zone:
Season Dates: Same season dates and length selected by the State of Michigan for each zone in this area.
Daily Bag Limit: The daily bag limit is 7, including no more than 2 white-fronted.
Michigan, 1836 Treaty Zone:
Season Dates: Same season dates and length selected by the State of Michigan for each zone in this area.
Daily Bag Limit: The daily bag limit is 7, including no more than 2 white-fronted.
Coots and Common Moorhens (Gallinule).
Michigan, 1842 Treaty Zone:
Season Dates: North Zone, begin October 2 and end October 31, 1993; Middle Zone, begin October 9 and end November 7, 1993; South Zone, begin October 16 and end November 11, 1993, then begin November 26 and end November 28, 1993.
Daily Bag Limit: The daily bag limit is 20, singly or in the aggregate.
Michigan, 1836 Treaty Zone:
Season Dates: North Zone, begin October 2 and end October 31, 1993; Middle Zone, begin October 9 and end November 7, 1993; South Zone, begin October 16 and end November 11, 1993, then begin November 26 and end November, 28, 1993.
Daily Bag Limit: The daily bag limit is 15.
General Conditions: (1) While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.
(2) Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. This Model Code was the subject of the stipulation in *Lac Courte Oreilles* v. *State of Wisconsin* regarding migratory bird hunting. Except as modified herein, these amended regulations parallel Federal requirements, 50 CFR part 20, and shooting hour regulations in 50 CFR part 20, subpart K, as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.
(3) Tribal members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.
(4) Minnesota and Michigan—Duck Blinds and Decoys. Tribal members hunting in Minnesota will comply with tribal codes that contain provisions parallel to M. S. 100.29, Subd. 18 (duck blinds and decoys). Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.
(5) Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, *unless otherwise specified.*
(6) Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with Sec. NR 19.12, Wis. Adm. Code. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

(d) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nonmembers)

Ducks, (including mergansers).
Season Dates: Begin October 1, end November 30, 1993.
Daily Bag and Possession Limits: The daily bag limit is 4, including no more than 3 mallards (of which only 1 may be a female), 1 pintail and 2 redheads. The possession limit is twice the daily bag limit. No canvasbacks are allowed in the bag.
Geese. The 1993–94 goose season is closed.
General Conditions:. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(e) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nonmembers)

Ducks:
Season Dates: Begin October 1, end November 28, 1993.
Daily Bag and Possession Limits: The bag limit is 4, including no more than 3 mallards (only 1 of which may be a female), 1 pintail and 2 canvasbacks or 2 redheads or 2 in the aggregate. The possession limit is twice the daily bag limit for each species.
Canada Geese:
Season Dates: Begin October 2, 1993, end January 9, 1994.
Daily Bag and Possession Limits: The bag limit is 2, and the possession limit is restricted to the daily bag (2).
Coots and Common Moorhens:
Season Dates: Begin October 1, end November 28, 1993.
Daily Bag and Possession Limits: The daily bag limit is 25 singly or in the aggregate, and the possession limit is restricted to the daily bag limit (25).
General Conditions: Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird

Hunting and Conservation Stamp (duck stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

(f) Penobscot Indian Nation, Old Town, Maine (Tribal Members and Non-Tribal Hunters)

Ducks:

Season Dates: (North Zone) Begin October 4, end October 23, 1993; begin November 11, end November 20, 1993.

Daily Bag and Possession Limits: The daily bag limit is 3, including no more than 1 black duck, 1 pintail, 1 mottled duck, 1 fulvous tree duck or 1 female mallard. There is no open season on canvasback or harlequin ducks. The possession limit is twice the daily bag limit.

Geese:

Canada:

Season Dates: Begin October 4, end October 15, 1993; begin October 16, end December 11, 1993.

Daily Bag and Possession Limits: The daily bag limit is 1 goose in the first season, and 2 thereafter. The possession limit is twice the daily bag limit.

White:

Season Dates: Begin October 4, 1993, end January 18, 1994.

Daily Bag and Possession Limits: The daily bag limit is 5, and the possession limit is 10.

General Conditions: (1) When the sustenance and Maine's general waterfowl season overlap, the daily bag limit for tribal members is the smaller of the two daily bag limits. (2) Tribal members shall comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, except that when sustenance hunting tribal members shall be permitted to hunt one-half hour before sunrise to one-half hour after sunset.

(3) Each tribal waterfowl hunter 16 years of age or over must possess and carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp), signed in ink across the face.

(4) Special regulations established by the Penobscot Indian Nation also apply in Penobscot Indian Territory.

(g) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Nontribal Members)

Ducks (including mergansers):

Season Dates: Begin October 2, end October 17, 1993; begin November 2, end November 28, 1993; and begin December 18, end January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 4, including no more than 3 mallards (only 1 of which may be a female), 1 pintail and 2 redheads or 2 canvasbacks or 2 in the aggregate. The possession limit is twice the daily bag limit.

Coots:

Season Dates: Begin October 2, end October 17, 1993; begin November 2, end November 28, 1993; and begin December 18, end January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 25, and the possession limit is limited to the daily bag (25).

Geese:

Dark:

Season Dates: Begin October 2, end January 9, 1994.

Daily Bag and Possession Limits: The daily bag limit is 2, and the possession limit is 4.

White:

Season Dates: Begin October 2, end January 9, 1994.

Daily Bag and Possession Limits: The daily bag limit is 3, and the possession limit is 6.

Special Exception for Geese: A special early closure for goose hunting may begin at sunset, November 28, 1993, within the following area or some portion therein: Beginning at Polson, thence north along U.S. Highway 93 to Irvine Flats Road, thence west along Irvine Flats Road to Irvine Divide, thence south along the crest of the Salish Mountains Divide to its intersection with the Ronan-Hot Springs Road, thence east to Sloan's Bridge, thence east along Sloan Road to its intersection with Round Butte Road, thence east along Round Butte Road to Valley View Road, thence north along Valley View Road to its intersection with Kerr Dam Road, thence north and east to Polson, the point of beginning. Lands outside those boundaries will close to Canada goose hunting at sunset on January 10, 1993.

General Conditions: Nontribal hunters will comply with all basic Federal migratory bird hunting regulations contained in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

(h) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Members)

Ducks:

Season Dates: Begin October 23, end December 20, 1993.

Daily Bag and Possession Limits: The daily bag limit is 4, including no more than 3 mallards (only 1 of which may be a female), 1 pintail and 2 canvasbacks or 2 redheads or 2 in the aggregate. The possession limit is twice the daily bag limit.

Mergansers:

Season Dates: Begin October 23, end December 20, 1993.

Daily Bag and Possession Limits: The daily bag limit is 5, and the possession limit is 10.

Coots:

Season Dates: Begin October 23, end December 20, 1993.

Daily Bag and Possession Limits: The daily bag limit is 25, and the possession limit is limited to the daily bag (25).

Geese:

Season Dates: Begin October 9, 1993, end January 9, 1994.

Daily Bag and Possession Limits: The bag limit is 3 in the aggregate of all species, with no more than 2 white-fronted geese. The possession limit is twice the daily bag limit.

Common Snipe:

Season Dates: Begin October 23, end December 20, 1993.

Daily Bag and Possession Limits: The daily bag limit is 8, and the possession limit is 16.

General Conditions: Nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must have in his/her possession a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

(i) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Nontribal Hunters)

Ducks:

Season Dates: Begin November 23, 1993, end January 20, 1994.

Daily Bag and Possession Limits: The daily bag limit is 4, of which no more than 3 may be mallards (including only 1 female), 1 pintail and either 2 canvasbacks or 2 redheads or 2 in the aggregate. The possession limit is twice the daily bag limit.

Coots:

Season Dates: Begin November 23, 1993, end January 20, 1994.

Daily Bag and Possession Limits: The daily bag limit is 25, and the possession limit is restricted to the daily bag limit (25).

Geese:

Season Dates: Begin October 16, 1993, end January 23, 1994.

Daily Bag and Possession Limits: The daily bag limit is 4, and the possession

limit is 8. However, there are restrictions on white-fronted (daily/possession limts, 2 and 4) and snow geese (daily/possession, 3 and 6) statewide.

Brant:

Season Dates: Begin December 5, 1993, end January 20, 1994.

Daily Bag and Possession Limits: The daily bag limit is 2, and the possession limit is 4.

Snipe:

Season Dates: Begin November 14, 1993, end February 28, 1994.

Daily Bag and Possession Limits: The daily bag limit is 8, and the possession limit is 16.

General Conditions: All hunters are required to adhere to shooting hour regulations of one-half hour before sunrise to sunset, and a number of other special regulations enforced by the tribes.

(j) Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nonmembers)

Ducks, (Including Mergansers):

Season Dates: Begin November 13, 1993, end January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 3, of which: no more than 1 may be a redhead; no more than 1 may be a canvasback; no more than 1 may be pintail. Of the 3 mallards allowed, only 1 may be a female. The possession limit is twice the daily bag limit, but may not include more than 1 daily bag limit that has been taken in any 1 day.

Coots, Moorhens and Gallinules:

Season Dates: Begin November 13, 1993, end January 2, 1994.

Daily Bag and Possession Limits: The daily bag limit is 25, singly or in the aggregate. The possession limit is twice the daily bag limit, but may not include more than 1 daily bag limit that has been taken in any 1 day.

Canada Geese:

Season Dates: Begin November 13, 1993, end January 2, 1994.

Bag and Possession Limits: The daily bag limit is 2, and the possession limit is 4 after the first day.

General Conditions: (1) The area open to hunting in the above seasons consists of: The entire length of the Black and Salt Rivers forming the southern boundary of the reservation; the Whiteriver, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. The remaining reservation waters will be closed to waterfowl hunting during the 1993–94 hunting season.

(2) Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking.

(3) See other special regulations established by the White Mountain Apache Tribe that apply on the reservation, available from the reservation Game and Fish Department.

(k) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nonmembers)

Ducks, including Mergansers:

Season Dates: Low Plains South Zone, begin October 30, end December 2, 1993; Low Plains Middle Zone, begin October 9, end November 16, 1993.

Daily Bag and Possession Limits: The daily bag limit is 3, of which: no more than 2 may be mallards (only 1 of which may be a female mallard); only 1 may be a redhead; only 1 may be a pintail; only 2 may be wood ducks; and only 1 may be a hooded merganser. Other merganser species, than hooded, must be included in the duck limit. The possession limit is 6, the makeup of which may be no more than double each of the above daily bag limits.

Coots:

Season Dates: Low Plains South Zone, begin October 30, end December 7, 1993; Low Plains Middle Zone, begin October 9, end November 16, 1993.

Daily Bag and Possession Limits: The daily bag limit is 15, and the possession limit is 30.

Dark Geese (Tribal and Nontribal):

Season Dates: Begin October 2, end December 19, 1993.

Daily Bag and Possession Limits: The daily bag limit is 1 Canada goose and 1 white-fronted goose (or brant), except in Canada Goose Unit 2 the daily bag beginning October 30 may include 2 Canada geese or 1 Canada goose and 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

White Geese (Tribal and Nontribal).

Season Dates: Begin October 2, end December 19, 1993.

Daily Bag and Possession Limits: The daily bag limit is 10, and the possession limit is 20.

Special Season: For tribal and nontribal hunters, a special extended goose season will be held in the Chalk Rock Colony area of the Yankton Sioux Reservation. This season begins at the close of the regular goose season, December 20, 1993, in Goose Hunting Unit 2 and extends through January 9, 1994. Information on this special season, including bag limits and other regulations, may be obtained from the Bureau of Indian Affairs Office in Wagner, South Dakota.

General Conditions: (1) The waterfowl hunting regulations established by this final rule apply to tribal and trust lands within the external boundaries of the reservation. (2) Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

Dated: September 10, 1993.

Donald J. Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 93–23469 Filed 9–23–93; 8:45 am]

BILLING CODE 4310–55–P

federal register

Friday
September 24, 1993

Part VIII

Department of Education

Strengthening Institutions Program and Endowment Challenge Grant Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.031H]

Strengthening Institutions Program and Endowment Challenge Grant Program; Notice Inviting Applications for Designation as an Eligible Institution for Fiscal Year 1994

Purpose: Institutions of higher education must meet specific statutory and regulatory requirements to be designated eligible to receive funds under the Strengthening Institutions Program and the Endowment Challenge Grant Program authorized, respectively, under title III, part A and title III, part C of the Higher Education Act of 1965 as amended (HEA).

Deadline for Transmittal of Applications: December 3, 1993 for institutions desiring eligibility (1) to compete for new awards under the Strengthening Institutions or Endowment Challenge Grant program; or (2) to obtain other benefits from this institutional eligibility. After December 3, 1993, until June 30, 1994, eligibility applications will be accepted from institutions that wish to be considered only for waivers of certain non-Federal share requirements under the Federal Work-Study (FWS) or Federal Supplemental Educational Opportunity Grant (FSEOG) programs authorized under title IV of the HEA.

Applications Available: October 18, 1993.

Eligibility Information: Under section 312 of the Higher Education Act of 1965, as amended (HEA), an institution of higher education qualifies as an eligible institution under the Strengthening Institutions and Endowment Challenge Grant programs if, among other requirements, it has a high enrollment of needy students, and its educational and general (E&G) expenditures are low per full-time equivalent (FTE) undergraduate student, in comparison with the average E&G expenditures per FTE student of institutions that offer similar instruction. The complete eligibility requirements are found in 34 CFR 607.2 through 607.5 of the Strengthening Institutions Program regulations.

An institution may qualify as an eligible institution if it is accredited or preaccredited by a nationally recognized accrediting agency and is legally authorized by the State in which it is located to be a junior or community college or to provide a bachelors degree program. Such an institution no longer has to satisfy these requirements for five years in order to be considered an eligible institution.

Enrollment of Needy Students: Under 34 CFR 607.3(a), an institution is considered to have a high enrollment of needy students if—

(1) At least 50 percent of its degree students received financial assistance under one or more of the following programs: Federal Pell Grant, FSEOG, FWS, or Federal Perkins Loan Program; or (2) The percentage of its undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants exceeded the median percentage of undergraduate degree students who were enrolled on at least a half-time basis and received Federal Pell Grants at comparable institutions that offer similar instruction. To qualify under the second criterion, an applicant's Federal Pell Grant percentage must be more than the median for its category provided on the table in this notice.

E&G Expenditures Per FTE Students: An applicant should compare its average E&G expenditure/FTE student to the average E&G expenditure/FTE student for its category of institution contained in the table in this notice. If the applicant's average E&G expenditure for the 1991–92 base year is less than the average for its category, the applicant meets this eligibility requirement.

The applicant's E&G expenditures are the total amount expended by the institution during the base year for instruction, research, public service, academic support, student services, institutional support, operation and maintenance, scholarships and fellowships, and mandatory transfers.

The following table identifies the relevant median Federal Pell Grant percentages and the average E&G expenditures per FTE student for the 1991–92 base year.

	Median Federal Pell Grant percentage	Average E&G per FTE student
2-year Public Institutions	28.18	$6,644
2-year Non-Profit Private Institutions	35.25	9,337
4-year Public Institutions	28.98	11,621
4-year Non-Profit Private Institutions	29.07	14,563

Waiver Information: Applicants unable to meet the high needy student enrollment requirement and/or the low E&G expenditure requirement may apply to the Secretary for a waiver of these requirements under various options described in 34 CFR 607.3(b) and 34 CFR 607.4(c) and (d) under the Strengthening Institutions Program, respectively.

For the purpose of 34 CFR 607.3(b)(2), under which an applicant must demonstrate that at least 30 percent of the students it served in base year 1991–92 were from low-income families, "low-income" is defined as an amount that does not exceed 150 percent of the amount equal to the poverty level as established by the U.S. Bureau of the Census. The following table sets forth the low-income levels for various sizes of families.

For the purposes of this waiver provision, low-income families are identified according to the following:

FISCAL YEAR 1993 ANNUAL LOW-INCOME LEVELS

Size of family Unit	Contiguous 48 States, the District of Columbia and outlying jurisdictions	Alaska	Hawaii
1	$10,455	$13,050	$12,060
2	14,145	17,670	16,290
3	17,835	22,290	20,520
4	21,525	26,910	24,750
5	25,215	31,530	28,980
6	28,905	36,150	33,210
7	32,595	40,770	37,440
8	36,285	45,390	41,670

For family units with more than eight members, add the following amount for each additional family member: $3,690 for the contiguous 48 states, the District of Columbia and outlying jurisdictions; $4,620 for Alaska; and $4,230 for Hawaii.

The figures shown under family income represents amounts equal to 150 percent of the family income levels established by the U.S. Bureau of the Census for determining poverty status. The Census levels were published by the U.S. Department of Health and Human Services in the Federal Register of February 12, 1993, Volume 55, Number 20, pages 8287–8289.

In reference to the waiver option specified in § 607.3(b)(4) of the regulations, information about "metropolitan statistical areas" may be obtained by writing: National Technical Information Services, Document Sales, 5285 Port Royal Road, Springfield, Virginia 22161, or calling (703) 487–4650. The title of the document is *Metropolitan Statistical Areas, 1992* #PB93111292. There is a charge for this publication.

Applicable Regulations: Regulations applicable to the eligibility process include: (a) The Strengthening

Institutions Program Regulations, 34 CFR part 607; (b) the Endowment Challenge Grant Program Regulations, 34 CFR part 628; and (c) the Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 82, 85, and 86.

For Applications or Information Contact: Strengthening Institutions Program Branch, Division of Institutional Development, U.S. Department of Education, 400 Maryland Avenue, SW., General Services Administration, room 3042 National Capital Region, 7th & D Streets, SW. Washington, DC 20202–5335, Telephone: (202) 708–8839. 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.

Program Authority: 20 U.S.C. 1057 and 1065a.

Dated September 20, 1993.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 93–23424 Filed 9–23–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
September 24, 1993

Part IX

Department of Transportation

Research and Special Programs Administration

49 CFR Part 171, et al.
Performance-Oriented Packaging Standards; Miscellaneous Amendments; Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 177, 178 and 179

[Docket No. HM–181F, Amdt. Nos. 171–123, 172–133, 173–236, 174–75, 177–82, 178–101, 179–47]

RIN 2137–AC40

Performance-Oriented Packaging Standards; Miscellaneous Amendments

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: RSPA is amending certain provisions of the Hazardous Materials Regulations (HMR). The changes are based on petitions for rulemaking and RSPA initiative and pertain primarily to requirements with a mandatory compliance date of October 1, 1993. The intended effect of this action is to update the regulations and relax certain regulatory requirements that will reduce unnecessary economic burdens on industry without an adverse effect on safety.

EFFECTIVE DATES: October 1, 1993.

The incorporation by reference of certain publications listed in these amendments is approved by the Director of the Federal Register as of October 1, 1993.

FOR FURTHER INFORMATION CONTACT: Beth Romo or John Gale, telephone (202) 366–4488, Office of Hazardous Materials Standards, or Charles Hochman, Office of Hazardous Materials Technology (202) 366–4545, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 1990, RSPA published a final rule (Docket HM–181; 55 FR 52402), which comprehensively revised the HMR with respect to hazard communication, classification, and packaging requirements based on the United Nations (UN) Recommendations on the Transport of Dangerous Goods. A document responding to petitions for reconsideration and containing editorial and substantive revisions to the final rule was published on December 20, 1991 (56 FR 66124). On October 1, 1992, under Dockets HM–181 and HM–189, RSPA issued editorial and technical corrections to the 1991 49 CFR Parts 107–180.

On July 12, 1993, RSPA issued a Notice of Proposed Rulemaking (NPRM) (Docket HM–181F; 58 FR 37612) which proposed changes to the HMR based on agency initiative and petitions for rulemaking received since the December 20, 1991 response to petitions for reconsideration. The NPRM primarily proposed revisions to requirements with a mandatory compliance date of October 1, 1993, as provided in the transitional provisions in § 171.14(b)(4). Because the amendments adopted herein affect regulations that have a mandatory compliance date of October 1, 1993, these amendments are effective without the customary 30-day delay following publication. This also will allow these changes to appear in the next revision of 49 CFR.

II. Summary of Comments

RSPA received over 40 comments from chemical companies, carriers, packaging manufacturers, and industry associations representing hazardous materials offerors, carriers and packaging manufacturers. Commenters generally supported the proposed changes. Major issues addressed by commenters included:

Additional delay in the Special Provisions B14 and T38 compliance date. RSPA received numerous requests to delay compliance with poison-by-inhalation hazard (PIH) packaging requirements. There was widespread support among commenters to delay, until October 1, 1994, the insulation requirement in Special Provisions B14 and T38 for bulk packagings containing a PIH material which could cause corrosion under an insulation blanket. However, these commenters asked RSPA to delay this requirement until October 1, 1995, claiming that otherwise RSPA will not have adequate time to thoroughly review the results of the Sandia National Laboratory's final report on bulk packagings containing PIH materials and to publish regulations based on the review.

RSPA is not granting a two-year delay (until October 1, 1995) to comply with the insulation requirements of Special Provisions B14 and T38. RSPA is, however, granting a delay until October 1, 1994, as proposed and, in addition, is clarifying that the exception applies to corrosion that would have an adverse effect on tank integrity. Based on further analysis, RSPA will determine if there is a need for revision or an additional delay in compliance with insulation requirements for bulk packagings used for PIH material which are also corrosive to the tank.

RSPA is aware of a company which used an aluminum jacket to comply with the insulation system requirements of Special Provision B14. This special provision requires that cargo tanks and portable tanks transporting PIH materials be provided with an insulation system with a specified minimum thermal performance level. While the HMR do not specify jacket material, RSPA clearly stated the intent of the insulation system in the July 12, 1993 NPRM issued under Docket HM–181F. The insulation system is intended to provide both accident damage and fire protection. In a future rulemaking, RSPA may propose a requirement for the use of a carbon or stainless steel jacket on insulation systems required by Special Provision B14. The use of a carbon or stainless steel jacket will provide the packaging a greater degree of integrity in both accident and fire situations. These steels are tougher and have a significantly higher melting temperature than aluminum.

Reclassification of PIH materials. Based on acute inhalation toxicity data and related information, RSPA proposed to amend the Hazardous Materials Table (Table) to change requirements for 19 materials. Comments supported most of the proposed changes.

Changes to the Table for 14 materials are adopted as proposed. These materials are: Boron trichloride (UN1741); Carbonyl sulfide (UN2204); Chlorine trifluoride (UN1749); Ethylene oxide, pure or with nitrogen (UN1040); Hydrogen iodide, anhydrous (UN2197); Methyl mercaptan (UN1064); Methylamine, anhydrous (UN1061); Nitric oxide (UN1660); Nitric oxide and dinitrogen tetroxide mixtures (Nitric oxide and nitrogen dioxide mixtures) (UN1975); Perchloryl fluoride (UN3083); Silicon tetrafluoride (UN1859); Thionyl chloride (UN1836); Trifluoroacetyl chloride (UN3057), and Trifluorochloroethylene, inhibited, R113 (UN1082).

For the newly designated PIH materials and for PIH materials which have changed hazard zones, RSPA is providing a one-year transition period through Special Provision 30. This delay will permit the continued use of shipping papers preprinted with the prior classification and hazard zone. The delay also will allow the use of packagings authorized in the 1990 final rule, and 1991 and 1992 revised final rules, under Docket HM–181, until October 1, 1994.

Several commenters noted a mistake in identifying boron trichloride (UN1741) as boron trifluoride (UN1741). The correct material is boron trichloride (UN1741). Also, the acute inhalation toxicity value for boron trichloride submitted by the Compressed Gas

Association (CGA) was incorrectly listed as: rat; LC50:2051 ppm/1H. The correct CGA value is: rat; LC50:2541 ppm/1H. In either case, the hazard zone assigned to boron trichloride is hazard zone C.

Comments on the other five materials provided adequate justification for not changing their Table entries. Thus, no changes are made to the Table for the following materials: Hydrogen chloride, anhydrous (UN1050); Hydrogen chloride, refrigerated liquid (UN2186); Hydrogen fluoride, anhydrous (UN1052); Methyl bromide (UN1062), and Methyl isothiocyanate (UN2477).

Most commenters did not support the proposal to move hydrogen chloride, anhydrous (UN1050) and hydrogen chloride, refrigerated liquid (UN2186) from Hazard Zone C to Hazard Zone D based on data submitted by the CGA (rat; LC50:3120 ppm/1H). Commenters cited a toxicity study by Hartzel, et al. (Journal of Fire Science, 1985) that showed a one-hour LC50 for hydrogen chloride as 2810 ppm and recommended that the Hazard Zone C assignment should not be changed. RSPA concurs with these commenters and has not revised the hazard zones for hydrogen chloride, anhydrous or hydrogen chloride, refrigerated liquid.

Several commenters, including the CGA, opposed the proposal to move hydrogen fluoride, anhydrous (UN1052) from Hazard Zone C to Hazard Zone B. Commenters cited several other toxicity studies that show a one-hour LC50 for hydrogen fluoride over 1000 ppm. Based on these studies, an "appropriate value" is: rat; LC50:1300 ppm/1H. RSPA concurs with these commenters and has not revised the hazard zone for hydrogen fluoride, anhydrous.

Several commenters opposed the proposal to move methyl bromide (UN1062) from Hazard Zone C to Hazard Zone B based on a recalculation of data for an eight-hour exposure (rat; LC50:302 ppm/8H). The CGA recalculated the one-hour value to be: rat; LC50:850 ppm/1H. The commenters contend that this recalculated one-hour LC50 value is no better than the other calculated one-hour LC50 value listed by RSPA (rat; LC50:1007 ppm/1H) which is based on the same eight-hour value. The commenters cited a recent study where rats were subjected to a single, six-hour exposure of methyl bromide vapor at 350 ppm. No rats died at this exposure level. Using the CGA method of calculation, 350 ppm/6H equates to 857 ppm/1H. Commenters indicated that they would ask the CMA Methyl Bromide Industry Panel to develop data to accurately determine the correct hazard zone to which methyl bromide should be assigned. RSPA concurs and has not revised the hazard zone for methyl bromide.

A commenter who holds a Special Approval to ship methyl isothiocyanate (UN2477) contends that the acute inhalation toxicity data submitted with the application (rat; LC50:20 ppm/1H) is correct. The commenter stated that it is performing a test which is scheduled to be completed at the end of August 1993, and that it expects the test to confirm the LC–50 to be approximately 20 ppm. The commenter requested that RSPA delay this proposed change until the results of its test are received. RSPA concurs with this commenter and has not revised the hazard zone for methyl isothiocyanate.

Cyanogen bromide (UN1889) is assigned to Hazard Zone A. However, a commenter provided data that shows that cyanogen bromide is a solid at 20 °C (68 °F) with a melting point of 52 °C (126°F) and a vapor pressure of 100 mm Hg at 23 °C (73 °F). Therefore, cyanogen bromide is a solid, as defined in § 171.8. Only liquids and gases may be designated as materials poisonous by inhalation. Therefore, cyanogen bromide is not a material poisonous by inhalation, and the entry in the Table for cyanogen bromide is revised accordingly.

Germane (UN2192) is a gas at 20 °C and is listed as a Hazard Zone A inhalation hazard. Until now, no acute inhalation toxicity data was available. A commenter submitted data indicating that germane is less toxic than previously estimated: (animal; LC50: 440 ppm/2H). This value, converted to one hour, is approximately: animal; LC50:622 ppm/1H and falls within Hazard Zone B. Consistent with the change to § 172.101(c) which requires the hazard zone to be considered when selecting a proper shipping name, RSPA accepts the data and the entry in the Table for germane is revised accordingly.

Consistent with the hazard zone change for ethylene oxide, the entries for ethylene oxide mixtures are revised to note that these materials are not PIH until the concentration of ethylene oxide exceeds 87%. One commenter requested that the entries for ethylene oxide mixtures be further revised based on recent amendments to the UN Recommendations and that these materials be allowed to be shipped in limited quantities in accordance with § 173.306. RSPA concurs and has revised these entries accordingly.

The removal of the subsidiary poisonous-by-inhalation hazard for "Thionyl chloride" raised several questions concerning special provisions and packaging requirements. One commenter asked if Special Provision T42, which requires an approval to use IM portable tanks, still applied. The answer is yes; because Special Provision T42 applies to Class 8 PG I materials, it will continue to apply to thionyl chloride.

Rail issues identified by commenters. Several commenters stated that the proposed wording for Note 30 in § 173.314 is inaccurate and should be changed. The proposed wording indicates that all existing tank cars must conform to Class DOT 105S. RSPA agrees that this wording is incorrect; only tank cars built after September 30, 1991, must conform to Class DOT 105S requirements. Therefore, RSPA is revising the wording in Note 30 to clarify that only tank cars built after September 30, 1991, must meet Class DOT 105S requirements. Commenters also noted that, for the thermal insulation system, glass fiber is placed over the ceramic fiber, not the reverse as indicated in proposed Note 30. Therefore, RSPA is correcting this provision to require 5.08 cm (2 inches) of glass fiber placed over 5.08 cm (2 inches) of ceramic fiber.

One commenter expressed concern that the proposed revision to Note 30 authorizing a Class DOT 105S tank car (which provides relief from the requirements for thermal protection or a large capacity relief valve) will require retrofitting of all tank cars with head shields and requested a seven-year delay to retrofit these tank cars with head shields. Under the current requirements in Note 30 in § 173.314, only a Class DOT 105J tank car is authorized (which requires head shields, insulation, thermal protection, tank jacket and a large capacity relief valve). RSPA believes that by also authorizing a Class DOT 105S, sufficient relief is provided by not requiring thermal protection or a large capacity relief valve.

Another commenter feared that the proposed revision to Special Provision B74 authorizing Class DOT 105S tank cars would replace the current authorization for Class DOT 105J tank cars. The commenter asked RSPA to continue to authorize the Class 105J tank car in Special Provision B74. In response to this comment, RSPA references the general qualifications for tank car use provided in § 173.31, specifically paragraph (a)(3)(viii) which states that when Class DOT 105S tank cars are prescribed, Class DOT 105J tank cars having equal or higher marked test pressures than those prescribed also may be used.

A rail carrier incorrectly believed that the regulations adopted under Docket

HM–181 allowed railcars moving under their own momentum to strike placarded flatcars, including flatcars loaded with placarded transport vehicles, freight containers, and bulk packagings. In the NPRM issued under Docket HM–181B, RSPA explained that it was consolidating the former §§ 174.83, 174.84 and 174.85. No change was intended or expressed, and this commenter is incorrect in its interpretation. RSPA did not intend to permit potential over-speed impact of railcars into other railcars loaded with Division 1.1, 1.2, 2.3, or any Class DOT 113 tank car placarded in Division 2.1. To help clarify the railcar handling requirements, RSPA is restructuring § 174.83 to reflect the language of the pre-HM–181 requirements by redesignating current paragraph (c) as paragraph (f) and adding new paragraphs (b), (c), (d), and (e).

Commenters representing the rail industry asked RSPA to require that methyl bromide be transported in a pressure car. This issue will be addressed in the notice of proposed rulemaking under Docket HM–175A.

Cargo tanks containing PIH materials. A carrier association recommended extension of the applicability of B77 to all PIH and high hazard liquids to permit continued cargo tank transportation until DOT releases the results of the Sandia National Laboratory research on PIH materials transported in bulk quantities or until DOT studies the availability of existing cargo tanks that comply with B14 and B32.

One commenter claimed that most shippers and carriers of sulphur dioxide believed until recently that insulation requirements in Special Provision B14 applied only to tank cars. However, the December 20, 1991 revised final rule issued under Docket HM–181 contained a discussion on insulation of cargo tanks and portable tanks for materials poisonous by inhalation assigned Hazard Zone C or D (56 FR 66131).

A commenter requested that RSPA review Note 24 to § 173.315, claiming that there is confusion among cargo tank manufacturers regarding requirements for minimum thickness for sulfur dioxide cargo tanks. RSPA agrees that some confusion was created by an inadvertent omission of the Note 24 requirement in the December 21, 1990 final rule, even though it was proposed in the May 5, 1987 NPRM (52 FR 16653, 16671). Accordingly, a one-year delay, until October 1, 1994, is provided for application of Note 24 to sulfur dioxide cargo tanks.

Another commenter asked RSPA to allow continued use of MC 331 cargo tanks built to current MC 331 standards by limiting the applicability of Notes 4 and 24 to cargo tanks built after October 1, 1993. Since issuance of a final rule under Docket HM–196 (50 FR 41092) in 1985, RSPA has remained committed to its goal of identifying materials poisonous by inhalation and adopting appropriate hazard communication and packaging requirements for those materials. RSPA believes that the hazards associated with these materials while in transportation have not been adequately addressed in the past. A two and one-half year period was afforded shippers and carriers of PIH materials to allow sufficient time for existing and new cargo tanks used to transport PIH materials to conform to the upgraded safety requirements effective October 1, 1993. Other than the one-year delay in insulation requirements for certain bulk packagings and minimum thickness requirements for sulfur dioxide cargo tanks, RSPA is not delaying packaging provisions for cargo tanks containing PIH materials.

Non-bulk packagings for PIH materials. As proposed in the NPRM, RSPA is authorizing 1H1 plastic drums and 6HA1 composite packagings as the inner packaging of the double drum configuration for Hazard Zone A materials. A commenter noted that RSPA did not propose to include minimum thickness requirements for 1H1 drums and 6HA1 composite packagings used as the inner drum for Hazard Zone A materials. The commenter noted the inconsistency with minimum thickness requirements for all other types of inner drums for Hazard Zone A materials in § 173.226(b)(4), and suggested that RSPA include minimum thickness requirements for 1H1 and 6HA1 inner packagings. RSPA agrees with the commenter, and in this final rule is revising § 173.226(b) to require minimum thicknesses for both 1H1 drums and for the inner plastic and outer steel components of 6HA1 composite packagings. These thicknesses are the same as those adopted for inner 1H1 and 6HA1 packagings in § 173.227(b).

Several commenters stated that the required minimum thickness of 1A1 steel drums used as the inner drum for Hazard Zone A materials is too high. A commenter also requested that the required minimum thickness for the outer drums required for Hazard Zone A materials be reduced. The commenters noted the current unavailability of cost-effective steel drums of these thicknesses. One commenter stated that drum manufacturers cannot successfully weld and roll chimes with 14 gauge steel for drums greater than 120 liter capacity, or with 16 gauge steel for drums less than or equal to 120 liters. However, in its comments to the NPRM, the Steel Shipping Container Institute indicated that drums of those thicknesses are not readily available, not because of manufacturing constraints, but because of a lack of demand.

RSPA believes that drums meeting the minimum thickness requirements for inner steel drums specified in the final rule in § 173.226(b) can be produced, and could be produced economically once demand increases. Therefore, RSPA is not revising any required minimum thicknesses. As previously noted, shippers and packaging manufacturers of drums used to transport PIH materials were granted a two and one-half year period to conform to the upgraded safety requirements effective October 1, 1993. RSPA remains committed to its goal of identifying PIH materials and adopting appropriate hazard communication and packaging requirements for those materials.

Two commenters suggested that, in lieu of establishing minimum thickness requirements for inner and outer drums in a double drum configuration, RSPA should set higher performance requirements for these packagings. The commenters did not elaborate on additional or higher performance standards which would be appropriate and would provide the level of protection created by the double drum packaging. In the absence of supporting data, RSPA is not accepting those comments.

As proposed in the NPRM, RSPA is removing the minimum cushioning thickness requirements between inner and outer drums in §§ 173.226 and 173.227.

Two commenters requested authorization to use single packagings (including 1H1 drums and 6HA1 composite packagings) to ship PIH materials in Hazard Zone A if in dedicated transportation systems (i.e., a shipment from one origin to one destination where the shipper loads the material, blocks and braces the drums, and seals the transport vehicle). The commenters noted the safety record of Hazard Zone A materials packaged in these types of single packagings under the terms of an exemption. One commenter claimed negative economic impacts will result if RSPA does not authorize these single packagings for Hazard Zone A materials, since non-U.S. competitors are not faced with the same double drum requirements. As stated in the NPRM, RSPA does not intend to authorize plastic drums as single packagings for poison inhalation

hazard materials in Hazard Zone A, even if in a dedicated transportation system, because single plastic drums do not provide an equivalent level of safety to double drums for Hazard Zone A PIH materials. However, as proposed, RSPA is authorizing 1H1 plastic drums as single packagings for less toxic PIH materials in Hazard Zone B under highly-controlled conditions.

One commenter, noting the complexity of the issues surrounding the packaging requirements for PIH materials, requested a one-year delay in mandatory compliance with PIH packaging provisions until October 1, 1994. As previously discussed in this document, RSPA is not granting any delays in mandatory compliance dates for PIH packagings.

Separation and Segregation Table in Parts 174 and 177. In the NPRM, RSPA proposed to remove the references to the separation distances of 1.2 meters by 10 centimeters. RSPA further proposed that Class 8 (corrosive) liquids may not be loaded or stored above or adjacent to Class 4 (flammable solid) and Class 5 (oxidizing) materials. RSPA also proposed to remove the letter "O" at the intersection columns of Division 2.1 (flammable) gas and Class 8 (corrosive) liquids.

These proposed changes to the segregation table were supported by commenters. However, several commenters asked for a one-year delay in compliance (until October 1, 1994) to implement these revised requirements. As stated previously, RSPA is not extending the October 1, 1993 compliance date for modal requirements because the changes adopted in this final rule constitute relaxations to the final rule issued under HM–181 on December 21, 1990, and, in most cases, maintain the pre-HM–181 separation requirements.

Most commenters supported the removal of references to the separation distances of 1.2 meters by 10 centimeters. RSPA is removing the reference distance separation as proposed. Accordingly, the means of separation used by carriers must ensure that commingling of materials will not occur in the event of leakage from packagings of hazardous materials. Separation must be accomplished by some means of physical separation, such as non-permeable barriers, non-reactive freight, or non-combustible, non-reactive adsorbents between packagings of hazardous materials required to be separated.

Numerous commenters noted a difference between preamble language and regulatory text in the NPRM concerning the prohibition against Class 8 (corrosive) liquids being "loaded above or adjacent to" Class 4 (flammable solid) and Class 5 (oxidizing) materials. Although the words "or adjacent to" were not specifically referenced in the preamble, the use of the words in the text of the regulation was intended by RSPA. The use of the phrase "above or adjacent to" has appeared in each separation requirement since at least the 1940s. RSPA is returning to the regulations in effect prior to publication of HM–181.

Several commenters suggested removing the letter "O" from each appropriate intersecting column for "2.3 Poisonous gas, other than Zone A" and Classes "3, 4.1, 4.2, 4.3, 5.1, and 8, corrosive liquids." Because many of the materials that had been previously classed as Poison A gases are included in Division 2.3 Hazard Zone B, RSPA believes that a separation requirement materials from other materials is appropriate for Zone B poisonous gases, since many of these materials would have been prohibited from being loaded on the same vehicle with flammable liquids, flammable solids, and oxidizers under the pre-HM–181 requirements. However, RSPA agrees with the commenters that Division 2.3 poisonous gases in Zone C or Zone D should not be subject to separation requirements because of their lower toxicity levels. Accordingly, the column titled "2.3 gas other than Zone A" is revised to read "2.3 gas Zone B" and the column titled "Poisonous gas other than zone A" is revised to read "Poisonous gas Zone B". In addition, as proposed, RSPA is removing the letter "O" at the intersecting columns for Division 2.1 (flammable) gas and Class 8 (corrosive) liquids.

The American Trucking Associations (ATA) was among several commenters who recommended that RSPA incorporate by reference their ATA–HM1 standard "Industry Standard Practices for the Separation for Hazardous Materials in Transportation." While RSPA applauds the initiative shown by ATA in developing this standard, RSPA does not believe its adoption is necessary in light of the changes in this final rule, and notes that ATA withdrew the document on February 17, 1993.

Class 9 placard. RSPA received numerous comments expressing support for its refusal to reinstate the Class 9 placarding requirement for domestic transportation. These commenters reiterated their claim that the Class 9 placard offers minimal enhancement of safety but imposes additional, unnecessary costs. However, the Chemical Waste Transportation Institute, which petitioned for reconsideration of the exception, continued to oppose RSPA's decision to provide a Class 9 placarding exception. The Department of Defense (DOD) requested that DOT reconsider reinstating the Class 9 placard requirement. The DOD stated that, as responsible transporters, the cost of potential health and environmental hazards should outweigh the cost or burden of Class 9 placarding requirements. The DOD further noted that the volume of Class 9 materials shipped from certain DOD installations is so minimal that Class 9 mandatory placarding, if required, would not be burdensome.

As stated in the NPRM, RSPA believes the overall costs associated with requiring placards for Class 9 materials outweigh the benefits of such requirements. The secondary costs associated with mandatory placarding, especially with the expanded scope of Class 9 materials, impose an unnecessary burden on industry, particularly small business entities. RSPA maintains that the current hazard communication requirements, including the marking of identification numbers on packages containing Class 9 materials, are sufficient to avert potential health and environmental hazards. Therefore, RSPA is not reinstating the Class 9 placarding requirement for domestic transportation, and the petition for reconsideration of the Chemical Waste Transportation Institute is hereby denied.

Other issues raised by commenters. Several commenters asked RSPA to adopt ISO 10156 "Gases and Gas Mixtures—Determination of Fire Potential and Oxidizing Abilities" or an equivalent method as authorized alternatives to the ASTM E681–85 test method to determine flammability in § 173.115. Commenters claimed that the ISO 10156 test method is equivalent to the Bureau of Mines testing protocol, which was the test method used to determine flammability of many gases currently classified as flammable. According to these commenters, unless the ISO 10156 test method or other alternative test methods are incorporated into the HMR, these gases will have to be retested in accordance with ASTM E681–85, resulting in the reclassification of many gases. RSPA agrees that other methods should be considered and is adding a provision in § 173.115(a)(2) to permit other equivalent test methods if approved by the Associate Administrator for Hazardous Materials Safety.

Another commenter asked RSPA to add a domestic entry in the § 172.101

Table for "Methyl methacrylate monomer, uninhibited". The commenter cited a successful shipping history of high purity material in MC307 cargo tanks and DOT115A60W6 tank cars. RSPA believes this issue is beyond the scope of this rulemaking. However, petitions for rulemaking with appropriate supporting data may be submitted in accordance with the procedures contained in 49 CFR 106.31.

One commenter asked RSPA to clarify transitional provisions in § 171.14 for previously unregulated materials. The commenter was concerned that, in addition to the October 1, 1993, compliance deadline for hazard classification and communication requirements, the new packaging provisions would apply. This is not the case. Previously unregulated materials must comply only with the general packaging requirements in § 173.24 (a) and (b) until October 1, 1996. RSPA is providing a longer transition period for maintenance and use of previously authorized packagings to allow packaging inventories to be depleted.

III. Review of Selected Sections

Part 171

Section 171.8. Definitions are added for "Explosive," "Miscellaneous hazardous material," "Nonflammable gas," and "Poisonous gas" to reference the appropriate hazard class definition section in part 173. In addition, the definitions for "Flash point" and "Etiologic agent" are revised to correctly reference the applicable hazard class definition in part 173.

Part 172

Section 172.101. Paragraphs (c)(12)(i) and (c)(12)(ii) are revised to add a requirement to consider hazard zone, if applicable, when selecting a proper shipping name for a material.

In the § 172.101 Hazardous Materials Table, the entries for "Lithium battery, liquid cathode" and "Lithium battery, solid cathode" are amended by correcting the cargo aircraft quantity limitation to read "35 kg gross" for solid and liquid cathode lithium batteries.

RSPA is adopting new domestic entries for "Methanol *or* Methyl alcohol" and "Methyl cyanide" that do not specify a "POISON" subsidiary hazard label. These materials do not meet the hazard classification criteria for a Division 6.1 material under the HMR. In addition, RSPA is adding a new domestic entry for "Chloroform" to change the hazard classification of this material from Division 6.1, PG II to Division 6.1, PG III. The revised entries for "Methyl cyanide" and "Chloroform" are consistent with recent amendments to the UN Recommendations.

RSPA is adding a new Special Provision 30 to the domestic entry for "Sulfur" to except from the HMR sulfur which is transported domestically in non-bulk packagings and sulfur which is formed to a specific shape (e.g., prills, granules, pellets, pastilles, or flakes).

RSPA is adopting the proposal to reclassify PETN as a Division 1.1D explosive, based on recent data which substantiates the UN classification of PETN.

For the entry "Poisonous liquid, oxidizing, n.o.s. Inhalation hazard, packing group I, Zone A", RSPA is correcting, as proposed, Column 9(b), which authorizes a 2.5 L quantity limitation on cargo aircraft. This entry is not consistent with the quantity limits for other poisonous by inhalation liquids, prohibiting any quantity of these materials on passenger or cargo aircraft. RSPA, therefore, is revising the Column 9(b) entry from "2.5 L" to "Forbidden".

Section 172.102. Special Provision A12 is separated into two special provisions to clarify the requirements for lithium batteries on cargo and passenger carrying aircraft. Under this separation, Special Provision 29 is added and Special Provision A12 is revised.

A new Special Provision 25 is added for those materials whose shipping descriptions are amended by this final rule. Special Provision 25 allows these materials to be offered for transportation and transported, until October 1, 1994, in accordance with the requirements adopted under Docket HM–181.

Special Provision B42 is amended by removing the authorizations for DOT 105A and 105S tank cars to clarify that the only tank car authorized for acrolein, inhibited is the DOT 105J500W specification tank car. This clarification is necessary because acrolein, inhibited is assigned both Special Provisions B42 and B72. Special Provision B42 currently authorizes DOT 105A and 105S tank cars, in addition to a DOT 105J tank car, but B72 restricts the packaging authorization to a DOT 105J500W tank car.

Special Provision B65 is amended by revising the first sentence to read "Notwithstanding the provisions of § 173.244 of this subchapter, only DOT 105A500W tank cars are authorized." This revision clarifies that, despite the authorization in § 173.244 for use of other tank cars, the only tank car authorized for hydrocyanic acid, aqueous solutions, and hydrogen cyanide, anhydrous, stabilized is the DOT 105A500W tank car. However, this restriction does not supersede § 173.31(a)(3), which permits a class DOT 105S or 105J tank car (a higher-integrity tank car) to be used if it has an equal or higher marked test pressure than the DOT 105A500W.

The first sentence of Special Provision B67 is removed because it duplicates insulation requirements for Class DOT 105 tank cars contained in § 179.100–4(a).

As proposed in the NPRM, RSPA is correcting Special Provision B76 for acetone cyanohydrin, stabilized. The purpose of Special Provision B76 is to require the use of a safety relief device having a start-to-discharge pressure setting lower than what would otherwise be the required setting for the tank specification. Special Provision B76 requires the use of a re-closing safety relief device having a start-to-discharge pressure setting of 1,034 kPa (150 psig). This will help reduce the potential for the material to polymerize. Since Special Provision B76 only defines the required safety valve and does not specify the authorized tank specification, RSPA is amending the special provision to include the tank cars authorized in Special Provision B74. This correction will clarify the authorized tank car and the start-to-discharge pressure setting for acetone cyanohydrin, stabilized.

Part 173

Section 173.34. The phrase "Poison A gas or liquid" is revised as proposed to read "Division 2.3 or Division 6.1 materials in Hazard Zone A". RSPA solicited comments on the potential implications of this terminology change. Previously, safety relief devices were prohibited on cylinders containing Poison A gases or liquids but generally were required on cylinders containing other gases or liquids. Based on the defining criteria for materials poisonous by inhalation, some materials previously classed as Poison A materials are now in Hazard Zones A, B or C and thus might be required to be packaged in cylinders having safety relief devices. Conversely, certain gases and liquids fall into Hazard Zone A that previously were not classed as Poison A materials. Cylinders for these Hazard Zone A materials would be prohibited from having safety relief devices. RSPA received two comments in response to this proposed revision. Both commenters supported the change in terminology and suggested a transition period to provide for retrofitting of the cylinders. RSPA agrees and is adopting the suggestion that a one-year transition period (until October 1, 1994) be authorized. All cylinders currently

filled are allowed to be shipped; however, after discharging the contents, the cylinders must be modified before they can be reshipped. Furthermore, materials which were previously classed as Poison A gases or liquids that are not classed as Division 2.3 or Division 6.1 in Hazard Zone A are required to have safety relief devices in accordance with the provisions of § 173.34(d) before October 1, 1994.

Section 173.54. As proposed, RSPA is adding a new paragraph (l), "Forbidden explosives," to clarify that explosive articles shipped with their means of initiation or ignition installed must be approved in accordance with § 173.56. In conjunction with this addition, RSPA is revising Special Provision 109 and removing paragraph (b) of § 173.63.

Section 173.63. Certain offerors of Class 1 detonating cords have been unable to utilize a packaging exception in § 173.63 because carriers refuse to accept this material when classed as Division 1.4D and marked "UN 0065". To resolve this problem, RSPA is adding a provision in § 173.63(a) to clarify that if detonating cord is offered or transported domestically as Division 1.4D, the identification number "UN 0289" may be used. In addition, paragraph (b) is removed, as discussed in the preceding section review.

Section 173.150. One commenter noted an apparent inconsistency in the limited quantity authorization of 5 L net capacity per inner packaging for Class 3 PG III liquids as compared to 4 L net capacity per inner packaging for PG III materials in other hazard classes. An amendment to § 173.150 in the December 20, 1991 revised final rule increased the net capacity per inner container for Class 3 PG III liquids from 4 L to 5 L for consistency with international air and vessel limited quantity provisions. RSPA agrees, however, that the equivalent customary measurement of one gallon is not appropriate for 5 L. Therefore, paragraph (b)(3) is revised to indicate "(1.3 gallon)" as the equivalent customary measurement for 5 L.

Section 173.163. One commenter noted that the packaging authorizations for hydrogen fluoride, anhydrous, do not include the Specification 3BN cylinder. Because this cylinder is authorized in the pre-HM–181 regulations, and because there is no safety reason for its exclusion, the commenter believed that it was inadvertently omitted in the final rule under HM–181. RSPA agrees and is adding the Specification 3BN cylinder as an authorized cylinder for hydrogen fluoride, anhydrous.

Section 173.185. Paragraph (i) is revised to clarify that the exception provided in this paragraph applies to all lithium batteries, including rechargeables, and those contained in equipment.

Section 173.226. Paragraph (b) is amended as proposed to include 1H1 and 6HA1 packagings and to remove the required minimum thickness for cushioning between inner and outer drums.

Section 173.227. The required minimum thickness for cushioning in paragraph (b)(4) is removed.

In the NPRM, RSPA proposed to revise § 173.227(b)(3)(i)(D) to require a minimum thickness of 0.70 mm (0.027 inch) for 6HA1 drums used as inner packaging. RSPA stated that, because the 6HA1 is a two-part packaging, with the plastic inner packaging providing additional containment and structural support, there is no reason why the steel portion of it should be thicker than a single steel drum used in the same service. RSPA is adopting, as proposed, a decrease in the minimum thickness requirement for a 6HA1 drum used as an inner packaging to 0.70 mm (0.027 inch). In addition, paragraph (c) is revised as proposed to authorize 1H1 plastic drums as single packagings under the provisions of this section.

Section 173.306. RSPA is revising paragraphs (a)(3)(i) and (b)(1) to clarify that one liter is the regulatory standard. The customary measurement of 50 cubic inches is corrected to read "61.0 cubic inches" as the approximate equivalent of one liter. Commenters favored this revision, and one commenter asked RSPA to address the inconsistency between the volume limitation in § 173.306 and the volume limitation for a DOT Specification 2Q inner non-refillable metal container. Recently, RSPA has received similar requests to align the maximum volumetric capacities for DOT Specification 2P and 2Q containers. RSPA agrees and is amending §§ 178.33–2 and 178.33a–2 to increase the maximum capacity for both DOT 2P and 2Q containers to one liter (61 cubic inches).

In addition, paragraph (h)(3) is revised to reference the exception provided in § 173.156 for ORM–D materials. Adding this reference provides consistency with other packaging sections addressing ORM–D materials.

Section 173.314. In addition to revisions discussed in the preamble, Note 21 is amended as proposed to remove the parentheses in "§ 173.24(b)" to correctly read "§ 173.24b".

Section 173.323. There is a proven record of drums successfully passing the fire test currently required under paragraph (b)(5). RSPA proposed to remove this requirement that drums be fire-tested, and substituted a requirement that these drums be capable of passing such a test. RSPA is adopting the paragraph (b)(5) revision as proposed.

Part 178

Sections 178.33–2 and 178.33a–2. Based on the merit of comments, RSPA is amending §§ 178.33–2 and 178.33a–2 to increase the maximum capacity for both DOT 2P and 2Q containers to one liter (61 cubic inches) for consistency with limited quantity provisions in § 173.306.

Part 179

Section 179.100–7. This section is amended to add Type 304L and 316L as an authorized material for the construction of DOT 105, 109, 112 and 114 tank cars. One commenter suggested that Table 179.101–1 be amended by allowing stainless steel for each Class DOT 105A, 112A, and 114A classification. RSPA does not believe this is necessary because the Table references § 179.100–7, which authorizes stainless steel in paragraph (c).

Section 179.100–10. Section 179.100–7 is amended to authorize Type 304L and 316L stainless steels for construction of DOT pressure tank cars. In addition, a new paragraph (c) is added to § 179.100–10 to not require postweld heat treatment of Type 304L and 316L stainless steels.

IV. Rulemaking Analyses and Notices

Executive Order 12291 and DOT Regulatory Policies and Procedures

This final rule does not meet the criteria specified in section 1(b) of Executive Order 12291 and, therefore, is not a major rule. The rule is not considered significant under the regulatory procedures of the Department of Transportation. A regulatory evaluation is available for review in the Docket.

Executive Order 12612

The final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"). The Hazardous Materials Transportation Act contains an express preemption provision (49 U.S.C. App. 1804(a)(4)) that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) The designation, description, and classification of hazardous materials;

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents;

(iv) The written notification, recording, and reporting of unintentional release in transportation of hazardous material; or

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

This final rule concerns the following covered subjects:

(1) The designation, description, and classification of hazardous materials: definitions added or revised in § 171.8; requirement added to consider hazard zone of material when selecting proper shipping name; changes to hazard classification and/or hazard zone for 18 PIH materials; chloroform hazard classification change from PG II to PG III; reclassification of PETN to Division 1.1D explosive; clarification of lithium batteries provision that the exception from the regulations applies to all lithium batteries, including rechargeables and those contained in equipment; and clarification on ORM–D exceptions for gases.

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials: correct cargo aircraft quantity limitations for lithium batteries and for poisonous liquid, oxidizing, n.o.s. in PG I Hazard Zone A; removal of POISON label for methanol and methyl cyanide; revisions to special provisions for lithium batteries on cargo and passenger carrying aircraft; delay in compliance date for insulation requirements for PIH bulk packagings; changes to tank car packaging authorizations for acrolein, hydrocyanic acid/hydrogen cyanide, and acetone cyanohydrin; terminology change for PIH materials in cylinders which may result in changes to safety relief valve requirements; relief for certain DOD Class 1 materials shipments; change in identification number prefix; clarification on exception for detonating cords; new packaging authorizations and other relief for PIH packagings; clarification on ORM–D packagings for gases; changes to tank car note for compressed gases in tank cars; delay in mandatory compliance date for segregation table; and clarification on switching placarded cars.

(3) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials: capability requirement rather than fire test for ethylene oxide drums; and authorization to use stainless steel in constructing certain tank cars for PIH materials and exception for postweld heat treatment.

This final rule preempts any State, local, or Indian tribe requirements in accordance with the standards set forth above. The HMTA (49 App. U.S.C. 1804(a)(5)(B)) provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the **Federal Register** the effective date of the Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. RSPA has determined that the effective date of Federal preemption for the requirements in this rule concerning covered subjects will be October 1, 1994.

Thus, RSPA lacks discretion in this area, and preparation of a federalism assessment is not warranted.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule generally provides relief to those hazardous materials offerors and carriers of materials poisonous by inhalation and manufacturers of PIH packagings. It also provides relief to carriers by adopting a performance standard to prevent commingling of certain hazardous materials during transportation.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by Reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labels, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR chapter I is amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808, and 1818; 49 CFR part 1.

2. In § 171.7, for the entry "ASTM A 262–68 Recommended Practices for Detecting Susceptibility to Intergranular Attack in Stainless Steels.", the wording "179.100" is added in Column 2 in appropriate numeric sequence.

3. In § 171.8, the following definitions are added or revised as indicated, in appropriate alphabetical order to read as follows:

§ 171.8 Definitions and abbreviations.

[Add:]

* * * * *

Explosive. See § 173.50 of this subchapter.

* * * * *

Miscellaneous hazardous material. See § 173.140 of this subchapter.

* * * * *

Nonflammable gas. See § 173.115 of this subchapter.

* * * * *

Poisonous gas. See § 173.115 of this subchapter.

* * * * *

[Revise:]

* * * * *

Etiologic agent. See § 173.134 of this subchapter.

* * * * *

Flash point. See § 173.120 of this subchapter.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

4. The authority citation for part 172 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1808; 49 CFR part 1, unless otherwise noted.

5. In § 172.101, paragraph (c)(12)(i) and the first sentence of paragraph (c)(12)(ii) are revised to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(c) * * *

(12) * * *

(i) If it is specifically determined that a material meets the definition of a hazard class, packing group or hazard zone, other than the class, packing group or hazard zone shown in association with the proper shipping name, or does not meet the defining criteria for a subsidiary hazard shown in Column 6 of the Table, the material shall be described by an appropriate proper shipping name listed in association with the correct hazard class, packing group, hazard zone, or subsidiary hazard for the material.

(ii) *Generic or n.o.s. descriptions.* If an appropriate technical name is not shown in the Table, selection of a proper shipping name shall be made from the generic or n.o.s. descriptions corresponding to the specific hazard class, packing group, hazard zone, or subsidiary hazard, if any, for the material. * * *

* * * * *

6. In § 172.101, the Hazardous Materials Table is amended by removing, adding, or revising, in appropriate alphabetical sequence, the following entries to read as follows:

SECTION 172.101 Hazardous Materials Table

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification numbers	Packing group	Label(s) required if not excepted	Special provisions	(8) Packaging authorizations (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Exceptions	Nonbulk packaging	Bulk packaging	Passenger aircraft or rail car	Cargo aircraft only	Vessel stowage	Other stowage provisions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[Remove]												
	Carbon dioxide and ethylene oxide mixtures *with more than 6 per cent but not more than 25 percent ethylene oxide.*	2.1	UN1041	.....	Flammable Gas	.....	None	304	314, 315.	Forbidden.	25 kg ...	D	40
	Carbon dioxide and ethylene oxide mixtures *with more than 25 percent ethylene oxide.*	2.3	UN1041	.....	Poison Gas	6, B9, B14.	None	304	314, 315.	Forbidden.	25 kg ...	D	40
	Carbon dioxide and ethylene oxide mixtures *with not more than 6 percent ethylene oxide.*	2.2	UN1952	.....	Nonflammable Gas .	.....	None	304	314, 315.	75 kg ...	150 kg .	B	
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Chloroform	6.1	UN1888	II	Poison	N36, T14.	None	202	243	5 L	60 L	A	40
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Dichlorodifluoromethane and ethylene oxide mixture, *with not more than 12% ethylene oxide.*	2.2	UN3070	.....	Nonflammable Gas .	.....	None	304	314, 315.	Forbidden.	25 kg ...	D	40
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Methanol, *or* Methyl alcohol	3	UN1230	II	Flammable Liquid, Poison.	T8	None	202	242	1 L	60 L	B	40
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Methyl cyanide	3	UN1648	II	Flammable Liquid, Poison.	T14	None	202	243	1 L	60 L	B	40
	*	*	*	*	*	*	*	*	*	*	*	*	*
	[Add]												
	*	*	*	*	*	*	*	*	*	*	*	*	*
	Ethylene oxide and carbon dioxide mixtures *with more than 9 percent but not more than 87% ethylene oxide.*	2.1	UN1041	.....	Flammable Gas	25	306	304	314, 315.	Forbidden.	25 kg ...	D	40
	Ethylene oxide and carbon dioxide mixtures *with not more than 9 percent ethylene oxide.*	2.2	UN1952	.....	Nonflammable Gas .	25	306	304	314, 315.	75 kg ...	150 kg .	B	
	Ethylene oxide and dichlorodifluoromethane mixture *with not more than 12.5 percent ethylene oxide.*	2.2	UN3070	.....	Nonflammable Gas .	25	306	304	314, 315.	Forbidden.	25 kg ...	D	40

D	Chloroform	6.1	UN1888	III	Keep Away From Food.	N36, T14.	153	203	241	5 L	60 L	A	40
I	Chloroform	6.1	UN1888	II	Poison	N36, T14.	None	202	241	5 L	60 L	A	40
D	Methanol *or* Methyl alcohol	3	UN1230	II	Flammable Liquid	T8	150	202	242	1 L	60 L	B	40
I	Methanol *or* Methyl alcohol	3	UN1230	II	Flammable Liquid, Poison.	T8	150	202	242	1 L	60 L	B	40
D	Methyl cyanide	3	UN1648	II	Flammable Liquid	T14	150	202	242	1 L	60 L	B	40
I	Methyl cyanide	3	UN1648	II	Flammable Liquid, Poison.	T14	150	202	242	1 L	60 L	B	40
	[Revise]												
	Cyanogen bromide	6.1	UN1889	I	Poison, Corrosive	25, A6, A8.	None	211	242	Forbidden.	25 kg	D	40
	Hydrogen iodide, anhydrous	2.3	UN2197		Poison Gas	3, 25, B14.	None	304	314, 315.	Forbidden.	Forbidden.	D	40
	Lithium batteries, contained in equipment.	9	UN3091	II	Class 9	18, 29, A12.	185(i)	185	None	Forbidden.	See A12.	A	
	Lithium battery, *liquid cathode*	9	UN3090	II	Class 9	29	185(i)	185	None	Forbidden.	35 kg gross.	A	
	Lithium battery, *solid cathode*	9	UN3090	II	Class 9	29	185(i)	185	None	Forbidden.	35 kg gross.	A	
	Methylamine, anhydrous	2.1	UN1061		Flammable Gas	25	306	304	314, 315.	Forbidden.	150 kg	B	40
	Pentaerythrite tetranitrate *or* Pentaerythritol tetranitrate *or* PETN, wetted *with not less than 25 percent water, by mass or* Pentaerythrite tetranitrate *or* Pentaerythritol tetranitrate *or* PETN, desensitized *with not less than 15 percent phlegmatizer by mass.*	1.1D	UN0150	II	Explosive 1.1D	25, 117	None	62	None	Forbidden.	Forbidden.	B	1E, 5E
D	Sulfur	9	NA1350	III	Class 9	30, A1	None	None	240	25 kg	100 kg	A	19, 74

SECTION 172.101 Hazardous Materials Table—Continued

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification numbers	Packing group	Label(s) required if not excepted	Special provisions	(8) Packaging authorizations (§ 173.* * *)			(9) Quantity limitations		(10) Vessel stowage requirements	
							Exceptions	Nonbulk packaging	Bulk packaging	Passenger aircraft or rail car	Cargo aircraft only	Vessel stowage	Other stowage provisions
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*	*	*	*		*		*		*		
	Thionyl chloride	8	UN1836	I	Corrosive	25, A7, B6, B10, N34, T42.	None	201	243	Forbidden.	2.5 L	C	8, 40
	*	*	*	*	*		*		*		*		
	Trifluoroacetylchloride	2.3	UN3057		Poison Gas	2, 25, B9, B14.	None	304	314, 315.	Forbidden.	25 kg	D	40
	Trifluorochloroethylene, inhibited, *R1113.*	2.3	UN1082		Poison Gas	3, 25, B14.	None	304	314, 315.	Forbidden.	150 kg	B	40
	*	*	*	*	*		*		*		*		

§ 172.101 [Amended]

7. In addition, in the § 172.101 Hazardous Materials Table, the following changes are made:

a. For the entry "Acetone cyanohydrin, stabilized", in Column (7), Special Provision "B74," is removed.

b. For the entry "Boron trichloride", in Column (7), Special Provision "1," is revised to read "3, 25".

c. For the entry "Carbonyl sulfide", in Column (7), Special Provisions "2, B9" are revised to read "3, 25".

d. For the entry "Chlorine trifluoride", in Column (7), Special Provision "1" is revised to read "2, 25".

e. For the entry "Ethylene oxide, *pure or with nitrogen*", in Column (7), Special Provision "3" is revised to read "4, 25".

f. For the entry "Germane", in Column (7), Special Provision "1" is revised to read "2, 25".

g. For the entry "Methyl mercaptan", in Column (7), Special Provisions "2," and "B9," are removed and Special Provisions "3," and "25," are added in appropriate alpha-numeric order.

h. For the entry "Nitric oxide", in Column (7), Special Provision "2," is revised to read "1, 25,".

i. For the entry "Nitric oxide and dinitrogen tetroxide mixtures", in Column (7), Special Provision "2" is revised to read "1, 25".

j. For the entry "Perchloryl fluoride", in Column (7), Special Provision "3," is removed and Special Provisions "2," "25," and "B9," are added in appropriate alpha-numeric order.

k. For the entry "Silicon tetrafluoride", in Column (7), Special Provision "4" is revised to read "2, 25".

8. In § 172.102, the following special provisions are added, removed, or revised, as indicated:

a. In paragraph (c)(1), Special Provisions 25, 29 and 30 are added and Special Provision 109 is revised.

b. In paragraph (c)(2), Special Provision A12 is revised.

c. In paragraph (c)(3), Special Provisions B14, B42, B65, B74, and B76 are revised.

d. In paragraph (c)(7)(ii), Special Provision T38 is revised. The revisions and additions read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

25 Notwithstanding the transitional provisions of § 171.14 of this subchapter, until October 1, 1994, this material may be transported or offered for transportation in accordance with final rules published December 21, 1990 and December 20, 1991, effective October 1, 1991, and a final rule published and effective October 1, 1992.

* * * * *

29 Unless otherwise excepted by this subchapter, lithium batteries or lithium batteries contained in equipment are forbidden for transportation by passenger-carrying aircraft and passenger-carrying rail car unless approved by the Associate Administrator for Hazardous Materials Safety.

30 Sulfur which is transported domestically is not subject to the requirements of this subchapter if transported in a non-bulk packaging or is formed to a specific shape (e.g., prills, granules, pellets, pastilles, or flakes).

* * * * *

109 Rocket motors must be nonpropulsive in transportation unless approved in accordance with § 173.56 of this subchapter. A rocket motor to be considered "nonpropulsive" must be capable of unrestrained burning and must not appreciably move in any direction when ignited by any means.

* * * * *

(2) * * *

Code/Special Provisions

* * * * *

A12 Lithium batteries in equipment, which have been approved by the Associate Administrator for Hazardous Materials Safety, must not exceed, in any piece of equipment, 12 g of lithium or lithium alloy per cell and 500 g of lithium or lithium alloy per battery.

* * * * *

(3) * * *

Code/Special Provisions

* * * * *

B14 Each bulk packaging, except a tank car or a multi-unit-tank car tank, must be insulated with an insulating material so that the overall thermal conductance at 15.5° C (60° F) is no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour per square foot per degree Fahrenheit) temperature differential. Insulating materials must not promote corrosion to steel when wet. Notwithstanding the requirements in § 171.14(b)(4)(ii) of this subchapter, compliance with this provision is delayed until October 1, 1994, for a bulk packaging containing a material poisonous by inhalation which, when in contact with moisture, becomes highly corrosive to the tank and could cause a degree of corrosion under an insulation blanket that would have an adverse effect on tank integrity.

* * * * *

B42 Each 105J500W tank car must be marked as 105J200W. Each tank car must have a safety relief valve with a start-to-discharge pressure of 1,034 kPa (150 psig).

* * * * *

B65 Notwithstanding the provisions of § 173.244 of this subchapter, only DOT 105A500W tank cars are authorized. Each 105J500W tank car must be marked as 105J300W. Each tank car must have a safety relief valve with a start-to-discharge pressure of 1,551 kPa (225 psig).

* * * * *

B74 Notwithstanding the requirements of § 173.244 of this subchapter, only the following are authorized: DOT 105S300W, 105S300ALW, 112J340W, and 114J340W tank cars; and Class DOT 106 and 110 multi-unit-tank car tanks.

B76 Notwithstanding the requirements of § 173.244 of this subchapter, only the following are authorized: DOT 105S300W, 105S300ALW, 112J340W, and 114J340W tank cars. Each tank car must be marked DOT 105S200W, 105S200ALW, 112J200W, or 114J200 respectively. Each tank car must have a safety relief valve with a start-to-discharge pressure of 1,034 kPa (150 psig).

* * * * *

(7) * * *

(ii) * * *

Code/Special Provisions

* * * * *

T38 Each tank must be insulated with an insulating material so that the overall thermal conductance at 15.5° C (60° F) is no more than 1.5333 kilojoules per hour per square meter per degree Celsius (0.075 Btu per hour per square foot per degree Fahrenheit) temperature differential. Insulating materials must not promote corrosion to steel when wet. Notwithstanding the requirements in § 171.14(b)(4)(ii) of this subchapter, compliance with this provision is delayed until October 1, 1994, for a bulk packaging containing a material poisonous by inhalation which, when in contact with moisture, becomes highly corrosive and could cause corrosion under an insulation blanket.

* * * * *

§ 172.102 [Amended]

9. In addition, in § 172.102(c)(3), Special Provision B67 is amended by removing the first sentence.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

10. The authority citation for part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808, 1817; 49 CFR part 1, unless otherwise noted.

11. In § 173.34, paragraph (d)(3) is revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(d) * * *

(3) Safety relief devices are prohibited on cylinders charged with Division 2.3 or Division 6.1 materials in Hazard Zone A. Notwithstanding the requirements in § 171.14(b)(4)(ii) of this subchapter, compliance with this provision is delayed until October 1, 1994 for cylinders filled with Division 2.3 or

Division 6.1 materials in Hazard Zone A.

* * * * *

12. In § 173.54, paragraph (l) is added to read as follows:

§ 173.54 Forbidden explosives.

* * * * *

(l) An explosive article with its means of initiation or ignition installed, unless approved in accordance with § 173.56.

§ 173.62 [Amended]

13. In § 173.62, the "Explosives Table" in paragraph (b) is amended by removing the entry "NA0150.....E–3" and adding, in appropriate alpha-numerical order, the entry "UN0150.....E–6".

§ 173.63 [Amended]

14. In § 173.63, the following changes are made:

a. In paragraph (a) introductory text, the wording "offered for transportation domestically and transported as Division 1.4 Compatibility Group D (1.4D) explosives," is revised to read "offered for transportation domestically and transported as Cord, detonating (UN 0289), Division 1.4 Compatibility Group D (1.4D) explosives,".

b. Paragraph (b) is removed and reserved.

§ 173.115 [Amended]

14a. In § 173.115, in paragraph (a), concluding text, at the end of the first sentence, the wording "Chemicals." is removed and replaced with the wording "Chemicals or other equivalent method approved by the Associate Administrator for Hazardous Materials Safety.".

§ 173.163 [Amended]

15. In § 173.163, in the first sentence, the wording "3BN," is added immediately following "3B," and immediately preceding "3C,".

16. In § 173.185, paragraph (a), paragraph (g)(1), the introductory text of paragraph (i), and paragraph (j)(1) are revised, paragraph (l) is added and reserved, and paragraph (m) is added to read as follows:

§ 173.185 Lithium batteries and cells.

(a) Except as otherwise provided in this subpart, lithium batteries and cells described in this section are authorized for transportation by highway, rail, vessel and cargo-only aircraft. Rechargeable lithium batteries and cells, and devices containing regulated lithium batteries (including lithium batteries contained in equipment) and cells, may not be transported except as approved by the Associate Administrator for Hazardous Materials Safety.

* * * * *

(g) * * *

(1) In strong inner fiberboard packagings containing not more than 500 g (17.6 ounces) of lithium or lithium alloy per inner packaging.

* * * * *

(i) Lithium batteries and cells, rechargeable lithium batteries and cells, and devices containing lithium batteries and cells, are not subject to this subchapter if they meet the following requirements:

* * * * *

(j) * * *

(1) When new, contained no more than 12.0 g (0.42 ounces) of lithium or lithium alloy per cell;

* * * * *

(l) [Reserved]

(m) Lithium batteries and cells which do not comply with the provisions of this section may be transported only if they are approved by the Associate Administrator for Hazardous Materials Safety.

§ 173.226 [Amended]

17. In § 173.226, the following changes are made:

a. In paragraph (b) introductory text, in the first sentence, the wording "In 1A1, 1B1, or 1N1 drums" is revised to read "In 1A1, 1B1, 1H1, 1N1, or 6HA1 drums"; and in the second sentence, the wording "1.50 mm (0.059 inches) for a 1A2 outer drum" is revised to read "1.35 mm (0.053 inches) for a 1A2 outer drum".

b. In paragraph (b)(4)(i)(A), the wording "and" is removed at the end of the sentence.

c. In paragraph (b)(4)(i)(B), the period is removed and replaced with ";" at the end of the sentence.

d. Paragraphs (b)(4)(i)(C) and (b)(4)(i)(D) are added.

e. In paragraph (b)(4)(ii)(B), the wording "and" is removed from the end of the sentence.

f. Paragraphs (b)(4)(ii)(C) and (b)(4)(ii)(D) are added.

g. In paragraph (b)(5), the second sentence is removed. The additions read as follows:

§ 173.226 Materials poisonous by inhalation, Division 6.1, Packing Group I, Hazard Zone A.

* * * * *

(b) * * *

(4) * * *

(i) * * *

(C) For a 1H1 drum, 3.16 mm (0.124 inches); and

(D) For a 6HA1 drum, the plastic inner container shall be 1.58 mm (0.0622 inches) and the outer steel drum shall be 0.96 mm (0.0378 inches).

(ii) * * *

(C) For a 1H1 drum, 3.16 mm (0.124 inches); and

(D) For a 6HA1 drum, the plastic inner container shall be 1.58 mm (0.0622 inches) and the outer steel drum shall be 1.08 mm (0.043 inches); and

* * * * *

§ 173.227 [Amended]

18. In § 173.227, the following changes are made:

a. In paragraph (b)(3)(i)(D), the wording "0.96 mm (0.038 inch)" is revised to read "0.70 mm (0.027 inch)".

b. In paragraph (b)(3)(ii)(C), the wording "0.125 inch" is revised to read "0.124 inch".

c. In paragraph (b)(4), the period is removed and replaced with "; and" at the end of the first sentence and the second sentence is removed.

d. In paragraph (c), in the first sentence, the wording "1H1," is added immediately following "1B1," and immediately preceding "1N1".

19. In § 173.306, paragraph (h)(3) is revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * * *

(h) * * *

(3) Shipments of ORM-D materials are eligible for the exceptions provided in § 173.156.

* * * * *

§ 173.306 [Amended]

20. In addition, in § 173.306, the following changes are made:

a. In paragraph (a)(3)(i), the wording "50 cubic inches (1 liter)" is revised to read "one liter (61.0 cubic inches)".

b. In paragraph (b)(1) introductory text, the wording "50 cubic inches capacity (1 liter)" is revised to read "one liter (61.0 cubic inches)".

21. In § 173.314, in paragraph (c) Table, Note 21 is amended by revising the wording "§ 173.24(b)" to read "§ 173.24b", and Note 30 is revised to read as follows:

§ 173.314 Requirements for compressed gases in tank car tanks.

* * * * *

(c) * * *

Notes:

* * * * *

Note 30: Tank cars built after September 30, 1991, must conform to Class DOT 105S. Tank cars used for the transportation of chlorine and built after September 30, 1991, must conform to Class DOT 105S and have an insulation system consisting of 5.08 cm (2

inches) of glass fiber placed over 5.08 cm (2 inches) ceramic fiber.

* * * * *

§ 173.315 [Amended]

22. In § 173.315, in the paragraph (a) table, in Note 24, a third sentence is added to read "For sulphur dioxide, this Note does not apply until October 1, 1994.".

§ 173.323 [Amended]

23. In § 173.323, in paragraph (b)(5), in the last sentence, the wording "the filled drum will not rupture when tested by the method described in CGA Pamphlet C–14 or other equivalent method." is revised to read "the filled drum is capable of passing, without rupture, the test method described in CGA Pamphlet C–14 or other equivalent method.".

PART 174—CARRIAGE BY RAIL

24. The authority citation for part 174 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e), 1.53, App. A to part 1.

25. In § 174.81, paragraph (e)(3) is revised to read as follows:

§ 174.81 Segregation of hazardous materials.

* * * * *

(e) * * *

(3) The letter "O" in the Table indicates that these materials may not be loaded, transported, or stored together in the same rail car or storage facility during the course of transportation unless separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials would not occur. Notwithstanding the methods of separation employed, Class 8 (corrosive) liquids may not be loaded above or adjacent to Class 4 (flammable) or Class 5 (oxidizing) materials; except that shippers may load carload shipments of such materials together when it is known that the mixture of contents would not cause a fire or a dangerous evolution of heat or gas.

* * * * *

§ 174.81 [Amended]

26. In addition, in the Segregation Table in paragraph (d), the following changes are made:

a. In column 1, "Class or division" the title of the ninth entry "Poisonous gas other than Zone A" is revised to read "Poisonous gas Zone B" and in column 11, the column heading "2.3 gas other than Zone A" is revised to read "2.3 gas Zone B".

b. In the column "8 liquids only", for the entry "Flammable gases", the letter "O" is removed and in the column "2.1", for the entry "Corrosive liquids", the letter "O" is removed.

27. In § 174.83, paragraph (b) is revised, paragraph (c) is redesignated as paragraph (f), and new paragraphs (c) (d), and (e) are added to read as follows:

§ 174.83 Switching placarded railcars, transport vehicles, freight containers, and bulk packagings.

* * * * *

(b) Any rail car placarded in Division 1.1, 1.2, 2.3, or any Class DOT 113 tank car placarded in Division 2.1 may not be:

(1) Cut off while in motion;

(2) Coupled into with more force than is necessary to complete the coupling; or

(3) Struck by any car moving under its own momentum.

(c) A placarded flatcar, or a flatcar carrying a placarded transport vehicle, freight container, or bulk packaging under this subchapter may not be cut off while in motion.

(d) No rail car moving under its own momentum may be permitted to strike any placarded flatcar or any flatcar carrying a placarded transport vehicle, freight container, or bulk packaging.

(e) No placarded flatcar or any flatcar carrying a placarded transport vehicle, freight container, or bulk packaging may be coupled into with more force than is necessary to complete the coupling.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

28. The authority citation for part 177 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805; 49 CFR part 1.

29. In § 177.848, paragraph (e)(3) is revised to read as follows:

§ 177.848 Segregation of hazardous materials.

* * * * *

(e) * * *

(3) The letter "O" in the Table indicates that these materials may not be loaded, transported, or stored together in the same transport vehicle or storage facility during the course of transportation unless separated in a manner that, in the event of leakage from packages under conditions normally incident to transportation, commingling of hazardous materials would not occur. Notwithstanding the methods of separation employed, Class 8 (corrosive) liquids may not be loaded above or adjacent to Class 4 (flammable) or Class 5 (oxidizing) materials; except that shippers may load truckload shipments of such materials together when it is known that the mixture of contents would not cause a fire or a dangerous evolution of heat or gas.

* * * * *

§ 177.848 [Amended]

30. In addition, in the Segregation Table in paragraph (d), the following changes are made:

a. In column 1, "Class or division" the title of the ninth entry "Poisonous gas other than Zone A" is revised to read "Poisonous gas Zone B" and in column 11, the column heading "2.3 gas other than Zone A" is revised to read "2.3 gas Zone B".

b. In the column "8 liquids only", for the entry "Flammable gases", the letter "O" is removed and in the column "2.1", for the entry "Corrosive liquids", the letter "O" is removed.

PART 178—SPECIFICATIONS FOR PACKAGINGS

31. The authority citation for part 178 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1.

§ 178.33–2 [Amended]

32. In § 178.33–2, in paragraph (b), in the first sentence, the wording "50 cubic inches (27.7 fluid ounces)." is revised to read "one liter (61.0 cubic inches).".

§ 178.33a–2 [Amended]

33. In § 178.33a–2, in paragraph (b), in the first sentence, the wording "55 cubic inches (30.5 fluid ounces)." is revised to read "one liter (61.0 cubic inches).".

PART 179—SPECIFICATIONS FOR TANK CARS

34. The authority citation for part 179 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1, unless otherwise noted.

35. Section 179.100–7 is amended by redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

§ 179.100–7 Materials.

* * * * *

(c) *High alloy steel plate.* (1) High alloy steel plate must conform to the following specifications:

Specifications	Minimum tensile strength (p.s.i.) welded condition[1]	Minimum elongation in 2 inches (percent) weld metal (longitudinal)
ASTM A240–70, Type 304L	70,000	30
ASTM A240–70, Type 316L	70,000	30

[1] Maximum stresses to be used in calculations.

(2)(i) High alloy steels used to fabricate tank must be tested in accordance with the following procedures in ASTM Specification A262–68 titled, "Recommended Practices for Detecting Susceptibility to Intergranular Attack in Stainless Steel," and must exhibit corrosion rates not exceeding the following:

Test procedures	Material	Corrosion rate i.p.m.
Practice B	Types 304L and 316L.	0.0040
Practice C	Type 304L ...	0.0020

(ii) Type 304L and 316L test specimens must be given a sensitizing treatment prior to testing.

* * * * *

36. In § 179.100–10, a new paragraph (c) is added to read as follows:

§ 179.100–10 Postweld heat treatment.

* * * * *

(c) Tank and welded attachments, fabricated from ASTM A240–70 Type 304L or Type 316L materials do not require postweld heat treatment, but these materials do require a corrosion resistance test as specified in § 179.100–7(c)(2).

Issued in Washington, DC on September 21, 1993 under authority delegated in 49 CFR part 1.

Rose A. McMurray,

Acting Administrator, Research and Special Programs Administration.

[FR Doc. 93–23423 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–60–P

federal register

Friday
September 24, 1993

Part X

Department of Transportation

Federal Aviation Administration

14 CFR Part 13
Rules of Practice for FAA Penalty Actions; Separation of Functions; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

[Docket No. 25690; Amendment No. 13–24]

RIN 2120–AF14

Rules of Practice for FAA Civil Penalty Actions; Separation of Functions

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: This final rule amends the Rules of Practice in Civil Penalty Actions, by adding to the FAA decisionmaker's advisors the Special Counsel and Director of Civil Penalty Adjudications (Special Counsel). The position of Special Counsel recently has been created, with duties that include advising the FAA decisionmaker. This rule will update the Federal Aviation Regulations to cover the duties of the new Special Counsel.

DATES: *Effective date:* September 24, 1993.

Comment date: Comments must be received on or before October 25, 1993.

ADDRESSES: Comments on this final rule may be delivered or mailed, in triplicate, to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 25690, 800 Independence Avenue, SW., room 915G, Washington, DC 20591. Comments submitted must be marked: "Docket No. 25690."

Comments may be inspected in Room 915G between 8:30 a.m. and 5 p.m. on weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Vicki S. Leemon, Manager, Adjudications Branch, AGC–700, Federal Aviation Administration, 701 Pennsylvania Ave., NW., suite 925, Washington, DC 20004; telephone (202) 376–6470.

SUPPLEMENTARY INFORMATION:

Comments Invited

These amendments are purely procedural rules to describe which FAA personnel advise the FAA decisionmaker regarding an initial decision or any appeal of a civil penalty action to the FAA decisionmaker. They reflect the addition of the Special Counsel, a new position in the Chief Counsel's office. They do not affect the manner in which any respondent exercises the right to appeal a proposed civil penalty. The changes to part 13 are being adopted without notice and prior public comment because they reflect changes only in the personnel within the FAA. The Regulatory Policies of the Department of Transportation (44 FR 11034; February 26, 1979), however, provide that, to the maximum extent possible, Department of Transportation (DOT) operating administrations should provide an opportunity for public comment on regulations issued without prior notice.

Accordingly, interested persons are invited to participate in the rulemaking process by submitting such written data, views, or arguments as they may desire. Comments relating to environmental, energy, federalism, or international trade impacts that might result from these amendments are also invited. Comments must include the regulatory docket or amendment number and be submitted in triplicate to the address above. All comments received, as well as a report summarizing each substantive public contact with FAA personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

All comments received on or before the closing date will be considered by the Administrator. Late-filed comments will be considered to the extent practicable. This final rule may be changed in light of the comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this final rule must submit a pre-addressed, stamped postcard with those comments on which the following statement is made: "Comments to Docket No. 25690." The postcard will be date-stamped by the FAA and returned to the commenter.

Availability of Final Rule

Any person may obtain a copy of this Final Rule by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center (APA–200), 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Requests must include the amendment or docket number.

Persons interested in being placed on a mailing list for future rulemaking actions should request a copy of Advisory Circular 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Under § 13.16 of the Federal Aviation Regulations (FAR) (14 CFR 13.16), and the Rules of Practice in Civil Penalty Actions, part 13, subpart G, of the FAR (14 CFR part 13, subpart G), the FAA may assess civil penalties in certain circumstances. Under these rules, the respondent may request a hearing before an administrative law judge (ALJ), who issues an initial decision and order. The respondent and the agency may appeal any adverse decision of an ALJ to the FAA decisionmaker. Such appeals are decided by the Administrator of the FAA, acting as the FAA decisionmaker. Sections 13.202 (definition of agency attorney) and 13.203 (separation of functions) of the FAR describe who prosecutes civil penalty actions on behalf of the agency and who advises the FAA decisionmaker. These rules were designed to ensure that a separation of functions, as required by section 5 of the Administrative Procedures Act, 5 U.S.C. 554, exists during the decisionmaking process.

Sections 13.202 and 13.203(c) designate the advisors to the FAA decisionmaker with considerable specificity. Section 13.203 currently designates the Chief Counsel, the Assistant Chief Counsel for Litigation, or attorneys on the staff of the Assistant Chief Counsel for Litigation as the advisors to the Administrator. In designating who will serve as prosecutors of civil penalty actions, § 13.202 specifically excludes the Chief Counsel, the Assistant Chief Counsel for Litigation, and attorneys on the staff of the Assistant Chief Counsel for Litigation who advise the FAA decisionmaker.

In August 1993, the position of Special Counsel and Director of Civil Penalty Adjudications was created. The duties of the incumbent of that position include serving as an advisor to the FAA decisionmaker. The Special Counsel reports to the Chief Counsel, will not be supervised by the Deputy Chief Counsel, and will perform no prosecutorial functions in the civil penalty program. In light of the creation of this new position, §§ 13.202 and 13.203 are being amended to add the Special Counsel as a person who may advise the FAA decisionmaker.

This final rule amends the designation of advisors to the FAA decisionmaker. Under the revised § 13.203(c), the Chief Counsel and Assistant Chief Counsel for Litigation will continue as advisors to the FAA decisionmaker. The Special Counsel is added as an advisor to the FAA decisionmaker. Attorneys on the staff of the Assistant Chief Counsel for Litigation or the Special Counsel may also advise the FAA decisionmaker. This final rule also amends the definition of "agency attorney" in

§ 13.202 to exclude from that definition the Special Counsel, and attorneys on the staff of the Special Counsel who advise the FAA decisionmaker. A minor editorial clarification also is being made to § 13.202.

In making these changes, care has been taken to continue a system without breaches in the separation of the prosecutorial and adjudication functions. The amended § 13.202 excludes from the definition of agency attorney (a prosecutor) all persons who may advise the FAA decisionmaker under § 13.203.

Economic Evaluation

The FAA has determined that this rule is not "major" under the criteria of Executive Order 12291. The FAA, therefore, is not required to prepare a Regulatory Impact Analysis under either the Executive Order or the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979). In nonmajor rulemaking actions, the DOT Regulatory Policies and Procedures require the FAA to prepare a regulatory evaluation, analyzing the economic consequences of proposed regulations and quantifying, to the extent practicable, the estimated costs and anticipated benefits and impacts of regulations.

The amendments in this final rule change only the duties of personnel within the Chief Counsel's office. The amendments do not affect the manner in which respondents appeal an initial decision and order to the FAA decisionmaker. The changes do not, in economic terms, alter the processes by which civil penalties are assessed within the agency. Accordingly, there are neither economic costs nor benefits associated with these amendments.

International Trade Impact Assessment

The rule makes only internal procedural changes. These changes will not impose any costs on either U.S. or foreign operators. Therefore, a competitive trade disadvantage will not be incurred by U.S. operators abroad or foreign operators in the United States.

Regulatory Flexibility Determination

In accordance with the Regulatory Flexibility Act of 1980, the FAA certifies that the rule will not have a significant economic impact, positive or negative, on a substantial number of small entities because the rule only makes changes to the duties of certain FAA personnel. Such changes will not impose any cost burdens or result in any cost savings.

Federalism Implications

This amendment 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. No state governments are affected by this rule. Therefore, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), there are no requirements for information collection associated with this rule.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. This regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it is certified 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.

List of Subjects in 14 CFR Part 13

Enforcement procedures, Investigations, Penalties.

The Amendments

Accordingly, the Federal Aviation Administration amends part 13 of the Federal Aviation Regulations (14 CFR part 13), effective September 24, 1993, as follows:

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

1. The authority citation for part 13 is revised to read as follows:

Authority: 49 U.S.C. 106(g) and 322; 49 U.S.C. App. 1354 (a) and (c), 1374(d), 1401–1406, 1421–1432, 1471–1473, 1481, 1482, 1484–1489, 1523, 1655(c), 1808–1810, 2157 (e) and (f), 2216, 2218, 2219; Pub. L. 102–345, 106 Stat. 923; Sec. 208, Pub. L. 102–581, 106 Stat. 4872; 18 U.S.C. 6002, 6004; 49 CFR 1.47.

2. Section 13.202 is amended by revising the last sentence in the definition of *Agency attorney* to read as follows:

§ 13.202 Definitions.

* * * * *

Agency attorney * * * An agency attorney shall not include:

(1) The Chief Counsel, the Assistant Chief Counsel for Litigation, or the Special Counsel and Director of Civil Penalty Adjudications; or

(2) Any attorney on the staff of either the Assistant Chief Counsel for Litigation or the Special Counsel and Director of Civil Penalty Adjudications who advises the FAA decisionmaker regarding an initial decision or any appeal to the FAA decisionmaker; or

(3) Any attorney who is supervised in a civil penalty action by a person who provides such advice to the FAA decisionmaker in that action or a factually-related action.

* * * * *

3. Section 13.203(c) is revised to read as follows:

§ 13.203 Separation of functions.

* * * * *

(c) The Chief Counsel, the Assistant Chief Counsel for Litigation, the Special Counsel and Director of Civil Penalty Adjudications, or an attorney on the staff of either the Assistant Chief Counsel for Litigation or the Special Counsel and Director of Civil Penalty Adjudications, will advise the FAA decisionmaker regarding an initial decision or any appeal of a civil penalty action to the FAA decisionmaker.

Issued in Washington, DC, September 20, 1993.

David R. Hinson,

Administrator.

[FR Doc. 93–23453 Filed 9–23–93; 8:45 am]

BILLING CODE 4910–13–M

Reader Aids

Federal Register

Vol. 58, No. 184

Friday, September 24, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, and Federal Register finding aids.	202–275–1538, or 275–0920

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

46073–46528.....1
46529–46758.....2
46759–47014.....3
47015–47198.....7
47199–47370.....8
47371–47618.....9
47619–47820.....10
47821–47982.....13
47983–48258.....14
48259–48444.....15
48445–48590.....16
48591–48774.....17
48775–48952.....20
48953–49174.....21
49175–49420.....22
49421–49900.....23
49901–50242.....24

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Memorandums:

September 11, 1993.....48583

Presidential Determinations:

No. 93–27 of June 24, 1993.....49175

No. 93–35 of August 30, 1993.....48259

No. 93–36 of August 30, 1993.....48261

No. 93–37 of September 2, 1993.....48263

Executive Orders:

December 12, 1917 (Revoked in part by PLO 6995) (2 EO's).....48458

4257 (Revoked in part by PLO 6996).....48458

6546 (Revoked by PLO 6989).....38083, 48545

11858 (Amended by EO 12860).....47201

12334 (Revoked by EO 12863).....48441

12537 (Revoked by EO 12863).....48441

12775 (See DOT rule of Sept. 2).....46540

12779 (See DOT rule of Sept. 2).....46540

12860.....47201

12863.....48441

12864.....48773

Proclamations:

6587.....47199

6588.....47981

6589.....48585

6590.....48587

6591.....48589

6592.....48771

6593.....49173

6594.....49901

6595.....49903

5 CFR

831.....48265, 49177

837.....48265

841.....48265

842.....48265

844.....48265

846.....47821, 48265

870.....47823

871.....47823

872.....47823

873.....47823

890.....47823

Ch. XXVI.....47619

Proposed Rules:

2634.....46096

7 CFR

54.....48591

246.....47015

301.....49186

Ch. III.....47206

400.....47203

406.....46073

781.....48273

800.....49421

915.....46759

932.....48592

944.....48595

946.....47025

947.....46760, 47025

948.....47025

953.....47025

955.....47023

958.....47025

982.....47025

989.....47028, 48274

1030.....48953

1160.....46761

1220.....47983

1230.....47204

1910.....48275

1924.....48275

1941.....48275

1943.....48275

1944.....48300

1945.....48275

1955.....48275

1962.....46074

1980.....48275

Proposed Rules:

52.....47071

68.....49248

319.....47074

1007.....47653

1093.....47653

1094.....47653

1096.....47653

1108.....47653

1160.....46877

1405.....46886

1413.....46886

1710.....48800

1755.....46097, 46110

1773.....49442

1786.....48465

1944.....48330

1980.....46889

8 CFR

204.....48775

211.....48775

214.....49905

223.....48775

223a.....48775

235.....48775

251.....48775

252.....48775

264.....48775

274a.....48775
292.....49905
299.....48775, 49905
310.....49905
312.....49905
313.....49905
316.....48775, 49905
322.....49905
329.....49905
334.....48775, 49905
335.....49905
336.....49905
337.....49905
338.....49905
339.....49905
343b.....49905
499.....49905

9 CFR

Ch. I.....47206
51.....47984
78.....48445
96.....47029
317.....47624
381.....47624

Proposed Rules:

78.....47222
82.....46569
92.....47084, 48003
94.....47834
113.....47222
313.....47673

10 CFR

73.....48424
860.....47984

Proposed Rules:

2.....48004
20.....47676
72.....47222, 48004
430.....47326, 48800
766.....49445

12 CFR

7.....46529
34.....46529
208.....47206
211.....46076, 47206
225.....47206
262.....47985
611.....48780
613.....48780
614.....48780
620.....48780
621.....48780
627.....48780
931.....47181
932.....47181
933.....47181

Proposed Rules:

3.....48206
208.....48206
215.....47400
303.....48979
325.....48206
620.....47836
935.....49446
936.....46569, 48946

13 CFR

107.....47031
120.....49422
121.....47371, 48954
122.....49422

Proposed Rules:

121.....46573, 47181, 48981

14 CFR

13.....50240
25.....46536, 47628
39.....46076, 46766, 46767, 46768, 46769, 46770, 46771, 46772, 47033, 47034, 47035, 47036, 47038, 47209, 47825, 47826, 47827, 47828, 47986, 49917
71.....46539, 47039, 47040, 47041, 47042, 47043, 47044, 47045, 47371, 47372, 47373, 47374, 47375, 47631, 47633, 47635, 47829, 47830, 48301, 48722, 48792, 49424
91.....48722, 48793
97.....47046, 47048, 48958, 48959
121.....46500

Proposed Rules:

Ch. I.....46585, 47405, 47678
39.....46135, 46136, 46137, 46139, 46914, 46916, 46917, 47085, 47224, 47225, 47227, 47405, 47407, 47409, 47678, 47837, 47839, 48009, 48010, 48616, 48617, 48983, 48984, 48986, 48987, 48989, 49943, 49944, 49946
61.....48748
71.....46586, 47087, 47411, 47413, 47680, 48331, 49450, 49451
125.....49164
135.....49164
382.....47681

15 CFR

770.....47052
771.....47049, 47051, 47052
774.....47052
775.....47051, 47052
776.....47052
777.....47049
778.....47049
779.....47049, 47052
785.....47051, 47052
799.....47049, 47322, 48302

Proposed Rules:

295.....46919

16 CFR

435.....49096

17 CFR

270.....49425, 49919

Proposed Rules:

240.....49452

18 CFR

2.....47636

Proposed Rules:

2.....48994
Subchapter B.....48991

19 CFR

12.....49428
101.....49922
122.....49922

Proposed Rules:

175.....47413
201.....49452
284.....48332

20 CFR

360.....48597
416.....49431

Proposed Rules:

416.....49249

21 CFR

Ch. I.....48597
10.....49190
20.....48793, 48794
101.....49190
172.....48598
177.....48598
206.....47948
207.....47948
310.....46744, 46746, 46749, 49890
314.....47340, 47948
330.....47948
333.....49890
510.....47056, 47376
520.....47210
522.....47376
556.....47210
558.....47056, 47962
573.....47962
804.....46514
807.....46514
821.....48599
1308.....49923

Proposed Rules:

207.....46587
211.....47088
314.....47088
331.....49826
334.....46589
514.....47088
870.....46919
1306.....49453
1313.....49455

22 CFR

201.....48796
42.....48446, 48447
121.....47636
514.....48447

Proposed Rules:

41.....49456

24 CFR

25.....47377
86.....47056
91.....49156
201.....47319, 47377
203.....47319
234.....47319

Proposed Rules:

200.....48556
204.....48556
206.....48556
267.....48556
585.....49830

26 CFR

1.....46773, 46828, 46835, 47060, 47061, 47639, 47639, 47784, 49352

Proposed Rules:

1.....47013, 47089, 47090, 48801
48.....48801
601.....48802

27 CFR

24.....48424
47.....47831

Proposed Rules:

5.....46141
9.....49949

28 CFR

23.....48448
527.....47976

Proposed Rules:

58.....48472

29 CFR

4.....49192
2606.....48600
2617.....48600
2619.....48305
2676.....48306

Proposed Rules:

402.....49672
403.....49672
1605.....49456
1910.....47690
1915.....47690
1917.....47690
1918.....47690
1926.....47690
1928.....47690

30 CFR

250.....49924
913.....46845, 48961
914.....46857, 48963
935.....46861
944.....48600
946.....49928
948.....46676

Proposed Rules:

701.....49457, 50174
773.....49457
774.....49457
778.....49457
784.....50174
817.....50174
840.....48332
842.....48332
843.....48332, 49457
913.....47237, 48333
914.....48996
917.....48333
920.....48998
935.....48333

31 CFR

500.....47643
515.....47643
550.....47643
575.....47643
580.....46540, 47643
585.....47643

32 CFR

40.....47619
342.....48306
371.....48308

Proposed Rules:

199.....47692, 48473
855.....49951

33 CFR

100.....46078
117.....46080, 47067, 47068
156.....48434
161.....46081
165.....46078, 46082, 46083, 47069, 47987, 47988, 47989, 47990, 47991, 48967
323.....48424
328.....48424

334.....47788
Proposed Rules:
100.....47099
162.....46144
334.....47786

34 CFR

21.....47192
232.....46756
346.....49418
347.....49418
354.....49418
355.....49418
356.....49418
357.....49418
358.....49418
359.....49418
360.....49418
610.....50166
649.....47069
Proposed Rules:
607.....48478

36 CFR

1222.....49193
1230.....49193
Proposed Rules:
7.....48336
222.....48808
242.....46678
1253.....49251

37 CFR

1.....49432

38 CFR

3.....46865
21.....46865, 46866, 49196
47.....48455
Proposed Rules:
3.....46919, 48483
20.....47100
36.....49251, 49253

39 CFR

Proposed Rules:
111.....49402
265.....48808

40 CFR

9.....49354
52.....46541, 46867, 47211, 48309, 48312, 48315, 47379, 47383, 47385, 47391, 47831, 49434
63.....49354
73.....48318
80.....46508, 48968
81.....47391, 49931
110.....48424
112.....48424
116.....48424
117.....48424
122.....48424
180.....46084, 46087, 47214, 47215, 48320
185.....46087, 48456
186.....48322, 48322
228.....46544
230.....48424
232.....48424
271.....47216, 49932
272.....49199
281.....47217
300.....46087, 49200
401.....48424
712.....47647
716.....47647
Proposed Rules:
Ch. I.....47414, 48012
52.....47101, 47103, 47239, 47414, 47415, 47701, 47705, 47707, 47840, 48339, 48344, 48811, 48812, 48999, 49001, 49254, 49258, 49458, 49463, 49464, 49952, 49954, 49956
55.....48619
72.....50088
73.....50088
74.....50088
75.....50088
78.....50088
81.....49001, 49467, 49956
122.....47845
123.....46145, 47417, 47845
131.....47845
148.....48092
132.....47845
180.....46147, 46149, 49263, 49264, 49265, 49267
260.....48092
261.....48092
268.....48092
271.....48092
372.....46596, 47709
721.....46921, 48346, 48347, 48348, 49269, 49271
745.....46921

41 CFR

101–40.....48972
101–49.....46088
Proposed Rules:
105–57.....46596
201–20.....49005
201–39.....49005

42 CFR

412.....46270
413.....46270
435.....48611
436.....48611
485.....49934
493.....48323
Proposed Rules:
417.....46925
433.....49272
1001.....49008

43 CFR

2.....48973
3160.....47354
Proposed Rules:
4.....48814
1780.....48814
4100.....48814
5450.....47241
5460.....47847
5510.....47847
8360.....46151
9230.....47847
9260.....47847
Public Land Orders:
6989.....48545
6995.....48458
6996.....48458

44 CFR

3.....47218
206.....47992, 47994
353.....47996

45 CFR

205.....49218
233.....49218
400.....46089
Proposed Rules:
301.....47417
305.....47417
607.....46597
608.....46600
1180.....48622
1207.....46602, 48424
1208.....46602, 48424

46 CFR

171.....47784
Proposed Rules:
10.....48572
12.....48572

47 CFR

2.....49220
21.....46547, 49220
22.....46547, 49220
43.....48323
61.....48323, 48756
64.....48752, 48756
65.....48756
69.....48756
73.....46090, 46550, 46551, 48323, 48324, 48325, 48326, 48614
76.....46718
94.....46547, 49220
95.....48459
97.....47218, 48459
Proposed Rules:
32.....49276
36.....48815
64.....48623
73.....46152, 46605, 48349, 48819, 49278
76.....46737

48 CFR

232.....46091
252.....46091
522.....47398
552.....47398
814.....48973
833.....48973
836.....48973
852.....48973
1807.....48974
1808.....47219
1832.....48614
1852.....47219
2017.....47220
2052.....47220
2401.....49436
2402.....49436
2414.....49436
2415.....49436
2419.....49436
2452.....49436
Proposed Rules:
209.....49958
215.....47242
225.....47243, 48484, 48545
242.....49958, 49960
252.....47243, 48484, 48545, 49958
253.....49958
1815.....47244
1831.....47244
1852.....47244

49 CFR

107.....46872
171.....47650, 50244
172.....47650, 50244
173.....47650, 50244
174.....47650, 50244
177.....50244
178.....50244
179.....47650, 50244
192.....48460
571.....46551, 46873
585.....46551
Proposed Rules:
27.....47681
173.....48485
174.....48485
180.....48485
393.....48624
571.....46928, 46938, 47426, 47427, 48350
572.....48350
1160.....48628
1162.....48628
1166.....48628
1312.....47104

50 CFR

17.....49242, 49244, 49467, 49870, 49875, 49880, 49881, 49935
20.....50188, 50211
217.....48797, 48975
222.....48326
227.....48326, 48797, 48975
285.....48464, 49437
611.....49438
625.....49937
651.....49940
661.....46093, 48001
663.....46094, 47651, 49941
672.....46095
675.....47221, 47833
Proposed Rules:
17.....46940, 47428, 47851, 48012, 48351, 49279, 49467, 49960
32.....48732, 49382
100.....46678
222.....47710, 49352
227.....46944, 47710, 49352
285.....46153
625.....47245
630.....46153
641.....48502
642.....47428
650.....46606
678.....46153

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 2010/P.L. 103–82

National and Community Service Trust Act of 1993 (Sep. 21, 1993; 107 Stat. 785; 139 pages)

Last List August 19, 1993

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents **Subscriptions** Order Form

S3

Order Processing Code:
* 6216

☐ **YES**, enter my subscription(s) as follows:

Charge your order. It's Easy!

To fax your orders (202) 512-2233

_____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for $156 per subscription.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

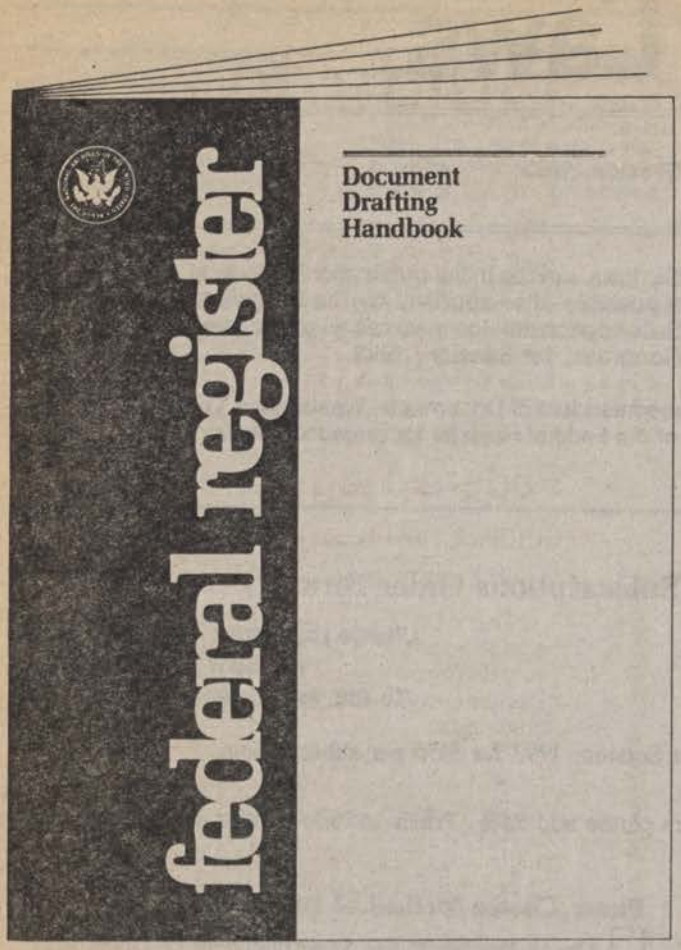
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (1/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954



Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

Order processing code: *6133

Charge your order. It's easy!

To fax your orders and inquiries—(202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069-000-00037-1

1. The total cost of my order is $_____ Foreign orders please add an additional 25%. All prices include regular domestic postage and handling and are subject to change.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

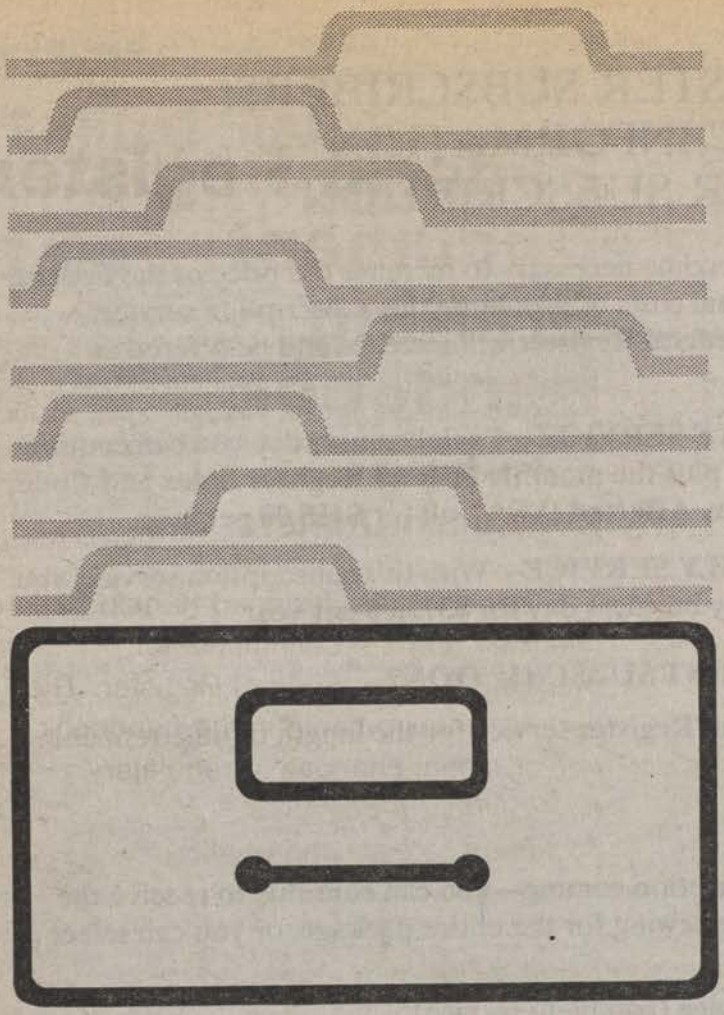
_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev 12/91)

4. **Mail To:** New Orders, Superintendent of Documents, P.O Box 371954, Pittsburgh, PA 15250–7954



Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

SUPPLEMENT: Revised January 1, 1993

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*

P3

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202) 512-2250

☐ **YES**, please send me the following:

_____copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR S/N 069-000-00046-1 at $15.00 each.

_____copies of the 1993 SUPPLEMENT TO THE GUIDE, S/N 069-001-00052-1 at $4.50 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (5/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) **FEDERAL REGISTER COMPLETE SERVICE**—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) **FEDERAL REGISTER DAILY ONLY SERVICE**—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

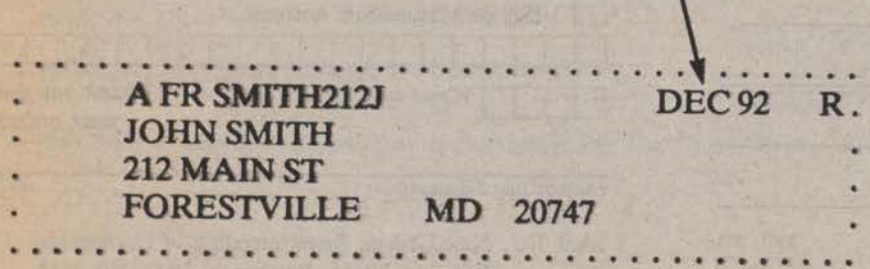
or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.



rder Now!

he United States
overnment Manual
993/94

As the official handbook of the Federal Government, *Manual* is the best source of information on the ivities, functions, organization, and principal officials he agencies of the legislative, judicial, and executive nches. It also includes information on quasi-official ncies and international organizations in which the ited States participates.

Particularly helpful for those interested in where to go d who to see about a subject of particular concern is h agency's "Sources of Information" section, which vides addresses and telephone numbers for use in aining specifics on consumer activities, contracts and nts, employment, publications and films, and many er areas of citizen interest. The *Manual* also includes mprehensive name and agency/subject indexes.

Of significant historical interest is Appendix C, ich lists the agencies and functions of the Federal vernment abolished, transferred, or changed in me subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal gister, National Archives and Records Administration.

0.00 per copy



Superintendent of Documents **Publications** Order Form

Processing Code:
6395

Charge your order. It's easy! MasterCard VISA

To fax your orders (202) 512–2250

☐ **YES,** please send me _____ copies of the **The United States Government Manual, 1993/94** S/N 069–000–00053–3 at $30.00 ($37.50 foreign) each.

The total cost of my order is $ _____. Price includes regular domestic postage and handling and is subject to change.

_____
mpany or personal name) (Please type or print)

_____
ditional address/attention line)

_____
eet address)

_____
y, State, Zip code)

_____
ytime phone including area code)

_____
rchase order no.)

Please choose method of payment:

❑ Check payable to the Superintendent of Documents

❑ GPO Deposit Account ☐☐☐☐☐☐☐–☐

❑ VISA ❑ MasterCard Account

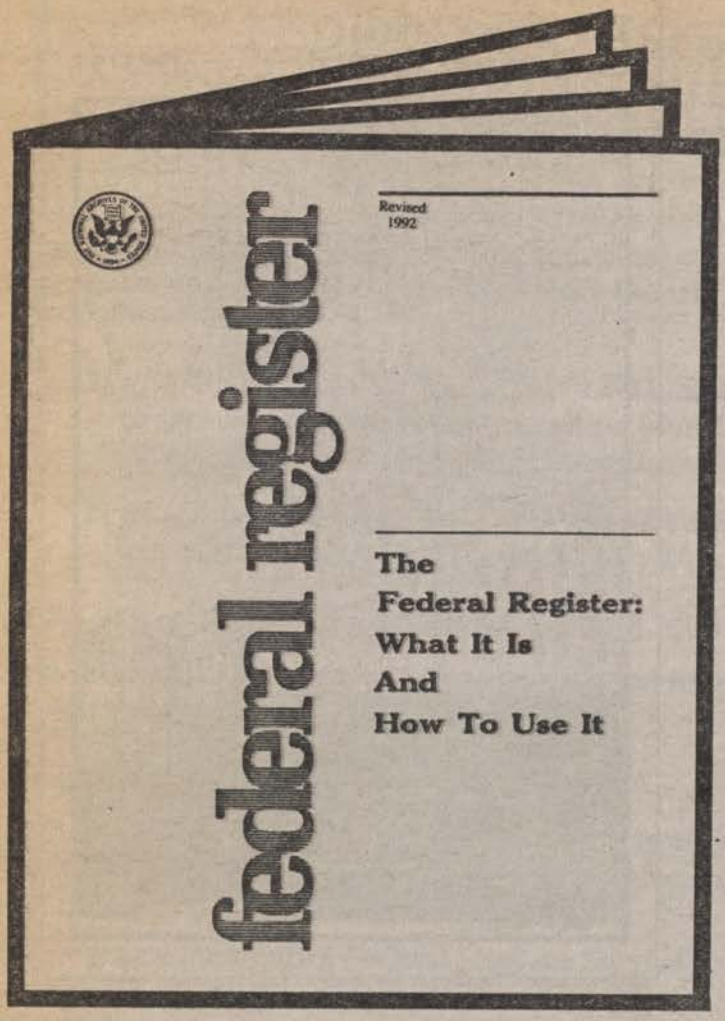
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing signature) (Rev 9/93)

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954



Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy!
To fax your orders (202)-512-2250

_____ copies of **The Federal Register-What It Is and How To Use It,** at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954



Printed on recycled paper