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

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

9 CFR Parts 317 and 381

[Docket No. 97–035F]

RIN 0583–AC47

Food Labeling: Nutrient Content Claims, Definition of Term; Healthy

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim final rule.

SUMMARY: In response to a petition, the Food Safety and Inspection Service (FSIS) is extending until January 1, 2000, the effective date of the requirement that individual meat and poultry products labeled as "healthy," or any other derivative of the term "health," contain no more than 360 mg sodium and meal-type products contain no more than 480 mg sodium. The petitioner raised issues regarding the technological feasibility of developing consumer-acceptable products with reduced sodium content and lack of scientific data about a link between sodium levels and health and safety factors. FSIS determined that the petitioner's concerns have merit and, as a result, is extending the effective date for the second tier, lower level sodium provisions.

DATES: *Effective date:* This rule is effective February 13, 1998. Written comments on extension of the effective date should be received by March 16, 1998. Written comments about instituting additional rulemaking should be received by May 19, 1998.

ADDRESSES: Submit one original and two copies of written comments to the FSIS Docket Clerk, Docket #97–035F, Room 102, Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250–3700. All comments submitted on this rule will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Hudnall, Assistant Deputy Administrator, Office of Policy, Program Development and Evaluation; telephone (202) 205–0495.

SUPPLEMENTARY INFORMATION:

Background

In the May 10, 1994, **Federal Register** (59 FR 24220), FSIS published a final rule to establish a definition of the term "healthy," or any other derivative of the term "health" and similar terms, on meat and poultry product labeling. The Agency believes it is important to give consumers accurate, informative labeling on meat and poultry products that conform with such labeling on other foods. The final rule provides a definition for the implied nutrient content claim "healthy" for individual and meal-type products. Under 9 CFR 317.363(b)(3) and 381.463(b)(3), for a food to qualify to use the term "healthy," or a derivative of that term, on its label or in its labeling, the product must not contain more than 360 mg of sodium, except it shall not contain more than 480 mg of sodium during the first 24 months of implementation (through November 10, 1997) per reference amount customarily consumed (RACC) and per labeled serving size. Under 9 CFR 317.363(b)(3)(i) and 381.463(b)(3)(i), a meal-type product, to qualify to bear this term, shall not contain more than 480 mg of sodium, except that it shall not contain more than 600 mg. of sodium during the first 24 months of implementation, per labeled serving size.

On December 7, 1996, FSIS received a petition from ConAgra, Inc., requesting that 9 CFR 317.363(b)(3) and 381.463(b)(3) be amended to "eliminate the sliding scale sodium requirement for foods labeled 'healthy' by eliminating the entire second tier levels of 360 mg sodium requirements for individual foods and 480 mg sodium for meal-type products." As an alternative, the petitioner requested that the effective date of November 10, 1997, be delayed until food technology can develop acceptable products with reduced sodium content, and until there is better understanding of the relationship between sodium and hypertension.

The petitioner cited as grounds for its request: (1) a lack of scientific basis supporting the Daily Reference Value for sodium (9 CFR 317.309(c)(9) and 381.409(c)(9)) and the allowable maximum levels of sodium in sections 317.363(b)(3) and 381.463(b)(3); (2) a lack of consumer acceptance of products containing low sodium levels; (3) a lack of acceptable sodium substitutes and the difficulties in manufacturing whole lines of products at these low sodium levels; and (4) USDA's failure to provide adequate notice and an opportunity for public comment on the "second tier" sodium levels in the healthy definition, to follow congressional intent and the directives of the Nutrition Labeling and Education Act of 1990, and to consider all the science available, particularly studies which demonstrate possible harm to the general population by low sodium diets. FSIS believes that some of these assertions have raised questions that warrant further consideration.

Regarding the efforts of industry to lower the sodium level in foods, the petitioner stated that the technology does not yet exist to manufacture certain low fat meat and poultry products at the lower, second tier "healthy" definition levels of sodium and still provide foods that will be acceptable to consumers. The petitioner submitted the results of a consumer survey that examines consumer acceptance of several products with different sodium levels. Although the survey found reductions in consumer acceptance at levels of 480 mg sodium compared with higher (600 mg) sodium levels, there was a statistically significant drop in acceptance at levels of 360 mg sodium per serving.

The petitioner described several technological concerns with lowering sodium levels in foods. These concerns related to the functional role of salt, such as the impact on the microbial stability of perishable products, changes in product texture and in water-binding capabilities, and effects on flavor characteristics of other ingredients and on total electrolyte levels that, according to the petitioner, play a critical role in product safety.

The Agency does not find merit in the petitioner's questions regarding the lack of scientific basis for the usefulness of lowered sodium levels in the diet of the general population. There is significant agreement that lower dietary sodium

levels reduce the risk of hypertension. (Note references at end of document.) The overwhelming majority of experts and of authoritative bodies still favors making recommendations for the general public to moderate sodium intake. This consensus is reflected in the Dietary Guidelines for Americans.

FSIS also finds the petitioner's claim that the Agency failed to provide adequate notice and an opportunity for public comment on the second tier sodium levels in the "healthy" definition to be without merit. The sodium requirements for individual USDA-regulated foods and meal-type products that were adopted in the "healthy" final rule were promulgated in response to full notice-and-comment rulemaking procedures. In the proposal, the Agency specifically asked for comments in evaluating whether the definition of "healthy" that was being proposed was appropriate. FSIS also acknowledged its proposed definition of the term "healthy" differed from the definition that was proposed by the Food and Drug Administration (FDA) with regard to sodium levels, and asked for comments on whether it was necessary that the two Agencies provide uniform criteria for use of this term or whether different definitions may be appropriate. FSIS fully considered all the comments it received, and then issued final sodium level regulations in accordance with proper notice-and-comment rulemaking provisions of the Administrative Procedure Act.

However, the Agency finds that the issues relative to technological and safety concerns of reduced sodium foods raise important new questions that merit further consideration. FSIS recognizes that the food industry has made a significant effort over the last few years to lower both the fat and sodium levels in meat food and poultry products while maintaining taste and texture attributes that are acceptable to consumers. The Agency continues to believe, however, that the scientific evidence suggests further reductions in fat and sodium intakes will result in meaningful public health gains.

FSIS has defined the term "healthy" to help consumers identify meat and poultry products that will help them meet guidelines for a healthy diet. Consumers appreciate the significance of this term, and many make purchasing decisions based on its presence on a food label. Therefore, manufacturers have an incentive to produce foods that qualify to bear this term. If the petitioner is correct that the technology does not yet exist that will permit manufacturers to produce certain types of low fat meat and poultry, products that will contain the second tier, lower levels of sodium, and still be acceptable to consumers, the possibility exists that "healthy" may disappear from the market for such foods. Therefore, the Agency finds that it needs to explore whether it has created an unattainable sodium standard for some meat and poultry products. If it is determined that the standard is unattainable, further determination must be made about the health implications, if any.

FSIS is considering whether to institute rulemaking to resolve the issues raised by the petitioner and to reevaluate the sodium provisions of its nutrient content claims regulations pertaining to the use of the term "healthy." In this document, the Agency is asking for data regarding the technological feasibility of reducing the sodium content of individual foods to 360 mg per RACC and of meal-type dishes to 480 mg sodium per labeled serving and for additional information or views on consumer acceptance of meat and poultry foods with such sodium levels.

With regard to technological feasibility, the Agency is asking for information about the availability or lack of availability of acceptable sodium substitutes, the difficulties in manufacturing different lines of meat and poultry products with lowered sodium levels, and the impact of these sodium levels on the shelf-life stability and the safety of the food. Are there certain types of meat and poultry products for which it is not possible to reach the second tier levels of sodium? If so, what are these foods? Should FSIS make special exemptions for them, or should FSIS exclude them from bearing the term "healthy?" The Agency also is asking for comments on other approaches to reduce the amount of sodium in meat and poultry products labeled "healthy." It is important that consumers seeking to eat a health-promoting diet have food choices available that enable them to reduce the amount of sodium in their diet.

The Agency believes it is in the public interest to extend the effective date for the lower standards for sodium in the definition of "healthy" in 9 CFR 317.363(b)(3) and 381.463(b)(3) while the Agency attempts to resolve the issues raised by the petition. Therefore, FSIS is announcing an extension in the effective date of the second tier, lower sodium level provisions until January 1, 2000.

FDA also was persuaded by the petitioner that it is in the public interest to stay its effective date for the lower standards for sodium in its definition of "healthy." Therefore in the April 1, 1997, **Federal Register** (62 FR 15390), FDA issued a stay in the effective date until January 1, 2000, for the second tier sodium levels to allow itself time to reevaluate the standard, the data contained in the petition, and any additional data that it may receive; to conduct any subsequent notice-and-comment rulemaking that it finds is necessary, and to allow ample time for implementation of the rule or of any changes in the rule that may result from the Agency's reevaluation.

If it appears from the comments that agreement exists that there are technological hurdles that cannot be overcome at this time for all, or certain types of, meat and poultry products, the Agency is interested in exploring options for maximizing the public health gains that would come from reducing dietary sodium levels. Therefore, FSIS has identified two options that it could consider.

As an option, FSIS could propose to amend the definition of "healthy" in 9 CFR 317.363(b)(3) and 381.463(b)(3), as requested in the petition, and could make the current sodium levels for individual foods and meal-type products the qualifying levels. FSIS may propose this option if the evidence submitted in response to this rule demonstrates that it is technologically impossible to find salt substitutes for use in any type of meat and poultry product that would satisfy the requirements for texture, safety, and consumer acceptance. There must be evidence that failure of some foods to meet the definition for "healthy" would significantly reduce consumers' choices in meeting guidelines for a healthy diet.

As a second option, the Agency could reconsider the sodium levels that it has established as the second tier of the "healthy" definition. For example, a possibility might be that individual meat food and poultry products would have to contain 360 mg sodium or less per RACC or at least 25 percent less sodium per RACC than the norm, as long as the final sodium level does not exceed 480 mg per RACC. For meal-type products, the Agency might consider the use of a percent reduction from the disclosure level.

If the definition is set at a reasonable achievable level of a 25 percent reduction from the disclosure level, more meat and poultry products are likely to be available. Further, market competition may encourage some manufacturers to exceed this minimal reduction. On the other hand, a primary consideration is whether a 25 percent reduction from the disclosure level or market basket norm is of adequate

dietary significance to warrant the use of the term "healthy."

Based on the above information, the Agency requests comments on whether it should institute rulemaking to reevaluate the sodium provisions of the nutrient claims regulations pertaining to the use of the term "healthy" and on the other issues raised in the petition.

FSIS is dispensing with the requirements of notice and opportunity for comment for this final rule because the Agency finds these procedures to be impracticable. In light of the information provided by the petition, FSIS must have additional time to reevaluate the standard for "healthy" with regard to sodium levels and to explore whether it has created an unattainable sodium standard and other technological issues. The Agency is finalizing this rule immediately because the original effective date for the second tier sodium level requirements has expired. However, FSIS is providing the public with an opportunity to comment on its decision to finalize immediately.

Executive Order 12866 and the Regulatory Flexibility Act

This final rule has been determined to be non-significant and was not reviewed by OMB under Executive Order 12866.

The Administrator has made an initial determination that this interim final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This interim final rule will impose no new requirements on small entities.

FSIS believes that net social benefits are associated with the adoption of this rule because the value of incremental benefits is likely to exceed the incremental costs. The incremental benefits include the potential reductions in the cases of hypertension associated with reduced consumption of sodium. The reductions in hypertension cases would tend to reduce the number of visits to doctors and hospitals associated with these heart diseases. It also would reduce cases of mortality associated with these diseases. The reductions in the costs associated with these mortality and morbidity cases constitute an incremental benefit to society. Society also is likely to benefit from increased productivity brought about by improved health and welfare of the workers consuming low sodium diets.

If the reduction in sodium levels reduces the preservation characteristics of the products, the industry might incur additional costs to preserve the products by other means such as by innovating new chemical preservatives. This incremental cost, however, could be offset by the reduced costs of sodium in the products. Hence, the costs associated with this rule are not likely to increase.

Unfortunately, we do not have data on the costs and benefits referred to above. Conceptually, however, it appears that the benefits are likely to exceed considerably the costs and result in a net benefit to society.

Executive Order 12988

This interim final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule (1) preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Requirements

Paperwork requirements for this rule have been approved under OMB Control Number 0583–0092.

References

1. Department of Health and Human Services, Public Health Service, "The Surgeon General's Report on Nutrition and Health," U.S. Government Printing Office, Washington, DC, pp. 139–143, 157–161, and 167–174, 1988.

2. Food and Nutrition Bureau (FNB)/ National Academy of Sciences), "Diet and Health," National Academy Press, Washington, DC, pp 353–356, 549–553, and 556–561, 1989.

3. Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure, "The Fifth Report of the Joint National Committee on Detection, Evaluation, and Treatment of High Blood Pressure," *Archives of Internal Medicine*, 153: 154–183, 1993.

4. Nutrition Committee, American Heart Association, "Dietary Guidelines for Healthy American Adults—A Statement for Health Professionals from the Nutrition Committee, American Heart Association." *Circulation*, 94:1795–1800, 1996.

5. LSRO, "Evaluation of Publicly Available Scientific Evidence Regarding Certain Nutrient-Disease Relations for Sodium and Hypertension," Bethesda, MD, December 1991.

6. FNB, National Research Council, "Recommended Dietary Allowances," 10th ed., National Academy Press, Washington, DC, pp 247–261, 1989.

List of Subjects

9 CFR Part 317

Food labeling, Meat inspection.

9 CFR Part 381

Food labeling, Poultry and poultry products.

For the reasons discussed in the preamble, FSIS is amending parts 317 and 381 of the Federal meat and poultry products inspection regulations as set forth below:

PART 317—LABELING, MARKING DEVICES AND CONTAINERS

1. The authority citation for part 317 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

Subpart B—Nutrition Labeling

§ 317.363 [Amended]

2. Section 317.363 is amended by removing the phrase "during the first 24 months of implementation" in paragraph (b)(3) introductory text and (b)(3)(i) and replacing it with "effective through January 1, 2000."

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450:21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

Subpart Y—Nutrition Labeling

§ 381.463 [Amended]

4. Section 381.463 is amended by removing the phrase "during the first 24 months of implementation" in paragraph (b)(3) introductory text and (b)(3)(i) and replacing it with "effective through January 1, 2000."

Done at Washington, DC, on: February 4, 1998.

Thomas J. Billy,

Administrator.

[FR Doc. 98–3718 Filed 2–12–98; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–57]

Establishment of Class E Airspace; St. Paul, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at St. Paul, MN. An airspace review for St. Paul, Downtown Holman Field, MN, indicated the need for surface area controlled airspace during periods when the control tower is closed. The surface area provides a safer operating environment for business/ corporate turbo jet and turbo prop aircraft which operate into and out of the airport when the control tower is

closed. The airport meets the minimum communications and weather observation and reporting requirements. Controlled airspace extending upward from the surface will contain aircraft executing instrument approach procedures.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, November 10, 1997, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at St. Paul, MN (62 FR 60461). The proposal was to add controlled airspace extending upward from the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during periods when the control tower is closed.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas designated as a surface area for an airport are published in paragraph 6002 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at St. Paul, MN, to accommodate aircraft executing the published instrument approach procedures at St. Paul, Downtown Holman Field, during periods when the control tower is closed. Controlled airspace extending upward from the surface is needed to contain aircraft executing these approaches. The area will be depicted on appropriate aeronautical charts.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL MN E2 St. Paul, MN [New]

St. Paul, Downtown Holman Field, MN
(lat. 44°56′04″ N.; long. 93°03′36″ W.)
South St. Paul Municipal Richard E. Fleming Field, MN
(lat. 44°51′26″ N., long. 93°01′59″ W.)

Within a 4.1-mile radius of the St. Paul, Downtown Holman Field, excluding that airspace within a 1-mile radius of South St. Paul Municipal, Richard E. Fleming Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3732 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–58]

Modification of Class E Airspace; Escanaba, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Escanaba, MI. A VHF Omnidirectional Range (VOR) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 36 has been developed for Delta County Airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing the approach. This action enlarges the radius and adds a southern extension to the surface area, and enlarges the radius and adds a southern extension for the existing controlled airspace. This action also corrects the wording for the surface area, as given in the notice of proposed rulemaking, by deleting the part-time reference. This wording was included in error.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, November 10, 1997, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Escanaba, MI (62 FR 60462). The proposal was to add controlled airspace extending upward from the surface to contain aircraft conducting Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for surface areas for an airport are published in paragraph 6002, and Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14

CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Escanaba, MI, to accommodate aircraft executing the VOR Rwy 36 SIAP and IFR operations at Delta County Airport by enlarging the radius and adding a southern extension to the surface area, and enlarging the radius and adding a southern extension for the existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area For an airport.

* * * * *

AGL MI E2 Escanaba, MI [Revised]

Escanaba, Delta County Airport, MI
(lat. 45°43′22″ N., long. 87°05′37″ W.)
Escanaba VORTAC
(lat. 45°43′22″ N., long. 87°05′23″ W.)

Within a 4.3-mile radius of the Escanaba VORTAC; and within 2.6 miles each side of the Escanaba VORTAC 007 deg. radial, extending from the 4.3-mile radius to 7.4 miles north of the VORTAC; and within 2. 6 miles each side of the Escanaba VORTAC 101 deg. radial, extending from the 4.3-mile radius to 7.4 miles east of the VORTAC; and within 2.6 miles each side of the Escanaba VORTAC 266 deg. radial, extending from the 4.3-mile radius to 7.0 miles west of the VORTAC; and within 3.2-miles each side of the Escanaba VORTAC 171 deg. radial, extending from the 4.3-mile radius to 7.0 miles south of the VORTAC

* * * * *

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

* * * * *

AGL MI E5 Escanaba, MI [revised]

Escanaba, Delta County Airport, MI
(lat. 45°43′22″ N., long. 87°05′37″ W.)
Escanaba VORTAC
(lat. 45°43′22″ N., long. 87°05′23″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Escanaba VORTAC; and within 2.6 miles each side of the Escanaba VORTAC 007 deg. radial, extending from the 6.8-mile radius to 7.4 miles north of the VORTAC; and within 2.6 miles each side of the Escanaba VORTAC 101 deg. radial, extending from the 6.8-mile radius to 7.8 miles east of the VORTAC; and within 2.6 miles north and 3.5 miles south of the Escanaba VORTAC 270 deg. radial, extending from the 6.8-mile radius to 11.7 miles west of the VORTAC; and within 3.2 miles each side of the Escanaba VORTAC 171 deg. radial, extending from the 6.8-mile radius to 7.0 miles south of the VORTAC.

* * * **

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3733 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–51]

Establishment of Class E Airspace; Friendship (Adams), WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Friendship (Adams), WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway 33 has been developed for Adams County Legion Field Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL), within a 9.4-mile radius of the airport, is needed to contain aircraft executing the approach.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, December 10, 1997, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Friendship (Adams), WI (62 FR 65041). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were receive. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at friendship (Adams), WI. This action provides adequate controlled airspace extending upward from 700 to 1200 feet AGL to contain aircraft executing the GPS Rwy 33 SIAP and IFR operations at Adams County Legion Field Airport. The area would be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. Therefore, this regulation—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AGL WI E5 Friengship (Adams), WI [New]

Adams County Legion Field Airport, WI
(lat. 43°57′40″ N, long. 89°47′17″ W)

That airspace extending upward from 700 feet above the surface within a 9.4-mile radius of the Adams County Legion Field Airport, excluding that portion within the Necedah, WI, and New Lisbon, WI, Class E airspace areas.

* * * * *

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3734 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–60]

Modification of Class E Airspace; Cumberland, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Cumberland, WI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 27 has been developed for Cumberland Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action adds an extension to the east for the existing controlled airspace.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Monday, November 10, 1997, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Cumberland, WI (62 FR 60460). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain aircraft conducting Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Cumberland, WI, to accommodate aircraft executing the GPS Rwy 27 SIAP and IFR operations at Cumberland Municipal Airport by adding an extension to the east for the existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997. and effective September 16, 1997, is amended as follows:

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

* * * * *

AGL WI E5 Cumberland, WI [Revised]

Cumberland Municipal Airport, WI
(lat. 45°30′21″ N., long. 91°58′52″ W.)
Cumberland NDB
(lat. 45°30′33″ N., long. 91°58′36″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Cumberland Municipal Airport; and within 2.7 miles each side of the 262° bearing from the Cumberland NDB extending from the 6.4-mile radius to 7.4 miles west of the airport; and within 2.0 miles each side of the 090° bearing from the Cumberland Municipal Airport extending from the 6.4-mile radius to 8.8 miles east of the airport.

* * * * *

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3735 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 51

[Public Notice 2720]

Passport Procedures—Amendment to Validity of Passports Regulation

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This final rule amends regulations to lower the age of eligibility for a passport valid for 10 years issued on or after February 1, 1998, from 18 years of age to 16 years of age. Specifically, the rule establishes the validity period of a regular passport issued on or after February 1, 1998 to an applicant 16 years of age or older as 10 years from date of issue, and to establish the validity of a regular passport issued on or after February 1, 1998 to an applicant under the age of 16 years for 5 years from date of issue. This is consistent with the Schedule of Fees for Consular Services at section 22.1 in Title 22 of the Code of Federal Regulations, as effective February 1, 1998.

DATES: Effective February 1, 1998. Comments: Although this rule takes effective February 1, 1998, interested persons are invited to submit written Comments on or before March 16, 1998.

ADDRESSES: Interested persons are invited to submit comments to: Director, Office of Passport Policy and Advisory Services, 1111 19th Street, N.W., Suite 260, Washington, D.C. 20524.

FOR FURTHER INFORMATION CONTACT: Sharon E. Palmer-Royston, Office of Passport Policy and Advisory Services, Bureau of Consular Affairs, Department of State (202) 955–0231.

SUPPLEMENTARY INFORMATION: Section 51.4(b) of the passport regulations in Title 22 of the Code of Federal Regulations establishes the period of validity of a regular passport In this regard, section 217a of Title 22 in the United States Codes provides that "[a] passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation".

This final rule would amend the existing regulation of section 51.4(b) of Title 22 of the Code of Federal Regulations by reducing the age of an applicant eligible for a passport valid for 10 years from 18 years of age to 16 years of age for a passport issued on or after February 1, 1998. The change will ensure consistency with changes being made effective February 1, 1998, in the Schedule of Fees for Consular Services, 22 CFR 22.1, which establishes the fee for a passport in part on the basis of whether the applicant is under age 16 or is age 16 or over. Under the new Schedule, an applicant age 16 or over will pay the fee associated with a ten-year passport. This reflects a decision by the Department of State, in connection with revising the fee schedule, that applicants ages 16 and 17 should now generally receive passports valid for ten years. The Department of State needs to make a corresponding change to 22 CFR 51.4(b), which otherwise would appear to limit an applicant age 16 or 17 to a five-year passport, even though such a person would be expected under the new fee schedule to pay for a ten-year passport.

The rule is not expected to have a significant economic impact on a substantial number of small entities and is not a major rule for purposes of advance congressional notification under the criteria of the Regulatory Flexibility Act. It will not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. It has been reviewed under E.O. 12988 and been determined to be in compliance therewith. This rule is exempt from review under E.O. 12866 but has been reviewed internally to ensure consistency therewith. This rule does not raise federalism issues under E.O. 12612.

COMMENT PERIOD AND EFFECTIVE DATE: Exception.

The new Period of Validity of a Regular Passport will take effect February 1, 1998. Pursuant to 5 U.S.C. 553(b) and (d), the Department of State has decided to make this rule effective without a prior public notice and comment period and not to delay the effective date past February 1. Delaying the effective date would result in an inconsistency between the provisions governing the period of validity of regular passport at section 51.4(b) in Title 22 of the Code of Federal Regulations and the changes being made in the Schedule of Fees at sections 22.1 of Title 22 of the Code of Federal Regulations insofar as it relates to passport fees. Such inconsistency could cause confusion regarding the applicable passport fees and passport services, provided to applicants who are between 16 years of age and 18 years of age. Moreover, it is in the interest of a passport applicant who was previously eligible only for a passport valid for 5 years to become eligible as soon as possible for a passport with a validity of 10 years. This change effectively relieves a restriction on passport validity with respect to applicants ages 16 and 17. Finally, the Schedule of Fees was subject to 30 days notice and comment. The Department of State has concluded that advance notice and comment for the present rule is unnecessary and contrary to the public interest, and that the rule may take effect in less than 30 days from the date of publication.

PART 51—PASSPORTS

1. The authority citation for Part 51 continues to read as follows:

Authority: 22 U.S.C. 211a, 212, 213, 214, 214a, 216, 217a, 2671(d); 31 U.S.C. 9701; sec. 129, Pub. L. 102–138, 105 Stat. 661; E.O. 11295, 36 FR 10603, 3 CFR, 1966–1970 Comp., p. 570.

2. Section 51.4(b) is revised to read as follows:

§ 51.4 Validity of passports.

* * * * *

(b) Period of validity of a regular passport.

(1) A regular passport issued on or after February 1, 1998, to an applicant 16 years or age or older is valid for 10 years from date of issue unless limited by the Secretary to a shorter period.

(2) A regular passport issued on or after February 1, 1998 to an applicant under the age of 16 years is valid for 5 years from date of issue unless limited by the Secretary of State to a shorter period.

(3) The period of validity of a regular passport issued on or after January 1, 1983, and before February 1, 1998, unless limited by the Secretary of State to a shorter period is: 10 years from date of issue if issued to an applicant age 18 or older; five years from date of issue if issued to an applicant under age 18.

(4) The period of validity of a regular passport issued prior to January 1, 1983, is five years from date of issue.

* * * * *

Dated: January 29, 1998.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98–3534 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in March 1998.

EFFECTIVE DATE: March 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during March 1998.

For annuity benefits, the interest assumptions will be 5.50 percent for the first 25 years following the valuation date and 5.25 percent thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These annuity and lump sum interest assumptions are unchanged from those in effect for February 1998.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during March 1998, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 53 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums

Table I.—Annuity Valuations

[This table sets forth, for each indicated calendar month, the interest rates (denoted by $i_1, i_2, \ldots$, and referred to generally as it) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	
March 1998	.0550	1–25	.0525	>25	N/A	N/A

Table II.—Lump Sum Valuations

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0<y\leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1<y\leq n_1+n_2$), interest rate i_2 shall apply from the valuation date for a period of $y-n_1$ years, interest rate i1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y>n_1+n_2$), interest rate i_3 shall apply from the valuation date for a period of $y-n_1-n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i1 shall apply for the following n1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_2	n_2
*	*		*	*	*	*	*	
53	03–1–98	04–1–98	4.25	4.00	4.00	4.00	7	8

Issued in Washington, D.C., on this 4th day of February 1998.

David M. Strauss,

Executive Director,

Pension Benefit Guaranty Corporation.

[FR Doc. 98–3365 Filed 2–12–98; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720–AA46

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Balance Billing

AGENCY: Office of the Secretary, DOD.

ACTION: Interim final rule.

SUMMARY: This interim final rule establishes financial protections for TRICARE Prime enrollees in limited circumstances when they receive covered services from a non-network provider. This rule is being published to provide protection for TRICARE Prime enrollees.

DATES: This rule is effective March 16, 1998. Public comments must be received by April 14, 1998.

ADDRESSES: TRICARE Support Office (TSO), Program Development Branch, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: Kathleen Larkin, Office of the Assistant Secretary of Defense (Health Affairs), telephone (703) 695–3350.

Questions regarding payment of specific claims under the CHAMPUS allowable charge method should be addressed to the appropriate TRICARE/CHAMPUS contractor.

SUPPLEMENTARY INFORMATION:

I. Overview of the Rule

This interim final rule implements section 731 of the FY 1996 National Defense Authorization Act and section 711 of the FY 1997 National Defense Authorization Act which modified 10 U.S.C. 1079(h) to provide protections for TRICARE Prime enrollees from balance billing situations in limited circumstances. Each regional TRICARE managed care support contractor is required to establish a network of civilian providers in areas where TRICARE Prime (the enrollment option) is offered. As is standard for Health Maintenance Organizations, enrollees in TRICARE Prime receive care from network providers. But on occasion, such as when a network provider is not available, or in emergencies, they may receive covered services from non-network providers. This rule provides protection in these situations; TRICARE Prime enrollees will be responsible for their copayments, but not for balance billing by non-participating providers.

II. Rulemaking Procedures

Executive order 12866 requires certain regulatory assessments for any significant regulatory action, defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

It has determined that this is not a significant regulatory action.

The interim final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 55).

This rule is being issued as an interim final rule, with comment period, as an exception to our standard practice of soliciting pubic comments prior to issuance. The Assistant Secretary of Defense (Health Affairs) has determined that following the standard practice in this case would be impracticable, unnecessary, and contrary to the pubic interest. This determination is based on several factors. First, this change directly implements a statutory amendment enacted by Congress expressly for this purpose. (See House Conference Report 104–724, p. 762, and House Report 104–563, p. 318) Second, this rule implements the statutory policy without embellishment. The rule simply implements the unambiguous Congressional policy of adjusting TRICARE/CHAMPUS payment rates to protect Prime enrollees when receiving authorized care for nonparticipating providers. Third, implementation of the statutory amendment, enacted September 23, 1996, has already been substantially delayed because of a separate statutory provision (section 8008 of the Department of Defense Appropriations Act), which expired September 30, 1997, and a further delay is unwarranted. Fourth, TRICARE Prime is a major "quality of life" program of the Department of Defense. Its success is of great importance to maintaining adequate retention rates of military personnel and, thus, the conduct of the military affairs function of the United States. Fifth, the unexpected imposition of balance billing requirements on TRICARE prime enrollees receiving authorized care has been voiced as a major complaint, undermining beneficiary trust in commitments made to Prime enrollees and ultimately the success of the TRICARE initiative. Public comments are invited. All comments will be carefully considered. A discussion of the major issues received by public comments will be included with the issuance of the permanent final rule, anticipated approximately 60 days after the end of the comment period.

List of Subjects in 32 CFR Part 199

Claims, Health insurance, Individuals with disabilities, Military personnel, Reporting and recordkeeping requirements.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.14 is amended by adding paragraph (h)(1)(i)(D) to read as follows:

§ 199.14 Provider reimbursement methods.

* * * * *

(h) Reimbursement of Individual Health Care Professionals and Other Non-Institutional Health-Care Providers. * * *

(1) Allowable charge method. * * *

(1) Introduction. * * *

(D) Special rule for TRICARE Prime Enrollees. In the case of a TRICARE Prime enrollee (see § 199.17) who receives authorized care from a non-participating provider, the CHAMPUS determined reasonable charge will be the CMAC level as established in paragraph (h)(1)(i)(B) of this section plus any balance billing amount up to the balance billing limit as referred to in paragraph (h)(1)(i)(C) of this section. The authorization for such care shall be pursuant to the procedures established by the Director, OCHAMPUS (also referred to as the TRICARE Support Office).

* * * * *

Dated: February 6, 1998.

L.M. Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–3502 Filed 2–12–98; 8:45 am]

BILLING CODE 5000–04–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 255

[Docket No. 96–4 CARP DPRA]

Mechanical and Digital Phonorecord Delivery Rate Adjustment Proceeding

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: The Copyright Office of the Library of Congress is announcing final regulations that became effective on January 1, 1998, adjusting royalty rates to be paid under the mechanical compulsory license, section 115 of the 1976 Copyright Act, as amended, for use of physical, or non-digital, phonorecords. The Office addresses rates for physical phonorecord delivery today, and will address rates for digital phonorecord delivery in the future.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Fax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

The mechanical compulsory license, 17 U.S.C.115, provides a mechanism outside the realm of contract for persons who want to make and distribute phonorecords of nondramatic musical works that have been distributed in the United States by the copyright owner to obtain a compulsory license to perform that activity. A person is eligible for this compulsory license if: (1) He or she has not been able to serve a notice of intention to obtain the license on the copyright owner, and (2) a notice of intention has been filed with the Copyright Office. 17 U.S.C. 115(b)(1).

Until its demise in 1993, the Copyright Royalty Tribunal had authority to adjust the statutory rates for the making and distribution of physical phonorecords, and did so in 1987, setting the rates and terms for the mechanical compulsory license for at least the next ten years. *See* 52 FR 22637 (June 15, 1987). The Copyright Office currently administers the mechanical license, and responsibility for adjusting royalty rates rests with Copyright Arbitration Royalty Panels, known as CARPs. 17 U.S.C. 801(b)(1), 803. The Copyright Act provides that during the tenth calendar year following a ratesetting, any copyright owner or user whose royalty rates are specified by the statutory license may file a petition requesting an adjustment to the rates and terms. 17 U.S.C. 803(a)(1), (3).

On November 1, 1995, Congress passed the Digital Performance Right in Sound Recordings Act of 1995 (Digital Performance Act), Pub. L. 104–39, 109 Stat. 336 (1995), which amended sections 114 and 115 of the Copyright Act, and extended the mechanical license to digital phonorecord deliveries. The mechanical rate for physical, or non-digital, phonorecords can be the same as, or different from, the rate that applies to digital phonorecord deliveries.

The legislative history for the Digital Performance Act states that: "Through 1997, the royalty rate payable for digital phonorecord delivery shall be the same as for physical phonorecords. After 1997, the rates for digital phonorecord delivery will be determined as provided by the amended provisions section 115(c)(3) [sic], and need not be the same as for the making and distribution of physical phonorecords." H.R. Rep. No. 274, 104th Cong., 1st Sess. 28 (1995). The House Report further recognizes as separate digital and physical phonorecord rates, stating: "The terms and rates shall be established [for digital use] according to the same criteria that apply to the license for making and distributing physical phonorecords * * *" *Id.* at 29.

The most recent royalty rate applicable under 17 U.S.C.115 was described in Copyright Office regulations at 37 CFR 255.3(h), as follows: "For every phonorecord made and distributed on or after January 1, 1996, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger." *Id.*

The year 1997 was a window year for commencing a proceeding to further adjust the mechanical phonorecord compulsory license royalty rates. The Office initiated proceedings to adjust all section 115 rates in 1997; however, modifications were made due to requests by the interested parties for extra time to negotiate terms for a new rate.

At this time the Office is announcing final regulations that adjust royalty rates for reproduction and distribution of physical phonorecords. Rate adjustment for use of digital phonorecords under section 115 will be announced in the future. The Office bifurcates this procedure in order to finalize the rate adjustment for physical phonorecords, and then to consider important legal and policy issues brought forward by interested parties that relate to application of section 115 rates for digital phonorecord delivery.

History of the Current Proceeding

On July 17, 1996, the Copyright Office published a notice which, among other things, established a schedule for convening a CARP which would have set new rates for digital phonorecord deliveries before the existing rate expired. *See* 61 FR 37312 (July 17, 1996). As noted *supra*, 1997 also was a window year for adjusting royalty rates for the making and distribution of physical phonorecords. The Office requested comment from interested parties on the possibility of consolidating the two proceedings, and conducting a single CARP to adjust both the physical phonorecord and the digital phonorecord delivery rates. *See* 61 FR 37215 (July 17, 1996).

According to the interested parties, consisting of the Recording Industry Association of America (RIAA), the National Music Publishers' Association, Inc. (NMPA), and the Harry Fox Agency, Inc. (referred to together as the Parties), the proposed schedule did not allot sufficient time for negotiating a comprehensive joint proposal. Therefore, they filed a motion with the Office on November 8, 1996, asking the Office to vacate the proposed schedule to allow them time to continue their negotiations. The Office granted the Parties' motion and rescheduled the proceeding. *See* 61 FR 65243 (December 11, 1996).

Although the new schedule extended the negotiation period by three months, the Parties thought the time still insufficient for conducting the necessary negotiations, and requested a meeting with the Office to discuss difficulties associated with negotiating rates and terms for use of digital technology in an evolving marketplace. The Office granted the request and met with the Parties on January 9, 1997. At that meeting, the Parties again requested more time to conduct negotiations on rates and terms for the section 115 license, having acknowledged the need to establish the mechanical rate before they attempted to negotiate the rates for the digital delivery of phonorecords. The Office agreed to vacate the schedule. *See* 62 FR 5057 (February 3, 1997).

On November 7, 1997, NMPA, RIAA, and the Songwriters' Guild of America (SGA) filed a joint petition with the Copyright Office outlining a proposal to adjust the physical phonorecord and digital phonorecord delivery royalty rates. The Parties to the joint petition, having duly filed a proposal concerning the 1997 physical phonorecord and digital phonorecord delivery royalty rate adjustments, asked the Copyright Office to submit their proposal to a notice-and-comment proceeding to promulgate regulations to adjust the proposed rates and terms. Accordingly, pursuant to 17 U.S.C. 803(c) and 37 CFR 251.63(b), the Copyright Office invited public comment on the proposed rates and terms for adjusting the physical phonorecord and digital phonorecord delivery royalty rates, and on the regulatory language implementing the proposal.[1] Comments and Notices of Intent to Participate in a CARP proceeding, should it be necessary, were to be submitted to the Office by December 29, 1997.

The Office received four comments in response to its Notice of Proposed Rulemaking, including three Notices of Intent to Participate in any CARP proceeding which may be instituted in this matter. None of these filings contained comments or objections to rates proposed for the reproduction and distribution of physical phonorecords under the mechanical compulsory license. Because no comments opposing the rates for reproduction and distribution of physical phonorecords under 17 U.S.C.115 were received, the Librarian adopted those rates, effective January 1, 1998, but not the rates concerning reproduction and distribution of digital phonorecords, as they were previously published in the **Federal Register**. *See* 62 FR 63506 (December 1, 1997).

[1] According to 37 CFR 251.63: The Librarian may, upon the request of the parties, submit the agreed upon rate to the public in a notice-and-comment proceeding. The Librarian may adopt the rate embodied in the proposed settlement without convening an arbitration panel, provided that no opposing comment is received by the Librarian from a party with an intent to participate in a CARP proceeding. *Id.*

List of Subjects in 37 CFR Part 255

Copyright, Recordings.

For the reasons set forth above, the Copyright Office amends 37 CFR part 255 as follows:

PART 255—ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS

1. The authority citation for part 255 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 803.

§ 255.3 [Amended]

2. In § 255.3(a), the phrase "(b), (c), (d), (e), (f), (g), and (h)" is removed and the phrase "(b) through (m)" is added after the word "paragraphs".

3. In § 255.3(b), the phrase "(c), (d), (e), (f), (g), and (h)" is removed and the phrase "(c) through (m)" is added after the word "paragraphs".

4. In § 255.3(c), the phrase "(d), (e), (f), (g), and (h)" is removed and the phrase "(d) through (m)" is added after the word "paragraphs".

5. In § 255.3(d), the phrase "(e), (f), (g), and (h)" is removed and the phrase "(e) through (m)" is added after the word "paragraphs".

6. In § 255.3(e), the phrase "(f), (g), and (h)" is removed and the phrase "(f) through (m)" is added after the word "paragraphs".

7. In § 255.3(f), the phrase "(g), and (h)" is removed and the phrase "(g) through (m)" is added after the word "paragraphs".

8. In § 255.3(g), the phrase "paragraph (h)" is removed and the phrase "paragraphs (h) through (m)" is added after the phrase "pursuant to".

9. In § 255.3(h), the phrase ", subject to further adjustment pursuant to paragraphs (i) through (m) of this section" is added after the word "larger".

10. Add new paragraphs (i), (j), (k), (l), and (m) to § 255.3 to read as follows:

§ 255.3 Adjustment of royalty rate.

* * * * *

(i) For every phonorecord made and distributed on or after January 1, 1998, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 7.1 cents, or 1.35 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (j) through (m) of this section.

(j) For every phonorecord made and distributed on or after January 1, 2000, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 7.55 cents, or 1.45 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (k) through (m) of this section.

(k) For every phonorecord made and distributed on or after January 1, 2002, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 8.0 cents, or 1.55 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (l) through (m) of this section.

(l) For every phonorecord made and distributed on or after January 1, 2004, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 8.5 cents, or 1.65 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (m) of this section.

(m) For every phonorecord made and distributed on or after January 1, 2006, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 9.1 cents, or 1.75 cents per minute of playing time or fraction thereof, whichever amount is larger.

Dated: January 30, 1998.

Marybeth Peters,

Register of Copyrights.

James H. Billington,

Librarian of Congress.

[FR Doc. 98–3703 Filed 2–12–98; 8:45 am]

BILLING CODE 1410–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–5964–1]

Technical Amendments to Approval and Promulgation of State Implementation Plans (SIP) for Louisiana: Motor Vehicle Inspection and Maintenance Program; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final disapproval; correction of effective date under CRA.

SUMMARY: On November 19, 1997 (62 FR 61633), the Environmental Protection Agency published in the **Federal Register** a final disapproval of the SIP revision submitted by the State of Louisiana for establishing and operating a motor vehicle Inspection and Maintenance (I/M) Program, which established an effective date of December 19, 1997. This document corrects the effective date of the rule to February 13, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808. Since certain statutory sanctions may be applied if the deficiency identified in the final disapproval is not corrected, this document also clarifies the timing of such sanctions.

EFFECTIVE DATE: This rule is effective on February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Diane Taheri, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7460.

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on November 19, 1997, by operation of law, the rule did not take effect on December 19, 1997, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

As discussed more fully in the November 19, 1997, final rule, under section 179(a)(2) of the Clean Air Act, since EPA has taken final action disapproving the SIP revision for the I/M Program, if the deficiency is not corrected within 18 months of the effective date of the final disapproval action, the Administrator must apply one of the sanctions set forth in section 179(b) of the Act. Since this document has corrected the effective date of the final disapproval to February 13, 1998, the 18-month sanctions clock time frame for the State to correct the deficiency begins February 13, 1998.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since November 19, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 19, 1997, **Federal Register** document.

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 19, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 13, 1998. This rule is not a "major rule" as defined in 5 U.S.C. 804(2). Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

Dated: February 6, 1998.

Carol Browner,

Administrator.

[FR Doc. 98–3690 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL–5963–9]

Technical Amendments to Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On November 6, 1997 (62 FR 60001), the Environmental Protection Agency published in the **Federal Register** a final rule finding that the Phoenix nonattainment area (Maricopa County, Arizona) has not attained the 1-hour ozone national ambient air quality standard (NAAQS) by the applicable attainment date in the Clean Air Act (CAA) for moderate ozone nonattainment areas, which established an effective date of December 8, 1998. The rule stated that revisions to the State Implementation Plan (SIP) are due by December 8, 1998. This document corrects the effective date of the rule to February 13, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808. This document does not change the December 8, 1998, SIP revision submission date.

EFFECTIVE DATE: This rule is effective on February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Elizabeth Armour, EPA Region IX, at (415) 744–1730.

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on November 6, 1997, **Federal Register** document, by operation of law, the rule did not take effect on December 8, 1998, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

The November 6, 1997, rule specifies that a revised SIP to meet the serious area requirements is due to be submitted by December 8, 1998, based on the need to meet the deadline for the attainment date for serious areas—November 19, 1999. Since the change in effective date of the rule has no impact on the reasons EPA established the December 8, 1998, revised SIP submission date, and since the State has been on notice of this action since the November 6, 1997, final rule was published in the **Federal Register**, EPA is not changing the December 8, 1998, deadline for submitting SIP revisions.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since November 6, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 6, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 13, 1998. This rule is not a "major rule" as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

Dated: February 6, 1998.

Carol Browner,

Administrator.

[FR Doc. 98–3754 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300608; FRL–5767–7]

RIN 2070–AB78

Lambda-cyhalothrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for the combined residues of the pyrethroid lambda-cyhalothrin and its epimer in or on alfalfa forage at 5.0 parts per million (ppm); alfalfa hay at 6.0 ppm; leaf lettuce at 2.0 ppm; brassica head and stem subgroup (broccoli, Chinese broccoli, Brussels sprouts, cabbage, Chinese (napa) cabbage, Chinese mustard, cauliflower, caval broccolo, and kohlrabi) at 0.4 ppm; replaces the term "grain dust" with "aspirated grain fractions" with a tolerance of 2.0 ppm; and increases the tolerance for poultry fat from 0.01 ppm to 0.03 ppm. Zeneca Ag Products requested these tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170).

DATES: This regulation is effective February 13, 1998. Objections and requests for hearings must be received by EPA on or before April 14, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300608], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300608], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by

sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300608]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Stephanie Willett, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–5419, e-mail: willett.stephanie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 11, 1997 (62 FR 37234–37246)(FRL–5728–7), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of pesticide petition (PP) number 5F4588 for lambda-cyhalothrin tolerances on alfalfa, leaf lettuce, brassica subgroup, aspirated grain fractions, and an increase in the current poultry fat tolerance by Zeneca Ag Products, 1800 Concord Pike, P.O. Box 15458, Wilmington, Delaware 19850–5458. This notice included a summary of the petition prepared by Zeneca Ag Products, as required under the FFDCA as amended by the Food Quality Protection Act (FQPA) of 1996. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.438 be amended by establishing tolerances for the combined residue of the insecticide, lambda-cyhalothrin and its epimer in or on raw agricultural commodities (RACs) alfalfa forage at 5.0 ppm; alfalfa hay at 6.0 ppm; leaf lettuce at 2.0 ppm; head and stem Brassica crop subgroup at 0.4 ppm; aspirated grain fractions at 2.0 ppm; and increasing the existing tolerance for poultry fat from 0.01 ppm to 0.03 ppm. The change in terminology from "grain dust" to "aspirated grain fractions" was recommended by the EPA, since the term "grain dust" is not used. The tolerance for aspirated grain fractions includes a mixture of all aspirated grains for which the pesticide has a tolerance, and should be established at the highest current tolerance set for any grain dust, which is 2.0 ppm.

I. Risk Assessment and Statutory Findings

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue*** ."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the "no-observed effect level" or "NOEL").

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a "safety factor") of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100 percent or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This hundredfold MOE is based on the same rationale as the hundredfold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include "acute," "short-term," "intermediate term," and "chronic risks." These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1–day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues.

High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1–7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all three sources are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1–7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children. The TMRC is a "worst case" estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of lambda-cyhalothrin and its epimer, and to make a determination on aggregate exposure, consistent with section 408(b)(2). EPA's assessment of the dietary exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by lambda-cyhalothrin and its epimer are discussed below. Note that the studies discussed below were conducted using either cyhalothrin or lambda-cyhalothrin. Cyhalothrin and lambda-cyhalothrin are basically the same chemical, the differences are found in their stereo chemistry and the number of isomers in each mixture. Cyhalothrin consists of four stereo isomers in each mixture. Cyhalothrin consists of four stereo isomers while lambda-cyhalothrin is a mixture of the two isomers. The two lambda-cyhalothrin isomers are contained in cyhalothrin, they represent 40% of the cyhalothrin mixture. The major studies submitted to the Agency were conducted with cyhalothrin. However, these studies are used in support of registration for both mixtures. There is some evidence, based on subchronic studies in rats, that the two mixtures are not biologically different with respect to their mammalian toxicity.

1. *Acute toxicity.* Acute toxicity studies with the technical grade of the active ingredient lambda-cyahothrin: oral LD_{50} in the rat at 79 milligram per kilogram (mg/kg) (males) and 56 mg/kg (females) - Toxicity Category II; dermal LD_{50} in the rat at 632 mg/kg (males) and 696 mg/kg females - Toxicity Category II; primary eye irritation study showed mild irritation - Toxicity Category II; and primary dermal irritation study showed no irritation - Toxicity Category IV.

2. *Mutagenicity.* The following genotoxicity tests were all negative: a gene mutation assay (Ames), a mouse micronucleus assay, an *in-vitro* cytogenetics assay, and a gene mutation study in mouse lymphoma cells.

3. *Reproductive and developmental toxicity.* i. In a three-generation reproduction study, rats were fed diets containing cyhalothrin at 0, 10, 30 or 100 ppm (approximately 0, 0.5, 1.5 or 5.0 milligram per kilogram per day (mg/kg/day)). Parental toxicity was observed as decreased mean body weight and body weight gain during the premating and gestation periods at 5.0 mg/kg/day. There were no other treatment-related effects. Offspring toxicity was observed as reduced mean pup weight and pup weight gains during lactation, again at 5.0 mg/kg/day. No other treatment-related effects were observed. The reproductive and parental NOELs are 1.5 mg/kg/day and the reproductive and parental lowest observed effect level (LOELs) are 5.0 mg/kg/day. The developmental NOEL is 5.0 mg/kg/day (highest dose tested (HDT)).

ii. In a rabbit developmental toxicity study, rabbits were given gavage dose levels of cyhalothrin at: 0, 3, 10, 30 mg/kg/day during the gestation period (days 6 through 18). The maternal NOEL was 10 mg/kg/day and the maternal LOEL was 30 mg/kg/day based on decreased

body weight gain (48% of controls) during the dosing period. The developmental NOEL was 30 mg/kg/day (HDT). No developmental effects were observed.

iii. In a rat developmental study rats were given gavage dose levels of cyhalothrin at: 0, 5, 10, 15 mg/kg/day during the gestation period (days 6 through 15). The maternal NOEL was 10 mg/kg/day and the maternal LOEL was 15 mg/kg/day based on reduced body weight gain (70% of control) and food consumption (as low as 76%) during the dosing period. The developmental NOEL was greater than 15 mg/kg/day (HDT). No developmental effects were observed.

4. *90–day feeding study.* i. In a 90–day feeding study rats were fed, lambda-cyhalothrin at doses of 0, 10, 50 or 250 ppm (0, 0.5, 2.5, 12.5 mg/kg/day). The animals were examined once daily for clinical signs of toxicity. Body weights, food consumption, hematological and clinical chemistry parameters, urinalysis parameters, organ weights, and macroscopic and microscopic observations were recorded. Body weight gain and food consumption were significantly reduced for both sexes at 12.5 mg/kg/day. There was also a slight but statistically significant reduction in food efficiency in females at this dose level. The NOEL is 2.5 mg/kg/day and the lowest effect level (LEL) is 12.5 mg/kg/day based on reduction in body weight gain and food consumption in both sexes and food efficiency in females.

ii. In another 90–day feeding study in rats cyhalothrin was fed at doses of 0, 10, 50 or 250 ppm (0, 0.5, 2.5, 12.5 mg/kg/day). The animals were examined for clinical signs of toxicity. Body weights, food consumption, hematological and clinical chemistry parameters, urinalysis parameters, organ weights, and macroscopic and microscopic observations were recorded. Body weight gain was significantly reduced in males at 12.5 mg/kg/day. Body weight gain was also significantly reduced in females at this level, but only during the first week. Body weight gain was not significantly affected at lower dose levels. The NOEL is 2.5 mg/kg/day and the LEL is 12.5 mg/kg/day based on decreased body weight gain.

5. *28–day study.* In a 28–day study in the mouse, cyhalothrin was fed to mice in the diet as a range-finding study for carcinogenicity at 0, 5, 25, 100, 500, or 2,000 ppm (0, 0.65, 3.30, 13.5, 64.2 or 309 mg/kg/day for males and 0, 0.80, 4.17, 15.2, 77.9 or 294 mg/kg/day for females).The NOEL is 500 ppm and the LEL is 2,000 ppm based on mortality, clinical signs of toxicity, decreases in body weight gain and food consumption, changes in hematology and organ weights and minimal centrilobular hepatocyte enlargement.

6. *21–day dermal toxicity study.* In a 21–day dermal toxicity study rats were exposed dermally to doses of 1, 10, or 100 mg/kg of lambda-cyhalothrin (reduced to 50 mg/kg after two or three applications) 6 hours/day. No significant signs of skin irritation was observed at any dose level. Two male rats were found dead after three applications of 100 mg/kg. There was no evidence prior to death, at postmortem examination, or from histopathology, of the possible cause of death, but it is thought likely to be due to pyrethroid toxicity. Dosage was reduced to 50 mg/kg/day for the remaining 18 applications. Animals dosed with 50 mg/kg/day displayed clinical signs of slight general toxicity (bizarre behavior, paw flicking, splayed gait, sides pinched in, thin, tip-toe gait, reduced stability, dehydration and reduced splay reflex). Effects on body weight gain and food consumption were also seen in males at this dose level. No toxicologically significant treatment-related effects were observed at any other dose level. The NOEL is 10 mg/kg/day and the LEL is 100/50 mg/kg/day based on death (at 100 mg/kg/day only), clinical signs of toxicity and decreased body weight gain and food consumption.

7. *21–day inhalation study.* In a 21–day inhalation study rats were exposed nose-only for 6 hours/day, 5 days/week to lambda-cyhalothrin at 0.3, 3.3, or 16.7 µg/L. The NOEL was 0.3 µg/L and the LOEL was 3.3 µg/L based on decreased body weight gains (high dose males) and food consumption (high dose, both sexes), clinical signs of toxicity (paw flicking, tail erections, tiptoe gait, lachrymation or salivation), punctate foci on cornea (both sexes, mid- and high dose), raised prothrombin time, changes in hematology, clinical chemistry and urinalysis parameters and a slight increase in the incidence of alveolitis in females.

8. *12–month chronic/carcinogenicity feeding study.* In a 12–month chronic/carcinogenicity feeding study dogs were fed dose (by capsule) levels of lambda-cyhalothrin at 0, 0.1, 0.5, 3.5 mg/kg/day with a NOEL of 0.1 mg/kg/day. The LOEL for this study is established at 0.5 mg/kg/day based upon clinical signs of neurotoxicity.

9. *24–month chronic feeding/carcinogenicity study.* In a 24–month chronic feeding/carcinogenicity study rats were fed diets containing 0, 10, 50, and 250 ppm (0, 0.5, 2.5 or 12.5 mg/kg/day) of cyhalothrin. The LEL for chronic toxicity in rats is 12.5 mg/kg/day and the NOEL is 2.5 mg/kg/day. There was no indication of carcinogenic effects observed under the conditions of the study.

10. *Carcinogenicity study.* In a carcinogenicity study mice were fed dose levels of 0, 20, 100, or 500 ppm (0, 3, 15, or 75 mg/kg/day) of cyhalothrin in the diet for 2 years. A systemic NOEL was established at 100 ppm and systemic LOEL at 500 ppm based on decreased body weight gain in males throughout the study at 500 ppm. The EPA has classified lambda-cyhalothrin as a Group D carcinogen (not classifiable due to an equivocal finding in this study). No treatment-related carcinogenic effects were observed under the conditions of the study.

11. *Animal Metabolism.* Metabolism studies in rats demonstrated that distribution patterns and excretion rates in multiple oral dose studies are similar to single-dose studies. Accumulation of unchanged compound in fat upon chronic administration with slow elimination was observed. Otherwise, lambda-cyhalothrin was rapidly metabolized and excreted. The metabolism of lambda-cyhalothrin in livestock has been studied in the goat, chicken, and cow. Unchanged lambda-cyhalothrin is the major residue component of toxicological concern in meat and milk.

12. *Neurotoxicity studies.* Neurotoxicity studies will be required under a special data call-in letter pursuant to section 3(c)(2)(B) of FIFRA. Although these data are lacking, EPA has sufficient toxicity data to support these tolerances and these additional studies will not significantly change its risk assessment.

B. Toxicological Endpoints

1. *Acute toxicity.* For acute dietary risk assessment, EPA used a systemic NOEL of 0.5 mg/kg/day based on gait abnormalities in dogs on day 2 in the chronic toxicity study.

2. *Short - and intermediate - term toxicity.* For short-and intermediate-term MOE's EPA recommends us of a NOEL of 10.0 mg/kg/day from the 21-day dermal toxicity based on systemic toxicity at 50 mg/kg/day (LOEL). A dermal absorption rate of 25% was used based on weight of evidence available for structurally related pyrethroids. EPA used a NOEL of 0.3 µg/L from the 21–day inhalation study in rats based on clinical signs indicative of neurotoxicity (paw flicking) tail erections, and tiptoe gait) at 3.3 µg/L.

3. *Chronic toxicity.* EPA has established the reference dose (RfD) for lambda-cyhalothrin at 0.001 mg/kg/day

based on clinical signs of neurotoxicity (ataxia, convulsions) seen at the LEL of 0.5 mg/kg/day. This RfD is based on a 1–year oral study in dogs with a NOEL of 0.1 mg/kg/day and an uncertainty factor (UF) of 100. The LEL of 0.5 mg/kg/day was based on clinical signs of neurotoxicity (convulsions, ataxia, muscle tremors) and a slight increase in liquid feces.

4. *Carcinogenicity.* Based on the available carcinogenicity studies in two rodent species, lambda-cyhalothrin has been classified as a Group "D" chemical, "not classifiable as to human carcinogenicity". Although lambda-cyhalothrin was not shown to be carcinogenic in either the mouse or rat, the EPA Hazard Evaluation Division (HED) RfD/Peer review committee based the "D" classification on: (i) lambda-cyhalothrin was not tested at adequate dose levels for carcinogenicity testing in the mouse, and (ii) the equivocal nature of the findings with regard to the incidence of mammary adenocarcinomas. No additional cancer studies are being required at this time.

C. Exposures and Risks

1. *From food and feed uses.* The primary source of human exposure to lambda-cyhalothrin will be from ingestion of both raw and processed food commodities treated with lambda-cyhalothrin. Tolerances have been established in 40 CFR 180.438, 40 CFR 185.3765 and 40 CFR 186.3765 for combined residues of lambda-cyhalothrin and its epimer in or on a variety of food commodities. (The tolerances in 40 CFR 185.1310 and 186.3765 were removed and transferred to 40 CFR 180.438 on November 26, 1997, (62 FR 63010)(FRL–5755–5)). Risk assessments were conducted by EPA to assess dietary exposures and risks from lambda-cyhalothrin as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. The acute dietary exposure assessment for lambda-cyhalothrin used Monte Carlo modeling incorporating anticipated residue and percent crop treated refinements. The acute dietary Margin of Exposure (MOE) calculated at the 99.9th percentile for the most highly exposed population subgroup (nonnursing infants < 1 year old) is 139. The MOE calculated at the 99.9th percentile for the general U.S. population is 311. EPA concludes that there is a reasonable certainty of no harm for MOE of 100 or greater. Therefore, the acute dietary risk assessment for lambda-cyhalothrin indicates a reasonable certainty of no harm.

ii. *Chronic exposure and risk.* The RfD used for the chronic dietary analysis is 0.001 mg/kg/day. The chronic dietary exposure assessment used anticipated residues and percent crop treated information. The chronic dietary exposure estimate for the overall U.S. population was calculated to be 0.000068 mg/kg/day, which utilized 6.8% of the RfD for the U.S. population. For the most highly exposed population subgroup (children 1–6 years old), chronic dietary exposure was estimated at 0.000192 mg/kg/day, which utilized 19.2% of the RfD.

EPA notes that the acute dietary risk assessments used Monte Carlo modeling (in accordance with Tier 3 of EPA June 1996 "Acute Dietary Exposure Assessment" guidance document) incorporating anticipated residues and percent crop treated refinements. The chronic dietary risk assessment used percent crop treated information and anticipated residues. Section 408 (b)(2)(E) authorizes EPA to consider available data and information on the anticipated residue levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. Section 408(b)(2)(F) allows the agency to use data on the actual percent of crop treated when establishing a tolerance only where the Agency can make the following findings: (a) That the data used are reliable and provide a valid basis for showing the percentage of food derived from a crop that is likely to contain residues; (b) that the exposure estimate does not underestimate the exposure for any significant subpopulation and; (c) where data on regional pesticide used and food consumption are available, that the exposure estimate does not understate exposure for any regional population. In addition, the Agency must provide for periodic evaluation of any estimates used.

The percent of crop treated estimates for lambda-cyhalothrin were derived from Federal and market survey data. EPA considers these reliable. A range of estimates are supplied by this data and the upper end of this range was used for the exposure assessment. By using this upper estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluation of the exposure of significant subpopulations including several regional groups. Review of this regional data allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. To meet the requirement for data on anticipated residues, EPA will issue a Data Call-In (DCI) notice pursuant to FFDCA section 408(f) requiring submission of data on anticipated residues in conjunction with approval of the registration under FIFRA.

2. *From drinking water.* Laboratory and field data have demonstrated that lambda-cyhalothrin is immobile in soil and will not leach into groundwater. Other data show that lambda-cyhalothrin is virtually insoluble in water and extremely lipophilic. As a result, EPA concludes that residues reaching surface waters from field runoff will quickly adsorb to sediment particles and be partitioned from the water column. Further, a screening evaluation of leaching potential of a typical pyrethroid was conducted using EPA's Pesticide Root Zone Model (PRZM1). Based on this screening assessment, the potential concentrations of a pyrethroid in groundwater at depths of 1 and 2 meters are essentially zero (<< 0.001 parts per billion (ppb)). Surface water concentrations for pyrethroids were estimated using PRZM3 and Exposure Analysis Modeling System (EXAMS) using standard EPA cotton runoff and Mississippi pond scenarios. The maximum concentration predicted in the simulated pond was 0.052 ppb Concentrations in actual drinking water would be much lower than the levels predicted in the hypothetical, small, stagnant farm pond model since drinking water derived from surface water would normally be treated before consumption.

i. *Acute exposure and risk.* The acute drinking water exposure and risk estimates are 0.000022 mg/kg/day (MOE 22,876) and 0.000042 mg/kg/day (MOE 11,956) for the overall population and non-nursing infants <1 year, respectively.

ii. *Chronic exposure and risk.* The chronic drinking water exposure and risk estimates are 0.000000 mg/kg/day (0.0% RfD utilized) and 0.000000 mg/kg/day (0.0% of RfD utilized) for the overall population and non-nursing infants < 1 year, respectively.

3. *From non-dietary exposure.* Lambda-cyhalothrin is currently

registered for use on the following residential non-food sites: general indoor/outdoor pest control (crack/crevice/spot), termiticide, ornamental plants and lawns around homes, parks, recreation areas and athletic fields, and golf course turf. Application of this pesticide in and around these sites is mainly limited to commercial applicators. Analyses were conducted which included an evaluation of potential non-dietary (residential) applicator, post-application and chronic dietary aggregate exposures associated with lambda-cyhalothrin products used for residential flea infestation control and agricultural/commercial applications. In the case of potential non-dietary health risks, conservative point estimates of nondietary exposures, expressed as total systemic absorbed dose (summed across inhalation and incidental ingestion routes) for each relevant product use category (i.e. lawn care) and receptor based on the toxicity endpoints selected by EPA for lambda-cyhalothrin, inhalation and incidental oral ingestion absorbed doses were combined and compared to the relevant systemic NOEL for estimating MOEs.

4. *Short- and intermediate term exposure and risk.* EPA used a NOEL of 0.3 µg/L (0.05 mg/kg/day) from the 21-day inhalation toxicity study in rats. The LOEL of 3.3 µg/L was based on decreased body weight gains and clinical signs of toxicity including paw flicking, tail erections and tiptoe gait. For short- and intermediate-term dermal exposure MOE calculations, EPA used a NOEL of 10.0 mg/kg/day based on systemic toxicity at 50 mg/kg/day (LOEL). The MOE is 100.

The short and intermediate-term non-dietary aggregate (non-dietary + chronic dietary (food and water)) MOEs for lambda-cyhalothrin indicate a substantial degree of safety. The total non-dietary (inhalation + incidental + ingestion + dermal) MOEs for post-application exposure for the lawn care products evaluated was estimated to be >15,000 for adults, 7,200 for children 1-6 years old, and 7,000 for infants < 1 year. It can be concluded that the potential non-dietary and aggregate (non-dietary + chronic dietary) exposures for lambda-cyhalothrin are associated with substantial margins of safety.

5. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity." The Agency believes that "available information" in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

Although lambda-cyhalothrin is structurally similar to other members of the synthetic pyrethroids class of insecticide, EPA does not have, at this time, available data to determine whether lambda-cyhalothrin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, lambda-cyhalothrin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that lambda-cyhalothrin has a common mechanism of toxicity with other substances.

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* The acute aggregate risk assessment takes into account exposure from food and water. The acute aggregate MOE calculated at the 99.9th percentile for the U.S. population is 307. The Agency generally has no cause for concern if total acute exposure calculated for the 99.9th percentile yields a MOE of 100 or larger. EPA concludes that there is a reasonable certainty that no harm will result from acute aggregate exposure to lambda-cyhalothrin residues.

2. *Chronic risk.* Aggregate chronic exposure is the sum of chronic exposure from food and water. Using the exposure assumptions described above, EPA has concluded that aggregate exposure to lambda-cyhalothrin from food and water will utilize 6.8% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to lambda-cyhalothrin residues.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. For lambda-cyhalothrin the aggregate MOE (inhalation + incidental oral + chronic dietary) summed across all product use categories was estimated to be 14,000 for the U.S. population. EPA concludes that the aggregate short- and intermediate-term risks do not exceed levels of concern, and that there is reasonable certainty that no harm will result from aggregate exposure to lambda-cyhalothrin residues.

E. Aggregate Cancer Risk for U.S. Population

Lambda-cyhalothrin has been classified by EPA as a Group "D" chemical, "not classifiable as to human carcinogenicity." Therefore, this risk assessment was not conducted.

F. Aggregate Risks and Determination of Safety for Infants and Children

In assessing the potential for additional sensitivity of infants and

children to residues of lambda-cyhalothrin, EPA considered data from developmental toxicity studies in rats and rabbits and a three-generation reproductive toxicity study in rats. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during prenatal development. Reproduction studies provide information relating to pre- and post-natal effects from exposure to the pesticide, information on the reproductive capability of mating animals, and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In either case, EPA generally defines the level of appreciable risk as exposure that is greater than 1/100 of the no observed effect level (NOEL) in the animal study appropriate to the particular risk assessment. This hundredfold uncertainty (safety) factor is designed to account for inter-species extrapolation and intra-species variability. EPA believes that reliable data support using the standard hundredfold factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard factor.

1. *Developmental toxicity studies.* i. From the developmental toxicity study in rats, the maternal (systemic) NOEL was 10 mg/kg/day. The maternal LEL of 15 mg/kg/day was based on decreased body weight gain and decreased food consumption. The developmental (fetal) NOEL was > 15 mg/kg/day at the highest dose tested (HDT).

ii. From the developmental toxicity study in rabbits, the maternal (systemic) NOEL was 10 mg/kg/day. The maternal LEL of 30 mg/kg/day was based on decreased body weight gain. The developmental (fetal) NOEL was ≧ 30 mg/kg/day (HDT).

2. *Reproductive toxicity study.* From the three-generation reproductive toxicity study in rats, both the parental (systemic) and reproductive (pup) NOEL's were 1.5 mg/kg/day. Both the parental (systemic) and reproductive (pup) LEL's were 5 mg/kg/day. They were based on a significant decrease in parental body weight (systemic) or a significant decrease in pup body weight.

3. *Pre- and post-natal sensitivity.* The toxicology data base for lambda-cyhalothrin is complete with respect to current toxicological data requirements. There are no pre- or post-natal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the three-generation reproductive toxicity study in rats. Based on the above, EPA concludes that reliable data support the use of the standard hundredfold margin of uncertainty factor and that an additional uncertainty factor is not warranted at this time.

4. *Acute risk.* The aggregate acute MOE calculated at the 99.9th percentile for non-nursing infants < 1 year old is 138. In a conservative policy, the Agency has no cause for concern if total acute exposure calculated for the 99.9th percentile yields a MOE of 100 or larger. Therefore, the Agency has no acute aggregate concern due to exposure to lambda-cyhalothrin.

5. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to lambda-cyhalothrin from food will utilize 19.2 percent of the RfD for children 1-6 years. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to lambda-cyhalothrin residues.

6. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background level) plus short-term and intermediate term residential exposure. The aggregate MOE was estimated to be 6,300 for children 1-6 years old, and 6,800 for infants < 1 year old. EPA concludes that the aggregate short- and intermediate-term risks do not exceed levels of concern, and that there is reasonable certainty that no harm will result from aggregate exposure to lambda-cyhalothrin residues.

G. Endocrine Disruption

EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) "may have an effect on humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect***." The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing screening and testing programs and a priority setting scheme to implement this program. Congress has allowed 3 years from the passage of FQPA (August 3, 1999) to implement this program. At that time, EPA may require further testing of this active ingredient and enduse products for endocrine disrupter effects.

III. Other Considerations

A. Metabolism in Plants and Animals

The metabolism of lambda-cyhalothrin in plants and animals is adequately understood for the purposes of these tolerances. EPA has determined that plant and animal metabolites do not need to appear in the tolerance expression at this time. The residues to be regulated are lambda-cyhalothrin and its epimer as specified in 40 CFR 180.438.

B. Analytical Methodology

There is a practical analytical method available for determination of residues of lambda-cyhalothrin and its epimer. Adequate enforcement methodology (gas chromatography/electron capture detector) for plant and animal commodities is available to enforce the tolerances. EPA will provide information on this method to FDA. In the interim, the analytical method is available to anyone who is interested in pesticide residue enforcement from: By mail, Calvin Furlow, Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M. St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm. 119FF, Jefferson Davis hwy., Arlington, VA 22202, 703–305–5805.

C. Magnitude of Residues

Field residue data reflecting the application of lambda-cyhalothrin to alfalfa, leaf lettuce, and Brassica subgroup crops are acceptable in quantity, quality and location to support the proposed tolerances. Based on the transfer of residues from a worst-case diet consisting of various animal feed items containing residues of lambda-cyhalothrin and its epimer, the existing tolerances for meat, milk, poultry and eggs are acceptable, with the exception of poultry fat. An increase in the poultry

fat tolerance from 0.01 ppm to 0.03 ppm is needed.

D. International Residue Limits

No Codex maximum residue levels (MRLs) for residues of lambda-cyhalothrin have been established for alfalfa, leaf lettuce, or brassica subgroup crops. Mexico has not established MRLs for residues of lambda-cyhalothrin. Canada has established tolerances for residues of lambda-cyhalothrin on broccoli and cabbage at 0.4 ppm, which are the same levels as the U.S. tolerance.

IV. Conclusion

Therefore, as set forth in this document, tolerances are established for lambda-cyhalothrin and its epimer in or on alfalfa forage at 5.0 ppm; alfalfa hay at 6.0 ppm; leaf lettuce at 2.0 ppm; brassica head and stem subgroup (broccoli, Chinese broccoli, Brussels sprouts, cabbage, Chinese (napa) cabbage, Chinese mustard, cauliflower, caval broccolo, and kohlrabi) at 0.4 ppm; "aspirated grain fractions" at 2.0 ppm; and the tolerance for poultry fat is increased from 0.01 ppm to 0.03 ppm.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by April 14, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Docket and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300608] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

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

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

VIII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report

containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: January 29, 1998.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I, part 180 is amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 346a and 371.

2. In § 180.438, the table to paragraph (a)(1) is amended by adding entries for alfafa forage; alfalfa hay; aspirated grain fractions; brassica, head and stem subgroup; lettuce, leaf; by revising the entries for poultry, fat; and by removing the entries for sorghum, grain dust; and wheat, grain dust, and broccoli and cabbage, to read as follows:

§ 180.438 Lambda-cyhalothrin; tolerances for residues.

(a) *General.* (1) * * *

Commodity	Parts per million
Alfalfa, forage,	5.0
Alfalfa, hay	6.0
Aspirated grain fractions	2.0
Brassica, head and stem subgroup,.	0.4
* * *	* *
Lettuce, leaf	2.0
* * *	* *
Poultry Fat	0.03
* * *	* *

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[FR Doc. 98–3751 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300617; FRL–5771–1]

RIN 2070–AB78

Benoxacor; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of benoxacor (4-(dichloroacetyl)-3,4-dihydro-3-methyl-2*H*-1,4-benzoxazine at 0.01 part per million (ppm) when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor. It also removes time limitations for residues of benoxacor on the same commodities that expire on February 14, 1998. Novartis Crop Protection, Incorporated requested this tolerance under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104-170).

DATES: This regulation is effective February 13, 1998. Objections and requests for hearings must be received by EPA on or before April 14, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300617], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300617], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300617]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry B. Leifer, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 4W17, Crystal Station #1, 2800 Crystal Drive, Arlington, VA, (703) 308-8811, e-mail: leifer.kerry@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 30, 1992 (57 FR 29031), EPA established time-limited tolerances under section 408 of the FFDCA 21 U.S.C. 346a(d) for residues of benoxacor at 0.01 ppm when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor. These time-limited tolerances expired on December 1, 1996. In the **Federal Register** of November 5, 1996 (61 FR 56954) (FRL–5572–8), EPA issued a notice pursuant to section 408 of FFDCA 21 U.S.C. 346a(e) announcing the filing of pesticide petition (PP7E3489) for tolerances by Novartis Crop Protection, Incorporated, P.O. Box 18300, Greensboro, NC 27419. This notice included a summary of the petition prepared by Novartis, the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.460 be amended to extend the time-limited tolerances for residues of benoxacor at 0.01 ppm when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor from December 1, 1996, to December 1, 1998. On February 21, 1997 (62 FR 7941) (FRL–5583–4), EPA established time-limited tolerances for benoxacor at 0.01 ppm when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor with an expiration date of February 14, 1998.

In the **Federal Register** of November 21, 1997 (62 FR 62304) (FRL–5755–4), EPA issued a notice pursuant to section 408 of FFDCA 21 U.S.C. 346a(e) announcing the filing of pesticide petition (PP7E3489) for tolerances by Novartis Crop Protection, Incorporated (formerly Ciba Crop Protection), P.O. Box 18300, Greensboro, NC 27419. This notice included a summary of the petition prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that the time limitation for tolerances established for residues of benoxacor at 0.01 ppm when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor be removed based upon the chronic toxicity and oncogenicity data submitted as a condition of registration.

The basis for the time-limited tolerances that expire February 14, 1998, was given in the February 21, 1997 issue of the **Federal Register** (62 FR 7941). These time-limited tolerances were predicated on the expiration of pesticide product registrations that were made conditional due to the lack of certain chronic/oncogenicity data. The rationale for using time-limited tolerances was to encourage pesticide manufacturers to comply with the conditions of registration in a timely manner. There is no regulatory requirement to make tolerances time-limited due to the conditional status of a product under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. It is current EPA policy to no longer establish time limitations on tolerances if none of the conditions of registration have any bearing on human dietary risk. The current petition action meets that condition and thus the expiration dates associated with the crop tolerances are being deleted.

I. Risk Assessment and Statutory Findings

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the "no-observed effect level" or "NOEL").

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a "safety factor") of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100% or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This 100-fold MOE is based on the same rationale as the 100-fold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include "acute," "short-term," "intermediate term," and "chronic" risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1-day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1–7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all three sources are not typically added because

of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1–7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children.The TMRC is a "worst case" estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups, to pesticide residues. For this pesticide, the most highly exposed population subgroup, non-nursing infants less than one year old, was not regionally based.

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of benoxacor and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of benoxacor when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor at 0.01 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by benoxacor are discussed below.

1. *Acute toxicity.* A rat acute oral study with an LD_{50} >5,000 milligram/kilogram (mg/kg), a rabbit acute dermal study with an LD_{50} >2,010 mg/kg, a rat inhalation study with an LC_{50} >2,000 mg/liter, a primary eye irritation study in the rabbit showing moderate eye irritation, a primary dermal irritation study in the rabbit showing benoxacor is not a skin irritant, and a skin sensitization study which showed benoxacor to be a skin sensitizer in the Guinea pig. Results of a dermal absorption study show a maximum of 55.7% of benoxacor is absorbed by the rat following a 24-hour dermal exposure.

2. *Genotoxicity.* Benoxacor did not induce point mutations in vitro at limit (cytotoxic) concentrations in a *Salmonella* /mammalian microsome test or show any mutagenic activity in the Chinese hamster V79 mammalian point mutation test and is neither clastogenic nor aneugenic in the Chinese hamster at doses up to the limit dose of 5,000 mg/kg. Benoxacor did not induce unscheduled DNA synthesis in isolated rat hepatocytes at cytotoxic concentrations up to 20 micrograms/ml.

3. *Subchronic toxicity*—i. *Dogs.* In a subchronic feeding study in dogs (5 dogs/sex/dose), benoxacor was administered at doses of 0, 0.25, 1, 5, 50, 150, or 400 milligram/kilograms/day (mg/kg/day) for 90 days. The NOEL was 5 mg/kg/day and the lowest observed effect level (LOEL) 50 mg/kg/day based on increased liver and gallbladder weights.

ii. *Mice.* In a subchronic feeding study, CD-1 mice were administered dietary concentrations of 0, 50, 500, 2,000, and 6,000 ppm (approximately 0, 7.14, 70.7, 290, and 1,100 mg/kg/day for males and 0, 9.53, 99.8, 382, and 1,470 mg/kg/day for females) of benoxacor for 13 weeks. The systemic toxicity NOEL was 500 ppm (70.7 and 99.8 mg/kg/day in males and females respectively) and the systemic toxicity LOEL was 2,000 ppm (290 and 382 mg/kg/day in males and females respectively) based on increased incidence of renal cortex fibrosis and calcifications in males, and increases in water consumption, platelet counts, and liver and kidney weights in both males and females.

iii. *Rats.* In a subchronic feeding study in rats, six groups of 15 male and 15 female Sprague Dawley rats were fed benoxacor at dietary concentrations of approximately 0, 0.5, 5, 15, 50, or 300 mg/kg/day for 13 weeks. The NOEL was 5 mg/kg/day and the LOEL was 15 mg/kg/day based on increased incidence of kidney nephrosis.

4. *Dermal toxicity study.* In a 21-day dermal toxicity study, benoxacor was repeatedly applied daily to the shaved skin of 5 male and 5 female New Zealand white rabbits at dose levels of 0, 1, 500, or 1,010 mg/kg for 6/hours/day . The NOEL was >1,010 mg/kg/day.

5. *Developmental toxicity study*—i. *Rabbits.* In an oral developmental toxicity study, rabbits were administered benoxacor at doses of 0, 0.5, 2.5, 12.5,and 62.5 mg/kg/day. The systemic maternal NOEL was 12.5 mg/kg/day and the systemic maternal LOEL was 62.5 mg/kg/day based on decreased consumption values. The developmental toxicity NOEL was 12.5 mg/kg/day and the developmental toxicity LOEL was 62.5 mg/kg/day based on increased frequency of vertebral anomalies with or without associated rib anomalies.

ii. *Rats.* In an oral developmental toxicity study, rats were administered benoxacor at doses of 0, 1, 100, and 400 mg/kg/day. The systemic maternal NOEL was 100 mg/kg/day and the systemic maternal LOEL was 400 mg/kg/day based on increased maternal gross pathology findings, and decreased body weight gain. The developmental toxicity NOEL was 100 mg/kg/day and the developmental toxicity LOEL was 400 mg/kg/day based on decreased fetal weight, number of live fetuses, decreased uterine weight and increased early resorptions, and fetal visceral variations, malformations, and skeletal variations.

6. *Reproductive toxicity study.* In a two-generation reproduction study, Sprague-Dawley rats were fed in the diet with benoxacor at doses of 0, 10, 50, 100, 500, and 1,000 ppm for two generations. For parental/systemic toxicity, the NOEL was 50 ppm (3.55 mg/kg/day in the male and 4.51 mg/kg/day in the females) and the LOEL was 500 ppm (34.84 mg/kg/day in males and 41.21 mg/kg/day in females) based on decreased body weight and body weight gain in both sexes and both generations. For reproductive toxicity the NOEL was 50 ppm (3.55 mg/kg/day in the male and 4.51 mg/kg/day in the female) and the LOEL was 500 ppm (34.84 mg/kg/day in males and 41.21 mg/kg/day in females) based on decreased pup body weight on lactation day 21 in both generations.

7. *Chronic toxicity study.* In a 52-week feeding study, benoxacor was administered orally to male and female beagle dogs (4/sex/group) at doses of 0, 1, 5, 40, or 80 mg/kg/day. The NOEL was 5 mg/kg/day and the LOEL was 40 mg/kg/day based upon decreases in mean body weight gain in males and increases in adjusted liver and kidney weights and increased lipofuscin deposition in the kidney in both sexes.

8. *Carcinogenicity study.* In a carcinogenicity study, CD-1 mice were fed benoxacor (50/sex/group) at dietary levels of 0, 10, 30, 600, and 1,200 ppm (0, 1.2, 3.7, 75, and 167 mg/kg/day for males and 0, 1.6, 4.7, 93, and 201 mg/kg/day for females) for 18 months. There was evidence of carcinogenicity at the two highest doses tested. Statistically ($p<0.05$) significant increases of squamous cell papillomas and combined papillomas/carcinomas were seen in the nonglandular stomach (forestomach) in both sexes at the highest dose tested. There were also statistically significant positive trends for carcinomas in male mice and for papillomas and combined papilloma/carcinoma in both sexes. For chronic toxicity, the NOEL was 30 ppm (3.7 mg/kg/day and 4.7 mg/kg/day in males and females, respectively) and the systemic LOEL was 600 ppm (75 mg/kg/day and 93 mg/kg/day in males and females, respectively) based on increased liver/body weight ratios in both sexes. The NOEL for mouse forestomach tumors was 3.7 mg/kg/day in males and 4.7 mg/kg/day in females with tumors occurring at 75 and 93 mg/kg/day in males and females. Dosing was considered adequate to assess the carcinogenic potential of benoxacor based on body weight reduction in males, treatment-related increased liver/body weight ratios in both sexes, and other treatment-related increased incidences of tumor and nontumor findings in the forestomach.

9. *Chronic/oncogenicity study.* In a combined chronic/oncogenicity study, Crl:CD BR rats (70 /sex/group) were fed benoxacor dosed at dietary levels of 0, 10, 50, 500, and 1,000 ppm (0, 0.4, 2.0, 20.6, and 41 mg/kg/day for males and 0, 0.6, 2.8, 28.2, and 59 mg/kg/day for females) for two years. Statistically significant ($p<0.01$) increasing trends were seen in male rats for forestomach squamous cell papillomas and papillomas and/or carcinomas combined. There was also a statistically significant ($p<0.05$) increasing trend for forestomach squamous cell carcinomas in male rats. There were significant differences in the pair-wise comparisons of the male high-dose group with the controls for forestomach squamous cell papillomas ($p<0.05$) and for papillomas and/or carcinomas combined ($p<0.01$). Statistically significant ($p<0.01$) increasing trends, and differences in the pair-wise comparisons of the high-dose group with the controls, were seen in female rats for forestomach squamous cell papillomas and papillomas and/or carcinomas combined. For chronic toxicity, the NOEL was 10 ppm (0.4 mg/kg/day and 0.6 mg/kg/day in males and females, respectively) and the systemic LOEL is 50 ppm (2.0 mg/kg/day in males) based on centrolobular hepatic enlargements with or without hepatocytic vacuolation in male rat livers. At a dose level of 2.6 mg/kg/day, hyperkeratosis of the forestomach in females was observed. The NOEL for rat forestomach tumors was 20.6 mg/kg/day in males and 28.2 in females with tumors occurring at 41 and 59 mg/kg/day in males and females.

B. Toxicological Endpoints

1. *Acute toxicity.* An acute dietary risk assessment for the general population, including infants and children, is not required because no treatment-related effects attributable to a single exposure (dose) were seen in oral studies conducted with benoxacor.

2. *Short- and intermediate-term toxicity.* A short- and intermediate-term risk assessment is not required for benoxacor. There was no systemic toxicity at 1,010 mg/kg/day (highest dose tested) in a 21-day dermal toxicity study in rabbits.

3. *Chronic toxicity.* EPA has established the RfD for benoxacor at 0.004 mg/kg/day. This RfD is based on a 2-year feeding study in rats with a NOEL of 0.4 mg/kg/day. An uncertainty factor of 100 was used in calculating the RfD to account for interspecies extrapolation and intra-species variability.

4. *Carcinogenicity.* EPA's Health Effects Division Carcinogenicity Peer Review Committee (CPRC) has determined that, in accordance with the EPA proposed Guidelines for Carcinogenic Risk Assessment (April 23, 1996), benoxacor's carcinogenic potential be characterized as "cannot be determined, but suggestive" based on increases in forestomach tumors in both sexes of mice and rats. The consensus of the CPRC was that these tumors have little or no relevance to humans. For cancer risk assessment purposes, the CPRC recommended using a threshold (MOE) approach based on the most sensitive precursor forestomach lesions. It was further recommended that the NOEL for rat forestomach lesions of 0.4 mg/kg/day be used as the point of departure for MOE calculations.

C. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.460) for the residues of benoxacor in or on a variety of raw agricultural commodities. Risk assessments were conducted by EPA to

assess dietary exposures and risks from benoxacor as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. Since there are no acute toxicological concerns for benoxacor, an acute dietary risk assessment was not required.

ii. *Chronic exposure and risk.* For the purpose of assessing chronic dietary exposure from benoxacor, EPA considered the proposed benoxacor tolerance of 0.01 ppm and the raw agricultural commodities for which tolerances have been established for metolachlor. There are no other established U.S. tolerances for benoxacor, and there are no other registered uses for benoxacor on food or feed crops in the United States. In conducting this exposure assessment, EPA assumed tolerance level residues and 100% crop treated, resulting in a large overestimation of dietary exposure and protective of any chronic dietary exposure scenario. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Review of this regional data allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Based on the chronic dietary exposure TMRC's of 0.000205 mg/kg/day for the U.S. population and 0.000828 mg/kg/day for the most highly exposed population subgroup (non-nursing infants less than one year old), this chronic dietary risk assessment resulted in the use of 5.13% of the RfD for the U.S. population and 20.7% of the RfD for the most highly exposed population subgroup. A cancer dietary MOE was calculated to be 1,950.

2. *From drinking water.* For the purposes of assessing chronic exposure in drinking water, EPA has considered the registered uses and the available data on persistence and mobility for benoxacor. The Agency has determined through a qualitative risk assessment that the physical and chemical characteristics of benoxacor are such that it is not expected to impact water resources. While benoxacor is mobile, it is not persistent (half-life in soil of 49 days under aerobic conditions and 70 days anaerobically). In light of these findings, EPA believes that benoxacor's use will not impact ground water or surface water resources, and therefore, is not expected to lead to exposure to humans through drinking water. If new uses are added in the future, OPP will reassess the potential impacts of benoxacor on drinking water as a part of the aggregate risk assessment process.

3. *From non-dietary exposure.* All registered metolachlor products to which benoxacor is added as a safener are commercial agricultural products not registered for residential use. The potential for non-occupational exposure to benoxacor by the general population is therefore unlikely except for the potential residues in food crops discussed above.

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity." The Agency believes that "available information" in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether benoxacor has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, benoxacor does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that benoxacor has a common mechanism of toxicity with other substances.

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk.* Since there are no acute toxicological concerns for benoxacor, EPA has no cause for concern for acute aggregate exposure.

2. *Chronic risk.* Using the TMRC exposure assumptions described above, EPA has concluded that aggregate chronic exposure to benoxacor from food and water will utilize 5.13% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants less than one year old (utilizing 20.7% of the RfD). EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to benoxacor residues.

E. Aggregate Cancer Risk for U.S. Population

The carcinogenic risk from food uses of benoxacor for the general U.S. population was calculated by comparing the dietary exposure from benoxacor to the NOEL identified for use with the cancer risk assessment. Based on the NOEL selected by the CPRC for cancer risk characterization of 0.4 mg/kg/day, the cancer risk was estimated to result in a MOE of 1,950 contributed through all the published, pending and new uses for benoxacor. Based upon the extreme conservatism of the dietary exposure estimates and the fact that tumors were

observed only at dose levels far in excess of the selected NOEL, this MOE is at a level which the Agency does not consider raising a concern for excess lifetime cancer.

F. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*—i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of benoxacor, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In either case, EPA generally defines the level of appreciable risk as exposure that is greater than 1/100 of the NOEL in the animal study appropriate to the particular risk assessment. This 100–fold uncertainty (safety) factor/MOE (safety) is designed to account for inter-species extrapolation and intra-species variability. EPA believes that reliable data support using the 100–fold uncertainty factor rather than the 1,000–fold margin/factor, when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children, the potency or unusual toxic properties of a compound, or the quality of the exposure data do not raise concerns regarding the adequacy of the standard margin/factor.

ii. *Developmental toxicity studies.* See Toxicological Profile in Unit II.A. of this preamble.

iii. *Reproductive toxicity study.* See Toxicological Profile in Unit II.A. of this preamble.

iv. *Pre- and post-natal sensitivity.* There is no evidence of increased sensitivity to young rats or rabbits following pre- or post-natal exposure to benoxacor.

v. *Conclusion.* The toxicological data base for evaluating pre- and post-natal toxicity for benoxacor is complete with respect to current data requirements. Because both developmental and reproductive effects occurred in the presence of parental (systemic) toxicity, these data do not suggest an increased pre- or post-natal sensitivity of children and infants to benoxacor exposure. Based on the above, EPA concludes that reliable data support use of a 100–fold MOE/uncertainty factor, rather than the standard 1,000–fold margin/factor to protect infants and children. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to benoxacor residues.

2. *Acute risk.* Since there are no acute toxicological concerns for benoxacor, EPA has no cause for concern for acute aggregate exposure.

3. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to benoxacor from food will range from 3.69% of the RfD for females 13+ years, to 20.7% of the RfD for non-nursing infants less than one year old. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to benoxacor residues.

4. *Cancer risk.* Carcinogenic risk to infants and children from food uses of benoxacor is addressed under Aggregate Cancer Risk for U.S. Population under Unit II.E. of this preamble.

III. Other Considerations

A. Metabolism In Plants and Animals

The metabolism of benoxacor in plants and animals is adequately understood for purposes of these tolerances.

B. Analytical Enforcement Methodology

Adequate enforcement methodology, GC/NPD, is available to enforce the tolerance expression. An analytical methodology for the determination of benoxacor and its metabolites in plant and animal commodities (Ciba Analytical Method AG536(C)) is available from: Calvin Furlow, Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 119FF, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-5229.

C. Magnitude of Residues

The magnitude of the residue in plants is adequately understood for the purposes of these tolerances.

D. International Residue Limits

No Codex Maximum Residue Levels have been established for residues of benoxacor on commodities for which a tolerance for metolachlor exist.

IV. Conclusion

Therefore, the tolerances are established for benoxacor (4-(dichloroacetyl)-3,4-dihydro-3-methyl-2*H*-1,4-benzoxazine) at 0.01 ppm when used as an inert ingredient (safener) in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by April 14, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's

contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300617] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

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

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

VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. *801 et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: February 10, 1998.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 346a and 371.

2. Section 180.460 is revised to read as follows:

§ 180.460 Benoxacor; tolerances for residues.

(a) *General*. Tolerances are established for residues of the inert ingredient (safener) benoxacor (4-(dichloroacetyl)-3,4-dihydro-3-methyl-2*H*-1,4-benzoxazine) at 0.01 ppm when used in pesticide formulations containing metolachlor in or on raw agricultural commodities for which tolerances have been established for metolachlor.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 98–3750 Filed 2–12–98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300540A; FRL–5769–2]

2070–AB78

Vinclozolin; Revocation of Certain Tolerances

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: EPA is revoking the tolerances for residues of the pesticide vinclozolin in or on the raw agricultural commodities tomatoes, plums, prunes, grapes (other than wine grapes), and the food additive tolerances for prunes and raisins. EPA is revoking these tolerances because the uses associated with them have been voluntarily deleted from vinclozolin labels.

DATES: This regulation becomes effective February 13, 1998. Written objections and requests for hearings must be received on or before April 14, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300540A], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300540A], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP–300540A]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mark Wilhite, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202, telephone: (703) 308–8029; e-mail: wilhite.mark@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Vinclozolin (trade names Ronilan, Curalan, and Ornilan) is a fungicide first registered in 1981 to control various types of rot caused by *Botrytis spp.*, *Sclerotinia spp*, and other types of mold and blight causing organisms, on strawberries, lettuce (all types), stonefruit, grapes, raspberries, onions, succulent beans, and turf in golf courses, commercial and industrial sites. Vinclozolin is also registered for use on ornamentals in green houses and nurseries.

II. Legal Authority

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq., as amended by the Food Quality Protection Act of 1996 (FQPA), Pub. L. 104–170) authorizes the establishment of tolerances (maximum residue levels), exemptions from the requirement of a tolerance, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods pursuant to section 408 (21 U.S.C. 346(a), as amended). Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore "adulterated" under section 402(a) of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 342). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

III. Regulatory Background

In May 1997, when BASF requested amendment of its labels to include a use for succulent beans, BASF also requested deletion of several food and non-food uses from its vinclozolin registrations. These deletions were announced in the **Federal Register** Notice of August 13, 1997 (62 FR 43327)(FRL–5736–2). Since no comments were received they became effective on September 13, 1997. The proposal to revoke the tolerances for the pesticide vinclozolin on the raw agricultural commodities tomatoes, plums, prunes, grapes (other than wine grapes), the food additive tolerances for prunes and raisins, and the animal feed tolerance for dry grape pomace was published on August 27, 1997 (62 FR 45377)(FRL–5739–6). EPA proposed these revocations because it is EPA's general practice to revoke tolerances where the associated pesticide use has been deleted from all FIFRA labels. See 40 CFR 180.32(b).

In response to the proposal to revoke these tolerances, EPA received one comment from the California Environmental Protection Agency on behalf of the States FIFRA Issues Research and Evaluation Group (SFIREG). These comments are located in the OPP Docket under docket number OPP–300540. The commenter pointed out that EPA had not established a deadline for use of existing stocks of product labeled for the deleted uses, other than exhaustion of supplies, but had indicated that it intends to publish its final revocation notice relatively soon after the proposal was published. The commenter noted that this short time frame for final revocation would not allow for exhaustion of existing stocks, since the residues on these commodities which were treated with existing stocks after the revocation date would not be legal, but would be considered adulterated by FDA or states which have residue monitoring programs. In an earlier inquiry about this discrepancy, the commenter had been told by the Agency that it was using section 408(l)(5) to allow product in the channels of trade to be used legally, under the existing stocks provision, even if the use was after the tolerance has been revoked. Further, the commenter pointed out, these upcoming actions should be better communicated to the states and other interested parties so that they can prepare their laboratories and authorities for their implementation. The commenter suggested that the Agency's home page on the internet present up to date information.

In response to these comments, the Agency agrees that it should have, in this case, established a formal date for exhaustion of existing stocks in the original use deletion notice (62 FR

43327). After conferring again with BASF about the status of the products with these deleted uses for which tolerances are being revoked and examining its registration records, the Agency believes that there is no product in the channels of trade which bears labeling allowing its use on either tomatoes, plums, prunes or table grapes, since tomatoes and grapes were never registered in the United States, and plums and prunes were removed from the product labels by BASF in 1991. Accordingly, the tolerances may be revoked with little chance that legal use of existing stocks will occur, since these uses have not been in the channels of trade for many years and it is therefore unlikely that it is still in the hands of end-users. Therefore, EPA believes it should proceed with the revocation of tolerances, but in future, a more concentrated effort to alert states, through its home page on the internet or other means, will be made as well as by providing a precise date for exhaustion of existing stocks before proceeding with final revocation of tolerances. In addition, EPA would like to clarify its interpretation of section 408(l)(5) of the FFDCA.That section states:

Notwithstanding any other provision of this Act, if a tolerance or exemption for a pesticide chemical residue is revoked, suspended or modified under this section, an article of food shall not be deemed unsafe solely because of the presence of such pesticide chemical residue in or on such food if it is shown...(A) the residue is present as the result of an application or use of a pesticide at a time and in manner that was lawful under the Federal Insecticide, Fungicide, and Rodenticide Act; and (B) the residue does not exceed a level that was authorized at the time of that application or use to be present on the food under a tolerance ***

This provision legalizes pesticide residues of cancelled pesticides if both the use under FIFRA was legal (e.g. because applied in accordance with an existing stocks provision) and the treatment occured before revocation of the tolerance. If use occurs after revocation of the tolerance, this provision does not apply.

IV. Regulatory Assessment Requirements

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

In addition, pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. The factual basis and the Agency's certification under section 605(b) for tolerance revocations published on December 17, 1997 (62 FR 66020)(FRL–5753–1), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Since no extraordinary circumstances exist as to the present revocation that would change EPA's previous analysis, the Agency is able to reference the general certificatio

V. Submission to Congress and the General Accounting Office

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

VI. Objections and Hearing Request

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person adversely affected by this regulation may, by April 14, 1998, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control [OPP–300540A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Recoreds Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects 40 CFR Part 180

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

Dated: February 3, 1998.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 346a and 371.

2. Section 180.380 is amended by revising paragraph (a) to read as follows:

§ 180.380 Vinclozolin; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the fungicide vinclozolin (3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione) and its metabolites containing the 3,5-dichloroaniline moiety in or on the food commodities in the table below. There are no U.S. registrations for Belgian endive, tops, cucumbers, grapes (wine), kiwi, pepper (bell) as of July 30, 1997. The tolerances will expire and are revoked on the date(s) listed in the following table:

Commodity	Parts per million	Expiration/ Revocation Date
Beans, succulent	2.0	10/1/99
Belgian endive, tops	5.0	None
Cucumbers	1.0	None
Grapes, (wine)	6.0	None
Kiwifruit	10.0	None
Lettuce, head	10.0	None
Lettuce (leaf)	10.0	None
Onions (dry bulb)	1.0	None
Peppers (bell)	3.0	None
Raspberries	10.0	None
Stonefruits, except plums/fresh prunes	25.0	None
Strawberries	10.0	None

* * * * *

[FR Doc. 98–3748 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–47; RM–8992]

Radio Broadcasting Services; Westley, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 238A to Westley, California, as that community's first local aural transmission service, in response to a petition filed on behalf of Westley-Grayson Broadcasting Company. *See* 62 FR 6927, February 14, 1997. Coordinates used for Channel 238A at Westley are 37–28–13 and 121–11–14. With this action, the proceeding is terminated.

DATES: *Effective March 23, 1998.* A filing window for Channel 238A at Westley, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a separate Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–47, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Westley, Channel 238A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–3736 Filed 2–12–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 97–D313]

Defense Federal Acquisition Regulation Supplement; Restructuring Costs

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8092 of the National Defense Appropriations Act for Fiscal Year 1998 and Section 804 of the National Defense Authorization Act for Fiscal Year 1998 concerning the reimbursement of external restructuring costs associated with a business combination.

DATES: *Effective date:* February 13, 1998.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before April 14, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350.

E-mail comments submitted over the Internet should be addressed to: dfarsacq.osd.mil

Please cite DFARS Case 97–D313 in all correspondence related to this issue. E-mail comments should cite DFARS Case 97–D313 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends DFARS 231.205–70, External restructuring costs, to implement Section 8092 of the National Defense Appropriations Act for Fiscal Year 1998 (Public Law 105–56), and Section 804 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105–85).

Section 8092 of Pub. L. 105–56 restricts DoD form using fiscal year 1998 funds to reimburse external restructuring costs associated with a business combination undertaken by a defense contractor unless certain conditions are met. These conditions include that either (1) the audited savings for DoD resulting from the restructuring will exceed the costs allowed by a factor of at least two to one; or (2) the savings for DoD resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to DoD.

Section 804 of Pub. L. 105–85 (1) specifies that similar conditions be met before DoD reimburses contractors for restructuring costs; (2) codifies this limitation on payment of restructuring costs under defense contracts at 10 U.S.C. 2324; and (3) repeals Section 818(a) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2324 note). Section 818(a) required an official of DoD at the level of Assistant Secretary of Defense or above to certify in writing that projections of future cost savings resulting from the business combination were based on audited cost data and should result in overall reduced costs to DoD, prior to DoD reimbursing contractors for restructuring costs.

B. Regulatory Flexibility Act

The interim 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 most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive fixed-price basis, and do not require application of the cost principle contained in this rule. 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 also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97–D313 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose any information collection requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This rule implements Section 8092 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105–56), which was effective upon enactment on October 8, 1997; and Section 804 of the National Defense Authorizations Act for Fiscal Year 1998 (Pub. L. 105–85), which was effective upon enactment on November 18, 1997. These sections restrict the reimbursement of restructuring costs associated with a business combination of a defense contractor unless certain conditions are met. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR part 231 is amended as follows:

1. The authority citation for 48 CFR part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205–70 is revised to read as follows:

231.205–70 External restructuring costs.

(a) *Scope.* This subsection prescribes policies and procedures for allowing contractor external restructuring costs when savings would result for DoD. This subsection also implements 10 U.S.C. 2325, Section 818 of the National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103–337) (10 U.S.C. 2324 note), Section 8115 of the National Defense Appropriations Act for Fiscal Year 1997 (Pub. L. 104–208), and Section 8092 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105–56).

(b) *Definitions.* As used in this subsection:

(1) *Business combination* means a transaction whereby assets or operations of two or more companies not previously under common ownership or control are combined, whether by merger, acquisition, or sale/purchase of assets.

(2) *External restructuring activities* means restructuring activities occurring after a business combination that affect the operations of companies not previously under common ownership or control. They do not include restructuring activities occurring after a business combination that affect the operations of only one of the companies not previously under common ownership or control, or, when there has been no business combination, restructuring activities undertaken within one company. External restructuring activities are a direct outgrowth of a business combination. They normally will be initiated within 3 years of the business combination.

(3) *Restructuring activities* means nonroutine, nonrecurring, or extraordinary activities to combine facilities, operations, or workforce, in order to eliminate redundant capabilities, improve future operations, and reduce overall costs. Restructuring activities do not include routine or ongoing repositionings and redeployments of a contractor's productive facilities or workforce (e.g., normal plant rearrangement or employee relocation), nor do they include other routine or ordinary activities charged as indirect costs that would otherwise have been incurred (e.g., planning and analysis, contract administration and oversight, or recurring financial and administrative support).

(4) *Restructuring costs* means the costs, including both direct and indirect, of restructuring activities. Restructuring costs that may be allowed include, but are not limited to, severance pay for employees, employee retraining costs, relocation expense for retained employees, and relocation and rearrangement of plant and equipment. For purposes of this definition, if restructuring costs associated with

external restructuring activities allocated to DoD contracts are less than $2.5 million, the costs shall not be subject to the audit, review, certification, and determination requirements of paragraph (c)(1) of this subsection; instead, the normal rules for determining cost allowability in accordance with FAR part 31 shall apply.

(5) *Restructuring savings* means cost reductions, including both direct and indirect cost reductions, that result from restructuring activities. Reassignments of cost to future periods are not restructuring savings.

(c) *Limitations on cost allowability.* (1) Restructuring costs associated with external restructuring activities shall not be allowed unless—

(i) Such costs are allowable in accordance with FAR part 31 and DFARS part 231;

(ii) An audit of projected restructuring costs and restructuring savings is performed;

(iii) The cognizant administrative contracting officer (ACO) reviews the audit report and the projected costs and projected savings, and negotiates an advance agreement in accordance with paragraph (d)(8) of this subsection; and

(iv) For business combinations that occur—

(A) Prior to October 1, 1996, the Under Secretary of Defense (Acquisition & Technology) or the Principal Deputy certifies that projections of future restructuring savings resulting for DoD from the business combination are based on audited cost data and should result in overall reduced costs for DoD.

(B) October 1, 1996, through November 18, 1997, the Under Secretary of Defense (Acquisition & Technology) or the Principal Deputy—

(1) Certifies that projections of future restructuring savings resulting for DoD from the business combination are based on audited cost data and should result in overall reduced costs for DoD; and

(2) Determines in writing that the audited projected savings for DoD resulting from the restructuring will exceed either—

(i) The costs allowed by a factor of at least two to one; or

(ii) The costs allowed, and the business combination will result in the preservation of a critical capability that might otherwise be lost to DoD.

(C) After November 18, 1997, the Under Secretary of Defense (Acquisition & Technology) or the Principal Deputy determines in writing that the audited projected savings for DoD resulting from restructuring will exceed either—

(1) The costs allowed by a factor of at least two to one; or

(2) The costs allowed, and the business combination will result in the preservation of a critical capability that might otherwise be lost to DoD.

(2) The audit, review, certification, and determination required by paragraph (c)(1) of this subsection shall not apply to any business combination for which payments for restructuring costs were made before August 15, 1994, or for which the cognizant ACO executed an advance agreement establishing cost ceilings based on audit/negotiation of detailed cost proposals for individual restructuring projects before August 15, 1994.

(d) *Procedures and ACO responsibilities.* As soon as it is known that the contractor will incur restructuring costs for external restructuring activities, the cognizant ACO shall:

(1) Promptly execute a novation agreement, if one is required, in accordance with FAR subpart 42.12 and DFARS subpart 242.12 and include the provision at DFARS 242.1204(e).

(2) Direct the contractor to segregate restructuring costs and to suspend these amounts from any billings, final contract price settlements, and overhead settlements until the certification, or determination, or both, as applicable, in paragraph (c)(1)(iv) of this subsection is obtain.

(3) Require the contractor to submit an overall plan of restructuring activities and an adequately supported proposal for planned restructuring projects. The proposal must include a breakout by year by cost element, showing the present value of projected restructuring costs and projected restructuring savings.

(4) Notify major buying activities of contractor restructuring actions and inform them about any potential monetary impacts on major weapons programs, when known.

(5) Upon receipt of the contractor's proposal, as soon as practicable, adjust forward pricing rates to reflect the impact of projected restructuring savings. If restructuring costs are included in forward pricing rates prior to execution of an advance agreement in accordance with paragraph (d)(8) of this subsection, the contracting officer shall include a repricing clause in each fixed-price action that is priced based on the rates. The repricing clause must provide for a downward price adjustment to remove restructuring costs if the certification, or determination, or both, as applicable, required by paragraph (c)(1)(iv) of this subsection is not obtained.

(6) Upon receipt of the contractor's proposal, immediately request an audit review of the contractor's proposal.

(7) Upon receipt of the audit report, determine if restructuring savings will exceed restructuring costs on a present value basis. However, for business combinations that occur on or after October 1, 1996, the audited projected savings for DoD must exceed the costs allowed by a factor of at least two to one on a present value basis, unless the determination in paragraph (c)(1)(iv)(B) *(2)(ii)* or (c)(1)(iv)(C) *(2)* of this subsection applies.

(8) Negotiate an advance agreement with the contractor setting forth, at a minimum, a cumulative cost ceiling for restructuring projects and, when necessary, a cost amortization schedule. The costs may not exceed the amount of projected restructuring savings on a present value basis. The advance agreement shall not be executed until the certification, or determination, or both, as applicable, required by paragraph (c)(1)(iv) of this subsection is obtained.

(9) Submit to the Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition & Technology), ATTN: OUSD (A&T) DP/CPF, a recommendation for certification, or determination, or both, as applicable. Include the information described in paragraph (e) of this subsection.

(10) Consult with the Director of Defense Procurement, Office of the Under Secretary of Defense (Acquisition & Technology), when paragraph (c)(1)(iv)(B) *(2)(ii)* or (c)(1)(iv)(C) *(2)* of this subsection applies.

(e) *Information needed to obtain certification and determination.* (1) The novation agreement (if one is required).

(2) The contractor's restructuring proposal.

(3) The proposed advance agreement.

(4) The audit report.

(5) Any other pertinent information.

(6) The cognizant ACO's recommendation for certification, or determination, or both, as applicable. This recommendation must clearly indicate one of the following, consistent with paragraph (c)(1)(iv) of this subsection:

(i) Contractor projections of future cost savings resulting for DoD from the business combination are based on audited cost data and should result in overall reduced costs for the Department.

(ii) The audited projected savings for DoD will exceed the costs allowed by a factor of at least two to one.

(iii) The business combination will result in the preservation of a critical capability that might otherwise be lost

to DoD, and the audited projected savings will exceed the costs allowed.

[FR Doc. 98–3714 Filed 2–12–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST–96–1472]

RIN: 2105–AC68

Privacy Act; Implementation

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations [OST–96–1472] which were published on Wednesday, January 28, 1998 (63 FR 4195). The regulations related to implementing the Privacy Act of 1974 to exempt from certain provisions of the Act the Coast Guard's Marine Safety Information System.

DATES: Effective: February 15, 1998.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of General Counsel, C–10, Department of Transportation, Washington, DC 20590, telephone (202) 366–9156, FAX (202) 366–9170.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction amends Title 49 of the Code of Federal Regulations to exempt from certain provisions of the Privacy Act of 1974 the Coast Guard's Marine Safety Information System. This rule has no substantive effect on the regulated public.

Need for Correction

As published, the final regulation contains an incorrect effective date, which is later than the February 15, 1998, statutory deadline for implementing the Coast Guard's new Vessel Identification System (VIS), into which the Coast Guard's Marine Safety Information System is being integrated. This correction will change the date to February 15, 1998.

Correction to Publication

Accordingly, the final regulation [OST–96–1472] published on January 28, 1998, which was the subject of FR Doc. 98–1823, is corrected as follows:

Dates Section [Corrected]

1. On page 4195, in the third column, in the Dates section, "February 27, 1998" is corrected to read "February 15, 1998".

Issued in Washington, DC on February 9, 1998.

Nancy E. McFadden,

General Counsel.

[FR Doc. 98–3770 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–62–M

NATIONAL RAILROAD PASSENGER CORPORATION

49 CFR Part 701

Revision of the Freedom of Information Act Regulations and Implementation of the Electronic Freedom of Information Act Amendments of 1996

AGENCY: National Railroad Passenger Corporation (Amtrak).

ACTION: Final rule.

SUMMARY: This revision to the rules of the National Railroad Passenger Corporation (Amtrak) provides substantive and administrative changes to conform to requirements of the Electronic Freedom of Information Act Amendments of 1996, 5 U.S.C. 552, as amended by Pub. L. 104–231 and reflects recent developments in case law. Amtrak also took this opportunity to streamline its rules and include updated cost figures to be used in calculating and charging fees.

EFFECTIVE DATE: Effective February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Medaris Oliveri; National Railroad Passenger Corporation; Freedom of Information Office; 60 Massachusetts Avenue, N.E.; Washington, D.C. 20002 or by telephone at 202/906–2728.

SUPPLEMENTARY INFORMATION: On November 14, 1997, the National Railroad Passenger Corporation (Amtrak) published a Notice of Proposed Rulemaking with a Request for Comments, 49 CFR 61070. No responses were received by the comment deadline of December 15, 1997. The purpose of the present rule is to establish the effective date for the final rule using the same text as the proposed rule with a minor change to reflect the current title of Amtrak's President and Chief Executive Officer in paragraph (l) of § 701.2 definitions and in paragraph (a)(2) of § 701.10 appeals.

List of Subjects in 49 CFR Part 701

Freedom of Information.

Accordingly 49 CFR part 701 is revised to read as follows:

PART 701—AMTRAK FREEDOM OF INFORMATION ACT PROGRAM

Authority: 5 U.S.C. 552; 49 U.S.C. 24301(e).

§ 701.1 General provisions.

This part contains the rules that the National Railroad Passenger Corporation ("Amtrak") follows in processing requests for records under the Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552. Information routinely provided to the public (*i.e.*, train timetables, press releases) may be obtained without following Amtrak's FOIA procedures. As a matter of policy, Amtrak may make discretionary disclosures of records or information exempt under the FOIA whenever disclosure would not foreseeably harm an interest protected by an FOIA exemption; however, this policy does not create any right enforceable in court.

§ 701.2 Definitions.

Unless the context requires otherwise in this part, masculine pronouns include the feminine gender and "includes" means "includes but is not limited to."

(a) *Amtrak or Corporation* means the National Railroad Passenger Corporation.

(b) *Appeal* means a request submitted to the President of Amtrak or designee for review of an adverse initial determination.

(c) *Business days* means working days; Saturdays, Sundays, and legal public holidays are excluded in computing response time for processing FOIA requests.

(d) *Disclose or disclosure* means making records available for examination or copying, or furnishing a copy of nonexempt responsive records.

(e) *Electronic data* means records and information (including E-mail) that are created, stored, and retrievable by electronic means.

(f) *Exempt information* means information that is exempt from disclosure under one or more of the nine exemptions to the FOIA.

(g) *Final determination* means a decision by the President of Amtrak or

designee concerning a request for review of an adverse initial determination received in response to an FOIA request.

(h) *Freedom of Information Act or "FOIA"* means the statute as codified in section 552 of Title 5 of the United States Code as amended.

(i) *Freedom of Information Officer* means the Amtrak official designated to fulfill the responsibilities of implementing and administering the Freedom of Information Act as specifically designated under this part.

(j) *Initial determination* means a decision by an Amtrak FOIA Officer in response to a request for information under the FOIA.

(k) *Pages* means paper copies of standard office size or the cost equivalent in other media.

(l) *President* means the President and Chief Executive Officer (CEO) of the National Railroad Passenger Corporation (Amtrak) or designee.

(m) *Record* means any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved in any format, including electronic format. A record must exist and be in the possession and control of Amtrak at the time of the request to be subject to this part and the FOIA. The following are not included within the definition of the word "record":

(1) Library materials compiled for reference purposes or objects of substantial intrinsic value.

(2) Routing and transmittal sheets, notes, and filing notes which do not also include information, comments, or statements of substance.

(3) Anything that is not a tangible or documentary record such as an individual's memory or oral communication.

(4) Objects or articles, whatever their historical or value as evidence.

(n) *Request* means any request for records made pursuant to 5 U.S.C. 552(a)(3).

(o) *Requester or requesting party* means any person who has submitted a request to Amtrak.

(p) *Responsive records* means documents determined to be within the scope of a FOIA request.

§ 701.3 Policy.

(a) Amtrak will make records of the Corporation available to the public to the greatest practicable extent in keeping with the spirit of the law. Therefore, records of the Corporation are available for public inspection and copying as provided in this part with the exception of those that the Corporation specifically determines should not be disclosed either in the public interest, for the protection of private rights, or for the efficient conduct of public or corporate business, but only to the extent withholding is permitted by law.

(b) A record of the Corporation, or parts thereof, may be withheld from disclosure if it comes under one or more exemptions in 5 U.S.C. 552(b) or is otherwise exempted by law. Disclosure to a properly constituted advisory committee, to Congress, or to federal agencies does not waive the exemption.

(c) In the event one or more exemptions apply to a record, any reasonably segregable portion of the record will be made available to the requesting person after deletion of the exempt portions. The entire record may be withheld if a determination is made that nonexempt material is so inextricably intertwined that disclosure would leave only essentially meaningless words or phrases, or when it can be reasonably assumed that a skillful and knowledgeable person could reconstruct the deleted information.

(d) The procedures in this part apply only to records in existence at the time of a request. The Corporation has no obligation to create a record solely for the purpose of making it available under the FOIA or to provide a record that will be created in the future.

(e) Each officer and employee of the Corporation dealing with FOIA requests is directed to cooperate in making records available for disclosure under the Act in a prompt manner consistent with this part.

(f) The FOIA time limits will not begin to run until a request has been identified as being made under the Act and deemed received by the Freedom of Information Office.

(g) Generally, when a member of the public complies with the procedures established in this part for obtaining records under the FOIA, the request shall receive prompt attention, and a response shall be made within twenty business days.

§ 701.4 Amtrak public information.

(a) *Public reading room.* Amtrak maintains a public reading room at its headquarters at 60 Massachusetts Avenue, N.E. in Washington, D.C. The public reading room contains records required under the FOIA to be regularly available for public inspection and copying. A current subject-matter index shall be maintained of records in the public reading room that are available for inspection and copying. The index shall be updated at least quarterly with respect to newly included records. A copy of the index shall be provided upon request at a cost not to exceed the direct cost of duplication.

(b) *Electronic reading room.* Amtrak will make available electronically reading room records created by the Corporation on or after November 1, 1996 on its World Wide Web site which can be accessed at http://www.Amtrak.com. An index of the Corporation's reading room records will also be made available at the web site. The index will indicate reading room records that are available electronically.

(c) *Frequently requested information.* The FOIA requires that copies of records, regardless of form or format, released pursuant to a FOIA request under 5 U.S.C. 552(a)(3) that have become or are likely to become the subject of subsequent requests for substantially the same records be made publicly available. Such records created by the Corporation after November 1, 1996 will be made available electronically while records created prior to this date will be made available for inspection and copying in Amtrak's public reading room.

(1) Amtrak shall decide on a case-by-case basis whether records fall into the category of "frequently requested FOIA records" based on the following factors:

(i) Previous experience with similar records;

(ii) The nature and type of information contained in the records;

(iii) The identity and number of requesters and whether there is widespread media or commercial interest in the records.

(2) The provision in this paragraph is intended for situations where public access in a timely manner is important. It is not intended to apply where there may be a limited number of requests over a short period of time from a few requesters. Amtrak may remove the records from this category when it is determined that access is no longer necessary.

(d) *Guide for making requests.* A guide on how to use the FOIA for requesting records from Amtrak shall be made available to the public upon request. Amtrak's major information systems will be described in the guide.

§ 701.5 Requirements for making requests.

(a) *General requirements.* (1) A FOIA request can be made by "any person" as defined in 5 U.S.C. 551(2), which encompasses individuals (including foreign citizens; partnerships; corporations; associations; and local, state, tribal, and foreign governments). A FOIA request may not be made by a Federal agency.

(2) A request must be in writing, indicate that it is being made under the FOIA and provide an adequate description of the records sought. The request should also include applicable information regarding fees as specified in paragraphs (d) and (e) of this section.

(b) *How to submit a request.* (1) A request must clearly state on the envelope and in the letter that it is a Freedom of Information Act or "FOIA" request.

(2) The request must be addressed to the Freedom of Information Office; National Railroad Passenger Corporation; 60 Massachusetts Avenue, N.E.; Washington, D.C. 20002. Requests will also be accepted by facsimile at (202) 906–2169. Amtrak cannot assure that a timely or satisfactory response under this part will be given to written requests addressed to Amtrak offices, officers, or employees other than the Freedom of Information Office. Amtrak employees receiving a communication in the nature of a FOIA request shall forward it to the FOIA Office expeditiously. Amtrak shall advise the requesting party of the date that an improperly addressed request is received by the FOIA Office.

(c) *Content of the request.* (1) *Description of records*—Identification of records sought under the FOIA is the responsibility of the requester. The records sought should be described in sufficient detail so that Amtrak personnel can locate them with a reasonable amount of effort. When possible, the request should include specific information such as dates, title or name, author, recipient, subject matter of the record, file designation or number, or other pertinent details for each record or category of records sought.

(2) *Reformulation of a request.* Amtrak is not obligated to act on a request until the requester provides sufficient information to locate the record. Amtrak may offer assistance in identifying records and reformulating a request where: the description is considered insufficient, the production of voluminous records is required, or a considerable number of work hours would be required that would interfere with the business of the Corporation. The Freedom of Information Office shall notify the requester within ten business days of the type of information that will facilitate the search. The requesting party shall be given an opportunity to supply additional information and may submit a revised request, which will be treated as a new request.

(d) *Payment of fees.* The submission of a FOIA request constitutes an agreement to pay applicable fees accessed up to $25.00 unless the requesting party specifies a willingness to pay a greater or lesser amount or seeks a fee waiver or reduction in fees.

(1) *Fees in excess of $25.00.* When Amtrak determines or estimates that applicable fees are likely to exceed $25.00, the requesting party shall be notified of estimated or actual fees, unless a commitment has been made in advance to pay all fees. If only a portion of the fee can be estimated readily, Amtrak shall advise the requester that the estimated fee may be a portion of the total fee.

(i) In order to protect requesters from large and/or unexpected fees, Amtrak will request a specific commitment when it estimates or determines that fees will exceed $100.00.

(ii) A request shall not be considered received, and further processing carried out until the requesting party agrees to pay the anticipated total fee. Any such agreement must be memorialized in writing. A notice under this paragraph will offer the requesting party an opportunity to discuss the matter in order to reformulate the request to meet the requester's needs at a lower cost.

(iii) Amtrak will hold in abeyance for forty-five (45) days requests requiring agreement to pay fees and will thereafter deem the request closed. This action will not prevent the requesting party from refiling the FOIA request with a fee commitment at a subsequent date.

(2) *Fees in excess of $250.* When Amtrak estimates or determines that allowable charges are likely to exceed $250, an advance deposit of the entire fee may be required before continuing to process the request.

(e) *Information regarding fee category.* In order to determine the appropriate fee category, a request should indicate whether the information sought is intended for commercial use or whether the requesting party is a member of the staff of an educational or noncommercial scientific institution or a representative of the news media.

(f) *Records concerning other individuals.* If the request is for records concerning another individual, either a written authorization signed by that individual permitting disclosure of those records to the requesting party or proof that the individual is deceased (i.e., a copy of a death certificate or an obituary) will help to expedite processing of the request.

§ 701.6 Release and processing procedures.

(a) *General provisions.* In determining records that are responsive to a request, Amtrak will ordinarily include only records that exist and are in the possession and control of the Corporation as of the date that the search is begun. If any other date is used, the requesting party will be informed of that date.

(b) *Authority to grant or deny requests.* Amtrak's FOIA officer is authorized to grant or deny any request for records.

(c) *Notice of referral.* If Amtrak refers all or any part of the responsibility for responding to a request to another organization, the requesting party will be notified. A referral shall not be considered a denial of access within the meaning of this part. All consultations and referrals of requests will be handled according to the date that the FOIA request was initially received.

(d) *Creating a record.* There is no obligation on the part of Amtrak to create, compile, or obtain a record to satisfy a FOIA request. The FOIA also does not require that a new computer program be developed to extract the records requested. Amtrak may compile or create a new record, however, when doing so would result in a more useful response to the requesting party or would be less burdensome to Amtrak than providing existing records. The cost of creating or compiling such a record may not be charged to the requester unless the fee for creating the record is equal to or less than the fee that would be charged for providing the existing record.

(e) *Incomplete records.* If the records requested are not complete at the time of a request, Amtrak may, at its discretion, inform the requester that complete nonexempt records will be provided when available without having to submit an additional request.

(f) *Electronic records.* Amtrak is not obligated to process a request for electronic records where creation of a record, programming or a particular format would result in a significant expenditure of resources or interfere with the corporation's operations.

§ 701.7 Timing of responses to requests.

(a) *General.* (1) The time limits of the FOIA will begin only after the requirements for submitting a request as established in § 701.5 have been met, and the request is deemed received by the Freedom of Information Office.

(2) A request for records shall be considered to have been received on the later of the following dates:

(i) The requester has agreed in writing to pay applicable fees in accordance with § 701.5(d), or

(ii) The fees have been waived in accordance with § 701.11(k), or

(iii) Payment in advance has been received from the requester when required in accordance with § 701.11(i).

(3) The time for responding to requests set forth in paragraph (b) of this section may be delayed if:

(i) The request does not sufficiently identify the fee category applicable to the request;

(ii) The request does not state a willingness to pay all fees;

(iii) A request seeking a fee waiver does not address the criteria for fee waivers set forth in § 701.11(k);

(iv) A fee waiver request is denied, and the request does not include an alternative statement indicating that the requesting party is willing to pay all fees.

(b) *Initial determination.* Whenever possible, an initial determination to release or deny a record shall be made within twenty business days after receipt of the request. In "unusual circumstances" as described in paragraph (d) of this section, the time for an initial determination may be extended for ten business days.

(c) *Multitrack processing.* (1) Amtrak may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process a request or the number of pages involved.

(2) In general, when requests are received, Amtrak's FOIA Office will review and categorize them for tracking purposes. Requests within each track will be processed according to date of receipt.

(3) The FOIA Office may contact a requester when a request does not appear to qualify for fast track processing to provide an opportunity to limit the scope of the request and qualify for a faster track. Such notification shall be at the discretion of the FOIA Office and will depend largely on whether it is believed that a narrowing of the request could place the request on a faster track.

(d) *Unusual circumstances.* (1) The requesting party shall be notified in writing if the time limits for processing a request cannot be met because of unusual circumstances, and it will be necessary to extend the time limits for processing the request. The notification shall include the date by which the request can be expected to be completed. Where the extension is for more than ten business days, the requesting party will be afforded an opportunity to either modify the request so that it may be processed within the time limits or to arrange an alternative time period for processing the initial request or modified request.

(2) If Amtrak believes that multiple requests submitted by a requester or by a group of requesters acting in concert constitute a single request that would otherwise involve unusual circumstances and the requests involve clearly related matters, the requests may be aggregated. Multiple requests concerning unrelated matters may not be aggregated.

(3) Unusual circumstances that may justify delay include:

(i) The need to search for and collect the requested records from other facilities that are separate from Amtrak's headquarters offices.

(ii) The need to search for, collect, and examine a voluminous amount of separate and distinct records sought in a single request.

(iii) The need for consultation, which shall be conducted with all practicable speed, with agencies having a substantial interest in the determination of the request, or among two or more Amtrak components having a substantial subject-matter interest in the request.

(e) *Expedited processing.* (1) Requests and appeals may be taken out of order and given expedited treatment whenever it is determined that they involve a compelling need, which means:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; and

(ii) An urgency to inform the public about an actual or alleged Amtrak activity, if made by a person primarily engaged in disseminating information.

(2) A request for expedited processing may be made at the time of the initial request for records or at a later date.

(3) A requester seeking expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. This statement must accompany the request in order to be considered and responded to within the ten calendar days required for decisions on expedited access.

(4) A requester who is not a full-time member of the news media must establish that he is a person whose main professional activity or occupation is information dissemination, though it need not be his sole occupation. A requester must establish a particular urgency to inform the public about the Amtrak activity involved in the request.

(5) Within ten business days of receipt of a request for expedited processing, Amtrak shall determine whether to grant such a request and notify the requester of the decision. If a request for expedited treatment is granted, the request shall be given priority and shall be processed as soon as practicable.

(6) Amtrak shall provide prompt consideration of appeals of decisions denying expedited processing.

§ 701.8 Responses to requests.

(a) *Granting of requests.* When an initial determination is made to grant a request in whole or in part, the requesting party shall be notified in writing and advised of any fees charged under § 701.11(e). The records shall be disclosed to the requesting party promptly upon payment of applicable fees.

(b) *Adverse determination of requests.* (1) *Types of denials*—The requesting party shall be notified in writing of a determination to deny a request in any respect. Adverse determinations or denials of records consist of:

(i) A determination to withhold any requested record in whole or in part;

(ii) A determination that a requested record does not exist or cannot be located;

(iii) A denial of a request for expedited treatment; and

(iv) A determination on any disputed fee matter including a denial of a request for a fee waiver.

(2) *Deletions.* When practical, records disclosed in part shall be marked or annotated to show both the amount and location of the information deleted.

(3) *Content of denial letter.* The denial letter shall be signed by the Freedom of Information Officer or designee and shall include:

(i) A brief statement of the reason(s) for the adverse determination including any FOIA exemptions applied in denying the request;

(ii) An estimate of the volume of information withheld (number of pages or some other reasonable form of estimation). An estimate does not need to be provided if the volume is indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption;

(iii) A statement that an appeal may be filed under § 701.10 and a description of the requirements of that section; and

(iv) The name and title or position of the person responsible for the denial.

701.9 Business information.

(a) *General.* Business information held by Amtrak will be disclosed under the FOIA only under this section.

(b) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Business information* means commercial or financial information

held by Amtrak that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity including partnerships; corporations; associations; and local, state, tribal, and foreign governments.

(c) *Designation of business information.* A submitter of business information will use good faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(d) *Notice to submitters.* Amtrak shall provide a submitter with prompt written notice of an FOIA request or an appeal that seeks its business information when required under paragraph (e) of this section, except as provided in paragraph (h), in order to give the submitter an opportunity to object to disclosure of any specified portion of the information under paragraph (f). The notice shall either describe the business information requested or include copies of the requested records or portions of records containing the information.

(e) *When notice is required.* Notice shall be given to a submitter when:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(2) Amtrak has reason to believe that the information may be protected from disclosure under Exemption 4.

(f) *Opportunity to object to disclosure.* Amtrak will allow a submitter a reasonable amount of time to respond to the notice described in paragraph (d) of this section.

(1) A detailed written statement must be submitted to Amtrak if the submitter has any objection to disclosure. The statement must specify all grounds for withholding any specified portion of the information sought under the FOIA. In the case of Exemption 4, it must show why the information is a trade secret or commercial or financial information that is privileged or confidential.

(2) In the event that a submitter fails to respond within the time specified in the notice, the submitter will be considered to have no objection to disclosure of the information sought under the FOIA.

(3) Information provided by a submitter in response to the notice may be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* Amtrak shall consider a submitter's objections and specific grounds for disclosure in making a determination whether to disclose the information. In any instance, when a decision is made to disclose information over the objection of a submitter, Amtrak shall give the submitter written notice which shall include:

(1) A statement of the reason(s) why each of the submitter's objections to disclosure was not sustained;

(2) A description of the information to be disclosed; and

(3) A specified disclosure date, which shall be a reasonable time subsequent to the notice.

(h) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) Amtrak determines that the information should not be disclosed;

(2) The information has been published or has been officially made available to the public;

(3) Disclosure of the information is required by law (other than the FOIA);

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous. In such a case, Amtrak shall within a reasonable time prior to a specified disclosure date, give the submitter written notice of the final decision to disclose the information; or

(5) The information requested is not designated by the submitter as exempt from disclosure in accordance with this part, unless Amtrak has substantial reason to believe that disclosure of the information would result in competitive harm.

(i) *Notice of a FOIA lawsuit.* Whenever a FOIA requester files a lawsuit seeking to compel disclosure of business information, Amtrak shall promptly notify the submitter.

(j) *Notice to requesters.* (1) When Amtrak provides a submitter with notice and an opportunity to object to disclosure under paragraph (f) of this section, the FOIA Office shall also notify the requester(s).

(2) When Amtrak notifies a submitter of its intent to disclose requested information under paragraph (g) of this section, Amtrak shall also notify the requester(s).

(3) When a submitter files a lawsuit seeking to prevent the disclosure of business information, Amtrak shall notify the requester(s).

§ 701.10 Appeals.

(a) *Appeals of adverse determinations.* (1) The requesting party may appeal:

(i) A decision to withhold any requested record in whole or in part;

(ii) A determination that a requested record does not exist or cannot be located;

(iii) A denial of a request for expedited treatment; or

(iv) Any disputed fee matter or the denial of a request for a fee waiver.

(2) The appeal must be addressed to the President and Chief Executive Officer (CEO); National Railroad Passenger Corporation; 60 Massachusetts Avenue, N.E., Washington, D.C. 20002.

(3) The appeal must be in writing and specify the relevant facts and the basis for the appeal. The appeal letter and envelope must be marked prominently "Freedom of Information Act Appeal" to ensure that it is properly routed.

(4) The appeal must be received by the President's Office within thirty (30) days of the date of denial.

(5) An appeal will not be acted upon if the request becomes a matter of FOIA litigation.

(b) *Responses to appeals.* The decision on any appeal shall be made in writing.

(1) A decision upholding an adverse determination in whole or in part shall contain a statement of the reason(s) for such action, including any FOIA exemption(s) applied. The requesting party shall also be advised of the provision for judicial review of the decision contained in 5 U.S.C. 552(a)(4)(B).

(2) If the adverse determination is reversed or modified on appeal in whole or in part, the requesting party shall be notified, and the request shall be reprocessed in accordance with the decision.

(c) *When appeal is required.* The requesting party must appeal any adverse determination prior to seeking judicial review.

§ 701.11 Fees.

(a) *General.* Amtrak shall charge for processing requests under the FOIA in accordance with this section. A fee of $9.50 per quarter hour shall be charged for search and review. For information concerning other processing fees, refer to paragraph (e) of this section. Amtrak shall collect all applicable fees before releasing copies of requested records to the requesting party. Payment of fees shall be made by check or money order payable to the National Railroad Passenger Corporation.

(b) *Definitions.* For purposes of this section:

(1) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within

records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

(2) *Review* means the process of examining a record located in response to a request to determine whether one or more of the statutory exemptions of the FOIA apply. Processing any record for disclosure includes doing all that is necessary to redact the record and prepare it for release. Review time includes time spent considering formal objection to disclosure by a commercial submitter under § 701.9, but does not include time spent resolving general legal or policy issues regarding the application of exemptions. Review costs are recoverable even if a record ultimately is not disclosed.

(3) *Reproduction* means the making of a copy of a record or the information contained in it in order to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records (*i.e.*, magnetic tape or disk) among others. Amtrak shall honor a requester's specified preference for the form or format of disclosure if the record is readily reproducible with reasonable effort in the requested form or format by the office responding to the request.

(4) *Direct costs* means those expenses actually incurred in searching for and reproducing (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include such costs as the salary of the employee performing the work (the basic rate of pay for the employee plus applicable benefits and the cost of operating reproduction equipment). Direct costs do not include overhead expenses such as the costs of space and heating or lighting of the facility.

(c) *Fee categories.* There are four categories of FOIA requesters for fee purposes: "commercial use requesters," "representatives of the news media," "educational and non-commercial scientific institution requesters," and "all other requesters." The categories are defined in paragraphs (c)(1) through (5), and applicable fees, which are the same for two of the categories, will be assessed as specified in paragraph (d) of this section.

(1) *Commercial requesters.* The term "commercial use" request refers to a request from or on behalf of a person who seeks information for a use or purpose that furthers his commercial, trade, or profit interests, including furthering those interests through litigation. Amtrak shall determine, whenever reasonably possible, the use to which a requester will put the records sought by the request. When it appears that the requesting party will put the records to a commercial use, either because of the nature of the request itself or because Amtrak has reasonable cause to doubt the stated intended use, Amtrak shall provide the requesting party with an opportunity to submit further clarification. Where a requester does not explain the use or where explanation is insufficient, Amtrak may draw reasonable inferences from the requester's identity and charge accordingly.

(2) *Representative of the news media or news media requester* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances where they can qualify as disseminators of news). For "freelance" journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through an organization. A publication contract would be the clearest proof, but Amtrak shall also look to the past publication record of a requester in making this determination. A request for records supporting the news dissemination function of the requester shall not be considered to be for commercial use.

(3) *Educational institution* refers to a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for commercial use but to further scholarly research.

(4) *Noncommercial scientific institution* refers to an institution that is not operated on a "commercial" basis, as that term is defined in paragraph (c)(1) of this section, and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be in this category, the requesting party must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for commercial use but to further scientific research.

(5) *Other requesters* refers to requesters who do not come under the purview of paragraphs (c)(1) through (4) of this section.

(d) *Assessing fees.* In responding to FOIA requests, Amtrak shall charge the following fees unless a waiver or a reduction in fees has been granted under paragraph (k) of this section:

(1) *"Commercial use" requesters:* The full allowable direct costs for search, review, and duplication of records.

(2) *"Representatives of the news media" and "educational and non-commercial scientific institution" requesters:* Duplication charges only, excluding charges for the first 100 pages.

(3) *"All other" requesters:* The direct costs of search and duplication of records. The first 100 pages of duplication and the first two hours of search time shall be provided without charge.

(e) *Schedule of fees.* (1) *Manual searches*—Personnel search time includes time expended in either manual searches for paper records, searches using indices, review of computer search results for relevant records, and personal computer system searches.

(2) *Computer searches.* The direct costs of conducting a computer search will be charged. These direct costs will include the cost of operating a central processing unit for that portion of the operating time that is directly attributable to searching for responsive records as well as the costs of operator/programmer salary apportionable to the search.

(3) *Duplication fees.* Duplication fees will be charged all requesters subject to limitations specified in paragraph (d) of this section. Amtrak shall charge 25 cents per page for a paper photocopy of a record. For copies produced by computer (such as tapes or printouts), Amtrak will charge the direct costs, including the operator time in producing the copy. For other forms of duplication, Amtrak will charge the direct costs of that duplication.

(4) *Review fees.* Review fees will be assessed for commercial use requests. Such fees will be assessed for review conducted in making an initial determination, or upon appeal, when review is conducted to determine whether an exemption not previously considered is applicable.

(5) *Charges for other services.* The actual cost or amount shall be charged for all other types of output, production, and duplication (e.g., photographs, maps, or printed materials).

Determinations of actual cost shall include the commercial cost of the media, the personnel time expended in making the item available for release, and an allocated cost for the equipment used in producing the item. The requesting party will be charged actual production costs when a commercial service is required. Items published and available through Amtrak will be made available at the publication price.

(6) *Charges for special services.* Apart from the other provisions of this section, when Amtrak chooses as a matter of discretion to provide a special service such as certifying that records are true copies or sending records by other than ordinary mail, the direct costs of providing such services shall be charged.

(f) *Commitment to pay fees.* When Amtrak determines or estimates that applicable fees will likely exceed $25.00, the requesting party will be notified of the actual or estimated amount unless a written statement has been received indicating a willingness to pay all fees. To protect requesters from large and/or unexpected fees, Amtrak will request a specific commitment when it is estimated or determined that fees will exceed $100.00. See § 701.5(d) for additional information.

(g) *Restrictions in accessing fees.* (1) *General*— Fees for search and review will not be charged for a quarter-hour period unless more than half of that period is required.

(2) *Minimum fee.* No fees will be charged if the cost of collecting the fee is equal to or greater than the fee itself. That cost includes the costs to Amtrak for billing, receiving, recording, and processing the fee for deposit, which has been deemed to be $10.00.

(3) *Computer searches.* With the exception of requesters seeking documents for commercial use, Amtrak shall not charge fees for computer search until the cost of search equals the equivalent dollar amount of two hours of the salary of the operator performing the search.

(h) *Nonproductive searches.* Amtrak may charge for time spent for search and review even if responsive records are not located or if the records located are determined to be entirely exempt from disclosure.

(i) *Advance payments.* (1) When Amtrak estimates or determines that charges are likely to exceed $250, an advance payment of the entire fee may be required before continuing to process the request.

(2) When there is evidence that the requester may not pay the fees that would be incurred by processing the request, an advance deposit may be required. Amtrak may require the full amount due plus applicable interest and an advance payment of the full amount of anticipated fees before beginning to process a new request or continuing to process a pending request where a requester has previously failed to pay a properly charged FOIA fee within thirty (30) days of the date of billing. The time limits of the FOIA will begin only after Amtrak has received such payment.

(3) Amtrak will hold in abeyance for forty-five (45) days requests where deposits are due.

(4) Monies owed for work already completed (i.e., before copies are sent to a requester) shall not be considered an advance payment.

(5) Amtrak shall not deem a request as being received in cases in which an advance deposit or payment is due, and further work will not be done until the required payment is received.

(j) *Charging interest.* Amtrak may charge interest on any unpaid bill for processing charges starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate that Amtrak pays for short-term borrowing.

(k) *Waiver or reduction of fees.* (1) *Automatic waiver of fees*—When the costs for a FOIA request total $10.00 or less, fees shall be waived automatically for all requesters regardless of category.

(2) *Other fee waivers.* Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis. Records responsive to a request will be furnished without charge or at below the established charge where Amtrak determines, based on all available information, that disclosure of the requested information is in the public interest because:

(i) It is likely to contribute significantly to public understanding of the operations or activities of Amtrak, and

(ii) It is not primarily in the commercial interest of the requesting party.

(3) To determine whether the fee waiver requirement in paragraph (k)(2)(i) of this section is met, Amtrak will consider the following factors:

(i) *The subject of the request—whether the subject of the requested records concerns the operations or activities of Amtrak.* The subject of the requested records must concern identifiable operations or activities of Amtrak with a connection that is direct and clear, not remote or attenuated.

(ii) *The informative value of the information to be disclosed—whether the disclosure is likely to contribute to an understanding of Amtrak operations or activities.* The disclosable portions of the requested records must be meaningfully informative about Amtrak's operations or activities in order to be found to be likely to contribute to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either a duplicative or a substantially identical form, would not be as likely to contribute to such understanding where nothing new would be added to the public's understanding.

(iii) *The contribution to an understanding of the subject by the public likely to result from disclosure—whether disclosure of the requested information will contribute to public understanding.* The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject as opposed to the individual understanding of the requester. A requester's ability and expertise in the subject area as well as the requester's intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.

(iv) *The significance of the contribution to public understanding—whether the disclosure is likely to contribute significantly to public understanding of Amtrak operations or activities.* The public's understanding of the subject in question, as compared to the level of public understanding existing prior to the disclosure, must be enhanced by the disclosure to a significant extent.

(4) To determine whether the fee waiver requirement in paragraph (k)(2)(ii) of this section is met, Amtrak will consider the following factors:

(i) *The existence and magnitude of a commercial interest—whether the requesting party has a commercial interest that would be furthered by the requested disclosure.* Amtrak shall consider any commercial interest of the requesting party (with reference to the definition of "commercial use" in paragraph (c)(1) of this section), or any person on whose behalf the requesting party may be acting that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.

(ii) *The primary interest in disclosure—whether the magnitude of the identified commercial interest of the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is "primarily*

in the commercial interest of the requester." A fee waiver or reduction is justified where the public interest standard is satisfied and public interest is greater in magnitude than any identified commercial interest in disclosure.

(5) Requests for a fee waiver will be considered on a case-by-case basis, based upon the merits of the information provided. Where it is difficult to determine whether the request is commercial in nature, Amtrak may draw inference from the requester's identity and the circumstances of the request.

(6) Requests for a waiver or reduction of fees must address the factors listed in paragraphs (k) (3) and (4) of this section. In all cases, the burden shall be on the requesting party to present evidence of information in support of a request for a waiver of fees.

(l) *Aggregating requests.* A requester may not file multiple requests at the same time in order to avoid payment of fees. Where Amtrak reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a request into a series of requests for the purpose of avoiding fees, Amtrak may aggregate those requests and charge accordingly. Amtrak may presume that multiple requests of this type made within a thirty-day period have been made in order to avoid fees. Where requests are separated by a longer period, Amtrak may aggregate them only when there exists a solid basis for determining that aggregation is warranted. Multiple requests involving unrelated matters may not be aggregated.

§ 701.12 Other rights and services.

Nothing in this part shall be construed as entitling any person, as of right, to any service or the disclosure of any record to which such person is not entitled under the FOIA.

Dated: January 30, 1998.

Sarah H. Duggin,

Vice President & General Counsel.

[FR Doc. 98–3529 Filed 2–12–98; 8:45 am]

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Proposed Rules

Federal Register
Vol. 63, No. 30
Friday, February 13, 1998

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 308, 318, and 381

[Docket No. 97–007N]

Notice of Policy Change; Elimination of Prior Approval for Proprietary Substances and Nonfood Compounds

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of policy change; request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is revising its policy regarding Agency approval of nonfood compounds and proprietary substances prior to use in official meat and poultry establishments. The compounds and substances currently subject to prior approval include maintenance and operating chemicals (sanitizers, cleaning compounds, water treatments, lubricants, and pesticides) and proprietary food processing chemicals (branding inks, scalding agents, rendering agents, and denaturants). FSIS recently proposed to eliminate the sanitation regulations requiring prior approval of some of these compounds and substances (contained in 9 CFR Parts 308 and 381, Subpart H). FSIS now is announcing that it is eliminating the prior approval system for all-nonfood compounds and proprietary substances and specifically requests comment on alternatives to the current prior approval system.

DATES: Comments must be received on or before April 14, 1998.

ADDRESSES: Submit one original and two copies of written comments to FSIS Docket Clerk, Docket #97–007N, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12 St., SW, Washington, DC 20250–3700. All comments submitted in response to this notice will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patricia F. Stolfa, Assistant Deputy Administrator, Regulations and Inspection Methods, Food Safety and Inspection Service, U.S. Department of Agriculture (202) 205–0699.

SUPPLEMENTARY INFORMATION:

Background

FSIS is planning to discontinue approving nonfood compounds and proprietary substances prior to use in official meat and poultry products establishments. Nonfood compounds are compounds used in official establishments, but which are not expected to become components of their products. Nonfood compounds subject to prior approval by FSIS include cleaning compounds, compounds for laundry use, paint removers, sanitizers, hand washing compounds, pesticides, boiler and water treatments, lubricants, solvents, and sewer and drain cleaners. Proprietary substances are used in the preparation of products. They are considered proprietary because all of their ingredients are not identified, either on the containers by common or chemical name or by some other means. Proprietary substances subject to prior approval by FSIS include: marking agents, such as branding and tattoo inks; food processing substances, such as poultry and hog scald agents and tripe denuding agents; denaturants; substances to control foaming in soups, stews, rendered fats, and curing pickle; and substances for cleaning or treating feet or other edible parts.

FSIS receives annually between 16,000 and 20,000 applications for approval of nonfood compounds and proprietary substances. It is important to note that many of these applications are requests for approval of formulation changes in or new use patterns for compounds and substances already approved for use in meat and poultry establishments. FSIS approves approximately 9,000 applications per year and rejects approximately 1,000. FSIS returns around 40 percent of the applications to applicants each year, for a variety of reasons: the application paperwork may not be complete; FSIS may request additional information, changes in chemical formulation, or revisions to the requested use patterns. FSIS annually publishes a list of the approved substances and compounds in FSIS Miscellaneous Publication No. 1419, "*List of Proprietary Substances and Nonfood Compounds*" (hereafter referred to as the *List*). This publication currently lists approximately 115,000 compound and substances produced by about 8,000 manufacturers.

FSIS does not test the products submitted for approval but evaluates them based on information submitted by manufacturers and other information in the Agency's files, including chemical formulations and information on proposed uses and labeling. FSIS also consults with the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), and the Occupational Safety and Health Administration (OSHA) in regard to those Agencies' determinations concerning the safety and suitability of the compound for the requested use. Generally, FSIS consults with FDA regarding the status of the substance or compound as an FDA-approved direct or indirect food additive. Also, FSIS sometimes consults with FDA regarding nonfood compounds that have been reviewed as drugs, such as hand washing agents. FSIS generally consults with EPA concerning that Agency's review and registration of pesticides with labeling claims. FSIS may consult with OSHA if the intended use of the substance or compound raises worker health and safety concerns.

FSIS's prior approval program obviously is somewhat redundant with those of the aforementioned agencies. However, the approval of these compounds prior to their intended use provides some assurance to meat and poultry processors that use of the compounds and substances will not result in the adulteration or contamination of food products, providing they are used properly. Prior approval has also ensured that certain compounds, such as sanitizers, meet minimum standards of effectiveness when used as directed. Consequently, as an additional unintended benefit of the prior approval program, the FSIS *List* has served as a marketing tool for chemical manufacturers and distributors; inclusion in the *List* immediately renders a nonfood compound or proprietary substance more marketable to meat and poultry processors.

However, this prior approval program is inconsistent with the new food safety strategy and approach set forth in FSIS Docket No. 93–016F, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems" (61 FR 38806). Under these new regulations, every official meat and poultry establishment will be required to develop and implement HACCP, a science-based process control system designed to improve the safety of meat and poultry products. Establishments will be responsible for developing and implementing HACCP plans incorporating the controls necessary and appropriate to produce safe meat and poultry products. Consequently, establishments, not FSIS, will be responsible for determining whether the nonfood compounds and proprietary substances they use are safe and effective.

By terminating the prior approval program for nonfood compounds and proprietary substances and discontinuing publication of the *List*, FSIS will be able to redirect resources to better implement inspection under the HACCP regulations. FSIS will maintain, however, a small staff with expertise in nonfood compounds and proprietary substances. That staff will keep abreast of developments in this sector of chemical manufacturing, maintain liaison with outside organizations that have an interest in the area, and issue technical guidance, particularly to small meat and poultry plants, from time to time, as circumstances dictate.

FSIS will, of course, continue to require that meat and poultry products be neither adulterated nor misbranded through the misuse of proprietary additives and nonfood compounds. Enforcement activities in this regard will include, but are not limited to: organoleptic inspection of establishment premises and product; sampling for chemical residues as necessary; review of establishment records, including sanitation standard operating procedures, HACCP plans, and the use directions, pest control certifications, and other materials furnished to establishments by chemical manufacturers and suppliers; and requests for formulation information from chemical manufacturers themselves. In light of this, FSIS anticipates that establishments considering purchasing and using nonfood compounds and proprietary substances will demand formulation and other information from chemical manufacturers as part of their decision-making in the private marketplace. Manufacturers failing to provide such information could expect to lose their market share.

FSIS already has proposed to eliminate regulatory requirements for prior approval of certain nonfood compounds and proprietary substances in FSIS Docket No. 96–037P, "Sanitation Requirements for Official Meat and Poultry Establishments" (62 FR 45045; August 25, 1997). In that document, the Agency has proposed to clarify and consolidate the sanitation requirements for meat and poultry establishments, eliminate unnecessary differences between those regulations, make the existing sanitation regulations more compatible with the HACCP and sanitation Standard Operating Procedures (SOP) requirements, and convert command-and-control requirements to performance standards. As part of this comprehensive revision, FSIS proposed to eliminate the sanitation regulations that require certain equipment, processes, and nonfood compounds be approved by FSIS prior to use in meat or poultry establishments (contained in 9 CFR parts 308 and 381, subpart H). Compounds and substances currently requiring prior approval under the sanitation regulations include pesticides used in meat establishments (§ 308.3 (h)); disinfectants for implements used in dressing diseased meat carcasses (§ 308.8 (b)); and germicides, insecticides, rodenticides, detergents, and wetting agents used in poultry establishments (§ 381.60).

Compliance with Executive Order 12866

This action has been reviewed for compliance with Executive Order 12866. As this action is determined to be significant for purposes of Executive Order 12866, the Office of Management and Budget has reviewed it. FSIS has estimated that the adoption of this action is likely to generate net social benefits.

Executive Order 12866 requires identification and, if possible, quantification and monetization of incremental benefits and costs of this action. FSIS has identified two types of incremental benefits in the form of avoidance of costs that are currently being incurred by chemical manufacturers/distributors and by FSIS. These benefits are discussed below.

First, the action would eliminate the requirement that the chemical manufacturers file applications and obtain approval for nonfood compounds and proprietary substances prior to use. As stated above, FSIS receives between 16,000 and 20,000 applications per year. The economic burden of requesting FSIS approval of nonfood compounds and proprietary substances includes the administrative, mailing, and labor costs associated with preparing the required Agency forms. FSIS estimates that it takes about 25 minutes to prepare each submission. Assuming an hourly earnings rate of $20–$25 for each person preparing requests for prior approval, the annual economic burden is between $150,000 and $187,000. The elimination of this burden associated with the adoption of the proposed action would, therefore, translate into an incremental benefit of $150,000 and $187,000.

Second, FSIS incurs considerable costs in processing and approval or disapproval of the products. FSIS could re-allocate these resources to better implement the new HACCP requirements. One measure of this allocative efficiency is the amount of savings in administrative costs if FSIS were to eliminate the approval/disapproval program without redirecting resources to administration of the performance-based standards. The value of this allocative efficiency could not, however, be quantified because of uncertainty and unavailability of the required data. The required budgetary data overlap with the data for other regulatory functions of FSIS.

To sum up, the value of incremental benefits of the proposed action could be monetized only partially and amounts to $150,000 to $187,000 per year.

Social Costs

The incremental benefits of the proposed action need be compared with the incremental social costs to obtain the net social benefit (if the benefits exceed the costs) or the net social cost (if the costs exceed the benefits). FSIS has identified two types of social costs. The first type of social cost is the additional marketing expense that would be incurred by the industry. Currently, the industry is not required to incur much of this expense, because, as noted earlier, inclusion of the industry's products in FSIS's *List* serves as a marketing tool. After FSIS discontinues publication of the *List*, the chemical industry might have to develop additional methods to advertise and publicize its products for marketing. These marketing expenditures would represent incremental costs to society. Ideally, these costs should be quantified and juxtaposed against the value of incremental benefits referred to above. Unfortunately, FSIS could not quantify these costs because currently the industry does not incur these costs so that the required data are not available.

The second type of cost item is the expenditure on research required to develop and test nonfood compounds and proprietary substances that are demonstrably safe and effective. FSIS anticipates, however, that the elimination of the FSIS prior approval would not significantly change these costs. Chemical manufacturers will continue to be required to demonstrate the safety and efficacy of their products to FDA, EPA, and/or OSHA, as required. Because FDA, EPA, and OSHA will review the safety and efficacy of these compounds and substances in food processing environments, FSIS assumes that chemical manufacturers will continue to conduct the same sort of research to determine whether or not their products are safe and effective.

Furthermore, FSIS expects that meat and poultry establishments will request, as a condition of purchase, that chemical manufacturers somehow certify the safety and efficacy of their products. Establishments will keep on file any information provided by chemical manufacturers (written approvals from other agencies, letters of guaranty, etc.) as part of sanitation SOP, HACCP, or other records. FSIS inspectors may ask to review such information if they have questions about the composition or use of nonfood compounds and proprietary substances. FSIS anticipates, therefore, that manufacturers will continue to conduct research on nonfood compounds and proprietary substances in order to demonstrate their safety and efficacy to meat and poultry establishments, as well as to Federal Agencies.

It is acknowledged that the chemical manufacturing and distributing industry's costs of marketing would increase, but such an increase would bring about greater economic efficiency as it would internalize their costs by elimination of the external subsidy that was provided by FSIS. The industry's cost of research and development to demonstrate safety and efficacy of nonfood compounds and proprietary substances would not decrease because the industry would be required to continue this practice to comply with similar requirements by EPA, FDA or OSHA. Therefore, the only increase in the cost would be the additional expenditures on marketing the products. Moreover, this cost increase would be voluntary on the chemical manufacturers and distributors and would not be required by the proposed action.

Conceptually, it is possible that the value of subsidy provided by FSIS by publishing the *List* is greater than the marketing cost to be incurred by the chemical manufacturers and distributors. This is because publication of the *List* increases the value of information provided to the public at large. Such a provision tends to encourage entry of newer firms into the meat and poultry industries to compete with the existing firms. The non-publication of the *List* would, therefore, reduce the value of this information and hence reduce the social benefit. In practice, we could not quantify or monetize the value of this information to the society at large because of non-availability of data.

Net Social Benefits

FSIS believes that the incremental costs of marketing would be less than the incremental benefits identified and monetized above. These benefits include the benefits to the industry in the form of savings from the expenses of avoiding the economic burden of mailing and filing the Agency forms. Furthermore, the internalization of marketing costs by the firms in the industry would bring about a more competitive industry where product prices would more accurately reflect the marginal costs of production. The current system of publishing the *List* is tantamount to subsidization of the industry by FSIS. This subsidy brings about inefficiencies in the industry. Adoption of the proposed action would remove this subsidy and bring about a more competitive and efficient industry. A competitive industry is more likely to bring about greater product innovations in the chemical industry to ensure safer meat and poultry products. Also, the transparency in the chemical industry where prices reflect marginal costs would enable the chemical industry to make more informed choices.

To sum up, FSIS believes the incremental benefits are likely to exceed the incremental costs so that there are net social benefits associated with the proposed action. Also, the distribution burden of the incremental costs and benefits is not likely to be inequitable because, while the marketing costs for chemical manufacturers and distributors would increase, these businesses would also realize the benefits of reduced costs of filing forms required for approval of their products by FSIS.

Compliance with Regulatory Flexibility Act

FSIS certifies that the proposed action will not bring about a significant economic impact on a substantial number of small entities in the chemical manufacturing and distribution industry. The costs of developing and testing their products would not increase because, as noted earlier, these firms already incur similar development and testing costs to comply with health and safety requirements of FDA, EPA, and OSHA. Furthermore, production and distribution of proprietary substances and nonfood compounds is such a small segment of total production of these firms that it is not listed separately as a 4-digit industry in the Standard Industrial Classification (SIC) Manual published by the Office of Management and Budget (1987). For example, some of the proprietary substances and nonfood compounds are grouped in SIC 2842 with over a dozen other products.

FSIS also assures that there will not be any adverse economic impact on small meat and poultry plants as a result of discontinuation of publication of the *List*. This assurance is based on two reasons. As noted earlier, the manufacturers and distributors of proprietary substances and nonfood compounds will be required to continue their research and testing of their products to comply with FDA, EPA, and OSHA requirements. Small meat and poultry plants would also rely on documentation submitted by the chemical manufacturers and distributors to these agencies for meeting of their products. Also, in the long run, competition should ensure that chemical manufacturers and distributors maintain or improve the safety and efficacy features of their products so as to preserve or increase their market shares.

There will be no adverse economic impact on small communities, cities, and municipalities because these entities are not engaged either in production or distribution of proprietary substances and nonfood compounds, or in the meat and poultry products.

Alternatives to the Proposed Action

No Action

FSIS considered continuing the current prior approval program requirements, *i.e.*, taking no action, but has decided against it because the prior approval requirements are inconsistent with HACCP, economically inefficient, and somewhat inequitable. The HACCP requirements clearly define industry's responsibility for the safety of meat and poultry products, but provide the industry with greater flexibility to innovate and to customize their processes to the nature and volume of their production. The current prior approval requirements are inconsistent with HACCP and economically inefficient because they are based on a "command and control" regulatory

system that often fails to provide incentives to entrepreneurs to innovate new products, processes, and technologies which can result in safer meat and poultry products. Also, as noted earlier, the incremental costs of continuing the current system are likely to exceed the incremental benefits. The existing program is inequitable because it imposes the same amount of administrative burden on small and large chemical manufacturers and distributors; the relative burden is greater on small plants because, unlike large size plants, they cannot spread the costs over a larger quantity of output.

User Fees

FSIS considered the alternative of setting up a system of user fees charged to chemical manufacturers and distributors to cover the costs of approval or disapproval of the products. FSIS did not propose this alternative for several reasons. One is that the incremental costs of setting up such a system would probably exceed the incremental benefits. The incremental costs of this alternative would include the costs of setting up an administrative system of user charges for over 100,000 proprietary substances and nonfood compounds. The user fees should recover the total costs of administration of the program. These costs cannot be identified, let alone quantified, making it virtually impossible to set up a structure of user fees.

Alternatively, the user fees could be based on the value of benefits to the firms in the industry or to society at large. This approach would require quantification of the benefits. As noted above, only a small part of the benefits to chemical manufacturers and distributors could be quantified, so that this amount would fail to cover comprehensive costs of the program.

Finally, FSIS did not propose this alternative because the Agency does not have legislative authority to levy user charges to recover the costs of such a program. Although the Agricultural Marketing Service (AMS) has authority to levy user fees, it is not responsible for ensuring the safety of meat, poultry, and egg products. The Agricultural Reorganization Act of 1994 (Public Law 103–354) consolidated food safety responsibility with respect to these products under FSIS. Therefore, AMS is unlikely to be suitable to administer a user fee-funded program with a food safety objective.

Prior Approval by Third Parties

FSIS considered the feasibility of allowing industry recognized, non-government organizations or laboratories to test and certify nonfood compounds and proprietary substances for safety and efficacy. Chemical manufacturers could voluntarily submit samples of their products to third-party organizations, or qualified independent laboratories (e.g., Underwriters Laboratories) for testing and consequent approval or disapproval. The theoretical rationale for this option is that competing firms in compliance with the standards or exceeding them would have ample incentive to publicize the fact that their product(s) are approved by third party organizations and/or independent laboratories.

However, FSIS sees several disadvantages to this alternative. First, there is the potential for conflict of interest. For example, a laboratory testing and approving nonfood compounds and proprietary substances for a particular chemical manufacturer could be testing other products for that same manufacturer; hence there could be a perception that, to maintain its business, it would readily approve the proprietary substances and nonfood compounds.

Second, the complexity of the task of approving 16,000 to 20,000 products per year would probably require numerous laboratories specializing in different substances; the economies of scale associated with a standardized testing and rating system would not be realized.

Finally, the incremental costs of the approval/disapproval process to the laboratory or organization would likely exceed the incremental benefits of revenues from the fees earned by the laboratory organization, unless the fees were set so high that they covered the total costs plus a reasonable profit. If the fees were set too high, they could drive many small and marginal manufacturers and distributors of proprietary substances and nonfood compounds out of the market. Such an outcome would render this industry less competitive.

Nevertheless, FSIS specifically requests comments on whether an industry-recognized, non-government organization or laboratory could provide prior approval or a similar service to chemical manufacturers and distributors of nonfood compounds and proprietary substances. It is possible that a centralized, technically expert, third party could play an effective role in facilitating the marketing and appropriate use of nonfood compounds and proprietary substances. Economic theory suggests that, where the primary users and beneficiaries of a Federal service are a relatively circumscribed group, that group should bear the cost of the service. Therefore, FSIS requests comments on whether prior approval should be provided by a non-government agency, what type of prior approval system that would be appropriate and feasible within a user fee system, and whether interest in obtaining such a service is sufficient to support its costs.

Conclusion

In conclusion, FSIS is eliminating its prior approval program for nonfood compounds and proprietary substances. This prior approval program is somewhat redundant with the reviews performed by other Federal agencies and inconsistent with FSIS's HACCP regulations. FSIS is requesting comment on possible alternatives to its prior approval program for nonfood compounds and proprietary substances, including the feasibility of industry-recognized, non-government organizations or laboratories providing prior approval or similar services to chemical manufacturers .

Done in Washington, DC, February 4, 1998.

Thomas J. Billy,

Administrator, Food Safety Inspection Service.

[FR Doc. 98–3725 Filed 2–12–98; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–96–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Model 172R 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 Model 172R airplanes. The proposed action would require modifying lower forward doorpost bulkhead by installing rivets. The proposed AD is the result of a report from the manufacturer that these rivets were erroneously omitted during manufacture of some of the new production airplanes. The actions specified by the proposed AD are intended to prevent reduced structural rigidity at the forward doorpost bulkhead, which, if not corrected, could result in structural cracking and possible loss of control of the airplane.

DATES: Comments must be received on or before April 24, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–96–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, P.O. Box 7706, Wichita, Kansas 67277, telephone (316) 941–7550, facsimile (316) 942–9008. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Eual Conditt, Senior Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Rm. 100, Mid-Continent Airport, Wichita, Kansas, 67209, telephone (316) 946–4128; 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. 97–CE–96–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–96–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Cessna Aircraft Company (Cessna) notified the FAA of an airplane manufacturing error where some rivets were mistakenly omitted from the lower forward doorpost on both sides of several new production Cessna Model 172R airplanes. The rivets omitted are in an area of the airframe (bulkhead and attaching doublers), which is considered critical structure. The bulkhead and attaching doubler receive landing loads from the wing and flight loads through the lift strut attachment and wing.

Relevant Service Information

Cessna has issued Service Bulletin (SB) SB97–53–02, dated September 15, 1997, which specifies procedures for modifying the lower forward doorpost bulkhead on both sides of the airplane by installing doorpost rivets.

The FAA's Determination

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 reduced structural rigidity at the forward doorpost bulkhead, which, if not corrected, could result in structural cracking and possible loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna Model 172R airplanes of the same type design, the proposed AD would require modifying the lower forward doorpost bulkhead on both sides of the affected model airplanes by installing rivets. Accomplishment of the proposed AD would be in accordance with Cessna Service Bulletin No. SB97–53–02, dated September 15, 1997.

Cost Impact

The FAA estimates that 87 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 14 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $150 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $86,130 or $990 per airplane. These figures would not apply if the owners/operators were to accomplish the proposed action prior to May 15, 1998, which is the deadline for warranty credit stated in the service bulletin. The FAA would assume that none of the owners/operators of the affected airplanes have already accomplished this action.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Cessna Aircraft Company: Docket No. 97–CE–96–AD.

Applicability: Model 172R airplanes (serial numbers 17280004 through 17280016, 17280018 through 17280050, 17280052 through 17280058, 17280060 through 17280062, 17280064, 17280066 through 17280082, 17280085 through 17280099, 17280101 through 17280113, 17280115, 17280116, 17280118 through 17280125, 17280128 through 17280131, and 17280138), certificated in any category.

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

Compliance: Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent reduced structural rigidity at the lower forward doorpost bulkhead, which if not corrected could result in structural cracking and possible loss of control of the airplane, accomplish the following:

(a) Modify the lower forward doorpost of the affected airplanes by installing the specified rivets in accordance with Cessna Aircraft Company Service Bulletin (SB) No. SB97–53–02, dated September 15, 1997.

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

(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, Rm. 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 2: 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 7706, Wichita, Kansas 67277; or may examine this document at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 6, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–3639 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–134–AD]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries GmbH Models H–36 "Dimona" and HK 36 R "Super Dimona" Sailplanes

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 Diamond Aircraft Industries GmbH (Diamond) Models H–36 "Dimona" and HK 36 R "Super Dimona" sailplanes. The proposed AD would require: inspecting the elevator rib area for damage on certain Models H–36 "Dimona" and HK 36 R "Super Dimona" sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on all of the affected airplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H–36 "Dimona" sailplanes, and repairing any harness with an improper bond. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Austria. The actions specified by the proposed AD are intended to prevent failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws.

DATES: Comments must be received on or before March 17, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–134–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 Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97–CE–134–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the

Regional Counsel, Attention: Rules Docket No. 97–CE–134–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control GmbH, which is the airworthiness authority for Austria, notified the FAA that unsafe conditions may exist on certain Diamond Models H–36 "Dimona", and HK 36 R "Super Dimona" sailplanes. The Austro Control GmbH reports the following:

—That a loose elevator rib on one of the above-referenced sailplanes was found during normal maintenance. Diamond reported to the Austro Control GmbH that improper sealing of the elevator was the cause of the problem;

—That improper bolts may have been installed on the attachment of the wheel axle to steel support on certain Models H–36 "Dimona" and HK 36 R "Super Dimona" sailplanes; and

—That the shoulder harness fittings to the main bulkhead on three Model H–36 "Dimona" sailplanes were found damaged. An example of how these harnesses were damaged is through the impact experienced when the canopy is opened with force.

These conditions, if not corrected in a timely manner, could result in failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment. This could lead to passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws.

Relevant Service Information

The following service information references and provides information related to the above-referenced conditions:

—Diamond Service Bulletin No. 51, dated March 30, 1996, which specifies inspecting the elevator rib area for damage on the Diamond Models H–36 "Dimona" and HK 36 R "Super Dimona" airplanes, and replacing the elevator ribs. Diamond Work Instruction No. 21, dated March 20, 1996, includes the procedures necessary to accomplish the above-referenced actions;

—Hoffman Service Bulletin No. 27, dated May 31, 1991, which specifies replacing the M6 screws that attach the wheel axle to steel support with M8 screws on the Diamond Models H–36 "Dimona" and HK 36 R "Super Dimona" airplanes. Hoffman Work Instruction No. 10, dated May 29, 1991, includes the procedures necessary to accomplish the above-referenced actions; and

—Hoffman Service Bulletin 17, dated January 20, 1987, which specifies procedures for inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H–36 "Dimona" sailplanes, and repairing any fittings with an improper bonding.

The Austro Control GmbH classified these service bulletins as mandatory and issued the following in order to assure the continued airworthiness of these airplanes in Austria: (1) Austrian AD No. 85, dated May 29, 1996, for the elevator condition; (2) Austrian AD No. 63, not dated, for the wheel axle screws condition; and (3) Austrian AD No. 54, not dated, for the shoulder harness fittings condition.

The FAA's Determination

This airplane model is manufactured in Austria and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Austro Control GmbH has kept the FAA informed of the situation described above.

The FAA has examined the findings of the Austro Control GmbH; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since unsafe conditions have been identified that are likely to exist or develop in other Diamond Models H–36 "Dimona" and HK 36 R "Super Dimona" sailplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require inspecting the elevator rib area for damage on certain Models H–36 "Dimona" and HK 36 R "Super Dimona" sailplanes, and either immediately or eventually replacing the elevator ribs depending on the results of the inspection; replacing the M6 screws that attach the wheel axle to steel support with M8 screws on all of the affected airplanes; and inspecting the shoulder harness fittings for improper bonding on certain Diamond Model H–36 "Dimona" sailplanes, and repairing any harness with an improper bond. Accomplishment of the proposed modifications would be in accordance with the previously referenced service information.

Cost Impact

The FAA estimates that 15 sailplanes in the U.S. registry would be affected by the elevator portion of the proposed AD, that it would take approximately 10 workhours per sailplane to accomplish the elevator portion of the proposed AD, and that the average labor rate is approximately $60 an hour. Kits cost approximately $100 per sailplane. Based on these figures, the total cost impact of the elevator portion of the proposed AD on U.S. operators is estimated to be $10,500, or $700 per sailplane.

The FAA estimates that 2 sailplanes in the U.S. registry would be affected by the wheel axle screws portion of the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the wheel axle screws portion of the proposed AD, and that the average labor rate is approximately $60 an hour. Kits cost approximately $165 per sailplane. Based on these figures, the total cost impact of the wheel axle screws portion of the proposed AD on U.S. operators is estimated to be $1,050, or $525 per sailplane.

The FAA estimates that 8 sailplanes in the U.S. registry would be affected by the shoulder harness fittings portion of the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the shoulder harness fittings portion of the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $10 per sailplane. Based on these figures, the total cost impact of the shoulder harness fittings portion of the proposed AD on U.S. operators is estimated to be $2,960, or $370 per sailplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Diamond Aircraft Industries GMBH: Docket No. 97–CE–134–AD.

Applicability: The following sailplane models and serial numbers, certificated in any category:

Model H–36 "Dimona" sailplanes, all serial numbers; and

Model H 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36414.

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

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

To prevent failure of either the shoulder harness fittings, elevator rib, or the wheel axle to steel support attachment, which could result in passenger injury caused by an inadequate restraint system; reduced sailplane controllability caused by structural damage to the elevator; and/or reduced sailplane controllability during takeoff, landing, and ground operations caused by the installation of incorrect wheel axle screws, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, accomplish the following:

(1) For the Model H–36 "Dimona" sailplanes, all serial numbers; and the Model HK 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36414, inspect the elevator rib area for damage. Accomplish this inspection in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(2) For the Model H–36 "Dimona" sailplanes, all serial numbers; and the Model HK 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36327, replace the M6 screws that attach the wheel axle to steel support with M8 screws. Accomplish this replacement in accordance with Hoffman Work Instruction No. 10, dated May 29, 1991, as referenced in Hoffman Service Bulletin No. 27, dated May 31, 1991.

(3) For the Model H–36 "Dimona" sailplanes, serial numbers 3501 through 3539 and 3601 through 36143, inspect the shoulder harness fittings for improper bonding. Accomplish this inspection in accordance with Hoffman Service Bulletin 17, dated January 20, 1987.

(b) Prior to further flight after the inspections required by paragraphs (a)(1) and (a)(3) of this AD, accomplish the following:

(1) If any damage is found in the elevator rib area on any sailplane affected by paragraph (a)(1) of this AD, replace the elevator ribs in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

(2) If an improper bonding is found on the shoulder harness fittings on any sailplane affected by paragraph (a)(3) of this AD, repair the shoulder harness fittings in accordance with Hoffman Service Bulletin 17, dated January 20, 1987.

(c) For the Model H–36 "Dimona" sailplanes, all serial numbers; and the Model HK 36 R "Super Dimona" sailplanes, serial numbers 36301 through 36414, within the next 3,000 hours time-in-service (TIS) after the effective date of this AD, replace the elevator ribs, unless already accomplished as required by paragraph (b)(1) of this AD. Accomplish this replacement in accordance with Diamond Work Instruction No. 21, dated March 20, 1996, as referenced in Diamond Service Bulletin No. 51, dated March 30, 1996.

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

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(f) Questions or technical information related to the service information referenced in this AD should be directed to Diamond Aircraft Industries, G.m.b.H., N.A. Otto-Strabe 5, A–2700, Wiener Neustadt, Austria. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Austrian AD No. 85, dated May 29, 1996, for the elevator condition; Austrian AD No. 63, not dated, for the wheel axle screws condition; and Austrian AD No. 54, not dated, for the shoulder harness fittings condition.

Issued in Kansas City, Missouri, on February 6, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–3638 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–3]

Proposed Modification of Class E Airspace; Athens, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to modify Class E airspace at Athens, OH. An Instrument landing System (ILS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 25, has been developed for Ohio University Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the radius of and add a northeast extension to the existing controlled airspace.

DATES: Comments must be received on or before March 30, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 98–AGL–3, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air

Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposals. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–AGL–3." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Athens, OH, to accommodate aircraft executing the proposed ILS Rwy 25 SIAP, at Ohio University Airport by increasing the radius and adding a northeast extension of the existing controlled airspace. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 1 4 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AGL OH E5 Athens, OH [Revised]

Athens-Albany, Ohio University Airport, OH
(Lat. 39°12′39″ N., long. 82°13′53″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Ohio University Airport and within 4.6 miles either side of the 061° bearing from the Ohio University Airport, extending from the 6.4-mile radius to 12.3 miles northeast of the airport.

* * * * *

Issued in Des Plaines, Illinois, on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3728 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–4]

Proposed Modification of Class E Airspace; Springfield, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to modify Class E airspace at Springfield, IL. An Instrument Landing System (ILS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 31, Amendment 1, has been developed for Capital Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the

radius of the existing controlled airspace.

DATES: Comments must be received on or before March 30, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 98–AGL–4, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–AGL–4." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Springfield, IL, to accommodate aircraft executing the proposed ILS Rwy 31 SIAP, Amendment 1, at Capital Airport by increasing the radius of the existing controlled airspace. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AGL IL E5 Springfield, IL [Revised]

Capital Airport, IL
(Lat. 39° 50′ 38″N., long. 89° 40′ 39″W.)

Capital VORTAC
(Lat. 39° 53′ 32″N., long. 89° 37′ 32″W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Capital Airport and within 3.1 miles either side of the Capital VORTAC 040° radial, extending from the 6.8-mile radius to 10.7 miles northeast of the airport.

* * * * *

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3729 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–2]

Proposed Modification of Class E Airspace; Lawrenceville, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to modify Class E airspace at Lawrenceville, IL. A Nondirectional Beacon (NDB) or Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 4, Amendment 5, has been developed for Mount Carmenl Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the radius of, and add a southwest extension to, the existing controlled airspace.

DATES: Comments must be received on or before April 6, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Council, AGL–7, Rules Docket No. 98–AGL–2, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568 .

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–AGL–2." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Lawrenceville, IL, to accommodate aircraft executing the proposed NDB or GPS Rwy 4 SIAP, Amendment 5, at Mount Carmel Municipal Airport by increasing the radius and adding a southwest extension to the existing controlled airspace. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AGL IL E5 Lawrenceville, IL [Revised]

Lawrenceville-Vincennes International Airport, IL
(Lat. 38° 45′ 51″ N., long. 87° 36′ 20″ W.)

Mount Carmel Municipal Airport, IL
(Lat. 38° 36′ 24″N., long. 87° 43′ 36″W.)

Lawrenceville VOR/DME
(Lat. 38° 46′ 12″N., long. 87° 36′ 14″W.)

Mount Carmel NDB
(Lat. 38° 36′ 43″N., long. 87° 43′ 34″W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of the Lawrenceville-Vincennes International Airport, and within 4.8 miles either side of the Lawrenceville VOR/DME 018° radial, extending from the 7.0-mile radius to 7.0 miles northeast of the VOR/DME; and within a 6.5-mile radius of Mount Carmel Municipal Airport, and within 2.7

miles either side of the 196° bearing from the Mount Carmel Municipal Airport, extending from the 6.5-mile radius to 7.4 miles south of the airport, and within 6.4 miles either side of the 208° bearing from the Mount Carmel NDB, extending from the 6.5-mile radius to 7.0 miles southwest of the NDB.

* * * * *

Issues in Des Plaines, Illinois on January 30, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3730 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–1]

Proposed Modification of Class E Airspace; Washington Court House, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to modify Class E airspace at Washington Court House, OH. A Nondirectional Beacon-A (NDB–A) Standard Instrument Approach Procedure (SIAP) has been developed for Fayette County Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the radius and enlarge the northeast extension of the existing controlled airspace.

DATES: Comments must be received on or before March 30, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 98–AGL–1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–AGL–1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Propose Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Washington Court House, OH, to accommodate aircraft executing the proposed NBA–A SIAP at Fayette County Airport by increasing the radius and enlarging the northeast extension of the existing controlled airspace. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.7 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective

September 16, 1997, is amended as follows:

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

* * * * *

AGL OH E5 Washington Court House, OH [Revised]

Washington Court House, Fayette County Airport, OH
(Lat. 39°34′ 13″N., long. 83°25′ 14″W.)
Court House NDB
(Lat. 39°35′ 58″N., long. 83°23′ 32″W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayette County Airport and within 6.4 miles either side of the 037° bearing from the Court House NDB, extending from the 6.5-mile radius to 7.0 miles northeast of the NDB, and within 2.2 miles either side of the 037° bearing from the Court House NDB, extending from the 6.5-mile radius to 10.0 miles northeast of the NDB.

* * * * *

Issued in Des Plaines, Illinois on January 22, 1998.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 98–3731 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201, 330, and 358

[Docket No. 96N–0420]

Over-the-Counter Human Drugs; Proposed Labeling Requirements; Notice of Availability of Study Data and Reopening of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; reopening of comment period on specific data.

SUMMARY: The Food and Drug Administration (FDA) is reopening to March 30, 1998 the comment period on specific data related to the February 27, 1997, proposed rule to establish a standardized format for the labeling of over-the-counter (OTC) drug products (62 FR 9024). As part of that rulemaking proceeding, the agency collected data under a study entitled "Evaluation of Proposed Over-the-Counter (OTC) Label Format Comprehension," (Study A). This document announces the availability of the data and frequency tabulations that summarize the Study A data and reopens the comment period for the OTC rulemaking proceeding to allow an opportunity for comment on Study A.

DATES: Submit written comments on Study A by March 30, 1998.

ADDRESSES: Submit written comments on the information collected in Study A to the Dockets Management Branch (HFA–305), ATTN: Study A, OTC Drug Labeling Data Collection, Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kathryn J. Aikin, Food and Drug Administration, Division of Drug Marketing, Advertising, and Communications (HFD–40), 5600 Fishers Lane, Rockville, MD 20857, 301–827–2828, Aikink@cder.fda.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 27, 1997 (62 FR 9024), FDA published a proposed rule intended to enable consumers to better read and understand OTC drug product labeling and to more effectively apply the information in the labeling to the safe and effective use of such products. An important element of FDA'S proposed rule is a standardized labeling format for OTC drug products.

After issuing the proposed rule, FDA published in the **Federal Register** a notice under the Paperwork Reduction Act of 1995 announcing the agency's intention to conduct four studies relating to OTC drug products (62 FR 28482, May 23, 1997). The agency intends at this time to use two of the studies ("Evaluation of Proposed Over-the-Counter (OTC) Label Format Comprehension, Study A," and "Over-the-Counter (OTC) Label Format Preference, Study B") in deliberations on developing a standardized, easy to read and easy to understand, labeling format for OTC drug products (see 62 FR 9024). In the **Federal Register** of December 30, 1997 (62 FR 67770), the agency requested comments specifically related to Study B. The data and frequency tabulations for Study A are now available.

In Study A, consumers were invited to view examples of OTC label designs. Respondents were asked questions designed to measure knowledge and attitudes about OTC drug products, as well as decisions about proper use of the products. The agency is now seeking comments on the data developed under Study A, including the participants' responses on the comprehension elements measured for the specific label designs viewed. The comments on Study A will be included in the agency's deliberations on developing a final, standardized OTC labeling format regulation.

Interested persons may, on or before March 30, 1998, submit written comments on the data developed under Study A to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and labeled "ATTN: Study A, OTC Drug Labeling Data Collection." The data, frequency tabulations, and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. An electronic format of the data are available on the internet at: www.fda.gov/CDER/ or can be obtained in electronic form from the Dockets Management Branch at the address listed previously.

Dated: February 4, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–3625 Filed 2-12-98; 8:45 am]

BILLING CODE 4160–01–F

NATIONAL MEDIATION BOARD

29 CFR Part 1208

Freedom of Information Act, Implementation; Fee Schedule

AGENCY: National Mediation Board.

ACTION: Proposed rule.

SUMMARY: The National Mediation Board is proposing to amend its rule implementing the Freedom of Information Act (FOIA), as provided by the Freedom of Information Reform Act of 1986 (Pub. L. 99–570), which requires that the NMB promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of FOIA requests and establishing procedures and guidelines for determining when such fees should be waived or reduced. The proposed revisions substantially conform to the Uniform Freedom of Information Act Fee Schedule and Guidelines published by the Office of Management and Budget in 52 FR 10012 (March 27, 1987).

DATES: Comments must be received by: March 16, 1998.

ADDRESSES: Send or deliver written comments to: Ronald M. Etters, General Counsel, 1301 K Street, N.W., Suite 250, Washington, D.C. 20572, Telephone (202) 523–5920.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986 (Pub. L. 99–570) requires agencies to adopt regulations that conform to the

Act regarding procedures and fees for obtaining copies of agency records. The Reform Act specifically required the Office of Management and Budget (OMB) to develop and issue a schedule of fees and guidelines pursuant to notice and comment. That Act also required agencies to publish their own regulations for those same purposes based upon the OMB guidelines. The regulations represent NMB's response to that requirement. They are based upon the OMB guidelines.

Executive Order 12291

This rule is not a "major rule" under Executive Order 12291 because it is not "likely to result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) 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." Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b), do not apply because the proposed rule does not impose any significant economic requirements upon small entities. Accordingly, no regulatory flexibility analysis is required.

Paperwork Reduction Act

These regulations, if promulgated in final form, will not result in any implications pursuant to the Paperwork Reduction Act.

List of Subjects in 29 CFR 1208

Freedom of information.

In consideration of the foregoing, the NMB proposes to amend Part 1208 of 29 CFR, Chapter X.

PART 1208—FREEDOM OF INFORMATION

1. The authority citation for part 1208 would continue to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

2. Section 1208 would be revised to read as follows:

§ 1208.2 Production or disclosure of material or information.

(a) *Requests for identifiable records and copies.* (1) All requests for National Mediation Board records shall be filed in writing by mailing, faxing, or delivering the request to the Chief of Staff, National Mediation Board, Washington, DC 20572.

(2) The request shall reasonably describe the records being sought in a manner which permits identification and location of the records.

(i) If the description is insufficient to locate the records, the National Mediation Board will so notify the person making the request and indicate the additional information needed to identify the records requested.

(ii) Every reasonable effort shall be made by the Board to assist in the identification and location of the records sought.

(3) Upon receipt of a request for the records the Chief of Staff shall maintain records in reference thereto which shall include the date and time received, the name and address of the requester, the nature of the records requested, the action taken, the date the determination letter is sent to the requester, appeals and action thereon, the date any records are subsequently furnished, the number of staff hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

(4) All time limitations established pursuant to this section with respect to processing initial requests and appeals shall commence at the time a written request for records is received at the Board's offices in Washington, D.C.

(i) An oral request for records shall not begin any time requirement.

(b) *Processing the initial request.* (1) *Time limitations.* Within 20 working days (excepting Saturdays, Sundays, and working holidays) after a request for records is received, the Chief of Staff shall determine and inform the requester by letter whether or the extent to which the request will be complied with, unless an extension is taken under paragraph (b)(3) of this section.

(2) Such reply letter shall include:

(i) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld.

(ii) The name or names and positions of the person or persons, other than the Chief of Staff, responsible for the denial.

(iii) A statement that the denial may be appealed within thirty days by writing to the Chairman, National Mediation Board, Washington, D.C. 20572, and that judicial review will thereafter be available in the district in which the requester resides, or has his principal place of business, or the district in which the agency records are situated, or the District of Columbia.

(3) *Extension of time.* In unusual circumstances as specified in this paragraph, the Chief of Staff may extend the time for initial determination on requests up to a total of ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be granted in increments of five days or less and shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request, or the need for consultation among two or more components of the agency having substantial subject matter interest therein.

(4) *Treatment of delay as a denial.* If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the request may deem his request denied, and exercise a right of appeal, in accordance with § 1208.2(c). When no determination can be dispatched within the applicable time limit, the responsible official shall nevertheless continue to process the request; on expiration of the time limit he shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the Chairman of the Board in accordance with § 1208.2(c) and he may ask the requester to forego appeal until a determination is made.

(c) *Appeals to the Chairman of the Board.* (1) When a request for records has been denied in whole or in part by the Chief of Staff or other person authorized to deny requests, the requester may, within thirty days of its receipt, appeal the denial to the Chairman of the Board. Appeals to the Chairman shall be in writing, addressed to the Chairman, National Mediation Board, Washington, D.C. 20572.

(2) The Chairman of the Board will act upon the appeal within twenty working days (excluding Saturdays, Sundays and

legal public holidays) of its receipt unless an extension is made under paragraph (c)(3) of this section.

(3) In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays and legal public holidays) minus any extension granted at the initial request level pursuant to § 1208.2(b)(3). Such extension shall be made written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request or the need for consultation among components of the agency having substantial subject matter interest therein.

(4) *Treatment of delay as a denial.* If no determination on the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States, as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed; on expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the Board records are situated or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(d) *Indexes of certain records.* (1) The National Mediation Board at its office in Washington, D.C. will maintain, make available for public inspection and copying, and publish quarterly (unless the Board determines by order published in the **Federal Register** that such publication would be unnecessary or impracticable) a current index of the materials available at the Board offices which are required to be indexed by 5 U.S.C. 552(a)(2).

(i) A copy of such index shall be available at cost from the National Mediation Board, Washington, D.C. 20572.

(ii) Reserved.

2. Section 1208.6 would be revised to read as follows:

§ 1208.6 Schedule of fees and methods of payment for services rendered.

(a) *Definitions.* For the purposes of this section the following definitions apply:

(1) The term *direct costs* means those expenditures which the National Mediation Board actually incurs in searching for, duplicating, and, in the case of commercial requesters, reviewing documents to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (the basic rate of pay for the employee plus sixteen percent of the rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space and heating or lighting the facility in which the records are stored.

(2) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page and line-by-line identification of material within documents. Searches may be done manually or by computer using existing programming.

(3) The term *duplication* refers to the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microfilm, audiovisual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

(4) The term *review* refers to the process of examining documents located in response to a commercial use request (see paragraph (a)(5) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(5) The term *commercial use request* refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the NMB will look first to the use which a requester will put the document requested. Where the NMB has reasonable cause to doubt the use is not clear from the request itself, the National Mediation Board may seek additional clarification before assigning the request to a specific category.

(6) The term *educational institution* refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education and an institution of vocational education, which operates a program or programs of scholarly research.

(7) The term *non-commercial scientific institution* refers to an institution that is not operated on a commercial basis as that term is defined in paragraph (a)(5) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(8) The term *representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. These examples are not intended to be all inclusive. In the case of "free-lance" journalists, they may be regarded as working for a news organization if they demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but the NMB may also look to the past publication record of a requester in making this determination.

(b) *Exception of fee charges.* (1) With the exception of requesters seeking documents for a commercial use, the NMB will provide the first 100 pages of duplication and the first two hours of search time without charge. The world "pages" in this paragraph refers to paper copies of standard size, usually 8.5≥ × 11≥, or their equivalent in microfiche or computer disks. The term "search time" in this paragraph is based on a manual search for records. In applying this term to searches made by computer, when the cost of the search as set forth in paragraph (d)(2) of this section equals the equivalent dollar amount of two hours of the salary of the person performing the search, the NMB

will begin assessing charges for computer search.

(2) The NMB will not charge fees to any requesters, including commercial use requester, if the cost of collecting the fee would be equal to or greater than the fee itself.

(3)(i) The NMB will provide documents without charge or at reduced charges if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(ii) In determining whether disclosure is in the public interest under paragraph (b)(3)(i) of this section, the NMB will consider the following factors:

(A) *The subject of the request.* Whether the subject of the requested records concerns "the operations or activities of the government";

(B) *The informative value of the information to be disclosed.* Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(C) *The contribution to an understanding of the subject by the general public likely to result from disclosure.* Whether disclosure of the requested information will contribute to "public understanding";

(D) *The significance of the contributions to the public understanding.* Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(E) *The existence and magnitude of a commercial interest.* Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(F) *The primary interest in disclosure.* Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(iii) A request for a fee waiver based on the public interest under paragraph (b)(3)(i) of this section must address the factors of (b)(3)(ii) as they apply to the request for records in order to be considered by the Chief of Staff.

(c) *Level of fees to be charged.* The level of fees to be charged by the NMB in accordance with the schedule set forth in paragraph (d) of this section, depends on the category of the requester. The fee levels to be charged are as follows:

(1) A request for documents appearing to be for commercial use will be charged to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.

(2) A request for documents from an educational or non-commercial scientific institution will be charged for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research.

(3) The NMB shall provide documents to requesters who are representatives of the news media for the cost of reproduction alone, excluding charges for the first 100 pages.

(4) The NMB shall charge requesters who do not fit into any of the categories above such fees which recover the full direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. All requesters must reasonably describe the records sought.

(d) The following fees shall be charged in accordance with paragraph (c) of this section:

(1) *Manual searches for records.* The salary rate (i.e., basic pay plus sixteen percent) of the employee(s) making the search. Search time under this paragraph and paragraph (d)(2) of this section may be charged for even if the NMB fails to locate responsive records or if records located are determined to be exempt from disclosure.

(2) *Computer searches for records.* The actual direct cost of providing the service, including computer search time directly attributable to searching for records responsive to a FOIA request, runs, and operator salary apportionable to the search.

(3) *Review of records.* The salary rate (i.e., basic pay plus sixteen percent) of the employee(s) conducting the review. This charge applies only to requesters who are seeking documents for commercial use and only to the review necessary at the initial administrative level to determine the applicability of any relevant FOIA exemptions, and not at the administrative appeal level or an exemption already applied.

(4) *Certification or authentication of records.* $2.00 per certification or authentication.

(5) *Duplication of records.* Fifteen cents per page for paper copy reproduction of documents, which the NMB determined is the reasonable direct cost of making such copies taking into account the average salary of the operator and the cost of the reproduction machinery. For copies of records prepared by computer, such as tapes or printouts, the NMB shall charge the actual cost, including operator time, of production of the tape or printout.

(6) *Forwarding material to destination.* Postage, insurance and special fees will be charged on an actual cost basis.

(7) *Other costs.* All other direct costs of preparing a response to a request shall be charged to requester in the same amount as incurred by NMB.

(e) *Aggregating requests.* When the NMB reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the NMB will aggregate any such requests and charge accordingly.

(f) *Charging interest.* Interest at the rate prescribed in 31 U.S.C. 3717 may be charged those requesters who fail to pay fees charged, beginning on the thirtieth day following the billing date. Receipt of a fee by the NMB, whether processed or not, will stay the accrual of interest. If a debt is not paid, the agency may use the provisions of the Debt Collection Act of 1982, (Pub. L. 97–365, 29 CFR part 1450) including disclosure to consumer reporting agencies, for the purpose of obtaining payment.

(g) *Advance payments.* The NMB will not require a requester to make an advance payment, i.e., payment before work is commenced or continued on a request, unless:

(1) The NMB estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then the NMB will notify the requester of the likely cost and obtain satisfactory assurances of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charge in a timely fashion (i.e., within thirty days of the date of the billing), in which case the NMB requires the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that he has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester. When the NMB acts under paragraph (g)(1) or (2) of this section, the

administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., twenty working days from receipt of initial requests and twenty working days from receipt of appeals from initial denial, plus permissible extension of these time limits) will begin only after the NMB has received fee payments described above.

(h) *Payment.* Payment of fees shall be made by check or money order payable to the United States Treasury.

Dated: February 1, 1998.

Stephen E. Crable,

Chief of Staff.

[FR Doc. 98–3115 Filed 2–12–98; 8:45 am]

BILLING CODE 7550–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 218, 250, and 256

RIN 1010–AC32

Postlease Operations Safety

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: These proposed revisions update and clarify MMS regulations concerning postlease operations. The revised rule provides authority to MMS to grant an easement and a right-of-use for an outer Continental Shelf (OCS) tract to a State lessee. It also clarifies the distinction between granting and directing a suspension, and the different consequences of each; sets out criteria to disqualify an operator with repeated poor operating performance from acquiring any new leaseholdings; and requires written accident reports.

DATES: MMS will consider all comments we receive by May 14, 1998. We will begin reviewing comments then and may not fully consider comments we receive after May 14, 1998.

ADDRESSES: Mail or hand-carry written comments (3 copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team (Comments).

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Engineering and Operations Division, at (703) 787–1600.

SUPPLEMENTARY INFORMATION: The proposed revision of 30 CFR part 250, subpart A, is an effort to streamline and organize the various topics that apply in a general sense to all the other subparts under 30 CFR part 250. These postlease operations regulations would contain requirements as well as useful information and reference materials, with an emphasis on operations performance. We would include a newer edition of a document incorporated by reference (API RP 2A).

Definition of Lessee

We would include an owner of operating rights in the definition of lessee. We would emphasize in § 250.15(d) that, in addition to the lessee and operator, all persons who conduct lease activities on behalf of the lessee or operator must also comply with our regulations. The operator is responsible for the performance of its contractors. MMS will hold the operator accountable for the contractors' performance.

Performance standards

We would revise the regulation addressing crane operations to include certain specifications that apply to platforms in the Pacific OCS Region. Also, we would include two new sections under Performance standards: One on welding procedures and another on electrical equipment requirements. These requirements are repeated under Drilling (subpart D), Well-Completion (subpart E), and Well-Workover (Subpart F). Since the requirements apply to all exploration, development, and production operations, they would be listed in subpart A and would be removed from the various other subparts.

Disqualifying an operator

Safety is MMS's top priority for offshore operations. A new regulation has been proposed to provide criteria that MMS will consider, individually or collectively, in evaluating whether to disqualify operators with repeated poor safety performance from acquiring additional leases. In some particularly serious cases, this could also result in MMS disapproving or revoking a company's status as a designated operator. MMS will hold a meeting in Houston, Texas within the comment period of the rulemaking, to consult with industry before setting up criteria to implement this provision in our rules. We will publish the meeting notice in the **Federal Register.** We recognize that the vast majority of operators are conscientious in their operations. The intention of this provision is to safeguard you from the few that may be in dire non-compliance.

Civil Penalty

The reference related to civil penalty appeals has been deleted from subpart A. On August 8, 1997, MMS published a revision to subpart N which provides information related to civil penalty appeals.

Granting a right-of-use and easement

In our effort to establish and maintain a cooperative relationship with coastal States, and lessees of State submerged land oil and gas leases adjacent to the OCS, we are proposing to amend our regulations currently in § 250.7. (See proposed § 250.18). The proposed rule further implements the Secretary of the Interior's authority to regulate offshore operations under the OCS Lands Act. The rule would provide specific regulatory authority for Regional Directors to grant an easement and right-of-use on an OCS tract to the State lessee when the lease is near or adjacent to the Federal and State jurisdictional boundary. MMS would require an application processing fee, annual rental payments, and surety bonds from State lessees.

Suspensions

We are proposing to reorganize the section on suspensions to flow better and to distinguish clearly between granting or directing a suspension. A new provision at § 250.19 (l)(5) would authorize suspensions as necessary for the diligent development of marginal reserves that would otherwise not be developed. The proposed revisions to "effect of suspensions on lease terms" appear in § 250.19 and § 256.73.

Accident reports

Recent rapid growth in offshore exploration and production activities in the Gulf of Mexico has led to an attendant increase in accidents and injuries on the OCS related to these activities. Since safety is our top priority, MMS sees a strong need to upgrade our accident investigation functions to ensure the continued safety of OCS operations. The proposed rule adds a new requirement (proposed § 250.20(a)) that OCS operators, lessees, or permit holders provide the MMS District Supervisor with written reports concerning accidents on the OCS. We have provided a table to specify the reports required for different types of accidents. MMS will provide more guidance on thresholds for fires, and factors that impair safety, through Notices to Lessees. Safety concerns also prompted the new requirement in proposed paragraph (b) in this section to require evacuation statistics during natural occurrences such as earthquakes and hurricanes.

Lease term extensions

We are proposing to expand the reporting requirements under § 250.23 to require the lessee/operator to report to MMS when lease production is initiated, resumes before the end of the 180-day period after production ceased, and when leaseholding operations occur during the referenced 180-day interval. MMS needs this information in a timely manner to efficiently maintain the lessee/operator's lease status.

Format of the proposed rule

We have written this proposed rule in a plain English format. We have tried to set out these requirements in a straightforward and uncomplicated manner. The plain English format uses the term "you" which means the lessee, right-of-way holder, or person acting on behalf of a lessee or a right-of-way holder. We emphasize that "you" are responsible for ensuring that all requirements are met. We encourage your comments on our use of the plain English format in this proposed rule as well as future rulemaking.

Executive Order (E.O.) 12866

This rule is not a significant rule under E. O. 12866 and does not require a review by the Office of Management and Budget (OMB). The new or expanded requirements in the rule are designed to safeguard lives, property and the environment. They do not impose extensive burdens. Lessees of a State lease located adjacent to the OCS will have to pay a non-refundable filing fee if they apply for a right-of-use and easement. The economic effects of the rule will be minimal. If there is one application from State lessees per year, MMS will receive a total of approximately $2,350 in fees and $5,000 in rental.

There are some additional new or expanded reporting requirements in this rule. They do not impose extensive burdens, yet provide necessary data that MMS will use to safeguard offshore operations. The estimated additional burden for submitting copies of written accident reports is 1 hour. There are an estimated 142 responses and at the rate of $35 per hour it would cost reporters a total of $4, 970 per year. The estimated burden for evacuation statistics reports is 1 hour. There are an estimated 620 responses and at the rate of $35 per hour it would cost reporters a total of $21,700 per year. Since such events are extremely unpredictable, we are estimating that these events could occur once every three years. The estimated burden on lease production status is one-half hour per report on lease production status. There are an estimated 1,000 responses and at a rate of $35 per hour it would cost reporters $17,500 per year.

Regulatory Flexibility Act

The proposed changes to 30 CFR part 250, subpart A will not have a significant economic effect. In general, a company needs large technical and financial resources and experience to safely conduct offshore activities. However, many of the leases and operators have less than 500 employees and are small businesses. It is likely that a State lessee applying for a right-of-use and easement on the OCS may be a small business. The costs associated with obtaining the benefit (right-of-use and easement) would be minimal. The application fee is estimated to be $2,350 per application and the rental is estimated to be $5,000. A company is not expected to apply for more than one such application per year. There are some additional new or expanded reporting requirements in this rule but they do not impose extensive burdens. Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Paperwork Reduction Act

We have examined the proposed changes to 30 CFR part 218; 30 CFR part 250; subparts E and F; and 30 CFR part 256 under the Paperwork Reduction Act of 1995 (PRA). We have determined that no new reporting and information collection requirements are included and the currently approved collections of information for these sections remain unchanged.

With respect to 30 CFR part 250, subpart D, the proposed changes remove sections of the regulations that contain approved collections of information subject to the PRA (OMB control number 1010–0053) and relocate them to 30 CFR 250, subpart A. MMS will submit an inventory correction change to OMB for approval when this rule is published in final.

The proposed changes to 30 CFR 250, subpart A, do contain collections of information subject to the PRA, and MMS has submitted them to OMB for review and approval under section 3507(d) of the PRA.

As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites the public and other Federal agencies to comment on any aspect of the reporting and recordkeeping burden. Submit your comments to the Office of Information and Regulatory Affairs; OMB; Attention: Desk Officer for the Department of the Interior (OMB control number 1010–NEW); 725 17th Street, N.W., Washington, D.C. 20503. Send a copy of your comments to the Rules Processing Team, Attn: Comments; Mail Stop 4020; Minerals Management Service; 381 Elden Street; Herndon, Virginia 20170–4817. You may obtain a copy of the supporting statement for the new collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208–7744.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it by March 16, 1998. This does not affect the deadline for the public to comment to MMS on the proposed regulations.

The title of the collection of information for the main portion of this proposed rule is "Proposed Rulemaking—30 CFR 250, Subpart A, General" (OMB control number 1010–NEW). The current subpart A regulations contain approved collections of information (OMB control number 1010–0030) which consist of reporting and recordkeeping requirements on designations of operator; performance capabilities and standards; lease cancellations; suspensions of production or other operations; determinations of well producibility; reinjection and subsurface storage of gas; reimbursements of postlease geological and geophysical data and information reproduction costs; accident reporting; access to facilities; and crane inspection, testing, maintenance and operator qualifications. MMS uses the information to ensure that operations on the OCS are carried out in a manner that is safe, pollution free, and do not interfere with the rights of other users on the OCS.

The proposed rule, rewritten in plain English, restructures the citations containing the information collection requirements approved for the current

30 CFR 250, subpart A, regulations, but they remain unchanged. It also relocates two requirements from other subparts of 30 CFR 250 that also remain unchanged.

The proposed rule contains the following new or expanded information collection requirements:

1. Sections 250.18(c) explains how lessees of a State lease located adjacent to the OCS may apply for a right-of-use and easement on the OCS, and includes a non-refundable filing fee for such applications. MMS will use the information to determine if the right-of-use and easement: serves the purpose specified in the grant when conducting exploration, development, and production activities or other operations on or off the lease; is maintained for such purposes specified; and does not unreasonably interfere with the operations of any other lessee. We estimate that the average burden for this new application process will be 5 hours and a filing fee of approximately $2,350 per application.

2. Section 250.20(a) expands accident reporting to include the requirement to submit copies of written follow-up reports in addition to oral notifications. MMS will use the information to upgrade the accident investigation functions. We estimate that the average burden for this new reporting requirement will be an additional 1 hour per report.

3. Section 250.20(b) requires reports on evacuation statistics for a natural occurrence (i.e., hurricanes, earthquakes, etc.). MMS will use the information to be informed when there could be a major disruption in the availability and supply of natural gas and oil due to natural occurrences, to advise the Coast Guard of rescue needs, and to alert the news media and interested public entities when production is shut in and when resumed. We estimate that the average burden for this reporting requirement will be 1 hour per report.

4. Sections 250.23(e), (f), and (g) expand the reporting requirements for lease term dependency and operations for respondents to report when lease production is initiated, resumes before the end of the 180-day period after production ceased, and when leaseholding operations occur during the referenced 180-day interval. MMS will use this information to efficiently maintain the lessee/operator's lease status. We estimate that the average burden for this expanded reporting requirement will be one-half hour per report.

Respondents are approximately 130 Federal OCS oil and gas or sulphur lessees and an estimate of one State lessee each year who will apply for OCS right-of-use and easement. The frequency of response is on occasion or annual. Responses to this collection of information are mandatory or are required to obtain or retain a benefit. MMS will protect proprietary information in accordance with the Freedom of Information Act and 30 CFR 250.18 (renumbered to 30 CFR 250.27 in this proposed rule), Data and information to be made available to the public.

MMS estimates the total annual reporting and recordkeeping "hour" burden for the requirements in this proposed rule to be 10,578 hours. This will reflect an increase of 2,150 hours for the new or expanded requirements described above when this new collection replaces the collection of information approved for the current requirements in 30 CFR 250, subpart A (1010–0030). MMS estimates the total annual reporting and recordkeeping "cost" burden of this proposed rule to be $2,350 for approximately one application filing fee per year under § 250.18(c).

In calculating the burden, MMS assumed that respondents perform some of the requirements and maintain some of the records in the normal course of their activities. MMS considers these to be usual and customary and did not include them in the burden estimates. You are invited to provide information if you disagree with this assumption.

MMS will summarize written responses to this notice and address them in the final rule. All comments will become a matter of public record.

1. MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for MMS to properly perform its functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs your comments on this item. Your response should split the cost estimate into two components: (a) Total capital and startup cost component, and (b) annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practices.

Takings Implication Assessment

The Department of the Interior (DOI) certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, MMS did not need to prepare a Takings Implication Assessment pursuant to Executive Order (E.O.) 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Unfunded Mandates Reform Act of 1995

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of $100 million or more in any given year on State, local, and tribal governments, or the private sector.

E.O. 12988

DOI has certified to OMB that the rule meets the applicable reform standards provided in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform.

National Environmental Policy Act

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

List of Subjects

30 CFR Part 218

Continental shelf, Electronic funds transfers, Geothermal energy,

Government contracts, Indians—lands, Mineral royalties, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements.

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.

30 CFR Part 256

Administrative practice and procedures, Continental shelf, Environmental Protection, Government contracts, Mineral royalties, Oil and gas exploration, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

Dated: February 6, 1998.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, Minerals Management Service (MMS) proposes to amend 30 CFR parts 218, 250, and 256 as follows:

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

1. The authority citation continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.*; 396a *et seq.*; 2101 *et seq.*; 30 U.S.C. 181 *et seq.*; 351 *et seq.*; 1001 *et seq.*; 1701 *et seq.*; 31 U.S.C.A. 3335; 43 U.S.C. 1301 *et seq.*; 1331 *et seq.*; 1801 *et seq.*

2. In § 218.154 paragraphs (a) and (b) are revised to read as follows:

§ 218.154 Effect of suspensions on royalty and rental.

(a) MMS will not require a lessee to pay rental or minimum royalty for or during a period of suspension if the Regional Supervisor:

(1) Directs the suspension of both operations and production; or

(2) Directs the suspension of operations on a lease on which there is no producible well under the provisions of 30 CFR 250.19 (j)(1), (j)(2), (j)(4) or (k)(2).

(b) MMS will not relieve the lessee of the obligation to pay rental, minimum royalty, or royalty for or during the period of suspension if the Regional Supervisor approves a suspension of operations or production, or both, requested by a lessee under the provisions of 30 CFR 250.19 (j)(3), (j)(5), (k), (l) or (m)(1).

* * * * *

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

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

Authority: 43 U.S.C. 1334 *et seq.*

4. 30 CFR Part 250 subpart A is revised to read as follows:

Subpart A—General

Subpart A—General

Authority and Definition of Terms

§ 250.1 Authority and applicability of this part.

(a) The Secretary of the Interior (Secretary) authorized MMS to regulate oil, gas and sulphur exploration, development, and production operations on the Outer Continental Shelf (OCS). Under this authority, the Director requires that all operations:

(1) Are conducted in accordance with the Act, the regulations in this part, MMS orders, the lease or right-of-way, and other applicable laws, regulations, and amendments; and

(2) Conform to sound conservation practice to preserve, protect, and develop mineral resources of the OCS to:

(i) Make resources available to meet the Nation's energy needs;

(ii) Balance orderly energy resource development with protection of the human, marine, and coastal environments;

(iii) Ensure the public receives a fair and equitable return on the resources of the OCS;

(iv) Preserve and maintain free enterprise competition; and

(v) Minimize or eliminate conflicts between the exploration, development, and production of oil and natural gas and the recovery of other resources.

(b) When you conduct operations on the OCS you will be required to submit requests, applications, and notices, or provide supplemental information, for MMS approval. The table that follows contains general references and the corresponding regulatory section for these processes. MMS will respond with either written or oral approvals. Refer to § 250.14(a) of this part for information on oral approvals.

TABLE—WHERE TO FIND INFORMATION FOR CONDUCTING OPERATIONS

To get information about	Refer to
Exploration Plans (EP)	§ 250.33.
Development and Production Plans (DPP).	§ 250.34.
Applications for Permit to Drill	§ 250.64.
Oil and gas well-completion operations.	§ 250.83.
Oil and gas well-workover operations.	§ 250.103.
Abandonment of wells	§ 250.111.
Oil and gas production safety systems.	§ 250.122.
Platforms and structures	§ 250.131.
Pipelines	§ 250.157.
Pipeline right-of-way	§ 250.160.
Flaring	§ 250.175.
Downhole commingling	§ 250.176.
Measurement of gas	§ 250.181.
Unitization	§ 250.190.
Training	§ 250.211.
Sulphur operations	§ 250.253.
Off-lease Geological and Geophysical permits.	Part 251.
Oil Spill Response Plans	Part 254.

§ 250.2 Definitions.

Terms used in this part will have the meanings given in the Act and as defined below:

Act means the OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*).

Affected State means with respect to any program, plan, lease sale, or other activity proposed, conducted, or approved pursuant to the provisions of the Act, any State:

(1) The laws of which are declared, pursuant to section 4(a)(2) of the Act, to be the law of the United States for the portion of the OCS on which such activity is, or is proposed to be, conducted;

(2) Which is, or is proposed to be, directly connected by transportation facilities to any artificial island or installation or other device permanently or temporarily attached to the seabed;

(3) Which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the OCS and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Secretary of the Interior (Secretary) as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the OCS; or

(5) In which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents to the marine or coastal environment in the event of any oil spill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

Air pollutant means any airborne agent or combination of agents for which the Environmental Protection Agency (EPA) has established, pursuant to section 109 of the Clean Air Act, national primary or secondary ambient air quality standards.

Analyzed geological information means data collected under a permit or a lease which have been analyzed. Analysis may include, but is not limited to, identification of lithologic and fossil content, core analysis, laboratory analysis of physical and chemical properties, well logs or charts, results from formation fluid tests, and descriptions of hydrocarbon occurrences or hazardous conditions.

Archaeological resource means any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest.

Attainment area means, for any air pollutant, an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator of EPA to be reliable) not to exceed any primary or secondary ambient air quality standards established by EPA.

Best available control technology (BACT) means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation, taking into account energy, environmental and economic impacts, and other costs. The Regional Director will verify the BACT on a case-by-case basis and it may include reductions achieved through the application of processes, systems, and techniques for the control of each air pollutant.

Best available and safest technology (BAST) means the best available and safest technologies which the Secretary determines to be economically feasible wherever failure of equipment would have a significant effect on safety, health, or the environment.

Coastal environment means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone.

Coastal zone means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each other and in proximity to the shorelands of the several coastal States. The coastal zone includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches. The coastal zone extends seaward to the outer limit of the U.S. territorial sea and extends inland from the shorelines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, pursuant to the authority in section 305(b)(1) of the Coastal Zone Management Act (CZMA) of 1972.

Competitive reservoir means a reservoir in which there are one or more well completions on each of two or more leases or portions of leases, with different lease operating interests, from which the lessees plan future production.

Conservation means preservation, economy, and avoidance of waste. It is especially important in the petroleum industry, since oil and gas are irreplaceable.

Correlative rights when used with respect to lessees of adjacent tracts, means the right of each lessee to be afforded an equal opportunity to explore for, develop, and produce, without waste, minerals from a common source.

Data means facts and statistics, measurements, or samples which have not been analyzed or processed.

Departures means approvals granted by the appropriate MMS representative for operating requirements/procedures other than those specified in the regulations found in this part. These requirements/procedures may be necessary to control a well; properly develop a lease; conserve natural resources, or protect life, property, or the marine, coastal, or human environment.

Development means those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all

onshore support facilities, and which are for the purpose of ultimately producing the minerals discovered.

Director means the Director of the MMS of the U.S. Department of the Interior.

District Supervisor means the MMS officer with authority and responsibility for a district within an MMS Region.

Easement means an authorization for a non-possessory, non-exclusive interest in a portion of an OCS tract, whether leased or unleased, which specifies the rights of the holder to use the area embraced in the easement in a manner consistent with the terms and conditions of the granting authority.

Emission offsets means emission reductions obtained from facilities, either onshore or offshore, other than the facility or facilities covered by the proposed Exploration Plan or Development and Production Plan.

Enhanced recovery operations means pressure maintenance operations, secondary and tertiary recovery, cycling, and similar recovery operations which alter the natural forces in a reservoir to increase the ultimate recovery of oil or gas.

Existing facility, as used in § 250.45, means an OCS facility described in an Exploration Plan or a Development and Production Plan approved before June 2, 1980.

Exploration means the commercial search for oil, gas, and sulphur. Activities classified as exploration include but are not limited to:

(1) Geophysical and geological (G&G) surveys where magnetic, gravity, seismic reflection, seismic refraction, gas sniffers, coring, or other systems are used to detect or imply the presence of oil, gas, or sulphur; and

(2) Any drilling, including the drilling in which a discovery of oil or natural gas in paying quantities or sulphur is made. This includes drilling of any additional well needed to delineate any reservoir and any drilling to enable the lessee to determine whether to proceed with development and production.

Facility, as used in § 250.11 concerning inspections, means any installation permanently or temporarily attached to the seabed (that includes manmade islands, and bottom-sitting structures) and any onshore installation used for oil, gas, or sulphur drilling, production, or related activities. Any group of installations that is interconnected with walkways, or any group of installations that includes a central or primary installation with processing equipment and one or more satellite or secondary installations, is a single facility unless the Regional Supervisor determines that the complexity of the individual installations justifies their classification as separate facilities.

Facility, as used in § 250.45 concerning air quality, means any installation or device permanently or temporarily attached to the seabed which is used for exploration, development, and production activities for oil, gas, or sulphur and which emits or has the potential to emit any air pollutant from one or more sources. All equipment directly associated with the installation or device is part of a single facility if the equipment is dependent on, or affects the processes of, the installation or device. During production, multiple installations or devices are a single facility if the installations or devices are directly related to the production of oil or gas at a single site. Any vessel used to transfer production from an offshore facility is part of the facility while physically attached to it.

Facility, as used in § 250.67(b) concerning hydrogen sulfide (H_2S), means a vessel, a structure, or an artificial island used for drilling, well-completion, well-workover, and/or production operations.

Gas reservoir means a reservoir that contains hydrocarbons predominantly in a gaseous (single-phase) state.

Gas-well completion means a well completed in a gas reservoir or in the gas-cap of an oil reservoir with an associated gas-cap.

Governor means the Governor of a State, or the person or entity designated by, or pursuant to, State law to exercise the powers granted to such Governor pursuant to the Act.

H_2S absent means:

(1) Drilling, logging, coring, testing, or producing operations have confirmed the absence of H_2S in concentrations that could potentially result in atmospheric concentrations of 20 ppm or more of H_2S; or

(2) Drilling in the surrounding areas and correlation of geological and seismic data with equivalent stratigraphic units have confirmed an absence of H_2S throughout the area to be drilled.

H_2S present means drilling, logging, coring, testing, or producing operations have confirmed the presence of H_2S in concentrations and volumes that could potentially result in atmospheric concentrations of 20 ppm or more of H_2S.

H_2S unknown means the designation of a zone or geologic formation where neither the presence nor absence of H_2S has been confirmed.

Human environment means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the OCS.

Information when used without an adjective means G&G data that have been analyzed, processed, or interpreted.

Interpreted geological information means geological information, often in the form of schematic cross sections, 3-dimensional representations, and maps, developed by determining the geological significance of data and analyzed geological information.

Interpreted geophysical information means geophysical information, often in the form of seismic cross sections, 3-dimensional representations, and maps, developed by determining the geological significance of geophysical data and processed geophysical information.

Lease means an agreement which is issued under section 8 or maintained under section 6 of the Act and which authorizes exploration for, and development and production of, minerals. The term also means the area covered by that authorization, whichever is required by the context.

Lease term pipelines means those pipelines owned and operated by a lessee or operator that are completely contained within the boundaries of a single lease, unitized leases, or contiguous (not cornering) leases of that lessee or operator.

Lessee means a person who has entered into, or who is the MMS-approved assignee of, a lease with the United States to explore for, develop, and produce the leased minerals. The term *lessee* also includes an owner of operating rights for that lease.

Major Federal action means any action or proposal by the Secretary which is subject to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. (2)(C) (i.e., an action which will have a significant impact on the quality of the human environment requiring preparation of an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act).

Marine environment means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the OCS.

Marine remains means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

Maximum production rate (MPR) means the approved maximum daily rate at which oil or gas may be produced from a specified oil-well or gas-well completion.

Minerals includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in section 103 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1331.

Nonattainment area means, for any air pollutant, an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator of EPA to be reliable) to exceed any primary or secondary ambient air quality standard established by EPA.

Nonsensitive reservoir means a reservoir in which ultimate recovery is not decreased by high reservoir production rates.

Of archaeological interest means capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

Oil reservoir means a reservoir that contains hydrocarbons predominantly in a liquid (single-phase) state.

Oil reservoir with an associated gas cap means a reservoir that contains hydrocarbons in both a liquid and gaseous (two-phase) state.

Oil-well completion means a well completed in an oil reservoir or in the oil accumulation of an oil reservoir with an associated gas cap.

Operating rights means any interest held in a lease with right to explore for, develop, and produce leased substances. Any assignment or transfer of operating rights may specify the depth of the borehole down to which the operating rights extend.

Operator means the person the lessee(s) designates as having control or management of operations on the leased area or a portion thereof.

Outer Continental Shelf (OCS) means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Person includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

Pipelines are the piping, risers, and appurtenances installed for the purpose of transporting oil, gas, sulphur, and produced waters.

Processed geological information means data collected under a permit or a lease which have been processed. Processing involves changing the form of data to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements. Reprocessing operations may include varying identified parameters for the detailed study of a specific problem area.

Producing in paying quantities means that a well is able to produce oil, gas, or both in a cost-effective manner. This means that the production quantities must yield a greater return than the total costs, including well-completion costs, of producing the hydrocarbons at the wellhead.

Production means those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and work-over operations.

Projected emissions means emissions, either controlled or uncontrolled, from a source or sources.

Regional Director means the MMS officer with responsibility and authority for a Region within MMS.

Regional Supervisor means the MMS officer with responsibility and authority for operations or other designated program functions within an MMS Region.

Right-of-use means any authorization to use OCS lands issued under this part.

Right-of-way pipelines are those pipelines which: (1) Are contained within the boundaries of a single lease or unitized leases but are not owned and operated by a lessee or operator of that lease or unit, (2) are contained within the boundaries of contiguous (not cornering) leases which do not have a common lessee or operator, (3) are contained within the boundaries of contiguous (not cornering) leases which have a common lessee or operator but are not owned and operated by that common lessee or operator, or (4) are contained within a block(s) which is unleased.

Routine operations, for the purposes of subpart F, means any of the following operations conducted on a well with the tree installed:

(1) Cutting paraffin;

(2) Removing and setting pump-through-type tubing plugs, gas-lift valves, and subsurface safety valves which can be removed by wireline operations;

(3) Bailing sand;

(4) Pressure surveys;

(5) Swabbing;

(6) Scale or corrosion treatment;

(7) Caliper and gauge surveys;

(8) Corrosion inhibitor treatment;

(9) Removing or replacing subsurface pumps;

(10) Through-tubing logging (diagnostics);

(11) Wireline fishing;

(12) Setting and retrieving other subsurface flow-control devices; and

(13) Acid treatments.

Sensitive reservoir means a reservoir in which high reservoir production rates will decrease ultimate recovery. Initially, all oil reservoirs with an associated gas cap are classified as sensitive.

Significant archaeological resource means those archaeological resources that meet the criteria of significance for eligibility to the National Register of Historic Places as defined in 36 CFR 60.4.

Suspension means a granted or directed deferral of the requirement to produce (Suspension of Production (SOP)) or to conduct leaseholding operations (Suspension of Operations (SOO)).

Waste of oil, gas, or sulphur means:

(1) The physical waste of oil, gas, or sulphur;

(2) The inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) The locating, spacing, drilling, equipping, operating, or producing of any oil, gas, or sulphur well(s) in a manner which causes or tends to cause a reduction in the quantity of oil, gas, or sulphur ultimately recoverable under prudent and proper operations or which causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; or

(4) The inefficient storage of oil.

Well-completion operations means the work conducted to establish production from a well after the production-casing string has been set, cemented, and pressure-tested.

Well-control fluid means drilling mud, completion fluid, or workover fluid as appropriate to the particular operation being conducted.

Workover operations means the work conducted on wells after the initial well-completion operation for the purpose of maintaining or restoring the productivity of a well.

You means the Lessee, right-of-way holder, or person acting on behalf of a lessee or a right-of-way holder.

Performance Standards

§ 250.3 Under what standards will the Director regulate lease operations?

The Director will regulate all operations under a lease, right-of-use and easement, or right-of-way to:

(a) Promote orderly exploration, development, and production of mineral resources;

(b) Prevent damage to or waste of any natural resource, life, property, or the environment; and

(c) Cooperate and consult with affected States, local governments, other interested parties, and relevant Federal agencies.

§ 250.4 What measures must I take to protect health, safety, property, and the environment?

(a) You must protect health, safety, property, and the environment by:

(1) Performing all operations in a safe and workmanlike manner; and

(2) Maintaining all equipment in a safe condition.

(b) You must immediately take all necessary precautions to control, remove, or otherwise correct any hazardous oil and gas accumulation or other health, safety, or fire hazard.

§ 250.5 What standards must crane operations meet?

To ensure the safety of facility operations, you must meet the requirements of paragraph (a) of this section. If your facility is located in the Pacific OCS Region, you must also meet the requirements of paragraph (b) of this section.

(a) In all cases, you must:

(1) Operate and maintain cranes installed on fixed platforms according to the American Petroleum Institute (API) Recommended Practice (RP) for Operation and Maintenance of Offshore Cranes (API RP 2D), and

(2) Keep records of inspection, testing and maintenance, and crane operator qualifications according to the provisions of API RP 2D at your field office nearest the OCS facility for a period of 2 years.

(b) This paragraph applies if your facility is located in the Pacific OCS region. You may use other power-operated load-handling equipment (such as air hoists or jib cranes) that has lower capacities and is generally used for smaller loads than pedestal-mounted revolving cranes. In this case, you must use such equipment according to specific sections of API RP 2D as follows:

(1) Subsection 3.2 for Handling the Load;

(2) Section 4 for Inspection, Testing and Maintenance (with the exception of 4.2.3, Load Test and 4.5, Crane Rerating); and

(3) Section 5 for Wire Rope and Sling Inspection, Requirement and Maintenance.

§ 250.6 What must a welding, burning, and hot tapping practices and procedures plan contain?

In this section, *welding* and *burning* include arc or fuel-gas *welding* and arc or fuel-gas (acetylene or other gas) cutting. The term *welding* includes welding, burning, and hot tapping activities.

(a) You must submit a Welding, Burning, and Hot Tapping Safe Practices and Procedures Plan to the District Supervisor before you begin drilling or production activities on a lease. You may not begin welding activities until the District Supervisor has approved your plan. A copy of the plan and its approval letter must be available at the facility for the life of the facility (platform or drilling rig).

(b) Your plan must include the following:

(1) Standards or requirements for qualifying personnel who conduct welding activities;

(2) Methods to ensure that only qualified personnel will conduct welding activities;

(3) Practices and procedures for safe welding. Practices and procedures must address:

(i) Welding in designated safe areas;

(ii) Welding in undesignated areas, including well bays;

(iii) Fire watches; and

(iv) Maintenance of welding equipment.

(4) Drawings showing any designated safe-welding areas; and

(5) Methods, practices and procedures to preclude spark producing activities (i.e., grinding, abrasive blasting/cutting and arc-welding) from becoming a source of ignition in hazardous locations.

(c) A welding supervisor or a designated person in charge must be thoroughly familiar with your welding plan. This person must ensure that each welder is properly qualified according to the welding plan. This person also must inspect all welding equipment before welding.

(d) Your welding equipment must meet the following requirements:

(1) All engine-driven welding equipment must be equipped with spark arrestors and drip pans;

(2) Welding leads must be completely insulated and in good condition;

(3) Hoses must be leak free and equipped with proper fittings, gauges, and regulators; and

(4) Oxygen and fuel gas bottles must be secured in a safe place.

(e) Before you weld, you must move any equipment containing hydrocarbons or other flammable substances at least 35 feet horizontally from the work site. You must move similar equipment located on lower decks at least 35 feet from the point of impact where slag, sparks, or other burning materials could fall. If moving this equipment is impractical, you must protect that equipment with flame-proofed covers, shield it with metal or fire-resistant guards or curtains, or render the flammable substances inert.

(f) While you weld, you must monitor all water-discharge-point sources from hydrocarbon-handling vessels. If a discharge of flammable fluids occurs, you must stop welding.

(g) If you cannot weld in an approved safe-welding area, you must meet the following requirements:

(1) You may not begin welding until the designated person-in-charge has authorized in writing that it is safe to proceed with the welding activity. Before beginning welding, the designated person-in-charge and the welder(s) must inspect the work area and areas below the work area for potential fire and explosion hazards.

(2) During welding, the person-in-charge must designate one or more persons as a fire watch. These persons must have no other duties while actual welding is in progress. The fire watch must have usable firefighting equipment. The fire watch must remain on duty for 30 minutes after welding activities end. If welding occurs in an area not equipped with a gas detector, the fire watch also must maintain a continuous surveillance during the welding and burning operation, with a portable gas detector.

(3) You may not weld piping, containers, tanks, or other vessels that have contained a flammable substance unless you have rendered the contents inert and the designated person-in-charge has determined it is safe to weld. This does not apply to approved hot taps.

(4) You may not weld in, or within 10 feet of, a well-bay or production area unless you have shut in all producing wells in that area.

(5) You may not weld while you drill, complete, workover, or conduct

wireline operations unless the fluids in the well are noncombustible and you have precluded the entry of formation hydrocarbons into the wellbore. This does not apply to welding in an approved safe-welding area.

§ 250.7 What requirements apply to electrical equipment?

The requirements in this section apply to all electrical equipment on all platforms, artificial islands, fixed structures, and their facilities.

(a) You must classify all areas in accordance with API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities.

(b) You must use trained and experienced personnel to maintain your electrical systems. They must have expertise in area classification, distribution system, performance characteristics and operation of electrical equipment, and associated hazards.

(c) You must install all electrical systems in accordance with API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Offshore Production Platforms. You do not have to comply with Sections 7.4, Emergency Lighting, and 9.4, Aids to Navigation Equipment.

(d) You must use a low-tension ignition system on each engine that has electric ignition. You must design and maintain the ignition system to minimize the release of electrical energy.

§ 250.8 When must I use best available and safest technologies (BAST)?

(a) You must use BAST on all new exploration, development, and production operations.

(b) You must use BAST on existing operations to avoid failure of equipment that would have a significant effect on safety, health, or the environment if the Director determines that:

(1) Using BAST is economically feasible; and

(2) The benefits of using BAST outweigh the costs.

(c) If you comply with the requirements of this part, MMS will consider you to be using BAST.

(d) MMS will analyze specific equipment and procedures or systems not covered by standards, codes, or practices to determine if their failure would have a significant effect on safety, health, or the environment. If MMS identifies significant effects on safety, health, and the environment, the Regional Supervisor may direct you to submit on a case-by-case basis the following analysis:

(1) Information necessary to indicate the use of BAST;

(2) Alternatives you are considering to the specific equipment or procedures;

(3) The rationale as to why you chose one safe alternative technology instead of another; and

(4) A discussion of the costs involved in the use of alternate technologies and the incremental benefits to be gained.

§ 250.9 How do I determine well producibility?

To determine whether a well is capable of producing in paying quantities, submit a written request to the District Supervisor. You must then meet the criteria in paragraphs (a) and (b) of this section. Once a lease has a well that MMS determines is capable of producing in paying quantities, no further determination of well producibility will be made on the lease. A determination of well producibility invokes minimum royalty status on the lease as provided in 30 CFR 202.53. If your well is located in the Gulf of Mexico (GOM), you must also meet the requirements of paragraph (c) of this section.

(a) You must give the District Supervisor a reasonable opportunity to witness each test that you conduct under paragraph (b) of this section. In lieu of witnessing a test, MMS will accept test data with your affidavit, or third-party test data, but you must receive the District Supervisor's approval for this arrangement *before* the test.

(b) You must conduct:

(1) A production test for oil wells that lasts at least 2 hours after flow stabilizes; and

(2) Either:

(i) A deliverability test for gas wells that lasts at least 2 hours after flow stabilizes, or

(ii) A four-point back pressure test.

(c) As evidence that a well in the GOM is capable of producing oil or gas in paying quantities, the GOM OCS Region will also consider the collective results of the following log, core analyses, and test criteria:

(1) Resistivity or induction electric log of the well showing a minimum of 15 feet of producible sand in one section. The producible section must not include any interval which appears to be water saturated. All of the sections you count as producible must exhibit:

(i) Electrical spontaneous potential exceeding 20-negative millivolts beyond the shale base line; or

(ii) Gamma ray log deflection of at least 70 percent of the maximum gamma ray deflection in the nearest clean water-bearing sand—if mud conditions prevent a 20-negative millivolt reading beyond the shale base line; and

(iii) A minimum true resistivity ratio of the producible section to the nearest clean water-bearing sand of at least 5:1.

(2) A log indicating sufficient porosity in the producible section.

(3) Sidewall cores and core analyses which indicate that the section is capable of producing oil or gas or evidence that an attempt was made to obtain such cores.

(4) A wireline formation test and/or mud-logging analysis which indicates that the section is capable of producing oil or gas.

§ 250.10 Under what conditions will MMS approve reinjection and subsurface gas storage?

(a) The Regional Supervisor may authorize you to reinject gas on the OCS to promote conservation of natural resources and to prevent waste. To receive MMS approval for reinjection, you must:

(1) Show that the reinjection will not result in undue interference with operations under existing leases; and

(2) Submit a written application to the Regional Supervisor for reinjection of gas.

(b) The Regional Supervisor will approve gas reinjection applications that:

(1) Enhance recovery projects;

(2) Prevent flaring of casinghead gas; or

(3) Implement other conservation measures approved by the Regional Supervisor.

(c) The Regional Supervisor may authorize subsurface storage of gas on the OCS for later commercial benefit. To receive MMS approval you must:

(1) Show that the subsurface storage of gas will not result in undue interference with operations under existing leases; and

(2) Sign a storage agreement which includes the required payment amount of a storage fee or rental.

(d) MMS may approve reinjection or storage of gas for locations on- or off-lease.

(1) If you produce gas from an OCS lease and store it in a reservoir on the lease or unit, you are not required to pay royalty until you remove or sell the gas from the storage reservoir.

(2) If you produce gas from an OCS lease and treat it at an off-lease or off-unit location, you must pay royalties when the gas is first produced.

(3) A reservoir on- or off-lease may contain both reinjected or stored gas and gas original to the reservoir. In this case, when you produce gas from the reservoir you must use an MMS-

approved formula to determine the amounts of injected or stored gas and gas original to the reservoir.

(e) Using a lease area for subsurface storage of gas, does not affect the continuance or expiration of the lease.

(f) You may not store gas on unleased lands unless the Regional Supervisor has approved a right-of-use and easement for that purpose, under § 250.18.

(g) To receive the Regional Supervisor's approval of your request to reinject gas into the cap rock of a salt dome containing a sulphur deposit, you must show that the injection:

(1) Is necessary to recover oil and gas contained in the cap rock; and

(2) Will not significantly increase potential hazards to present or future sulphur mining operations.

Inspection of Operations

§ 250.11 How often does MMS conduct inspections?

(a) To ensure that you are conducting operations in accordance with the Act, the regulations in this part, the lease or right-of-way, and other applicable laws and regulations, MMS will inspect your OCS facilities, including those facilities under jurisdiction of other Federal agencies that MMS inspects by agreement.

(1) MMS conducts a scheduled onsite inspection of each offshore facility that is subject to environmental or safety regulations under the Act at least once a year. The inspection determines whether environmental protection and safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents has been installed and is operating properly.

(2) MMS may also conduct periodic onsite inspection of any of your facilities without advance notice.

(b) When MMS conducts an inspection, you must provide:

(1) Access to all platforms, artificial islands, and other installations located on your leases or associated with your lease, right of easement, or right of way; and

(2) The use of helicopter landing sites and refueling facilities for helicopters used by MMS for regulating offshore operations.

(c) You must make available at all reasonable times for MMS inspection:

(1) The area covered under a lease, easement, right-of-way, or permit;

(2) All improvements, structures, and fixtures on these areas; and

(3) All records of design, construction, operation, maintenance, repairs, or investigations on or related to the area.

(d) Upon request, MMS will reimburse you for food, quarters, and transportation that you provide for MMS representatives while they inspect lease facilities and operations. You must send MMS your reimbursement request within 90 days of the inspection.

Disqualification and Appeals

§ 250.12 Under what conditions will MMS disqualify an operator or lessee?

MMS may disqualify an operator or lessee from acquiring any new leaseholdings or lease assignments, or disapprove or revoke your designation as operator, if your operating performance is unacceptable. In making this determination, MMS will consider, individually or collectively:

(a) Accidents and their nature;

(b) Pollution events, environmental damages and their nature;

(c) Incidents of non-compliance;

(d) Civil penalties;

(e) Failure to adhere to OCS lease obligations; or

(f) Any other relevant factors.

§ 250.13 How can I appeal a decision made under MMS regulations?

You may appeal orders or decisions issued under MMS regulations in subchapter B (parts 250 to 282) in accordance with part 290 of this title. When you appeal to the Director, you must continue to follow all requirements for compliance with the order or decision you appealed, unless the Secretary of the Interior (Secretary) or the Secretary's designee grants a stay of the request.

Special Types of Approvals

§ 250.14 Under what conditions will MMS give me an oral approval or an approval for alternate procedures and/or a departure?

(a) *Oral approvals.* When you apply for MMS approval of any activity, MMS normally gives you a written approval. However, you may receive oral approval from MMS under certain circumstances:

(1) MMS may give you oral approval to an oral request. You must confirm the oral request by submitting a written request to MMS within 72 hours of the oral approval. Oral approvals for gas flaring do not require a written follow-up request.

(2) MMS may give you oral approval to a written application when quick action is necessary. MMS will follow up its oral approval to your written application by forwarding a written approval to you and will include any conditions placed on the oral approval.

(3) Requests to, and approvals from, MMS for gas flaring are always oral. You are not required to submit a written request to follow-up your oral request. However, when you stop the approved flaring, you must promptly submit a written letter summarizing the location, dates and hours, and volumes of liquid hydrocarbons produced and gas flared associated with the approved flaring in accordance with 30 CFR part 250, subpart K.

(b) *Approval for alternate procedures.* You may use alternate procedures or equipment as follows:

(1) You may use new or alternate procedures or equipment, not covered in this part, if they provide a level of protection to the environment and ensure a measure of safety that is equal to or surpasses the current MMS requirements.

(2) Before using the new or alternate technique or equipment, you must have written approval from the District or Regional Supervisor, as appropriate.

(3) To receive MMS approval, you must either submit information or give an oral presentation to the District or Regional Supervisor, as appropriate, describing the site-specific application(s), performance characteristics, and safety features of the proposed procedure. The District or Regional Supervisor will respond to each proposal in writing.

(c) *Approval for departures.* If certain aspects of your proposed procedure or equipment deviate from or are not covered by MMS regulations, MMS may prescribe or approve exceptions from the operating requirements of this part.

§ 250.15 How do I designate an operator and local agent?

(a) You must provide the Regional Supervisor an executed Designation of Operator form unless you are the only lessee and are the only person conducting lease operations. When there is more than one lessee then the Regional Supervisor must receive and approve the Designation of Operator form from each lessee before the designated operator may commence operations on the leasehold.

(1) This designation is authority for the designated operator to act on your behalf and to fulfill your obligations under the Act, the lease, and the regulations in this part.

(2) When you are no longer the designated operator, you must immediately provide in writing the termination of your Designation of Operator to the Regional Supervisor. If you are also a designated royalty payor and will not continue to be in the future, you must also notify the Royalty Management Program of the termination of your Designation of Operator.

(3) When a Designation of Operator terminates, the Regional Supervisor must approve a new designated operator

under this paragraph before operator may continue.

(4) If your Designation of Operator is terminated, or a controversy develops between you and your designated operator, you and your designated operator must protect the lessor's interests.

(5) You, or your designated operator, must immediately provide the Regional Supervisor a written notification of any change of address.

(b) When you are not the sole lessee, you and your co-lessee(s) are jointly and severally responsible for fulfilling your obligations under the provisions of this subchapter, unless otherwise provided in the regulations in this subchapter. Should your designated operator fail to fulfill any of your obligations under this subchapter, the Regional Supervisor may require you or any or all of your co-lessee(s) to fulfill those obligations or other operational obligations under the Act, the lease, or the regulations in this subchapter.

(c) You or your designated operator may designate for the Regional Supervisor's approval, or the Regional Director may require you to designate, a local agent empowered to: receive notices, submit requests, applications, notices, or supplemental information; or fulfill your obligations under the Act, the lease, or the regulations in this part.

(d) Whenever the regulations in 30 CFR parts 250 to 282 require the lessee to meet a requirement or perform an action, the lessee, operator (if one has been designated), and the person actually performing the activity to which the requirement applies are jointly and severally responsible for compliance with the regulation.

Naming and Identifying Platforms and Wells

§ 250.16 How do I name platforms and wells?

(a) *In the Gulf of Mexico Region:* (1) Assign each platform a letter designation. For example, A, B, CA, or CB.

(i) After a platform is installed, rename each well that was drilled through a template and was assigned a number. Use a letter and number designation. For example, rename Well No. 1: A–1, B–1, or C–1; and

(ii) When you have more than one platform in a field (excluding complexes), include the designations for the field and use a different letter designation for each platform. For example, EC 221–A, EC 222–B, EC 223–C.

(2) In naming multiple well caissons, you must assign a letter designation.

(3) In naming single well caissons, you must use certain criteria as follows:

(i) For single well caissons that are not attached to a platform with a walkway, use the well designation. For example, Well No. 1;

(ii) For single well caissons that are attached to a platform with a walkway, use the same designation as the platform. For example, rename Well No.10 as A–10; and

(iii) For single well caissons with production equipment, use a letter designation. For example, Well No. 1 as A–1.

(b) *In the Pacific Region*, platforms are assigned a name designation.

(c) *In the Alaska Region*, platforms will be named and identified in accordance with the Regional Director's directions.

§ 250.17 What identification signs must I display?

(a) You must identify all platforms, structures, artificial islands, and mobile drilling units with a sign.

(1) You must display an identification sign that can be viewed from the waterline on at least one side of the platform. The sign must use at least 3-inch letters and figures.

(2) When helicopter landing facilities are present, you must display an additional identification sign that is visible from the air. The sign must use at least 12-inch letters and figures, and must also display the weight capacity of the helipad. If this sign is visible to both helicopter and boat traffic, then the sign in paragraph (a)(1) of this section is not required.

(3) Your identification sign must:

(i) List the name of the lessee or designated operator;

(ii) In the GOM OCS Region, list the area designation or abbreviation and the block number of the platform location as depicted on OCS Official Protraction Diagrams or leasing maps;

(iii) In the Pacific OCS Region, list the lease number on which the facility is located; and

(iv) List the name of the platform, structure, artificial island, or mobile drilling unit.

(b) You must identify singly completed wells and multiple completions as follows:

(1) For each singly completed well, list the lease number and well number on the wellhead or on a sign affixed to the wellhead;

(2) For wells with multiple completions, identify each completion individually at the wellhead; and

(3) For subsea wellheads, affix the required sign on the flowline that connects to the pipeline that connects to the subsea well at a convenient location on the receiving platform.

(c) Each identifying sign must be visible to approaching traffic and maintained in a legible condition.

Right-of-Use and Easement

§ 250.18 When will MMS grant a right-of-use and easement?

(a) *Granting a right-of-use and easement.* In addition to the rights and privileges granted to you under a lease issued or maintained under the Act, MMS may grant you a right-of-use and easement on the OCS if you meet these requirements:

(1) You must need the right-of-use and easement to construct and maintain off the lease platforms, artificial islands, and installations and other devices that are:

(i) Permanently or temporarily attached to the seabed; and

(ii) Used for conducting exploration, development, and production activities or other operations on your lease;

(2) You must exercise the right-of-use and easement in accordance with the provisions of this part;

(3) If you apply for a right-of-use and easement on a leased area, you must notify the lessee and give her/him an opportunity to comment on your application; and

(4) You must receive MMS approval for all platforms, artificial islands, and installations and other devices permanently or temporarily attached to the seabed.

(b) *Continuation of the right beyond lease termination.*

If your right-of-use and easement is on a lease, you may continue to exercise the right-of-use after the lease on which it is situated terminates. You must only use the right-of-use and easement for the purpose that the grant specifies. All future lessees of that portion of the OCS on which your right-of-use and easement is situated must continue to provide you the right-of-use and easement for the purpose that the grant specifies.

(c) *Granting a right-of-use and easement to adjacent State lessee.* MMS may grant a lessee of a State lease located adjacent to the OCS a right-of-use and easement on the OCS. MMS will require you to pay an application fee (see (c)(4)(i)) to reimburse us for our costs of processing your application. The Independent Offices Appropriations Act (31 U.S.C. 9701), Office of Management and Budget (OMB) Circular A–25, and the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996) require us to collect these fees. MMS will

specify the fee and rental payment amounts (under paragraph (c)(3)) of this section in notices to State lessees.

(1) MMS will only grant a right-of-use and easement under this paragraph to enable a State lessee to conduct and maintain a device that is permanently or temporarily attached to the seabed (i.e., a platform, artificial island, or installation). The lessee must use the device to explore for, develop, and produce oil and gas from the adjacent State lease and for other operations that are related to these activities.

(2) A right-of-use and easement granted under this section is subject to the regulations of this part and any terms and conditions that the Regional Director prescribes.

(3) For the whole or fraction of the first calendar year, and annually after that, you must pay to MMS, in advance, an annual rental payment in an amount MMS will establish in accordance with the statutes and OMB Circular A–25, referenced in paragraph (c) of this section.

(4) When you apply for a right-of-use and easement, you must pay:

(i) A non-refundable filing fee; and

(ii) The first year's rental according to paragraph (c)(3) of this section.

(5) With your application, you must describe the proposed use giving:

(i) Details of the proposed uses and activities including access needs and special rights-of-use that you may need;

(ii) A description of all facilities for which you are seeking authorization;

(iii) A map or plat describing primary and alternate project locations; and

(iv) A schedule for constructing any new facilities, drilling or completing any wells, anticipated production rates, and productive life of existing production facilities.

(6) Before MMS issues you a right-of-use and easement on the OCS, you must furnish the Regional Director a surety bond in the amount of $500,000. The Regional Director may require additional security from you (i.e., security over and above the prescribed $500,000) to cover additional costs and liabilities for regulatory compliance. This additional surety:

(i) Must be in the form of a supplemental bond or bonds meeting the requirements of § 256.54 or an increase in the amount of coverage of an existing surety bond; and

(ii) Covers additional costs and liabilities for regulatory compliance, including well abandonment, platform and structure removal, and site clearance from the seafloor of the right-of-use and easement.

Suspensions

§ 250.19 Under what conditions can operations or production be suspended?

(a) You may request approval of a suspension, or the Regional Supervisor may direct a suspension (Directed Suspension), for all or any part of a lease. Depending on the nature of the suspended activity, suspensions are labeled either Suspensions of Operations (SOO) or Suspensions of Production (SOP).

(b) A suspension may extend the term of a lease (see 30 CFR 250.23). The extension is equal to the length of time the suspension is in effect, except as provided in paragraph (c).

(c) A Directed Suspension does not extend the term of a lease when the Regional Supervisor direct a suspension because of:

(1) Gross negligence; or

(2) A willful violation of a provision of the lease or governing statutes and regulations.

(d) MMS may issue suspensions for a period of up to 5 years. The Regional Supervisor will set the length of the suspension based on the conditions of the individual case involved. MMS may grant consecutive suspensions.

(e) SOO's end automatically when the suspended operation commences.

(f) SOP's end automatically when production begins.

(g) A Directed Suspension normally terminates as specified in the letter directing the suspension.

(h) MMS may terminate any suspension when the Regional Supervisor determines the circumstances that justified the suspension no longer exist or that other lease conditions warrant termination. The Regional Supervisor will notify you of the reasons for termination and the effective date.

(i) You must submit your request for a suspension to the Regional Supervisor before the 180th day after you stop operations (see 30 CFR 250.23). MMS must receive the request before the lease term ends. The request must include:

(1) The justification for the suspension including the length of suspended period requested; and

(2) A schedule of work leading to the commencement or restoration of the suspended activity.

(j) The Regional Supervisor may grant or direct a suspension under any of the following circumstances:

(1) When necessary to comply with judicial or Congressional decrees prohibiting any activity or the permitting of those activities. The effective date of the suspension will be the effective date required by the action of the court or Congress;

(2) When activities pose a threat of serious, irreparable, or immediate harm. This would include damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment. MMS may require you to do a site-specific study (see § 250.19 (o)(1));

(3) When necessary for the installation of safety or environmental protection equipment;

(4) When necessary to carry out the requirements of the National Environmental Policy Act or to conduct an environmental analysis; or

(5) When necessary to allow for inordinate delays encountered in obtaining required permits or consents, including administrative or judicial challenges or appeals.

(k) The Regional Supervisor may direct a suspension when:

(1) You failed to comply with an applicable law, regulation, order, or provision of a lease or permit; or

(2) The suspension is in the interest of national security or defense.

(l) The Regional Supervisor may grant or direct an SOP when: the suspension is in the national interest; you have exercised diligence in pursuing production; the lease was drilled and a well was determined to be producible in accordance with 30 CFR 250.9 or 250.253; and it is necessary because the suspension will meet one of the following criteria:

(1) It will facilitate the proper development of a lease, including allowing you reasonable time to construct and install production facilities;

(2) It will allow you time to obtain adequate transportation facilities;

(3) It will allow you a reasonable amount of time to enter a sales contract for oil, gas, or sulphur. You must show that you are making a good faith effort to enter into the contract(s);

(4) It will avoid premature abandonment of a producing well(s);

(5) It will allow you to develop marginal reserves that would otherwise not be developed. You must provide a schedule of work commitments, with specific measurable milestones, which would lead to development; or

(6) It will allow you reasonable time to acquire, properly process/reprocess, and evaluate geophysical data or information. You must demonstrate a commitment to developing the lease, and the evaluation program must be designed to efficiently select a location for additional development wells, assist in siting development facilities, or locate an additional well needed to properly size production facilities.

(m) The Regional Supervisor may grant an SOO when necessary to allow you reasonable time to commence drilling or other operations when your good-faith efforts are prevented by reasons beyond your control, such as unexpected weather, unavoidable accidents, or drilling rig delays.

(n) A directed suspension may affect the payment of rental or royalties for the lease as provided in § 218.154.

(o) If MMS grants or directs a suspension under paragraph (j)(2) of this section, the Regional Supervisor may require you to:

(1) Conduct a site-specific study(s);

(2) Submit a revised EP (including any required mitigating measures);

(3) Submit a revised DPP (including any required mitigating measures); or

(4) Submit a revised Development Operations Coordination Document according to § 250.34.

(p) The Regional Supervisor must approve or prescribe the scope for any site-specific study that you perform under § 250.19 (o)(1).

(1) The study must evaluate the cause of the hazard, the potential damage, and the available mitigation measures.

(2) You must pay for the study unless you request, and the Regional Supervisor agrees to arrange, payment by another party.

(3) You must furnish copies and results of the study to the Regional Supervisor.

(4) MMS will make the results available to other interested parties and to the public.

(5) The Regional Supervisor will use the results of the study and any other information that becomes available:

(i) To decide if the suspension can be lifted.

(ii) To determine any actions that you must take to mitigate or avoid any damage to the environment, life, or property.

Reporting Requirements

§ 250.20 What accident reports and evacuation statistics must I submit?

(a) *Accident reports.* You must report accidents in accordance with the accident reporting table in this section. Copies of written company reports may be submitted to fulfill these requirements.

TABLE—ACCIDENT REPORTING

Type of accident	Reporting requirement
Major accidents, including fires, are those which cause (1) any death or serious injury resulting in substantial impairment of any bodily unit or function, or (2) property or equipment damage costing more than $25,000..	1. In the case of death or fire, orally notify the District Supervisor immediately. Otherwise, orally notify the District Supervisor within 24 hours. 2. Follow up with a preliminary written report within 10 days. 3. Submit a final written report in 45 days. 4. In all written reports, differentiate, to the extent practicable, between factual and conjectural or interpretive information.
Reportable accidents include (1) all other fires, (2) injuries requiring more than first aid treatment and which prevent the performance of normal work duties, or (3) property or equipment damage costing less than $25,000 and which impairs safety systems.	1. Notify the District Supervisor within 72 hours. 2. Follow up with a written report within 10 days. To the extent practicable, differentiate between factual and conjectural or interpretive information.
All explosions and blowouts connected with any activities or operations on a lease.	1. Orally notify the District Supervisor immediately. 2. Follow up with a written report within 10 days. To the extent practicable, differentiate between factual and conjectural or interpretive information.
Oil spills	Report all spills of oil in accordance with 30 CFR part 254.

(1) If you hold an easement, right-of-way, or other permit, you must comply with paragraph (a) of this section by notifying and reporting to the Regional Supervisor any accidents occurring on the area covered by the easement, right-of-way, or other permit.

(2) Investigations that MMS conducts under the authority of sections 22(d) (1) and (2) of the Act 43 U.S.C. 1348 d(1) and (2), are fact-finding proceedings with no adverse parties. The purpose of the investigation is to prepare a public report that determines the cause or causes of the accident. The investigations may involve panel meetings conducted by a chairperson appointed by MMS. The following requirements must be met for any panel meetings involving persons giving testimony:

(i) A person giving testimony may have legal and/or other representative(s) present to provide advice or counsel while the person is giving testimony. The chairperson may require a verbatim transcript to be made of all oral testimony. The chairperson also may accept a sworn written statement in lieu of oral testimony.

(ii) Only panel members, panel legal advisors, and panel experts may address questions to any person giving testimony.

(iii) The chairperson may issue subpoenas to persons to appear and provide testimony at a panel meeting. A subpoena may not require a person to attend a panel meeting held at a location more than 100 miles from where a subpoena is served.

(iv) Any person giving testimony is entitled to request compensation for mileage and fees for service within 90 days after the panel meeting. The compensated expenses must be similar to mileage and fees for service that are permitted to be compensated by U. S. District Courts.

(b) *Evacuation statistics for natural occurrences.* You must submit evacuation statistics to the Regional Supervisor for a natural occurrence such as an earthquake or hurricane. MMS will notify local and national authorities and the public, as appropriate. You must:

(1) Submit the statistics by telefax or E-mail as soon as possible when evacuation occurs;

(2) Submit statistics on a daily basis no later than 11 a.m. during the period of shut-in and evacuation;

(3) Inform MMS when you resume production; and

(4) Submit statistics either by MMS district or the total figures for your operations in the Region.

§ 250.21 Reports and investigations of apparent violations.

Any person may report to MMS an apparent violation or failure to comply with any provision of the Act, any provision of a lease, license, or permit issued under the Act, or any provision of any regulation or order issued under the Act. When MMS receives a report of an apparent violation, or when an MMS employee detects an apparent violation, MMS will investigate in accordance with its procedures.

§ 250.22 What archaeological reports and surveys must I submit?

(a) If it is likely that an archaeological resource exists in the lease area, the Regional Director will notify you in writing. You must include an archaeological report in the EP or DPP.

(1) If the archaeological report suggests that an archaeological resource may be present, you must either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the Regional Director that an archaeological resource does not exist or will not be adversely affected by operations. This requires further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques the Regional Director considers appropriate. You must submit the investigation report to the Regional Director for review.

(2) If the Regional Director determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the Regional Director will notify you immediately. You must not take any action that may adversely affect the archaeological resource until the Regional Director has told you how to protect the resource.

(b) If you discover any archaeological resource while conducting operations in the lease area, you must immediately halt operations within the area of the discovery and report the discovery to the Regional Director. If investigations determine that the resource is significant, the Regional Director will tell you how to protect it.

Lease Term Extensions

§ 250.23 What effect do production, drilling, or well-reworking have on the lease term?

(a) Your lease expires at the end of its primary term unless you are producing in paying quantities or conducting drilling or well-reworking operations on your lease (see 30 CFR part 256). The objective of the drilling or well-reworking operations must be to establish continuous production on the lease. For purposes of this section, the term *operations* means *continuous* production, drilling, or well-reworking.

(b)(1) If you stop conducting operations during the last 180 days of your primary lease term, your lease will expire at the end of the primary lease term unless by the 180th day after you stop operations you either resume operations, or MMS receives your request for an SOO or an SOP that the Regional Supervisor later grants under § 250.19. If the Regional Supervisor denies your request for an SOO or an SOP and you do not resume operations within 180 days after you stop operations, your lease expires at the end of the primary lease term.

(2) If you extend your lease term under paragraph (b)(1), you must pay rental for each year or part of the year during which your lease continues in force beyond the end of the primary lease term.

(c) If you stop conducting operations on a lease that has continued beyond its primary term, then your lease will expire unless you resume operations or receive an SOO or an SOP from the Regional Supervisor under § 250.19 before the end of the 180th day after you stop operations

(d) You may ask the Regional Supervisor to allow you more than 180 days to resume operations on a lease continued beyond its primary term when operating conditions warrant. The request must be in writing and explain the operating conditions that warrant a longer period. In allowing additional time, the Regional Supervisor must determine that the longer period is in the national interest and that it conserves resources, prevents waste, or protects correlative rights.

(e) You must immediately notify MMS either orally or by fax or E-mail when you begin operations and follow up with a written report under paragraph (f) of this section.

(f) You must submit a report to the District Supervisor when lease production is initiated, lease production ceases, when production resumes before the end of the 180-day period after production ceased, and when any operations occur during the referenced 180-day interval.

(1) The report must contain:

(i) The lease number;

(ii) The well number(s) involved; and

(iii) The pertinent dates and a description of the operation.

(2) You must submit the report within 30 days after production either commences, resumes, or ceases, as appropriate, or 30 days after the leaseholding operation is completed.

(g) You must immediately report to the District Supervisor if production does not resume before the end of the 180-day period.

§ 250.24 Under what circumstances may MMS cancel my lease with or without compensation?

If the Secretary cancels your lease under this part or under part 256, you are entitled to compensation under paragraph (d) of this section. Paragraph (e) of this section gives conditions under which you will receive *no* compensation.

(a) *Conditions for canceling a lease with compensation.* The Secretary may cancel a lease after notice and opportunity for a hearing when:

(1) Continued activity on the lease, would probably cause harm or damage to life (including fish and other aquatic life), property, other mineral deposits (in areas leased or not leased), or the marine, coastal, or human environment;

(2) The threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time;

(3) The advantages of cancellation outweigh the advantages of continuing the lease in force; and

(4) A suspension has been in effect for at least 5 years, or you request termination of the suspension and lease cancellation.

(b) *Canceling a lease at the exploration stage.* MMS may not approve an EP under subpart B of this part if the Regional Supervisor determines that the proposed activities may cause serious harm or damage to life (including fish and other aquatic life), property, any mineral deposits, the national security or defense, or to the marine, coastal, or human environment. When you cannot modify the EP to avoid such conditions and the EP is subsequently disapproved under the regulations in subpart B of this part, the Secretary may cancel the lease if:

(1) The primary lease term has not expired and exploration has been prohibited for 5 years following the disapproval; or

(2) You request cancellation at an earlier time.

(c) *Extending or canceling a lease at development and production stage.* (1) MMS may extend your lease if you submit a DPP and the Regional Supervisor disapproves the plan in accordance with the regulations in subpart B of this part. Following the disapproval:

(i) MMS will allow you to hold the lease for 5 years maximum;

(ii) At any time within 5 years after the disapproval, you may reapply for approval of the same or a modified plan; and

(iii) The Regional Supervisor will approve, disapprove, or require modification of the plan under § 250.34(l).

(2) If the Regional Supervisor has not approved a DPP or required you to submit a DPP for approval or modification, the Secretary will cancel the lease:

(i) When the 5-year period described in paragraph (c)(1) of this section expires; or

(ii) If you request cancellation at an earlier time.

(d) *Amount of compensation for lease cancellation.* When the Secretary cancels a lease under paragraphs (a), (b), or (c) of this section, you are entitled to receive compensation under 43 U.S.C. 1334 (a)(2)(c). You must show the Director that the amount of compensation claimed is the lesser of paragraph (d)(1) or (d)(2) of this section:

(1) The fair value of the cancelled rights as of the date of cancellation, taking into account both:

(i) Anticipated revenues from the lease; and

(ii) Costs reasonably anticipated on the lease, including:

(A) Costs of compliance with all applicable regulations and operating orders; and

(B) Liability for cleanup costs or damages, or both, in the case of an oil spill.

(2) The excess, if any, over your revenues from the lease (plus interest thereon from the date of receipt to date of reimbursement) of:

(i) All consideration paid for the lease; and

(ii) All your direct expenditures:

(A) After the issue date of the lease; and

(B) For exploration or development, or both, under the lease plus interest on the consideration under paragraph (d)(2)(i) of this section and expenditures under paragraph (d)(2)(ii) from date of payment to date of reimbursement.

(3) Compensation for leases issued before September 18, 1978 will be equal to the amount specified in paragraph (d)(1).

(e) *Canceling a lease without compensation.* You will not receive compensation from MMS for lease cancellation if:

(1) MMS disapproves a DPP because you do not receive concurrence by the State under section 307(c)(3)(B)(i) or (ii) of the CZMA, and the Secretary of Commerce does not make the finding authorized by section 307(c)(3)(B)(iii) of the CZMA;

(2) You do not submit a DPP in accordance with § 250.34 or do not comply with the approved DPP;

(3) As the lessee of a nonproducing lease, you fail to comply with the Act, the lease, or the regulations issued under the Act, and the default continues for a period of 30 days after MMS mails you a notice by overnight mail;

(4) The Regional Supervisor disapproves a DPP because you fail to demonstrate compliance with the requirements of applicable Federal law; or

(5) The Secretary forfeits or cancels a producing lease under section (d) of the Act, 43 U.S.C. 1334(d).

Information: Submission, Reimbursement For, And Availability to Public

§ 250.25 What reporting information and report forms must I submit?

(a) You must submit required information as MMS prescribes.

(1) You may obtain copies of forms from, and submit completed forms to, the Regional or District Supervisor.

(2) Instead of paper copies of forms available from the Regional or District Supervisor, you may use your own computer generated forms which are equal in size to MMS's forms. The data on your form must be arranged in a format identical to the MMS form.

(3) You may submit digital data when the Region/District is equipped to accept it.

(b) You must include, for public information, one copy of any reports submitted on forms as MMS prescribes.

(1) You must mark it *Public Information.*

(2) You must include all required information except information exempt from public disclosure under § 250.27 or otherwise exempt from public disclosure under law or regulation.

§ 250.26 When will MMS reimburse me for reproduction costs?

(a) MMS will reimburse you for reasonable costs of reproduction when you submit geological data, geophysical data, analyzed geological information, processed geological and geophysical information, reprocessed geological and geophysical information, and interpreted geological and geophysical information for the Regional Director to review or select (and whether or not retained) in accordance with this part if:

(1) MMS receives your request for reimbursement within 90 days from the date of delivery and the Regional Supervisor determines that the requested reimbursement is proper; and

(2) The cost is at your lowest rate or at the lowest commercial rate established in the area, whichever is less.

(b) MMS will reimburse you for the reasonable processing costs of geological or geophysical information if:

(1) You processed—at the request of the Regional Supervisor—the geological or geophysical information, in a form or manner other than normally used in conducting business; or

(2) You collected the information under a permit that MMS issued you before October 1, 1985, and the Regional Supervisor requests the information.

(c) When you request reimbursement, you must identify reproduction and processing costs separately from acquisition costs.

(d) MMS will not reimburse you for data acquisition costs or for the costs of analyzing or processing geological information or interpreting geological or geophysical information.

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

MMS will protect data and information you submit under this part, except as described in this section. The tables in paragraphs (a) and (b) of this section describe what data and information will be made available to the public without the consent of the lessee and under what circumstances and in what time period.

(a) MMS will disclose information collected on MMS forms in accordance with the following table:

Data that you submit on form	In the following items	Will be released	And
MMS–123, Application for Permit to Drill.	All entries except items 17, 24, and 25.	At any time	The data and information in items 17, 24, and 25 will be released according to paragraph (b) of this section or when the well goes on production, whichever is earlier.

Data that you submit on form	In the following items	Will be released	And
MMS–124, Sundry Notices and Reports on Wells.	All entries except item 36	At any time	The data and information in item 36 will be released according to paragraph (b) of this section or when the well goes on production, whichever is earlier.
MMS–125, Well Summary Report	All entries except items 17, 24, 34, 37, and 46 through 87.	At any time	The data and information in the excepted items will be released according to paragraph (b) of this section or when the well goes on production, whichever is earlier. However, items 78 and 85 will not be released when the well goes on production unless the period of time in paragraph (b) of this section has expired.
MMS–126, Well Potential Test Report and Request for Maximum Production Rate (MPR).	All entries except item 101.	When the well goes on production.	The data and information in item 101 will be released 2 years after you submit it.
MMS–127, Request for Reservoir Maximum Efficient Rate (MER).	All entries except items 124 through 168.	At any time	The data and information in items 124 through 168 will be released according to the time periods in paragraph (b) of this section.
MMS–128, Semiannual Well Test Report.	All entries	At any time	

(b) MMS will disclose information not collected on MMS forms in accordance with the following table:

If	MMS will release	At this time	Additional provisions
The Director determines that data and information are needed to unitize operations on two or more leases, to ensure proper plans of development for competitive reservoirs, or to promote operational safety or protect the environment.	Geophysical data Geological data Reprocessed G&G information. Interpreted geological & geophysical information. Processed geophysical information. Analyzed geological information.	Any time.	Data and information will be shown only to persons with an interest.
The Director determines that data and information are needed for specific scientific or research purposes for the Government.	Geophysical data Geological data Reprocessed G&G information Interpreted geological & geophysical information. Processed geophysical information. Analyzed geological information.	Any time.	MMS will release data and information only if release would further the national interest without unduly damaging the competitive position of the lessee.
Data or information is collected with high-resolution systems (e.g., bathymetry, side-scan sonar, subbottom profiler, and magnetometer) to comply with safety or environmental protection requirements.	Geophysical data Geological data Processed geological & geophysical information. Interpreted G&G information	60 days after you submit the data or information, if the Regional Supervisor deems it necessary.	MMS will release the data and information earlier than 60 days if the Regional Supervisor determines it is needed by affected States to make decisions under subpart B of this part. The Regional Supervisor will reconsider earlier release if you satisfy him/her that it would unduly damage your competitive position.

If	MMS will release	At this time	Additional provisions
Your lease is no longer in effect.	Geophysical data Processed geophysical information. Reprocessed G&G information Interpreted G&G information	When your lease terminates or 10 years after the date you submit the data, whichever is earlier.	This release time applies only if the provisions in this table governing high resolution systems and the provisions in §252.7 do not apply.
Your lease is no longer in effect.	Geological data Analyzed geological information.	When your lease terminates	This release time applies only if the provisions in this table governing high resolution systems and the provisions in §252.7 do not apply.
Your lease is still in effect	Geophysical data Processed geophysical information. Reprocessed G&G information Interpreted G&G information	2 years after you submit it or 60 days after a lease sale if any portion of an offered block is within 50 miles of a well, whichever is later.	These release times apply only if the provisions in this table governing high resolution systems and the provisions in §252.7 do not apply. If the primary term specified in the lease is extended under §252.10, the extension applies to this provision.

If	MMS will release	At this time	Additional provisions
Data is released to the owner of an adjacent lease under subpart D of part 250.	Directional survey data	If the lessee from whose lease the directional survey was taken consents..	
Data and information are obtained from beneath unleased land as a result of a well deviation that has not been approved by the Regional or District Supervisor.	Any data or information obtained.	At any time	

References

§ 250.28 Documents incorporated by reference.

(a) MMS is incorporating by reference the documents listed in the table in paragraph (e) of this section. The Director of the Federal Register has approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(1) MMS will publish any changes to these documents in the **Federal Register**.

(2) The rule change will become effective without prior opportunity to comment when MMS determines that the revisions to a document result in safety improvements or represent new industry standard technology, and do not impose undue costs on the affected parties.

(b) MMS incorporated each document or specific portion by reference in the sections noted. The entire document is incorporated by reference, unless the text of the corresponding sections in this part calls for compliance with specific portions of the listed documents. In each instance, the applicable document is the specific edition or specific edition and supplement or addendum cited in this section.

(c) In accordance with § 250.14, you may comply with a later edition of a specific document incorporated by reference, provided:

(1) You demonstrate that compliance with the later edition provides a degree of protection, safety, or performance equal to or better than that which would be achieved by compliance with the listed edition; and

(2) You obtain the prior written approval for alternative compliance from the authorized MMS official.

(d) You may inspect these documents at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia; or at the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, D.C. You may obtain the documents from the publishing organizations at the addresses given in the following table:

For	Write to
ACI Standards	American Concrete Institute, P.O. Box 19150, Detroit, MI 48219.
AISC Standards	American Institute of Steel Construction, Inc., P.O. Box 4588, Chicago, IL 60680.
ANSI/ASME Codes	American National Standards Institute, Attention Sales Department, 1430 Broadway, New York, NY 10018; and/or American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.
API Recommended Practices, Specs, Standards, Manual of Petroleum Measurement Standards (MPMS) chapters.	American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005.
ASTM Standards	American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
AWS Codes	American Welding Society, 550 N.W., LeJeune Road, P.O. Box 351040, Miami, FL 33135.
NACE Standards	National Association of Corrosion Engineers, P.O. Box 218340, Houston, TX 77218.

(e) This paragraph lists documents incorporated by reference. In order to easily reference text of the corresponding sections with the list of documents incorporated by reference, the list is in alphanumerical order by organization and document.

Title of documents	Incorporated by reference at
ACI Standard 318–95, Building Code Requirements for Reinforced Concrete, plus Commentary on Building Code Requirements for Reinforced Concrete (ACI 318R–95).	§ 250.138(b)(4)(i), (b)(6)(i), (b)(7), (b)(8)(i), (b)(9), (b)(10), (c)(3), (d)(1)(v), (d)(5), (d)(6), (d)(7), (d)(8), (d)(9), (e)(1)(i), (e)(2)(i).
ACI Standard 357–R–84, Guide for the Design and Construction of Fixed Offshore Concrete Structures, 1984.	§ 250.130(g); § 250.138(c)(2), (c)(3).
AISC Standard, Specification for Structural Steel for Buildings, Allowable Stress Design and Plastic Design, June 1, 1989, with Commentary.	§ 250.137(b)(1)(ii), (c)(4)(ii), (c)(4)(vii).
ANSI/ASME Boiler and Pressure Vessel Code, Section I, Power Boilers including Appendices, 1995 Edition.	§ 250.123(b)(1), (b)(1)(i); § 250.292(b)(1), (b)(1)(i).
ANSI/ASME Boiler and Pressure Vessel Code, Section IV, Heating Boilers including Nonmandatory Appendices A, B, C, D, E, F, H, I, and J, and the Guide to Manufacturers Data Report Forms, 1995 Edition.	§ 250.123(b)(1), (b)(1)(i); § 250.292(b)(1), (b)(1)(i).
ANSI/ASME Boiler and Pressure Vessel Code, Section VIII, Pressure Vessels, Divisions 1 and 2, including Nonmandatory Appendices, 1995 Edition.	§ 250.123(b)(1), (b)(1)(i); § 250.292(b)(1), (b)(1)(i).
ANSI/ASME B 16.5–1988 (including Errata) and B 16.5a-1992 Addenda, Pipe Flanges and Flanged Fittings.	§ 250.152(b)(2).
ANSI/ASME B 31.8–1995, Gas Transmission and Distribution Piping Systems	§ 250.152(a).

Title of documents	Incorporated by reference at
ANSI/ASME SPPE–1–1994 and SPPE–1d-1996 ADDENDA, Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations.	§ 250.126(a)(2)(i).
ANSI Z88.2—1992, American National Standard for Respiratory Protection	§ 250.67(g)(4)(iv), (j)(13)(ii).
API RP 2A, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms Working Stress Design, Nineteenth Edition, August 1, 1991, API Stock No. 811–00200.	§ 250.130(g); § 250.142(a).
API RP 2A, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms-Working Stress Design:(RP 2A–WSD) Twentieth Edition, July 1, 1993, API Stock No. 811–00200.	§ 250.130(g); § 250.142(a).
API RP 2A, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms-Working Stress Design:(RP 2A–WSD) Twentieth Edition, July 1, 1993, Supplement 1, December 1996, Effective Date, February 1, 1997, API Stock No. 811–00200.	§ 250.130(g); § 250.142(a).
API RP 2D, Recommended Practice for Operation and Maintenance of Offshore Cranes, Third Edition, June 1, 1995, API Stock No. G02D03.	§ 250.20(c); § 250.260(g).
API RP 14B, Recommended Practice for Design, Installation, Repair and Operation of Subsurface Safety Valve Systems, Fourth Edition, July 1, 1994, with Errata dated June 1996, API Stock No. § 250.130(g); § 250.142(a) G14B04.	§ 250.121(e)(4); § 250.124(a)(1)(i); § 250.126(d).
API RP 14C, Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems for Offshore Production Platforms, Fourth Edition, September 1, 1986, API Stock No. 811–07180.	§ 250.122(b), (e)(2); § 250.123(a), (b)(2)(i), (b)(4), (b)(5)(i), (b)(7), (b)(9)(v), (c)(2); § 250.124(a), (a)(5); § 250.152(d); § 250.154(b)(9); § 250.291(c), (d)(2); § 250.292(b)(2), (b)(4)(v); § 250.293(a).
API RP 14E, Recommended Practice for Design and Installation of Offshore Production Platform Piping Systems, Fifth Edition, October 1, 1991, API Stock No. G07185.	§ 250.122(e)(3); § 250.291(b)(2), (d)(3).
API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Offshore Production Platforms, Third Edition, September 1, 1991, API Stock No. G07190.	§ 250.53(c); § 250.123(b)(9)(v); § 250.292(b)(4)(v).
API RP 14G, Recommended Practice for Fire Prevention and Control on Open Type Offshore Production Platforms, Third Edition, December 1, 1993, API Stock No. G07194.	§ 250.123(b)(8), (b)(9)(v); § 250.292(b)(3), (b)(4)(v).
API RP 14H, Recommended Practice for Installation, Maintenance and Repair of Surface Safety Valves and Underwater Safety Valves Offshore, Fourth Edition, July 1, 1994, API Stock No. G14H04.	§ 250.122(d); § 250.126(d).
API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities, First Edition, June 1, 1991, API Stock No. G06005.	§ 250.53(b); § 250.122(e)(4)(i); § 250.123(b)(9)(i); § 250.291(b)(3); (d)(4)(i); § 250.292(b)(4)(i).
API RP 2556, Recommended Practice for Correcting Gauge Tables for Incrustation, Second Edition, August 1993, API Stock No. H25560.	§ 250.180(f)(2)(i)(C).
API Spec Q1, Specification for Quality Programs, Fifth Edition, December 1994, API Stock No. 811–00001.	§ 250.126(a)(2)(ii).
API Spec 6A, Specification for Wellhead and Christmas Tree Equipment, Seventeenth Edition, February 1, 1996, API Stock No. G06A17.	§ 250.126(a)(3) § 250.152 (b)(1), (b)(2).
API Spec 6AV1, Specification for Verification Test of Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, First Edition, February 1, 1996, API Stock No. G06AV1.	§ 250.126(a)(3).
API Spec 6D, Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves), Twenty-first Edition, March 31, 1994, API Stock No. G03200.	§ 250.152(b)(1).
API Spec 14A, Specification for Subsurface Safety Valve Equipment, Ninth Edition, July 1, 1994, API Stock No. G14A09.	§ 250.126(a)(3).
API Spec 14D, Specification for Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, Ninth Edition, June 1, 1994, with Errata dated August 1, 1994, API Stock No. G07183.	§ 250.126(a)(3).
API Standard 2545, Method of Gaging Petroleum and Petroleum Products, October 1965, reaffirmed October 1992; also available as ANSI/American Society of Testing Materials (ASTM) D 1085–65, API Stock No. H25450.	§ 250.180 (f)(2)(ii)(C).
API Standard 2551, Standard Method for Measurement and Calibration of Horizontal Tanks, First Edition, 1965, reaffirmed October 1992; also available as ANSI/ASTM D 1410–65, reapproved 1984, API Stock No. H25510.	§ 250.180(f)(2)(i)(C).
API Standard 2552, Measurement and Calibration of Spheres and Spheroids, First Edition, 1966, reaffirmed October 1992; also available as ANSI/ASTM D 1408–65, reapproved 1984, API Stock No. H25520.	§ 250.180(f)(2)(i)(C).
API Standard 2555, Method for Liquid Calibration of Tanks, September 1966, reaffirmed October 1992; also available as ANSI/ASTM D 1406–65, reapproved 1984, API Stock No. H25550.	§ 250.180(f)(2)(i)(C).
MPMS, Chapter 2, Tank Calibration, Section 2A, Measurement and Calibration of Upright Cylindrical Tanks by the Manual Strapping Method, First Edition, February 1995, API Stock No. H022A1.	§ 250.180 (f)(2)(i)(A).
MPMS, Chapter 2, Section 2B, Calibration of Upright Cylindrical Tanks Using the Optical Reference Line Method, First Edition, March 1989; also available as ANSI/ASTM D4738–88, API Stock No. H30023.	§ 250.180 (f)(2)(i)(B).
MPMS, Chapter 3, Tank Gauging, Section 1A, Standard Practice for the Manual Gauging of Petroleum and Petroleum Products, First Edition, December 1994, API Stock No. H031A1.	§ 250.180 (f)(2)(ii)(A).
MPMS, Chapter 3, Section 1B, Standard Practice for Level Measurement of Liquid Hydrocarbons in Stationary Tanks by Automatic Tank Gauging, First Edition, April 1992, API Stock No. H30060.	§ 250.180 (f)(2)(ii)(B).

Title of documents	Incorporated by reference at
MPMS, Chapter 4, Proving Systems, Section 1, Introduction, First Edition, July 1988, reaffirmed October 1993, API Stock No. H30081.	§250.180(c)(6)(i), (d)(3)(iv).
MPMS, Chapter 4, Section 2, Conventional Pipe Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. H30082.	§250.180(c)(6)(i), (d)(3)(iv).
MPMS, Chapter 4, Section 3, Small Volume Provers, First Edition, July 1988, reaffirmed October 1993, API Stock No. H30083.	§250.180(c)(6)(i), (d)(3)(iv).
MPMS, Chapter 4, Section 4, Tank Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. H30084.	§250.180(c)(6)(i), (d)(3)(iv).
MPMS, Chapter 4, Section 5, Master-Meter Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. H30085.	§250.180(c)(6)(i), (d)(3)(iv).
MPMS, Chapter 4, Section 6, Pulse Interpolation, First Edition, July 1988, reaffirmed October 1993, API Stock No. H30086.	§250.180(c)(6)(i) and (d)(3)(iv).
MPMS, Chapter 4, Section 7, Field-Standard Test Measures, First Edition, October 1988, API Stock No. H30087.	§250.180(c)(6)(i), (d)(3)(iv).
MPMS, Chapter 5, Metering, Section 1, General Considerations for Measurement by Meters, Third Edition, September 1995, API Stock No. H05013.	§250.180(c)(6)(ii).
MPMS, Chapter 5, Section 2, Measurement of Liquid Hydrocarbons by Displacement Meters, Second Edition, November 1987, reaffirmed October 1992, API Stock No. H30102.	§250.180(c)(6)(ii).
MPMS, Chapter 5, Section 3, Measurement of Liquid Hydrocarbons by Turbine Meters, Third Edition, September 1995, API Stock No. H05033.	§250.180(c)(6)(ii).
MPMS, Chapter 5, Section 4, Accessory Equipment for Liquid Meters, Third Edition, September 1995, with Errata, March 1996, API Stock No. H05043.	§250.180(c)(6)(ii).
MPMS, Chapter 5, Section 5, Fidelity and Security of Flow Measurement Pulsed-Data Transmission Systems, First Edition, June 1982, reaffirmed October 1992, API Stock No. H30105.	§250.180(c)(6)(ii).
MPMS, Chapter 6, Metering Assemblies, Section 1, Lease Automatic Custody Transfer (LACT) Systems, Second Edition, May 1991, API Stock No. H30121.	§250.180(c)(6)(iii)(A).
MPMS, Chapter 6, Section 6, Pipeline Metering Systems, Second Edition, May 1991, API Stock No. H30126.	§250.180(c)(6)(iii)(B)
MPMS, Chapter 6, Section 7, Metering Viscous Hydrocarbons, Second Edition, May 1991, API Stock No. H30127.	§250.180(c)(6)(iii)(C).
MPMS, Chapter 7, Temperature Determination, Section 2, Dynamic Temperature Determination, Second Edition, March 1995, API Stock No. H07022.	§250.180 (c)(6)(iv)(A), (f)(2)(iii)(A).
MPMS, Chapter 7, Section 3, Static Temperature Determination Using Portable Electronic Thermometers, First Edition, July 1985, reaffirmed March 1990, API Stock No. H30143.	§250.180 (c)(6)(iv)(B), (f)(2)(iii)(B)
MPMS, Chapter 8, Sampling, Section 1, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, Third Edition, October 1995; also available as ANSI/ASTM D 4057–88, API Stock No. H30161.	§250.180 (c)(6)(v), (f)(2)(iv).
MPMS, Chapter 8, Section 2, Standard Practice for Automatic Sampling of Liquid Petroleum and Petroleum Products, Second Edition, October 1995; also available as ANSI/ASTM D 4177, API Stock No. H30162.	§250.180 (c)(6)(v), (f)(2)(iv).
MPMS, Chapter 9, Density Determination, Section 1, Hydrometer Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products, First Edition, June 1981, reaffirmed October 1992; also available as ANSI/ASTM D 1298, API Stock No. H30181.	§250.180(c)(6)(vi)(A), (f)(2)(v)(A).
MPMS, Chapter 9, Section 2, Pressure Hydrometer Test Method for Density or Relative Density, First Edition, April 1982, reaffirmed October 1992, API Stock No. H30182.	§250.180(c)(6)(vi)(B), (f)(2)(v)(B).
MPMS, Chapter 10, Sediment and Water, Section 1, Determination of Sediment in Crude Oils and Fuel Oils by the Extraction Method, First Edition, April 1981, reaffirmed December 1993; also available as ANSI/ASTM D 473, API Stock No. H30201.	§250.180(c)(6)(vii)(A), (f)(2)(vi)(A).
MPMS, Chapter 10, Section 2, Determination of Water in Crude Oil by Distillation Method, First Edition, April 1981, reaffirmed December 1993; also available as ANSI/ASTM D 4006, API Stock No. H30202.	§250.180(c)(6)(vii)(B), (f)(2)(vi)(B).
MPMS, Chapter 10, Section 3, Determination of Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure), First Edition, April 1981, reaffirmed December 1993; also available as ANSI/ASTM D 4007, API Stock No. H30203.	§250.180(c)(6)(vii)(C), (f)(2)(vi)(C).
MPMS, Chapter 10, Section 4, Determination of Sediment and Water in Crude Oil by the Centrifuge Method (Field Procedure), Second Edition, May 1988; also available as ANSI/ASTM D 96, API Stock No. H30204.	§250.180(c)(6)(vii)(D), (f)(2)(vi)(D).
MPMS, Chapter 11.1, Volume Correction Factors, Volume 1, Table 5A—Generalized Crude Oils and JP–4 Correction of Observed API Gravity to API Gravity at 60 °F, and Table 6A—Generalized Crude Oils and JP–4 Correction of Observed API Gravity to API Gravity at 60 °F, First Edition, August 1980, reaffirmed October 1993; also available as ANSI/ASTM D 1250, API Stock No. H27000.	§250.180(c)(6)(viii)(A), (d)(3)(v)(B), (f)(2)(vii).
MPMS, Chapter 11.2.1, Compressibility Factors for Hydrocarbons: 0–90° API Gravity Range, First Edition, August 1984, reaffirmed May 1996, API Stock No. H27300.	§250.180(c)(6)(viii)(B).
MPMS, Chapter 11.2.2, Compressibility Factors for Hydrocarbons: 0.350–0.637 Relative Density (60°F/60°F) and −50°F to 140°F Metering Temperature, Second Edition, October 1986, reaffirmed October 1992; also available as Gas Processors Association (GPA) 8286–86, API Stock No. H27307.	§250.180(c)(6)(viii)(C).
MPMS, Chapter 11, Physical Properties Data, Addendum to Section 2.2, Compressibility Factors for Hydrocarbons, Correlation of Vapor Pressure for Commercial Natural Gas Liquids, First Edition, December 1994; also available as GPA TP–15, API Stock No. H27308.	§250.180(c)(6)(viii)(D).
MPMS, Chapter 11.2.3, Water Calibration of Volumetric Provers, First Edition, August 1984, reaffirmed, May 1996, API Stock No. H27310.	§250.180 (d)(3)(iv).

Title of documents	Incorporated by reference at
MPMS, Chapter 12, Calculation of Petroleum Quantities, Section 2, Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Including Parts 1 and 2, Second Edition, May 1995; also available as ANSI/API MPMS 12.2–1981, API Stock No. H30302.	§ 250.180 (c)(6)(ix), (d)(3)(v)(A), (d)(3)(v)(C).
MPMS, Chapter 14, Natural Gas Fluids Measurement, Section 3, Concentric Square-Edged Orifice Meters, Part 1, General Equations and Uncertainty Guidelines, Third Edition, September 1990; also available as ANSI/API 2530, Part 1, 1991, API Stock No. H30350.	§ 250.181(c)(1).
MPMS, Chapter 14, Section 3, Part 2, Specification and Installation Requirements, Third Edition, February 1991; also available as ANSI/API 2530, Part 2, 1991, API Stock No. H30351.	§ 250.181(c)(1).
MPMS, Chapter 14, Section 3, Part 3, Natural Gas Applications, Third Edition, August 1992; also available as ANSI/API 2530, Part 3, API Stock No. H30353.	§ 250.181(c)(1).
MPMS, Chapter 14, Section 5, Calculation of Gross Heating Value, Relative Density, and Compressibility Factor for Natural Gas Mixtures From Compositional Analysis, Revised, 1996; also available as ANSI/API MPMS 14.5–1981, order from Gas Processors Association, 6526 East 60th Street, Tulsa, Oklahoma 74145.	§ 250.181(c)(1).
MPMS, Chapter 14, Section 6, Continuous Density Measurement, Second Edition, April 1991, API Stock No. H30346.	§ 250.181(c)(1).
MPMS, Chapter 14, Section 8, Liquefied Petroleum Gas Measurement, First Edition, February 1983, reaffirmed May 1996, API Stock No. H30348.	§ 250.181(c)(1).
ASTM Standard C33–93, Standard Specification for Concrete Aggregates including Nonmandatory Appendix.	§ 250.138(b)(4)(i).
ASTM Standard C94–96, Standard Specification for Ready-Mixed Concrete	§ 250.138(e)(2)(i).
ASTM Standard C150–95a, Standard Specification for Portland Cement	§ 250.138(b)(2)(i).
ASTM Standard C330–89, Standard Specification for Lightweight Aggregates for Structural Concrete.	§ 250.138(b)(4)(i).
ASTM Standard C595–94, Standard Specification for Blended Hydraulic Cements	§ 250.138(b)(2)(i).
D1.1–96, Structural Welding Code—Steel, 1996, including Commentary	§ 250.137(b)(1)(i).
DI.4–79, Structural Welding Code—Reinforcing Steel, 1979	§ 250.138(e)(3)(ii).
NACE Standard MR–01–75–96, Sulfide Stress Cracking Resistant Metallic Materials for Oil Field Equipment, January 1996.	§ 250.67(p)(2).
NACE Standard RP 0176–94, Standard Recommended Practice, Corrosion Control of Steel Fixed Offshore Platforms Associated with Petroleum Production.	§ 250.137(d).

§ 250.29 Paperwork Reduction Act requirements—information collection.

(a) OMB has approved the information collection requirements in part 250 under 44 U.S.C. 3501 *et seq.* The table in paragraph (e) of this section lists the subpart in the rule requiring the information and its title, provides the OMB control number, and summarizes the reasons for collecting the information and how MMS uses the information. The associated MMS forms required by this part are listed at the end of this table with the relevant information.

(b) Respondents are OCS oil, gas, and sulphur lessees and operators. The requirement to respond to the information collections in this part are mandatory under the OCS Lands Act (43 U.S.C. 1331 *et seq.*) and the OCS Lands Act Amendments of 1978 (43 U.S.C. 1801 *et seq.*). Some responses are also required to obtain or retain a benefit. Proprietary information will be protected under § 250.27, Data and information to be made available to the public; parts 251 and 252 of this Chapter; and the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations at 43 CFR part 2.

(c) The Paperwork Reduction Act of 1995 requires us to inform the public that an agency may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

(d) Send comments regarding any aspect of the collections of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 4230, 1849 C Street, N.W., Washington, D.C. 20240; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior (1010–XXXX), Washington, D.C. 20503.

(e) MMS is collecting this information for the reasons given in the following table:

30 CFR 250 subpart/title (OMB control No.)	Reasons for collecting information and how used
Subpart A General (1010–0030)	To inform MMS of actions taken to comply with general operational requirements on the OCS. To ensure that operations on the OCS meet statutory and regulatory requirements, are safe and protect the environment, and result in diligent exploration, development, and production on OCS leases.
Subpart B Exploration and Development and Production Plans (1010–0049).	To inform MMS, States, and the public of planned exploration, development, and production operations on the OCS. To ensure that operations on the OCS are planned to comply with statutory and regulatory requirements, will be safe and protect the human, marine, and coastal environment, and will result in diligent exploration, development and production of leases.
Subpart C Pollution Prevention and Control (1010–0057).	To inform MMS of measures to be taken to prevent water and air pollution. To ensure that appropriate measures are taken to prevent water and air pollution.
Subpart D Oil and Gas Drilling Operations (1010–0053).	To inform MMS of the equipment and procedures to be used in drilling operations on the OCS. To ensure that drilling operations are safe and protect the human, marine, and coastal environment.
Subpart E Oil and Gas Well-Completion Operations (1010–0067).	To inform MMS of the equipment and procedures to be used in well-completion operations on the OCS. To ensure that well-completion operations are safe and protect the human, marine, and coastal environment.

30 CFR 250 subpart/title (OMB control No.)	Reasons for collecting information and how used
Subpart F Oil and Gas Well-Workover Operations (1010–0043).	To inform MMS of the equipment and procedures to be used during well-workover operations on the OCS. To ensure that well-workover operations are safe and protect the human, marine, and coastal environment.
Subpart G Abandonment of Wells (1010–0079).	To inform MMS of procedures to be used during the temporary and permanent abandonment of wells. To ensure that wells are abandoned in a manner that is safe and minimizes conflicts with other uses of the OCS.
Subpart H Oil and Gas Production Safety Systems (1010–0059).	To inform MMS of the equipment and procedures to be used during production operations on the OCS. To ensure that production operations are safe and protect the human, marine, and coastal environment.
Subpart I Platforms and Structures (1010–0058).	To inform MMS with information regarding the design, fabrication, and installation of platforms on the OCS. To ensure the structural integrity of platforms installed on the OCS.
Subpart J Pipelines and Pipeline Rights-of-Way (1010–0050).	To provide MMS with information regarding the design, installation, and operation of pipelines on the OCS. To ensure that pipeline operations are safe and protect the human, marine, and coastal environment.
Subpart K Oil and Gas Production Rates (1010–0041).	To inform MMS of production rates for hydrocarbons produced on the OCS. To ensure that produced hydrocarbons, including those that are commingled, are measured accurately at secure locations for the purpose of determining royalty payments.
Subpart L Oil and Gas Production Measurement, Surface Commingling, and Security (1010–0051).	To inform MMS of the measurement of production, commingling of hydrocarbons, and site security plans. To ensure that produced hydrocarbons are measured and commingled to provide for accurate royalty payments and security is maintained.
Subpart M Unitization (1010–0068)	To inform MMS of the unitization of leases. To ensure that unitization prevents waste, conserves natural resources, and protects correlative rights.
Subpart N Remedies and Penalties (Not applicable).	The requirements in Subpart N are exempt from the Paperwork Reduction Act of 1995 in accordance with 5 CFR 1320.4.
Subpart O Training (1010–0078)	To inform MMS of training program curricula, course schedules, and attendance. To ensure that training programs are technically accurate and sufficient to meet safety and environmental requirements, and that workers are properly trained to operate on the OCS.
Subpart P Sulphur Operations (1010–0086).	To inform MMS of sulphur exploration and development operations on the OCS. To ensure that OCS sulphur operations are safe; protect the human, marine, and coastal environment; and will result in diligent exploration, development, and production of sulphur leases.
Form MMS–123, Application for Permit to Drill Subpart D, E, P (1010–0044).	To inform MMS of the procedures and equipment to be used in drilling operations. To ensure that drilling and well-completion are safe and protect the environment, use adequate equipment, conform with provisions of the lease, and the public is informed.
Form MMS–124, Sundry Notices & Reports on Wells Subpart D, E, F, G, P (1010–0045).	To inform MMS of well-completion and well-workover operations, changes to any ongoing well operations, and well abandonment operations. To ensure that MMS has up-to-date and accurate informa tion on OCS drilling and other lease operations; operations are safe and protect the human, marine, and coastal environment; abandoned sites are cleared of obstructions; and the public is informed.
Form MMS–125, Well Summary Report Subpart D, E, F, P (1010–0046).	To inform MMS of the results of well-completion or well-workover operations or changes in well status or condition. To ensure that MMS has up-to-date and accurate information on the status and condition of wells.
Form MMS–126, Well Potential Test Report & Request for Maximum Production Rate (MPR).	
Subpart K (1010–0039)	To inform MMS of the production potential of an oil or gas well and to verify a requested production rate. To ensure that production results in ultimate full recovery of hydrocarbons and energy resources are produced at a prudent rate.
Form MMS–127, Request for Reservoir Maximum Efficiency Rate (MER) Subpart K (1010–0018).	To inform MMS of data concerning oil and gas well-completion in a rate-sensitive reservoir and to verify requested efficiency rate. To ensure that reservoirs are classified correctly and the requested production rate will not waste oil or gas.
Form MMS–128, Semi annual Well Test Report Subpart K (1010–0017).	To inform MMS of the status and capacity of gas wells and verify production capacity. To ensure that depletion of reservoirs results in greatest ultimate recovery of hydrocarbons.
Form MMS–132, Evacuation Statistics Subpart A (used in the GOM Region) (1010–0030).	To inform MMS in the event of a major disruption in the availability and supply of natural gas and oil due to natural occurrences/hurricanes. To advise the U.S. Coast Guard of rescue needs, and to alert the news media and interested public entities when production is shut in and when resumed.

5. Sections 250.52, 250.53, 250.77, 250.78, 250.97 and 250.98 are removed and reserved.

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

6. The authority citation for part 256 is revised to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*, 42 U.S.C. 6213.

7. Section 256.1, is revised to read as follows:

§ 256.1 Purpose.

The purpose of the regulations in this part is to establish the procedures under which the Secretary of the Interior (Secretary) will exercise the authority to administer a leasing program for oil, gas and sulphur. The procedures under which the Secretary will exercise the authority to administer a program to grant rights-of-way, rights-of-use, and easements are addressed in other parts of this chapter.

8. Section 256.4, Authority, is revised to read as follows:

§ 256.4 Authority.

The outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331 *et seq.*) authorizes the Secretary of the Interior to issue, on a competitive basis, leases for oil and gas, and sulphur, in submerged lands of the outer Continental Shelf (OCS). The Act authorizes the Secretary to grant rights-of-way, rights-of-use, and easements through the submerged lands of the OCS. The Energy Policy and Conservation Act of 1975 (42 U.S.C. 6213), prohibits joint bidding by major oil and gas producers.

9. Section 256.35, Qualifications of lessees, is amended by adding paragraph (c) as follows:

§ 256.35 Qualification of lessees.

* * * * *

(c) MMS may disqualify you from acquiring any new leaseholdings or lease assignments if your operating performance is unacceptable according to 30 CFR 250.12.

10. Section 256.73 is revised to read as follows:

§ 256.73 Effect of suspensions on lease term.

(a) Normally, a suspension extends the term of a lease. The extension is equal to the length of time the suspension is in effect. The suspension will not extend the lease term when the Regional Supervisor directs a suspension because of:

(1) Gross negligence; or

(2) A willful violation of a provision of the lease or governing regulations.

(b) MMS issues suspensions for a period of up to 5 years. The Regional Supervisor will set the length of the suspension based on the conditions of the individual case involved. MMS may grant consecutive suspensions. For more information on suspension of operations or production refer to 30 CFR 250.19.

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BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SPATS No. TX–040–FOR]

Texas Regulatory Program and Abandoned Mine Land Reclamation Plan

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Texas regulatory program and abandoned mine land plan (hereinafter the "Texas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of codification of the Texas Coal Mining Regulations in the Texas Administrative Code at Title 16, Economic Regulations, Chapter 12. The amendment is intended to conform the Texas Coal Mining Regulations to Texas Administrative Code formatting syntax, to correct typographical errors, and to allow for the publication of the rules in the Texas Administrative Code in full text rather than by reference.

This document sets forth the times and locations that the Texas program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.s.t., March 16, 1998. If requested, a public hearing on the proposed amendment will be held on March 10, 1998. Requests to speak at the hearing must be received by 4:00 p.m., c.s.t. on March 2, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

Copies of the Texas program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

Michale C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430.

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711–2967, Telephone: (512) 463–6900.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program

On February 16, 1980, the Secretary of the Interior conditionally approved the Texas program. General background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the February 27, 1980, **Federal Register** (45 FR 12998). Subsequent actions concerning the Texas program can be found at 30 CFR 943.10, 943.15, and 943.16.

II. Description of the Proposed Amendment

By letter dated January 23, 1998, (Administrative Record No. TX–645), Texas submitted a proposed amendment to its program pursuant to SMCRA. Texas submitted the proposed amendment at its own initiative. Texas proposes to codify the Texas Coal Mining Regulations (TCMR) in the Texas Administrative Code (TAC) at Title 16, Chapter 12 in full text rather than by reference.

Specifically, Texas proposes to codify TCMR Parts 700 through 850, pertaining to surface coal mining and reclamation operations, at 16 TAC §§ 12.1 through 12.710. Texas also proposes to codify TCMR §§ 051.800 through 0.51.817, pertaining to the Texas abandoned mine land reclamation program, at 16 TAC §§ 12.800 through 12.817. The codification proposal includes conforming Texas' regulations to the TAC formatting syntax, correcting typographical errors, and making other editorial changes.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Texas program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on March 2, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, 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 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 OMB 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. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 6, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98–3761 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–97–020]

RIN 2115–AE47

Drawbridge Operation Regulations: Passaic River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules for five bridges over the Passic River in New Jersey: the Jackson Street Bridge, at mile 4.6, the Bridge Street Bridge, at mile 5.6, the Clay Street Bridge, at mile 6.0, the New Jersey Transit Rail Operations (NJTRO) Bridge, at mile 11.7, and the Route 3 Bridge, at mile 11.8.

Essex and Hudson counties in New Jersey who jointly own the Jackson Street, Bridge Street and Clay Street bridges have requested that their bridges open on signal after a four hour notice is given. The New Jersey Transit Rail Operations (NJTRO) and New Jersey Department of Transportation (NJDOT) who own the NJTRO Bridge and the Route 3 Bridge, both over the Passaic River, have requested that their bridges open on signal after a six month notice is given.

This proposal will relieve the bridge owners of the burden of constantly having personnel available to open the bridges and should continue to provide for the needs of navigation.

DATES: Comments must reach the Coast Guard on or before April 14, 1998.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, Ma. 02110–3350, or deliver them to the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The District Commander maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address during business hours.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting

comments should include their names and addresses, identify this rulemaking (CGD1–97–020) and specific section of this proposal to which their comments apply, and give reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in response to comments received. The Coast Guard does not plan to hold a public hearing; however, persons may request a public hearing by writing to the Coast Guard at the address listed under **ADDRESSES** in this document. The request should include the reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this matter, the Coast Guard will hold a public hearing at a time and place announced by a subsequent notice published in the **Federal Register** .

Background

The clearances at mean high water (MHW) and mean low water (MLW) for the five bridges affected by this proposed rule change are as follows: Jackson Street 15′ MHW & 20′ MLW, Bridge Street 7′ MHW & 12′ MLW, Clay Street 8′ MHW & 13′ MLW, NJTRO 26′ MHW & 31′ MLW and Route 3 35′ MHW & 40′ MLW.

The Jackson Street, Bridge Street and Clay Street bridges presently open on signal, except that, notice must be given before 2:30 a.m. for openings between 4:30 p.m. and 7 p.m. This proposed change to the operating regulations would require the bridges to open on signal after four hours notice is given.

The NJTRO Bridge presently opens on signal from 8 a.m. to 4 p.m., if at least six hours notice is given. From 4 p.m. to 8 a.m., the draw need not be opened. the Route 3 Bridge presently opens on signal, if at least six hours notice is given. New Jersey Transit Rail Operations records indicate there has not been a request to open the NJTRO Bridge since December, 1991. The New Jersey Department of Transportation records indicate there have been only ten bridge openings during the last ten years for the Route 3 Bridge. All ten openings were test openings.

Discusison of Proposal

This proposal to require a six month notice for bridge openings for the NJTRO and Route 3 bridges is warranted based upon their opening records. This proposed change to the operating regulations will require the NJTRO and Route 3 bridges to open on signal if six months notice is given.

The Coast Guard received requests to change the operating regulations on the Jackson Street, Bridge Street and Clay Street bridges from Essex and Hudson counties to require the bridges to open on signal if four hours notice is given. Additionally, the Coast Guard received requests to change the operating regulations for the NJTRO and Route 3 bridges from New Jersey Transit Rail Operations and New Jersey Department of Transportation to require the bridges to open on signal if a six month notice is given. These changes have been requested for these five bridges because there have been so few requests to open these bridges that the requested changes in the operating regulations is expected to relieve the bridge owners of the burden of crewing the bridges at times and still meet the present needs of navigation.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that bridges must operate in accordance with the needs of navigation while providing for the reasonable needs of land transportation. This rule adopts the operating hours which the Coast Guard believes to be appropriate based on the results of past experience with the roving drawtender crew operation and public comments. The Coast Guard believes this rule achieves the requirement of balancing the navigational rights of recreational boaters and the needs of land based transportation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under section 2.B.2.e.(34) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued

under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In section 117.739 revise paragraphs (d), (f), (i), (m), and (n) to read as follows:

§ 117.739 Passaic River.

* * * * *

(d) The draw of the Jackson Street Bridge, mile 4.6, shall open on signal if at least four hours notice is given by calling the number posted at the bridge.

* * * * *

(f) The draw of the Bridge Street Bridge, mile 5.6, shall open on signal if at least four hours notice is given by calling the number posted at the bridge.

* * * * *

(i) The draw of the Clay Street Bridge, mile 6.0, shall open on signal if at least four hours notice is given by calling the number posted at the bridge.

* * * * *

(m) The draw of the NJTRO Bridge, mile 11.7, shall open on signal if at least six months notice is given by calling the number posted at the bridge.

(n) The draw of the Route 3 Bridge, mile 11.8, shall open on signal if at least six months notice is given by calling the number posted at the bridge.

* * * * *

Dated: January 9, 1998.

R.M. Larrabee,

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

[FR Doc. 98–3627 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 441

[FRL–5967–1]

Extension of Comment Period for Effluent Limitations Guidelines and Pretreatment Standards for the Industrial Laundries Point Source Category; Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed effluent limitations guidelines and pretreatment standards for the industrial laundries point source category. The proposed rule was published in the **Federal Register** on December 17, 1997. The comment period for the proposed rule is extended by 30 days, ending on March 19, 1998. In addition, interested parties providing performance data, which may be used in calculating limits, will have until April 20, 1998 to submit data. This extension is being granted while taking into consideration the court-ordered promulgation date.

DATES: Comments regarding all issues related to the proposed rule will be accepted until March 19, 1998. Performance data, as specified herein, will be accepted until April 20, 1998.

ADDRESSES: Send written comments to W–97–14, Ms. Marta E. Jordan, Engineering and Analysis Division (4303), U. S. EPA, 401 M. Street S.W., Washington, DC 20460. Please submit any references cited in your comments. EPA requests an original and three copies of your written comments and enclosures (including references).

FOR FURTHER INFORMATION CONTACT: Marta E. Jordan, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M. St. SW, Washington, DC 20460 or call (202) 260–0817.

SUPPLEMENTARY INFORMATION: On December 17, 1997, EPA published proposed effluent limitations guidelines and pretreatment standards for the industrial laundries industry in the **Federal Register** for review and comment (62 FR 66182). The comment period was scheduled to end February 17, 1998.

EPA held two public hearings during this comment period to provide opportunities for the regulated community and other interested parties to comment on issues pertaining to the proposed rule.

EPA has received more than 100 requests to extend the comment period to allow more time to address the issues on which EPA solicited public comment. The comment period for all issues in the proposed rule is extended by 30 days, to March 19, 1998. In addition, EPA will accept performance data, as specified below, until April 20, 1998. Data that EPA will consider most useful is performance data that conforms to the EPA protocols delineated in the quality assurance project plan (QAPP) and sampling and analysis plans. The QAPP and sampling and analysis plans can be found in sections 5.5 and 6.5 of the rulemaking record, respectively. EPA is scheduled to promulgate pretreatment standards for this industry by June 1999. EPA is using its best efforts to comply with this deadline and expects to meet the schedule even with this extension of the comment period.

Dated: February 9, 1998.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 98–3753 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Chapter IV

[HCFA–1037–N]

Medicare Program; Meeting of the Negotiated Rulemaking Committee on the Provider-Sponsored Organization Solvency Standards

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

ACTION: Notice of Meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this document announces the date and location for a planned seventh meeting of the Negotiated Rulemaking Committee on the provider-sponsored organization (PSO) solvency standards. The purpose of this committee meeting is to negotiate a consensus of an interim final rule establishing solvency standards for provider-sponsored organizations under Part C of the Medicare program, as statutorily-mandated by the Balanced Budget Act of 1997, Pub. L. 105–33.

DATE AND ADDRESSES: Unless canceled by the Committee, this meeting will be held from 9:00 a.m. to 5:00 p.m. on March 3 and 4, 1998, in Room 800, Hubert H. Humphrey Building, 200 Independence Ave., SW, Washington, DC, 20201–0001.

MEETING INFORMATION: This is a planned meeting that may be canceled. The decision whether to hold this meeting will be available via the Internet on the HCFA homepage: http://www.hcfa.gov/medicare/mgdcare1.htm. For further information and/or a voicemail message as to whether the Committee will meet should be directed to Maureen Miller, (410) 786–1097.

SUPPLEMENTARY INFORMATION: The Balanced Budget Act (BBA) of 1997 establishes a new Medicare+Choice program under part C of title XVIII of the Social Security Act (the Act). Under this program, an eligible individual may elect to receive Medicare benefits through enrollment in a Medicare+Choice plan that has a contract with us, which may include a health plan offered by a PSO. The BBA establishes a definition of PSOs that will

be further clarified in forthcoming regulations. Section 4001 of the BBA mandates an expedited and modified negotiated rulemaking process for establishing solvency standards for PSOs. The standards must be published as an interim final rule, subject to comment, by April 1, 1998.

As required by the BBA, the Negotiated Rulemaking Committee reported to the Secretary by January 1, 1998, regarding its progress and movement toward building a consensus. The Committee is required to report its proposed standards to the Secretary by March 1, 1998. If, however, the Committee is unable to reach a consensus within the assigned time frame or at the completion of this additional meeting, the Health Care Financing Administration will proceed with publication of a rule using its rulemaking authority as established in the BBA.

Five 3-day meetings of the Committee have been held through October, November, December, and January that were facilitated by the Departmental Appeals Board. After the initial meetings at which informative presentations were heard, the Committee has been actively developing and negotiating PSO solvency standards. A sixth meeting, previously announced in an October 26, 1997 **Federal Register** Notice, will occur February 18, 19, and 20, 1998. However, due to the short time frame in which the Committee has had to work and the possibility that the Committee may need some additional meeting time to complete its work, this tentative final meeting is being scheduled for the first week of March. If the Committee is unable to complete work on the interim final rule at its February meeting and the facilitator believes an agreement could be reached with an additional meeting, then the meeting will occur on March 3 and 4. If the Committee reaches consensus during the February meeting, or if consensus is not reached and the Committee believes it is unlikely that an agreement can be reached within the extended time frame, the March meeting will not be held. The decision will be publicly available as directed above.

All meetings are open to the public without advanced registration. Public attendance at the meetings may be limited to space available. A summary of all proceedings is available for inspection in Room 309–G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: (202) 690–7890), or can be accessed through the HCFA Internet site at http://www/hcfa.gov/medicare/mgdcare1. Additional information related to the Committee will be available on the web site.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App.2).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 11, 1998.

Nancy-Ann Min Deparle,

Administrator, Health Care Financing Administration.

[FR Doc. 98–3841 Filed 2–12–98; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–12, RM–9220]

Radio Broadcasting Services; Speculator, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Michael Celenza and Peter Hunn seeking the allotment of Channel 243A to Speculator, NY, as the community's first local aural service. Channel 243A can be allotted to Speculator in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 43–29–50 North Latitude and 74–21–44 West Longitude. Canadian concurrence in the allotment is required since Speculator is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before March 30, 1998, and reply comments on or before April 14, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Peter Hunn, 604 Meadowbrook Circle, Fulton, NY 13069 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, 202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–12, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–3740 Filed 2–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–16, RM–9213]

Radio Broadcasting Services; Three Rivers, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Live Oak Broadcasting requesting the allotment of Channel 265A at Three Rivers, Texas, as the community's second local FM service. Channel 265A can be allotted to in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.2 kilometers (2.6 miles) southeast in order to avoid a short-spacing conflict with the site specified in Station KONO(FM)'s construction permit for Channel 266C1 at Helotes, Texas. The coordinates for Channel 265A at Three Rivers are 28–25–45 NL and 98–09–51 WL.

DATES: Comments must be filed on or before March 30, 1998, and reply comments on or before April 14, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Henry E. Crawford, 1150 Connecticut Avenue, N.W., Suite 900, Washington, D.C. 20036 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–16, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR PART 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–3739 Filed 2–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–13, RM–9212]

Radio Broadcasting Services; Topeka, Iola, and Emporia, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Shawnee Broadcasting Corporation, licensee of Station KWIC(FM), Channel 257A, Topeka, Kansas, proposing the substitution of Channel 257C3 for Channel 257A at Topeka and modification of Station KWIC(FM)'s license. In order to accomplish the upgrade at Topeka, Shawnee also requests the substitution of Channel 268A for Channel 257A at Iola, Kansas, and the modification of Station KIKS(FM)'s license; and the substitution of Channel 241A for Channel 258A at Emporia, Kansas, the modification of Station KRWV(FM)'s license accordingly. *See* Supplemental Information, *infra.*

DATES: Comments must be filed on or before March 30, 1998, and reply comments on or before April 14, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Howard J. Braun and Jerold L. Jacobs, Rosenman & Colin LLP, 1300—19th Street, NW, Suite 200, Washington, D.C. 20036 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–13, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

All channels can be allotted to the noted communities in compliance with the Commission's minimum distance separation requirements. Channel 257C3 can be allotted to Topeka with a site restriction of 3.9 kilometers (2.4 miles) northeast. The coordinates for Channel 257C3 at Topeka are 39–01–12 NL and 95–41–25 WL. Channel 268A and Channel 241A can be allotted to Iola and Emporia respectively, at the transmitters sites specified in Station KIKS(FM)'s and Station KRWV(FM)'s authorizations. The coordinates for Channel 268A are 37–54–04 NL and 95–24–04 WL. The coordinates for Channel 241A at Emporia, Kansas, are 38–24–21 NL and 96–14–13 WL. As requested, we shall propose to modify the license of Station KWIC(FM) at Topeka, Kansas, to specify operation on Channel 257C3. In accordance with Section 1.420(g) of the Commission's Rules we will not accept competing expressions of interest or require that the petitioner demonstrate the availability of an additional equivalent channel at Topeka, Kansas.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–3738 Filed 2–12–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–15, RM–9142]

Radio Broadcasting Services; Brinkley and Colt, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of East Arkansas Broadcasters, Inc., permittee of Station KQMC-FM, Channel 272C2, Brinkley, Arkanasas, requesting the reallotment of Channel 272C2 to Colt, Arkansas, and modification of the authorization for Station KQMC-FM to specify Colt as its community of license, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for Channel 272C2 at Colt, Arkansas, are 34–58–10 and 90–51–07.

DATES: Comments must be filed on or before March 30, 1998, and reply comments on or before April 14, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John F. Garziglia and Patricia M. Chuh, Esqs., Pepper & Corazzini, L.L.P., 1776 K Street, N.W., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–15, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–3737 Filed 2–12–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 365, 385, and 387

[FHWA Docket No. FHWA–97–2709]

RIN 2125–AE01

Registration of For-Hire Motor Carriers, Property Brokers, and Freight Forwarders

AGENCY: Federal Highway Administration [FHWA], DOT.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: The FHWA proposes to adopt interim rules governing registration of for-hire motor property and passenger carriers, property brokers, and freight forwarders. The interim rules are required by 49 U.S.C. 13901–13905, provisions of the Interstate Commerce Commission Termination Act of 1995 (ICCTA), Pub. L. 104–88, 109 Stat. 803, that mandate a registration system to be administered by the Secretary of Transportation to replace the former Interstate Commerce Commission's licensing system for motor carriers, property brokers, and freight forwarders. It is anticipated that these interim rules would be used until the FHWA completes the rulemaking required by 49 U.S.C.13908 which is currently underway.

DATES: Comments must be received on or before April 14, 1998.

ADDRESSES: Submit written, signed comments to the docket number that appears in the heading of this document to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: *For information regarding rulemaking and operational issues:* Patricia Burke, Office of Motor Carrier Information Analysis, (202) 358–7028; and *for information regarding legal issues:* Michael Falk, Office of Chief Counsel, (202) 366–0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): http://dms.dot.gov. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

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Statutory Background

The ICCTA eliminates the Interstate Commerce Commission (ICC), transfers certain ICC functions to the Department of Transportation, and, as particularly pertinent, at 49 U.S.C. 13901–13905, establishes a registration system to replace the licensing system previously administered by the ICC. The ICCTA requires that for-hire motor property and passenger carriers, property brokers, and freight forwarders operating in interstate or foreign commerce must register with the Secretary of Transportation (the Secretary) to provide such transportation or related services. The ICCTA further directs the Secretary to register such entities when minimum prescribed criteria are met.

Under 49 U.S.C. 13908, the Secretary, in cooperation with the States and after notice and opportunity for public comment, is directed to issue regulations to replace this registration system, as well as DOT's current identification number system (see 49 CFR 385.21), the single State registration system prescribed by 49 U.S.C. 14504, and the financial responsibility information system prescribed by 49 U.S.C. 13906, with a single, on-line Federal system. The new system envisioned by section 13908 is intended to "serve as a clearinghouse and depository of information on and identification of all foreign and domestic motor carriers, brokers, and freight forwarders, and others required to register with (DOT) as well as information on safety fitness and compliance with required levels of financial responsibility."

The ICCTA makes clear that the registration system prescribed in 49 U.S.C. 13901–13905 is intended only as a temporary, stand-alone procedure while DOT undertakes to design and implement the revised identification

and safety oversight system as directed by Congress. In an advance notice of proposed rulemaking (ANPRM), FHWA Docket No. MC–96–25 (FHWA 97–2349), Motor Carrier Replacement/Information System, 61 FR 43816 (August 26, 1996), the FHWA initiated the process required by section 13908 to develop a single, on-line Federal system. The ANPRM invited comments from interested persons and entities concerning the four information systems that potentially could be embraced by the single system envisioned by section 13908. The ANPRM solicited responses to specific questions and, in particular, expressly invited comments on any necessary and appropriate changes to the registration system established by the ICCTA and whether and how it should be modified to contribute most effectively to the integrated system envisioned. Comments received in response to the ANPRM currently are being evaluated with a view toward developing a specific proposal as contemplated by section 13908.

Procedural Background

Since the ICCTA's implementation date, the FHWA has been processing registration requests submitted by motor property and passenger carriers, property brokers, and freight forwarders, generally under the licensing regulations of the former ICC, previously codified at 49 CFR part 1160, redesignated as 49 CFR part 365 at 61 FR 54706 (October 21, 1996). To accommodate registration requests in this process, the FHWA has been using the former ICC's application forms with minimal revisions to reflect the ICCTA's jurisdictional changes. This approach is consistent with section 204 of the ICCTA which preserves all ICC regulations, orders, decisions, and authorities that remain viable after enactment of the new law. On April 1, 1996, at 61 FR 14372, the FHWA adopted, in general, all viable ICC rules and decisions until such time as changes are warranted.

Under that general adoption principal, the FHWA has had ample occasion to review registration requests submitted under the former ICC's application procedures. The experience using the redesignated part 365 rules suggests the need for further refinement of the former ICC's regulations, procedures, and application forms on an interim basis to accommodate a registration system as is now temporarily in place rather than a licensing scheme for which they originally were developed.

In addition, the rulemaking initiated by today's NPRM embraces issues raised in petitions to reopen the ICC proceedings in which the original part 1160 rules were developed, Ex Parte No. 55 (Sub-No. 94) and Ex Parte No. 55 (Sub-No. 86), consolidated in 10 I.C.C.2d 386 (1994). The interim rules and application forms proposed here have been developed with attention to those reopening petitions filed by the American Bus Association (ABA) and the Transportation Lawyers Association Committee on Federal Agency Practice (TLA), supported by the American Insurance Association (AIA). The petitions were pending before the ICC at the time of its termination and, accordingly, were transferred to the FHWA for disposition.

The FHWA advises petitioners that their petitions and comments will be considered in this rulemaking to the extent that they are relevant to the registration system. Accordingly, the petitions and comments that have been submitted by the TLA, the ABA, and the AIA in response to the licensing rules issued by the former ICC will be placed in this docket and considered as part of this rulemaking. In addition, these parties are invited to amend their existing petitions or to submit further comments as they deem appropriate.

Statutory and Procedural Parameters for Registration

In this NPRM, the FHWA proposes to adopt revisions to the registration procedures and requirements as interim rules and proposes corresponding changes to the registration application forms and registration review and notification procedures. These revisions are intended to produce a simplified registration process consistent with the ICCTA, to accommodate other recent statutory changes that relate to the registration process (such as specialized considerations for certain registrant categories), and to consider relevant issues raised by the TLA and the ABA in their petitions to reopen the proceedings on which the former part 1160, now part 365, regulations are premised.

Given the generally simplified approach of the regulations now codified at part 365, the intended transitional nature of the registration system envisioned by the ICCTA, and the fact that the system may be altered significantly in the proceeding mandated by 49 U.S.C. 13908, the FHWA is attempting to avoid unnecessary or premature regulatory changes in this interim period. Accordingly, the part 365 interim rules proposed here essentially parallel the former part 1160 procedures to the extent they are compatible with the registration system mandated by the ICCTA.

The ICCTA's registration parameters permit some further streamlining, simplification, and modification of the rules and application forms at this interim stage. Most of the revisions proposed here are necessary to implement the statutorily prescribed registration system consistently and effectively among all affected transportation modes. Certain of the proposed procedural and information-gathering revisions would permit the FHWA to align and integrate more effectively the registration fitness and general safety screenings that now are housed within the FHWA. For example, the proposed coordinated submission of the MCS–150 forms with the registration applications would ensure that safety performance information would start accruing immediately with respect to even the newest registrant.

Certain other proposed procedural revisions are not statutorily prescribed, but derive from the FHWA's interest in administering the registration system in a manner that takes realistic account of industry norms and practices. The proposed extension of registration compliance time frames is so motivated. Finally, the proposed interim rules and registration forms also incorporate several new explanatory references and/or certification devices that are designed to best accommodate statutory changes affecting specific registrant categories. The expanded information directed to publicly funded passenger carriers and carriers or freight forwarders of household goods is representative of this approach.

Scope of Registration Obligation

With one significant revision discussed below, the FHWA's registration jurisdiction over motor carriers, property brokers, and freight forwarders essentially corresponds with that of the former ICC. All persons or commercial entities providing for-hire motor carrier transportation of property or passengers or forwarding or brokerage of property in interstate or foreign commerce are required to register with the FHWA pursuant to 49 U.S.C. 13901 *et seq.*

As specifically concerns freight forwarders, the ICCTA includes a registration provision at 49 U.S.C. 13903 that represents an expansion of the FHWA's jurisdiction as compared with the former ICC's licensing jurisdiction under the predecessor provision at 49 U.S.C. 10923. The ICCTA requires registration of both forwarders of general freight and household goods. *See* FHWA Docket No. MC–96–43

(notice of proposed rulemaking, 62 FR 4096, January 28, 1997).

For licensing and most other purposes, the ICC's jurisdiction over freight forwarders had been limited to the household goods segment of the forwarding industry by the Surface Freight Forwarder Deregulation Act of 1986, Pub. L. 99-521, 100 Stat. 2993 (October 22, 1986). Consistent with the ICCTA's expansion of registration jurisdiction to all interstate, for-hire surface freight forwarders, the freight forwarder industry expressly is advised of its revised registration and compliance obligations. All freight forwarders of general commodities, as well as household goods, are required to register their operations with the FHWA by filing Form OP–1(FF). This registration obligation extends, not only to new forwarder entrants, but also to those general commodities freight forwarders that previously held ICC authority mooted by the Surface Freight Forwarder Deregulation Act of 1986 and those forwarders previously issued authority by the former ICC restricted to the forwarding of household goods, but that also forward general freight.

The FHWA now is accepting and will continue to process registration applications on behalf of such entities. The interim rules and revised Form OP-1(FF) application proposed here would reflect the expansion of jurisdiction to general commodities forwarders.

We note that 49 U.S.C. 13541(a) provides that the Secretary shall exempt entities from the statutory provisions governing interstate transportation by motor carriers, property brokers, and freight forwarders upon a finding that application of an involved provision is not necessary to carry out the transportation policy of section 13101, is not necessary to protect shippers from the abuse of market power or that the involved transaction or service is of limited scope, and that such action is in the public interest. This exemption authority, however, is limited by the subsection 13541(e) provision that it not be used to relieve a person from the application of and compliance with any law, rule, regulation, standard, or order pertaining, as pertinent here, to insurance and safety fitness.

In view of the 49 U.S.C. 13541 exemption provisions, we specifically invite comments on whether the FHWA should consider relieving certain entities from specific interim registration requirements proposed here. In particular, we would like to receive views on the advisability of exempting from certain registration requirements, to the extent permitted under 49 U.S.C. 13541(e), specific transportation industry segments (*e.g.*, general commodity freight forwarders or transit operators that receive grants under 49 U.S.C. 5307, 5310, or 5311 as discussed subsequently in this notice). The FHWA will consider any comments received on this issue to assess the extent, if any, to which relief from particular registration requirements might be available and feasible under 49 U.S.C. 13541 or, alternatively, to evaluate the need for further legislative action to achieve meaningful relief in this area.

Interim Rules. The proposed interim rules are set forth below. For the most part they would provide for changes to the former part 1160 regulations only where necessary to render the registration process fully consistent with that mandated by the ICCTA. Essentially, they would represent a continuation of the procedures that have been followed under section 204 of the ICCTA's general adoption provisions since the FHWA initiated its registration responsibilities on January 1, 1996. To the limited extent that more significant changes to the registration rules or procedures are proposed (*e.g.*, provisions for integrating with the registration process transfers of ownership and submission of the MCS–150 forms), they either are mandated by jurisdictional changes in the new statute or are necessary to realize the full efficiencies inherent in the FHWA's unified registration and safety compliance monitoring.

As previously noted, however, comments received will be accorded full consideration with a view toward ensuring that the registration process is in keeping with the terms of the ICCTA and is consistent with administrative resources and other program elements within the FHWA's purview, particularly safety compliance. In addition, comments will assist the FHWA as it continually evaluates the effectiveness and responsiveness of the interim registration process in developing the single, on-line Federal replacement system mandated by 49 U.S.C. 13908.

Commenters are urged to formulate their responses to this proceeding with a view toward the interim nature of the involved rules. Although the rules proposed here are subject to full notice and comment procedures, interested participants should be aware that the FHWA intends to deal with such issues as the pre-registration safety fitness certification methodology in its rulemaking under 49 U.S.C. 13908.

Interim forms. With the exception of Mexican owned or controlled property carriers, all domestic and foreign for-hire motor property carriers and property brokers are required to file the Form OP–1 registration application form. All domestic and foreign for-hire motor passenger carriers are required to file the Form OP–1(P) registration application form. Freight forwarders of general commodities and household goods are required to file the form OP–1(FF) registration application form.

The FHWA is in the process of developing registration rules and procedures specifically applicable to Mexican carriers. Until such time as those rules are implemented, the interim registration rules proposed here would be applicable to Mexican carriers as follows:

(1) Mexican owned or controlled carriers that transport property (including otherwise exempt items) in foreign commerce between the U.S.-Mexico border and points in California, Arizona, New Mexico, and Texas, and Mexican owned or controlled enterprises established in the United States to transport international cargo in foreign commerce, subject to special provisions of the North American Free Trade Agreement (NAFTA), would file the Form OP–1(MX) registration application; and

(2) Mexican owned or controlled passenger carriers operating pursuant to special provisions of NAFTA, would file the Form OP–1(P) registration application.

This notice incorporates in the appendices to part 365 proposed revised versions of the registration application forms. As with the proposed interim registration regulations, the proposed revised application forms would closely resemble those used by the former ICC and would incorporate primarily incremental changes to reflect new statutory or jurisdictional references required by the ICCTA.

No materially new information collection procedures or uses are contemplated. The proposed revised registration forms would preserve to the extent feasible the information collection categories and format of the former ICC's licensing application forms. The proposed integration into the registration process of the MCS–150 filings would represent merely an effort to coordinate ongoing information collection processes, rather than a new information solicitation.

Indeed, the incremental revisions proposed to the forms, as well as the general streamlining and simplification of the application format and accompanying instructions, allow for a reduction in the estimated burden hours required for completing the OP–1, OP–1(P), and OP–1(FF) forms by prospective registrants. Concurrently with this

notice, we are submitting the forms as a revised information collection to the Office of Management and Budget (OMB) for review under section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

As with the interim regulations proposed here, the revised registration forms would be used only as transitional devices while the 49 U.S.C. 13908 replacement system is being developed and implemented. The FHWA has minimized the form revisions proposed to preserve all viable aspects of a process with which the motor carrier, broker, and freight forwarder industries are familiar and comfortable.

In addition, the proposed interim rules would embrace procedures at § 365.511 to accomplish voluntary revocation of registrations. Essentially, this process and the accompanying Form OCE–46 closely parallel those presently in place. Indeed, the proposed revisions to the revocation request form only represent ministerial changes to reflect the FHWA's assumption of jurisdiction in this area and no new or revised information requests are involved. Accordingly, the voluntary revocation form need not be evaluated by OMB as a revised information collection device. Nonetheless, the FHWA will entertain comments of interested parties in this area, as well.

Registration Effective Periods

Section 103 of the ICCTA, 49 U.S.C. 13905(b), permits the Secretary to specify by regulation the effective dates for registrations issued under 49 U.S.C. 13902–13904. The Conference Report states that such terms are not to exceed periods of five years. H. Rep. No. 104–422, at 212 (1995). Registration applicants are advised that the comprehensive replacement system prescribed in 49 U.S.C. 13908 will address the issues of specific registration effective periods and registration renewal procedures. Accordingly, the proposed interim registration rules do not address such matters. Registrations issued pursuant to the interim rules adopted in this proceeding and any other registrations as provided in the rules issued pursuant to 49 U.S.C. 13908 will be subject to the effective periods established in that proceeding.

In the interim, the proposed rules provide that registrations would remain in effect as long as the registrant maintains compliance with all applicable statutory and regulatory provisions, including those pertaining to insurance coverage for the protection of the public, designation of process agents, tariffs or schedules, and motor carrier safety. Failure to maintain compliance would constitute sufficient grounds for revocation of registration authority by the FHWA.

Safety Fitness Evaluation

As previously noted, the proposed revised application forms and procedures would allow the FHWA to integrate effectively its recently acquired jurisdiction over the registration process with its existing safety compliance monitoring and rating responsibilities. This goal will be a paramount feature of the FHWA's rulemaking responsibilities under 49 U.S.C. 13908. The proposed interim registration process affords numerous possibilities for realizing efficiencies and collaborative safeguards in administering these unified safety fitness responsibilities.

For-hire motor carriers now have the assurance that safety fitness monitoring will be exercised consistently and continually—initially when the carriers are scrutinized as registrants and then under the FHWA's safety fitness monitoring and rating agenda. This affords enhanced prospects for integrating the safety information collection and evaluation processes administered within the FHWA. The more closely coordinated procedures proposed in the interim rules should inure to the benefit of the agency through administrative efficiencies, to the benefit of registrants through unification of filing responsibilities, and to the benefit of the motor carrier industry and general public through improved safety fitness monitoring of new entrants.

Specific measures incorporated in the proposed interim rules to effect these improvements include the following:

(1) Introduction of the requirement that all new motor carrier entrants submit a Form MCS–150 *concurrently with* their registration application forms;

(2) Expansion and clarification of the advisories provided on the registration forms concerning the scope of exemptions from DOT safety regulations; and

(3) Commitment of the FHWA to continual monitoring of the performance of new and unrated registrants *from the onset of their operations* under the Safety Compliance and Evaluation system.

Now that the FHWA's jurisdiction extends to both safety screening of prospective registrants and ongoing safety fitness evaluation and rating of operating carriers, the interim registration process offers significant prospects for effectively integrating pre- and post-registration safety monitoring and oversight. The safety compliance obligations of prospective registrants best can be highlighted by apprising them of their concurrent obligations to introduce themselves into the FHWA's safety surveillance processes using the Form MCS–150. Their compliance with this process can be facilitated by including the Form MCS–150 as an enclosure with the registration application. The proposed interim rules would specify that all motor carrier registration applications must be accompanied by a completed Form MCS–150 or must provide a U.S. DOT number for the registrant, indicating that a Form MCS–150 currently is on file. To conform with this requirement, the proposed interim rules would provide for a technical amendment to 49 CFR 385.21(b).

Revisions Concerning Household Goods Service

Motor Carriers and Property Brokers

The former part 1160 rules and the corresponding licensing forms used by the ICC recognized specialized service categories that distinguished motor property carriers and brokers of household goods from their general freight counterparts. These distinctions derived from statutory provisions previously codified at 49 U.S.C. 10922(c), 10923(a) and (c)(3) and (5), and 10924(a), that established distinct public need or public interest licensing criteria for household goods common carriers, household goods contract carriers, and household goods brokers, respectively. Accordingly, the licensing application forms that pertained to household goods carriers or brokers included specific certifications or information requests reflecting the heightened public need and public interest standards that distinguished the licensing criteria for such entrants from the more general fitness standards applicable to general freight carriers and brokers. Consistent with the need to conduct specialized pre-licensing evaluations of household goods carriers and brokers, such entities also were assessed a separate application filing fee.

Because the registration provisions of the ICCTA did not preserve the above-referenced distinct licensing criteria for household goods carriers and brokers, there is no need to continue separately evaluating such entrants in the interim registration system. With the exception of the arbitration provision discussed subsequently, the proposed interim rules and registration forms would no longer require household goods carriers and brokers to provide separate or

additional information, certifications, or fees in order to fulfill their registration obligations.

To identify household goods carriers and brokers for reporting and/or enforcement purposes, however, the proposed revised application forms would continue to request that registrants classify themselves with reference to their household goods service intentions. Similarly, the interim registration documents issued to such entities under the proposed rules would continue to specify household goods service where applicable.

Freight Forwarders

As previously discussed, the ICCTA embraces forwarders of both general freight and household goods. The proposed interim rules and the proposed freight forwarder registration application form would reflect this extension of the registration obligation beyond the household goods segment of the forwarding industry. Consistent with the approach adopted for motor property carriers and brokers, freight forwarder registration applicants under the proposed interim rules would be required to indicate the nature of their service (general freight, household goods, or a composite), and their registration documents would continue to reflect their service intentions. Separate filing fees would not be assessed for those entities seeking to register for more than one type of forwarder service category, however. As discussed below, the proposed revisions also would reflect the arbitration commitment imposed by the ICCTA as a condition of freight forwarder registration under 49 U.S.C. 14708.

Arbitration Certifications

The ICCTA, at 49 U.S.C. 14708, for the first time conditions registration of household goods carriers and household goods freight forwarders on their agreement to offer shippers arbitration as a means of settling disputes. Accordingly, the proposed interim rules would reflect this new pre-registration requirement and the proposed revised Form OP–1 (for motor property carriers) and Form OP–1(FF) (for freight forwarders) would incorporate an arbitration certification required of registrants in these limited categories.

The arbitration certification would be designed as an affirmative check-box entry on the involved registration forms and would be noted in the accompanying instructions. This format would strike a desirable balance between sufficiently apprising household goods motor carrier and freight forwarder registrants of their arbitration obligation and not unduly encumbering the registration process. As a further advisory measure, the registration documents issued to household goods carriers and forwarders would include a note referencing the arbitration commitment, as well as other pre-registration requirements—including insurance filing, process agent designations, and, to the limited extent applicable, tariff filing or publishing.

Compliance Time Frames

The proposed interim rules would extend the time frames for submitting to the FHWA supplemental compliance documents required as a condition to registration—*i.e.*, insurance or surety bond forms and designation of process agent forms. The system defined in former part 1160 provided for submission of the required compliance documents within an initial 20-day period from the date of publication of application filings—formerly in the "ICC Register," now in the "Federal Highway Administration-Office of Motor Carriers Register (FHWA–OMC Register)."[1]

Registrants that failed to meet this initial compliance deadline were advised by letter sent on the 30th day after publication that they had an additional 60-day period to effect compliance. They further were advised that, if this additional compliance period was not met, their registration requests would be dismissed for want of prosecution. In the FHWA's experience processing registration requests since the ICCTA's January 1, 1996, effective date, the vast majority of registration applicants failed to effect compliance within the initial 20-day period. They had to be advised further of their compliance obligations through correspondence that extended the compliance time period.

Under the revised compliance system proposed here, the interim registration rules would provide for a 90-day compliance period running from the date a registration notice is published in the "FHWA–OMC Register." They further would provide for automatic dismissal of any registration application for which the compliance requirement is not met. This expanded compliance time period would conform more appropriately with the commercial and circumstantial realities confronting registrants and the insurance and agent representatives with whom they must deal.

[1] Published as the "ICC Register" from 1983 to 1995; retitled as the "FHWA–OMC Register" in 1996. It is a daily listing of motor carrier applications, decisions, and notices issued by FHWA's Office of Motor Carrier Information Analysis, Washington, DC 20590.

This proposed integration of the 90-day time frame and the dismissal for want of prosecution provision into the registration regulations, moreover, would bring equity and predictability to the registration process. It also would permit the FHWA to avoid the administratively burdensome and costly step of sending extension of time and dismissal correspondence to non-complying registrants. The proposed automatic dismissal of non-complying registration requests on the 90th post-publication day, moreover, would be administered without exception and regardless of registrant circumstances. This would foreclose the cumbersome process of entertaining individual waiver petitions or appeals to the announced procedures. The FHWA emphasizes that nothing in this proposed procedural reform would impede the processing of registration applications or in any way cause delay in the issuance of registration notices to those registrants that meet the compliance requirements in a timely manner.

The proposed extension of the compliance time limit to 90 days would serve as a concession to the many registrants that have found the initial 20-day limit unrealistic and the 60-day extension notification confusing. In reality, the proposed 90-day compliance time frame and non-negotiable dismissal provision would reflect prevailing compliance norms. They would relieve the registration process of supplemental correspondence and potentially arbitrary or inequitable extensions of time, granted on the basis of individual appeals.

Complaint Time Frames

The proposed interim rules would retain the 10-day time period for filing complaints in response to registration applications. The FHWA's experience in processing registration requests, as well as the licensing experience of the predecessor ICC, confirm that this 10-day time frame is reasonable and adequate to accommodate the interests of potential complainants and to ensure the continued integrity of the registration process. Indeed, since assuming registration jurisdiction under the ICCTA in January 1996, the FHWA has received only three protests in registration proceedings, involving challenges based on either the trade name of a motor property carrier registrant or the alleged Mexican ownership of an applicant. Given this statistically insignificant level of contested registration requests and the ability of the relatively few complainants to avail themselves of

facsimile transmissions to make known their positions, there appears to be no persuasive basis for revising the 10-day time period.

Registrant Name Changes and Transfers

The proposed interim rules would incorporate provisions for accomplishing registrant name changes. These provisions are adapted from the name change procedures included as part of the ICC's regulations governing transfers of operating rights at former 49 CFR part 1181, redesignated as subpart D of 49 CFR part 365 at 61 FR at 54707. Under the proposed interim rules, as now, name changes would be confined to limited circumstances in which registrants change a legal or trade name, generally in situations that do not entail any change in the ownership or control of the business.

The proposed interim rules would not link the name change procedures to rules governing the transfer of registrations as had been the case under the former ICC's licensing jurisdiction. The statutory provision for transferring operating authority, previously codified at 49 U.S.C 10926, was omitted in the general revision of title 49, U.S.C., subtitle IV. Accordingly, we perceive no basis for continuing to entertain requests for the transfer of registrations, whether issued under the FHWA's jurisdiction or previously as ICC operating authority. The proposed interim rules would not retain those portions of recently redesignated 49 CFR part 365 subpart D, formerly 49 CFR part 1181, that govern transfer proceedings.

Although as a transitional measure the FHWA has been issuing registrations to transferees in proceedings filed pursuant to the former part 1181 transfer regulations, the FHWA proposes to discontinue this practice effective upon issuance of interim final rules in this proceeding. All pending transfer proceedings filed pursuant to former 49 CFR part 1181 would be processed. Any transfer applications filed on or after the effective date of interim final rules adopted in this proceeding would be returned to the parties with a notification that the filing fee would be applied to a new registration application, if submitted on the transferee's behalf within 30 days of the correspondence date.

The proposed interim registration rules would provide that any entity seeking to operate as a motor property or passenger carrier, property broker, or freight forwarder must identify its operations to the FHWA as a new registrant, using the appropriate application in the Form OP–1 Series. Upon issuance of the interim final rules, it no longer would be feasible to transfer operating rights previously issued by the ICC or registration documents issued under the FHWA's jurisdiction. Nor would it be permissible for registered entities to preserve and operate under an "MC" or "FF" number previously issued to another licensee or registrant.

Disclosure of Affiliations and Changes in Control

The ICCTA did not revive or continue those statutory provisions previously codified at 49 U.S.C. 11343, 11344, 11345, and 11348, to the extent they established jurisdiction and set forth standards for review of consolidations, mergers, and acquisitions of control of motor property carriers. Accordingly, in the previously referenced notice at 61 FR 14372, the FHWA advised motor property carriers that their acquisitions of control are no longer subject to approval and authorization pursuant to former section 11343. The regulations governing such transactions at 49 CFR parts 1186, 1187, and 1188, to the extent they involve motor property carriers, similarly are no longer viable and need not be integrated into the registration rules or procedures. Insofar as the ICCTA, at 49 U.S.C. 14303, provides for continuing jurisdiction by the Surface Transportation Board (STB) over motor passenger carrier mergers, consolidations, and control arrangements (but not transfers of such authority), the STB has jurisdiction to remove or revise, as appropriate, the former ICC's regulations governing such transactions at 49 CFR parts 1182, 1187, and 1188.

By proposing to eliminate prospects for transferring previously issued ICC operating authority or FHWA registrations, the FHWA does not intend otherwise to prohibit carriers from acquiring authority from existing registrants or from entering into collaborative business transactions, such as the purchase of customer lists or contracts, the goodwill of an ongoing concern, or trade names, logos, or company identities. When such practices or arrangements entail the assumption of a registrant's operations by a successor-in-interest, however, the new entrant would be required to file a registration application and would be assigned its own registration number, rather than that of the predecessor carrier, broker, or forwarder.

Although there is no residual jurisdiction over motor property carrier consolidations, mergers, and acquisitions of control as would require or permit the FHWA's preliminary review and approval of such transactions, there is a continuing need to include within the registration process safeguards and mechanisms for ascertaining registrants' ownership and control interests. The FHWA only can verify and monitor the fitness of all registrants by requiring that they provide and, where necessary, update information concerning their affiliations and control relationships.

Accordingly, the request for "AFFILIATIONS" information on the proposed registration application forms would be preserved. Further, to ensure that the information provided is not incomplete or misleadingly selective, the arbitrary 3-year time frame that now circumscribes this information request would be eliminated. Registrants would be expected to disclose on the application forms all commercial, financial, or management relationships they have had with any ICC-licensed or FHWA-registered entity during the full course of their commercial history.

On the same fitness oversight premise, the proposed interim rules would require that entities re-register any time there is a change in their ownership, control configuration, or commercial identity that exceeds the scope of a name change. The re-registration process would ensure a modicum of control over the accuracy and reliability of registration information on file with the FHWA. Only in this manner can the FHWA continue to monitor effectively the universe of registrants and maintain the integrity of the system we are charged with administering.

Reinstatement of Revoked Registrations/Authorities

For similar reasons, the FHWA proposes to revise the practice of reinstating revoked registrations, including those formerly issued as operating authorities by the ICC. As a transitional device since implementation of the ICCTA, the FHWA has been following the ICC's practice by permitting carriers, brokers, and forwarders that have had their authorities revoked without prejudice (either upon registrant request or due to a lapse in insurance coverage or other cause) to request reinstatement simply by filing new evidence of adequate financial responsibility and paying the required reinstatement fee.

Reinstatement has been permitted without regard to the amount of time that has elapsed since revocation of the involved registration/authority. Therefore, at the time of reinstatement there essentially is no assurance of accuracy or timeliness of the

information on file in the application forms originally submitted. It is of concern that this reinstatement process does not allow for sufficient control over the information profile the FHWA can maintain for affected carriers, brokers, and forwarders. Under such procedures, the FHWA may not adequately be able to observe its fitness oversight mandate, particularly in instances where a significant amount of time has passed since the registrant last conducted operations.

The FHWA is further constrained in its ability to pursue an unrestricted reinstatement policy by the express terms of the ICCTA at 49 U.S.C. 13905. That provision directs that only those motor carriers, brokers, and forwarders holding authority "in effect on the day before the effective date of this section (December 31, 1995) shall be deemed ... to be registered to provide such transportation or service under this part." Because the "grandfathering" provision was restricted in this manner, authorities issued by the former ICC that were in a revoked status on the day before the effective date of the ICCTA technically should not be susceptible to reinstatement or any other exercise of the FHWA's registration jurisdiction.

To ensure that the reinstatement process does not undermine or otherwise encumber the informational safeguards of the registration process, the FHWA proposes to no longer entertain reinstatement requests involving authorities filed more than one year after the effective date of the involved revocation. Registration requests on file prior to the effective date of interim final rules adopted in this proceeding would be processed irrespective of these limitations. As of the effective date, however, carriers, brokers, and freight forwarders with registrations or operating authorities that have been revoked for a period exceeding one year would be required to submit the appropriate application in the Form OP–1 Series and to register anew under the proposed interim rules.

Procedures for Voluntary Registration Revocation

The FHWA proposes to continue the practice of permitting registrants to request voluntary revocation of their registrations. Registrants seeking to do so would be required to submit Form OCE–46, Request for Revocation of Registration, to the FHWA, Office of Motor Carriers, Licensing and Insurance Division, as provided in the proposed interim rules at 49 CFR 365.511. The proposed revised version of this voluntary revocation form, incorporating only such changes as are necessary to reflect the FHWA's assumption of jurisdiction in this area, is set forth in the appendices to part 365. Registrations that have been revoked upon request of the registrant would be subject to the above-described reinstatement provisions in the same manner and to the same extent as registrations that have been revoked for failure to maintain required financial responsibility levels.

Reactivation of Dismissed or Withdrawn Applications

As a further measure to preserve the integrity of the registration system and to ensure the continuing accuracy of information provided on the application form, the proposed interim rules would provide that there no longer is an opportunity for applicants to reactivate a registration filing that has been dismissed for want of prosecution or withdrawn at the applicant's request. Submission of a new application in the Form OP–1 Series would be the only mechanism available to reinstitute such registration requests.

Special Transit Operation Provisions

The ICCTA amended the financial responsibility provisions of 49 U.S.C. 31138(e) by adding subsection (4), exempting from the requirements of that section for-hire motor transit operators that provide interstate service and that receive grants under 49 U.S.C. 5307, 5310, or 5311, or that contract to provide transportation service funded in whole or in part by such grant funds. In lieu of the minimum Federal levels of financial responsibility required of motor passenger carrier registrants generally, such transit operators (hereinafter identified as "Federal Transit Administration (FTA) grantees" or "transit service providers") are permitted to carry as their minimum financial responsibility obligation the highest level of insurance required by any of the States in which they operate.

The ICCTA amendment to 49 U.S.C. 31138(e) only adjusted the minimum financial responsibility levels FTA grantees are required to observe; it did not relieve FTA grantees with interstate transit service areas of their obligation to register with the FHWA as required of all interstate for-hire carriers under 49 U.S.C. 13902. Similarly, the ICCTA amendment did not relieve FTA grantees of their obligation under 49 U.S.C. 13906 to file with the FHWA evidence of insurance under 49 CFR part 387 as a condition of registration.

FTA grantees operating in interstate transit service areas that exceed commercial zone limits generally provide service of a nature that does not conform with any of the statutory exemption provisions that might otherwise remove carriers from the reach of FHWA jurisdiction and, thus, relieve them of registration obligations—*e.g.*, the commercial zone exemption of 49 U.S.C. 13506(b)(1), the "casual, occasional, or reciprocal" transportation exemption of 49 U.S.C. 13506(b)(2), or the taxicab exemption of 49 U.S.C. 13506(a)(2). In addition, FTA grantees are advised that there are no exemptions from registration requirements related to vehicle capacity, frequency of interstate operations, or the non-profit status of a transportation operation.

Further, the FHWA believes that no meaningful relief from statutory registration requirements can be made available to FTA grantees under the general exemption authority of 49 U.S.C. 13541. The statute expressly constrains the Secretary from exercising that exemption authority to relieve a person from the application of, and compliance with, any law or regulation pertaining to specified matters including insurance and safety fitness—matters integral to the registration process.

Accordingly, FTA grantees that provide interstate service within areas that exceed commercial zone limits are required to register their operations with the FHWA and, as part of that process, to file evidence that they maintain the minimum levels of financial responsibility coverage required under 49 U.S.C. 31138(e). This notice proposes to amend the 49 CFR part 387 regulations governing minimum levels of financial responsibility for motor carriers to reflect the revised compliance option made available by the ICCTA to transit service providers.

In administering the registration process as it pertains to FTA grantees, the FHWA recognizes that these transit service providers for the most part are small entities not accustomed to dealing with Federal agencies and generally inexperienced as concerns Federal motor carrier safety and economic regulation. Indeed, many of the FTA grantees are not primarily motor carriers, but offer transit service only as an ancillary feature of their principal social service or not-for-profit function. In keeping with the FHWA's longstanding policy of assisting small businesses in understanding and complying with regulatory requirements, and particularly in light of provisions of the Small Business Regulatory Enforcement Fairness Act of 1995 (SBREFA), the FHWA is committed to simplifying and

facilitating the registration process for FTA grantees.

Specific measures already in place to accomplish this include: (1) providing with the Form OP–1(P) a supplemental compliance information insert, advising FTA grantees of and requesting information about their insurance compliance options in a manner similar to that proposed in this notice for the "INSURANCE" section of the Form OP–1(P); (2) staffing a telephone information line ((202)358–7083) with access to registration specialists who can assist FTA grantees in completing the registration application form and filing the required evidence of financial responsibility; and (3) encouraging direct telephone contact between licensing specialists and FTA grantee registration applicants to correct deficiencies or clarify information in registration filings in lieu of rejecting applications.

As the FHWA continues to evaluate and implement the interim registration rules proposed here, we envision further opportunities to coordinate our registration screening responsibilities with FTA processes and to ease the registration paperwork burden for transit service providers by ensuring that all possible redundancies are eliminated from the registration application process for such applicants. To the extent that the 49 U.S.C. 13902(b) registration provisions subject FTA grantees to public interest considerations consistent with those in FTA's annual certifications and assurances for grants under 49 U.S.C. 5307, 5310, and 5311, we will confer with FTA to coordinate public interest findings if such findings are necessary in the registration process.

We are collaborating with the FTA to provide registration training opportunities for State officials who administer the grant programs. This will create an additional source of information for FTA grantees needing assistance in completing the registration application and in complying with registration requirements. We also are committed to facilitating and simplifying the insurance filing process for transit service providers by making available through the FTA to transit providers' insurance agents the BMC–91 and BMC–91X forms. (Other supplemental forms required to be filed by registration applicants—Form BOC–3 for designation of process agents and Form MCS–150 for registering with DOT—already are provided as part of the registration information package sent to prospective applicants.) Finally, we are working with FTA to develop a more informative information sheet targeted at transit service provider registration applicants. The information sheet, provided as a courtesy to all prospective registrants requesting Form OP–1(P), will profile transit service providers' particular financial responsibility requirements, advise transit service providers of the filing fee waiver option available to them, and address common FTA grantee concerns about properly identifying their form of business when registering their operations with the FHWA.

In sum, we anticipate maintaining and will work continually to strengthen the FHWA's ongoing collaborative effort with the FTA. Our goal is to eliminate all possible redundancies from the registration process and to afford FTA grantees the full benefit of effective and accessible information resources to facilitate their compliance with registration requirements.

Passenger Application Revisions Responsive to NAFTA Provisions

The proposed interim rules and Form OP–1(P) passenger carrier registration application would provide for processing applications filed pursuant to the North American Free Trade Agreement (NAFTA), including certain NAFTA provisions that have not yet been implemented. Passenger carrier operations that would be authorized pursuant to Phase III of NAFTA, if implemented, would be limited to bona fide international transportation between the U.S.-Mexico border and specified points in the United States. Carriers registered under this provision would not be permitted to transport passengers in intrastate commerce under 49 U.S.C. 13902(b)(3).

For clarification purposes, the proposed interim rules and Form OP–1(P) also include expanded references to other specialized service categories for Mexican owned or controlled passenger carriers providing special or tour bus operations across the U.S.-Mexico border, pursuant to already implemented NAFTA provisions.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue interim final rules at any time after the close of the comment period. In addition to late comments, the FHWA also will continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

The FHWA encourages commenters to develop their views while mindful of the interim nature of this proceeding and of its relationship to the ongoing collaborative efforts of the FHWA and those interested in developing a single, on-line information/registration system.

The FHWA has developed the rules, forms, and procedures proposed here after considerable transitional experience under the registration system adapted from the former ICC's licensing process. This has permitted our thorough assessment of the regulations and procedures as they pertain to our revised jurisdiction and our selective retention of those features that best conform with existing FHWA processes and the needs of registration applicants.

To the full extent practicable, the revised rules and application forms proposed here continue to reflect the predecessor licensing provisions administered by the former ICC and with which carriers, brokers, and forwarders now within the FHWA's registration jurisdiction already are familiar. For the most part, the proposed interim registration rules and application forms embrace limited changes that either are directly mandated by the ICCTA or are required to realize effective implementation of the FHWA's unified oversight of registration and monitoring of safety compliance. To a more limited extent this proceeding proposes discretionary revisions to the registration forms and procedures now in place. These changes are incremental, but would operate to ensure the continued integrity of the registration process while simplifying and clarifying registration guidelines for applicants.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this proposed action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of the Department of Transportation's Regulatory Policies and Procedures. This proposed action preserves the essential nature of the registration procedures already in place, makes primarily incremental changes to accommodate the ICCTA's jurisdictional revisions or to facilitate the FHWA's management of the registration docket, and will be in place for only a limited, transitional period. Accordingly, it is anticipated that the economic impact of this proceeding will be minimal.

Therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act, Pub. L. 96–354, 5 U.S.C. 601–612, the FHWA has evaluated the anticipated effects of these proposed interim rules on small entities. Based on the evaluation, the FHWA hereby certifies that this proposed action would not have a significant economic impact on a substantial number of small entities.

Essentially, this rulemaking action would preserve in the new registration context mandated by the ICCTA the procedural guidelines and standards previously imposed upon motor carriers, property brokers, and household goods freight forwarders under the former ICC's licensing jurisdiction. Accordingly, the projected economic impact upon the vast majority of small entities affected by this proceeding is expected to be negligible. To the limited extent that the revised registration application forms clarify and simplify the registration process, particularly for first-time applicants, they can be expected to reduce filing burdens in a way that would have a positive, although not profound, economic impact on small entities. Although the revised statutory registration provisions expand the FHWA's regulatory reach to the general commodities segment of the freight forwarding industry, the FHWA finds the affected small entities not to be a population of sufficient size, nor the economic impact upon them to be of sufficient magnitude, to warrant a significant economic impact finding.

Executive Order 12612 (Federalism Assessment)

The interim rules proposed here have been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. The proposed interim rules do not impose additional costs or burdens on the States, nor do they affect the ability of the States to discharge traditional State government functions.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20,217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

The interim rules proposed here involve an information collection requirement for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* The revised registration application forms, however, in all critical respects would preserve the format, procedural guidance, and, to the full extent feasible, the substantive inquiries of their predecessor forms that have been approved by the Office of Management and Budget (OMB).

To the limited extent that the proposed forms would provide for revised information requests, the projected time required for applicants to respond to such information collections would be more than compensated by elimination of other previously requested data, rendered superfluous or irrelevant by the ICCTA. In addition, we anticipate that the revised instructions and streamlined response format of the application forms would clarify and simplify the registration process in a manner that would appreciably reduce the time required to complete the Form OP–1, OP–1(P), and OP–1(FF) registration applications.

Accordingly, we anticipate a downward revision in the estimated burden hours currently reflected in the OMB inventory for completion of Forms OP–1, OP–1(P), and OP–1(FF)—from 2.5 to 1.5 hours per response. This revision would make the burden hours reflected in the OMB inventory consistent with those already recorded for the Form OP–1(MX). That form was developed by the former ICC after that agency had the benefit of considerable experience using the other forms in the OP–1 Series. Thus, the Form OP–1(MX) already reflected streamlined and simplified instructions and organizational features. The FHWA finds that the 1.5 burden hours estimated for completion of Form OP–1(MX) represent a more realistic assessment of the time commitment that would be required of the average applicant for completion of any form in the proposed revised OP–1 Series. The estimated burden hours include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed to complete the forms, and completing and reviewing the collection of information.

The composite annual reporting burden ascribed in the OMB inventory to Forms OP–1, OP–1(P), and OP–1(FF) is 45,000 hours, based on an estimate of 18,000 application filings annually at 2.5 burden hours per response. The FHWA's recent experience in processing registration applications during Fiscal Years 1996 and 1997 indicates that the level of filings continues to remain relatively constant. The projection of 18,000 annual application filings on the proposed forms at the revised estimated paperwork burden of 1.5 hours per response yields an anticipated composite information collection burden of 27,000 hours annually.

The revised information collection requirements contained in this action will be submitted to OMB under the Paperwork Reduction Act and 5 CFR 1320. This document serves as the FHWA's 60-day notice under 5 CFR 1320.8(d)(1). Comments concerning the paperwork burden and burden hour estimates in this proceeding may be directed to OMB and the FHWA, respectively, by addressing them to:

Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503
and
Federal Highway Administration, Forms Clearance Officer Earl Coles (HMS–12), Office of Information and Management Services, 400 Seventh St., SW., Washington, DC 20590

National Environmental Policy Act

The agency has analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not affect the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 365

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Highways and roads, Motor carriers.

49 CFR Part 385

Administrative procedures, Commercial motor vehicle safety, Highways and roads, Highway safety, Motor carriers.

49 CFR Part 387

Freight forwarders, Highways and roads, Insurance, Motor carriers, Surety bonds.

Issued on: February 3, 1998.

Kenneth R. Wykle,

Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA hereby proposes to amend title 49, Code of Federal Regulations, chapter III, subchapter B, by revising parts 365, 385, and 387 as set forth below:

1. Part 365 is revised to read as follows:

PART 365—REGISTRATION OF INTERSTATE, FOR-HIRE MOTOR CARRIERS, PROPERTY BROKERS, AND FREIGHT FORWARDERS

Authority: 5 U.S.C. 553 and 559; 16 U.S.C. 1456; 49 U.S.C. 13101, 13301, 13901–13906, 14708, 31138, and 31144; 49 CFR 1.48.

Subpart A—How to Register

§ 365.101 Registrations governed by these rules.

These rules govern the registration of entities providing transportation or service of the following types:

(a) For-hire motor common or contract carriers of property or passengers, operating in interstate or foreign commerce;

(b) Brokers of for-hire motor vehicle transportation of property in interstate or foreign commerce;

(c) Freight forwarders of property in interstate or foreign commerce;

(d) Intrastate motor common carriers of passengers providing service on a route over which the carrier is registered to provide interstate operations; and

(e) Mexican carriers operating in interstate or foreign commerce as common, contract, or private motor carriers of property (including exempt items), between the U.S./Mexico border, on the one hand, and, on the other, points in California, Arizona, New Mexico, and Texas.

§ 365.103 Effective periods of registrations.

Registrations will remain in effect as long as the registrant maintains compliance with the requirements of this part and all applicable statutory and regulatory provisions, including those pertaining to insurance coverage for the protection of the public (49 CFR part 387); the designation of agents upon whom process may be served (49 CFR part 366); tariffs or schedules if applicable (49 CFR part 1312); and the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399). Failure to maintain compliance will constitute sufficient grounds for revocation of registration authority by the Federal Highway Administration (FHWA).

§ 365.105 Modified procedure.

The FHWA will handle registration requests using the modified procedure, if possible. Under this procedure, registration applicants and complainants submit statements made under oath (verified statements) to each other and to the FHWA.

§ 365.107 Starting the registration process: the Form OP–1 Series.

(a) All registration applicants shall file the appropriate form in the OP–1 Series, as follows:

(1) Form OP–1 for motor property common and contract carriers and property brokers;

(2) Form OP–1(P) for motor passenger common and contract carriers;

(3) Form OP–1(FF) for freight forwarders; and

(4) Form OP–1(MX) for Mexican for-hire or private motor carriers of property (including otherwise exempt items), seeking to operate pursuant to provisions of the North American Free Trade Agreement (NAFTA).

(b) Registration applicants may obtain the OP–1 forms by contacting FHWA regional offices identified at 49 CFR 390.27 and FHWA field offices, or by calling the FHWA, Office of Motor Carriers, Licensing and Insurance Division, at (202) 358–7046.

(c) A separate registration filing fee is required for each registration application submitted in each transportation or service category.

§ 365.109 Types of registrations.

(a) *General compliance.* (1) Motor property carriers, freight forwarders, property brokers, and certain types of motor passenger carriers, are required to be registered upon a finding that the registrant is willing and able to comply with all applicable statutory and regulatory provisions, including any safety regulations imposed by the Secretary and safety fitness requirements established under 49 U.S.C. 31144 (49 CFR parts 350–399) and the minimum financial responsibility requirements established under 49 U.S.C. 13906, 31138, and 31139 (49 CFR part 387). These registration applications can be opposed only on the grounds that the registrant is not in compliance with applicable safety fitness and financial responsibility requirements.

(2) Registrants in this category are:

(i) Motor common and contract carriers of property (except household goods);

(ii) Mexican motor common and contract carriers of property (except household goods) that perform private carriage and transport exempt items;

(iii) Motor carrier property brokers;

(iv) Freight forwarders of general commodities (except household goods); and

(v) Privately funded motor common and contract passenger carriers (i.e., carriers that receive no governmental assistance), providing special and charter operations, international charter

and tour bus services across the U.S.-Mexico border (provided by Mexican owned or controlled carriers), regular route service, or scheduled international transportation between the U.S.-Mexico border and specified points in the United States (provided by Mexican owned or controlled carriers subject to implementation of Phase III of the North American Free Trade Agreement).

Note: Motor passenger carrier registrants in this category (that are not Mexican owned or controlled) are authorized to provide regular route motor passenger carrier transportation entirely in one State if such intrastate transportation is to be provided on a route over which the carrier provides interstate transportation of passengers. Registrants that intend to provide intrastate service of this nature should so indicate on Form OP–1(P).

(b) *Public interest.* (1) Certain types of motor passenger carrier registrants are required to be registered upon a finding of the general compliance factors specified in paragraph (a) of this section, unless, on the basis of evidence presented by any person objecting to the registration, there is a finding that the transportation to be provided pursuant to the registration is not in the public interest.

(2) Registrants in this category are:

(i) Private motor passenger carrier recipients of governmental assistance, providing special or charter transportation; and

(ii) Public motor passenger carrier recipients of governmental assistance, providing regular-route transportation.

(c) *Public special or charter.* (1) Certain types of motor passenger carriers are to be registered upon a finding of the general compliance factors specified in paragraph (a) of this section and upon the further findings that: No motor carrier of passengers (other than a motor carrier of passengers which is a public recipient of governmental assistance) is providing or willing to provide the transportation; and the transportation is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

(2) Registrants in this category are public motor passenger carrier recipients of governmental assistance providing special or charter transportation.

(d) *Household goods.* (1) Certain types of motor property carriers and freight forwarders are to be registered upon a finding of the general compliance factors specified in paragraph (a) of this section and upon a further finding that the registrant agrees in accordance with 49 U.S.C. 14708 to offer its shippers of household goods arbitration as a means of settling disputes concerning damage and loss to household goods transported and certifies in its application that the required arbitration system is in place.

(2) Registrants in this category are:

(i) Motor common and contract carriers of household goods (including Mexican carrier registrants); and

(ii) Household goods freight forwarders.

§ 365.111 Review of the registration application.

(a) Registration applications will be reviewed for correctness, completeness, and adequacy of the information provided.

(1) Minor errors will be corrected without notification to the registrant.

(2) Materially incomplete registration forms will be rejected as provided in § 365.119. Registration applications that are in substantial compliance with these rules may be accepted.

(b) Registration applications submitted by motor carriers with "Unsatisfactory" safety fitness ratings will be rejected.

(c) A summary of the information provided on the accepted registration application will be published in the "Federal Highway Administration Office of Motor Carriers Register [FHWA–OMC Register]" to give notice to the public.

(d) Registration applicants must establish financial responsibility by filing, within 90 days from the date a registration notice is published in the *FHWA–OMC Register,* as appropriate:

(1) Form BMC–91 or 91X (bodily injury and property damage liability coverage) or Form BMC–82 (surety bond)—Bodily injury and property damage—motor property and passenger carriers; freight forwarders that provide pickup or delivery service directly or by using a local delivery service under their control.

Note: Motor passenger transit operators identified under 49 U.S.C. 31138(e)(4) that receive grants under 49 U.S.C. 5307, 5310, or 5311 or that contract to provide transportation service funded in whole or in part by such grant funds, may file proof of minimum financial responsibility at the highest level of insurance required by any of the States in which they operate in lieu of observing otherwise applicable Federal limits.

(2) Form BMC–84 (surety bond) or Form BMC–85 (trust fund agreement)—property brokers.

(3) Form BMC–34 or BMC–83 (surety bond)—Cargo liability—motor property common carriers and freight forwarders.

(e) All motor carrier, property broker, and freight forwarder registration applicants also must submit Form BOC–3—Designation of legal process agents—within 90 days from the date a registration notice is published in the "FHWA–OMC Register."

(f) Compliance with safety requirements by motor carrier and vehicle-operating freight forwarder registrants is established by:

(1) Completion of the safety fitness compliance certification on the registration application form;

(2) Submission of a completed Form MCS–150 with the registration application form or confirmation by providing a valid U.S. DOT number that the registrant currently has a Form MCS–150 on file; and

(3) Either of the following:

(i) Assignment of a DOT safety rating other than "Unsatisfactory"; or

(ii) For registration applicants that have not been assigned a DOT safety rating, immediate entry into the FHWA's Motor Carrier Management Information System (MCMIS) to permit continual monitoring of such registrants' operations, involving attention to vehicle inspections, accident reports, carrier size, commodities transported, and any performance-based operational data available through MCMIS.

(g) Registration applicants seeking to conduct operations for which tariffs are required to be filed or published may not commence operations until such tariffs are properly filed with the Surface Transportation Board under 49 CFR part 1312 or published and in effect.

(h) All registration application forms must be completed in English.

§ 365.113 Changing the registration application form or filing supplementary evidence after the registration form is filed.

(a) Once the registration application form is filed, the applicant may supplement evidence only with the approval of the FHWA, Office of Motor Carriers, Licensing and Insurance Division.

(b) Amendments to the registration application form generally are not permitted, but in exceptional circumstances may be entertained at the discretion of the FHWA, Office of Motor Carriers, Licensing and Insurance Division.

§ 365.115 Obtaining a copy of the registration application.

After publication of the registration notice, interested persons may request a copy of the registration application form submitted by contacting the office or official identified in the "FHWA–OMC Register."

§ 365.117 Registrant withdrawal.

If the registration applicant wishes to withdraw its application, it shall submit a dismissal request in writing to the Federal Highway Administration, Office of Motor Carriers, Licensing and Insurance Division, HIA–30, Suite 600, 400 Virginia Avenue , SW., Washington, DC 20024.

§ 365.119 Disposition of registration applications.

(a) Registration applications not in substantial compliance with this part will be rejected. Applicants will be informed in writing by the Director, Office of Motor Carrier Information and Analysis, of the reason for rejection. Filing fees for rejected applications are not refundable.

(b) If no complaints are received in response to registration applications published in the "FHWA–OMC Register" as provided under subpart B of this part, the registration will become effective by issuance of a certificate (motor common carriers), permit (motor contract carriers and forwarders), or license (property brokers). The registration will continue in effect only so long as the registrant remains in compliance with the requirements of this part and all applicable statutory provisions. The registrant is subject to suspension or revocation at any time for compliance failure.

(c) If a timely complaint is filed in response to a registration application as provided under subpart B of this part, the Director, Office of Motor Carrier Information and Analysis, will review the application record, including all complaint and reply evidence, and will issue a decision on the merits of the application.

Subpart B—Provisions Governing Opposed Registration Applications

§ 365.201 Definitions.

Complainant means a person filing valid opposition.

Complaint means a pleading filed by a person who opposes a registration.

§ 365.203 Time periods for filing complaints.

A complaint must be filed (received at the FHWA) within 10 days after the registration notice is published in the "FHWA-OMC Register." A copy of the complaint shall be sent to the registration applicant's representative at the same time. Failure to file a complaint within the stated time period or to provide a copy of the complaint to the representative constitutes a waiver of further participation in this proceeding.

§ 365.205 Contents of the complaint.

(a) All information upon which the complainant plans to rely must be set forth in the complaint.

(b) A complaint must be verified, as follows:

I, _____ verify under penalty of perjury, under the laws of the United States of America, that the information above is true and correct. Further, I certify that I am qualified and authorized to file this complaint.

(See 18 U.S.C. 1001 and 18 U.S.C. 1621 for penalties.)

_____

[Signature and Date]

(c) Complaints must respond directly to the statutory standards for review of registration requests as provided at 49 U.S.C. 13902–13904. As specifically concerns motor carrier registrations, complaints will be accepted only on the ground that the registrant fails or will fail to comply with applicable statutory and regulatory provisions, specifically the safety regulations of the Secretary of Transportation including the safety fitness requirements established under 49 U.S.C. 31144 (49 CFR parts 350–399) or minimum financial responsibility requirements established under 49 U.S.C. 13906, 31138, and 31139 (49 CFR part 387).

(d) A complaint not in substantial compliance with the rules in this part or applicable statutory standards may be rejected.

(e) A complainant wishing to withdraw from a proceeding shall inform the FHWA in writing.

§ 365.207 Filing a reply statement.

(a) If the registration application is opposed, the applicant may file a reply statement. The reply statement must be filed (received at the FHWA) within 20 days after "FHWA–OMC Register" publication.

(b) The reply statement may not contain new information. It shall only rebut or further explain matters previously raised.

(c) The reply statement need not be notarized or verified. The oath in the registration application applies to all information submitted in the registration process. Separate legal arguments, if presented, need not be notarized or verified.

Subpart C—Contesting Disposition of the Registration Application

§ 365.301 Procedures for requesting reconsideration of a rejected registration application.

(a) A registration applicant has the right to request reconsideration of the rejection of a registration application.

(b) The reconsideration request must be filed (received at the FHWA) in writing within 10 days of the date of the letter of rejection at the location noted therein and must state why the rejection of the registration application is believed to be in error.

(c) The reconsideration request will be reviewed by the Director, Office of Motor Carrier Information and Analysis, and the registration applicant shall be notified in writing of the decision upon reconsideration.

(d) If the request for reconsideration is successful and the registration filing is found to be proper, the registration application shall be deemed to have been filed properly as of the reconsideration decision date.

(e) If the request for reconsideration is denied, the registration applicant has the right to file an administrative appeal as prescribed at § 365.303.

§ 365.303 Procedures for appealing disposition of a registration application.

(a) A registration applicant has the right to appeal denial of the registration application or denial of a request to reconsider rejection of the application. A complainant has the right to appeal issuance of a registration.

(b) The appeal must be filed (received at the FHWA) in writing with the Associate Administrator for Motor Carriers, FHWA, 400 Seventh Street, SW., Washington, DC 20590, within 10 days of the date of the decision denying the application or issuing the registration or the letter denying the reconsideration request and must list all factual and procedural issues in dispute.

(c) The Associate Administrator for Motor Carriers may request the parties to submit additional data or to attend a conference to discuss the application. Failure of a party filing the appeal to provide the information requested or to attend the conference may result in dismissal of the appeal.

(d) The parties shall be notified in writing of the decision on administrative review and this decision shall constitute final agency action.

Subpart D—Provisions Governing Transfers or Changes in the Control, Ownership, or Name of a Registrant

§ 365.401 Registration transfers and changes in ownership or control of registrants.

(a) Transfers of registrations are not permitted. A person that purchases or otherwise acquires control of or the right to operate a previously registered entity must register anew to provide the operations in its own right by filing the appropriate form in the OP–1 Series and complying with the regulations set forth

in this part. A new registration number will be assigned to the acquiring entity.

(b) To ensure that commercial operations and service are not impeded or disrupted when registered entities engage in transactions involving the change of ownership or control, a registration will remain valid for a 60 day grace period irrespective of changes in ownership or control, so long as there is no lapse in compliance with applicable statutory and regulatory provisions, including required minimum levels of financial responsibility and safety requirements. This grace period runs from the date of change in ownership or control and is valid only so long as:

(1) The prior and new registrants jointly inform the FHWA's Office of Motor Carriers, Licensing and Insurance Division, in writing, of the circumstances giving rise to the change in ownership or control; and

(2) The acquiring entity has on file with the FHWA the appropriate registration application form in the OP–1 Series.

§ 365.403 Procedures for changing the name or business form of a registrant.

(a) *Scope.* The procedures set forth at this subpart apply to the following circumstances:

(1) A change in the form of a registrant's business, such as the incorporation of a sole proprietorship or partnership;

(2) A change in the legal name of a corporation or partnership or change in the trade name or assumed name of any entity;

(3) A transfer of a registration from a deceased or incapacitated spouse to the other spouse;

(4) A reincorporation and merger for the sole purpose of effecting a name change;

(5) An amalgamation or consolidation of a carrier and a non-carrier into a new carrier having a different name from either of the predecessor entities; and

(6) A change in the State of incorporation accomplished by dissolving the corporation in one State and reincorporating in another State.

(b) *Procedures.* To accomplish these changes, the registrant must send a letter to the Federal Highway Administration, Office of Motor Carriers, Licensing and Insurance Division, HIA–30, Suite 600, 400 Virginia Avenue, SW., Washington, DC 20024. The envelope should be marked "NAME CHANGE." The registrant must provide the following, to the extent applicable:

(1) The docket number(s) and name of the registrant requesting the change;

(2) A copy of the articles of incorporation and the State certificate reflecting the incorporation;

(3) The names of the owners of the stock and distribution of the shares;

(4) The names of the officers and directors of the corporation;

(5) A statement that there is no change in the ownership, management, or control of the business;

(6) When this procedure is being used to transfer a registration from a deceased or incapacitated spouse to the other spouse, documentation that the other spouse has the legal right to effect such change; and

(7) Payment of the fee for filing a name change request.

Subpart E—General Rules Governing the Registration Process

§ 365.501 Governing rules.

Except as provided in this part, all registration proceedings are governed by the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, and the Federal Rules of Civil Procedure, title 28, U.S.C.

§ 365.503 Contacting another party.

When a person wishes to contact another party or serve a pleading or letter on that party, it shall do so through the designated representative. The telephone and facsimile numbers of a registrant's representative shall be listed in the notice published in the "FHWA–OMC Register."

§ 365.505 Serving copies of pleadings.

(a) A registrant must serve all pleadings and letters on the FHWA and all known participants in the proceeding, except that a reply to a motion need only be served on the FHWA and the moving party.

(b) A complainant need serve only the FHWA and registrant with pleadings or letters.

§ 365.507 Replies to motions.

Replies to motions filed under this part must be filed (received at the FHWA) within 5 days of the date the motion is filed at the FHWA.

§ 365.509 Facsimile filings.

Facsimile filings of registration forms and supplemental information are not permitted. To assist parties in meeting the expedited time frames established for submitting complaints to a registration notice, however, the FHWA will accept facsimile filings of complaints and any reply or rebuttal-evidence. (Facsimile number: (202) 358–7118.) Facsimile filings of these pleadings must be followed by submission of the original document and one copy for verification and recordkeeping purposes.

§ 365.511 Voluntary registration revocation.

(a) Registrants that seek to discontinue operations and have their registrations voluntarily revoked may do so by submitting Form OCE–46, "Request for Revocation of Registration," to the FHWA's Office of Motor Carriers, Licensing and Insurance Division, HIA–30, Suite 600, 400 Virginia Avenue SW., Washington, DC 20024.

(b) Registrations that have been voluntarily revoked are subject to the reinstatement provisions of § 365.513 in the same manner and to the same extent as those registrations that have been revoked due to a lapse in maintaining minimum levels of financial responsibility or for other cause.

§ 365.513 Reinstatement of revoked registrations.

(a) Registrations that have been revoked may be reinstated, provided that the reinstatement request and evidence of required minimum financial responsibility is filed within one year of the date of revocation of the involved registration.

(b) Requests for reinstatement should be submitted to the FHWA's Office of Motor Carriers, Licensing and Insurance Division, HIA–30, Suite 600, 400 Virginia Avenue SW., Washington, DC 20024, and should be accompanied by the required reinstatement fee.

(c) Revoked registrations will be reinstated only upon a determination that the registrant is in compliance with this part and all applicable statutory provisions.

§ 365.515 Discontinued applications.

Registration applications that have been rejected, denied, dismissed for want of prosecution, or withdrawn cannot be reactivated. This provision also is applicable to applications filed with the former Interstate Commerce Commission, including those applications dismissed for want of prosecution prior to January 1, 1995, for which a $400 reactivation fee formerly was assessed.

BILLING CODE 4910–22–P

Appendix A to Part 365—Form OP–1—Application to Register as a Motor Property Carrier or Broker

Instructions for Form OP–1—Application to Register as a Motor Property Carrier or Broker

These instructions will assist you in preparing accurate and complete registration filings. Applications that do not contain the required information will be rejected and

may result in a loss of the application fee. The application must be typed or printed in ink. If additional space is needed to provide a response to any item, use a separate sheet of paper. Identify application on each supplemental page and refer to the section and item number in the application for each response.

Section I

FHWA Registration History. If you now have any authority issued by the former ICC or if you are registered with or have a registration application pending before the Federal Highway Administration, check the "*YES*" box and indicate the docket number (MC number) you have been assigned. Example: MC–987654.

Applicant's Legal Business Name and Doing Business as Name. The applicant name should be your full legal business name—the name on the incorporation certificate, partnership agreement, tax records, etc. If you use a trade name that differs from your official business name, indicate this under "Doing Business As Name." Example: If you are John Jones, doing business as Quick Way Trucking, enter "John Jones" under APPLICANT'S LEGAL BUSINESS NAME and "Quick Way Trucking" under DOING BUSINESS AS NAME.

Because the FHWA uses computers to retain information about registered carriers, it is important to spell, space, and punctuate any name the same way each time you write it. Example: John Jones Trucking Co., Inc.; J. Jones Trucking Co., Inc.; and John Jones Trucking are considered three separate companies.

Business Address/Mailing Address. The business address is the physical location of the business. Examples: 756 Bounty Street; 15433 State Highway 23. If applicant receives mail at an address different from the business location, also provide the mailing address. Example: P.O. Box 3721. NOTE: To receive pertinent FHWA notices and to ensure that insurance documents filed on applicant's behalf are accepted; notify the FHWA in writing: Federal Highway Administration, Licensing and Insurance Division, HIA–30, Suite 6000, 400 Virginia Avenue, S.W., Washington, DC 20024, if the business or mailing address changes.

Representative. If someone other than the applicant is preparing this form, provide the representative's name, title, position, relationship to the applicant, address, and telephone and FAX numbers. Applicant's representative will be the contact person if there are questions concerning this application.

U.S. DOT Number. Registration applicants subject to the Federal Motor Carrier Safety Regulations also are required to register with U.S. Department of Transportation (U.S. DOT), for safety monitoring purposes. Motor carriers that already have been issued a U.S. DOT registration number should provide it; applicants that have not registered with U.S. DOT should do so by submitting a completed Form MCS–150, *Motor Carrier Identification Report*, with this application. [Note: Registrants claiming "EXEMPT" status under the Section IV—"SAFETY COMPLIANCE" portion of this form need not file Form MCS–150.]

Form of Business. A business is either a corporation, sole proprietorship, partnership, or limited liability company. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the registration applicant. If the business is a partnership, provide the name of *each* partner.

Section II

Type of Operations. Check the appropriate box(es) for the type(s) of operations you are registering. A separate filing fee is required for *each type* of operations registered. See "Fee Policy" in the application form. (Note: A broker arranges for the transportation where the actual movement will be performed by registered motor carriers. Brokers assume no responsibility for the property being transported.)

Section III

Insurance Information. Check the appropriate box(es) to describe the type of business you will be conducting. If you operate vehicles with a gross vehicle rating of 10,001 pounds or more and haul only non-hazardous materials, you are required to maintain $750,000 minimum liability coverage for the protection of the public. Hazardous materials referred to in the insurance regulations at 49 CFR 387.303(b)a(2)(c) require $1 million minimum liability coverage; those at 49 CFR 387.303(b)(2)(b) require $5 million minimum liability coverage.

If you operate only vehicles with a gross vehicle weight rating under 10,001 pounds, you must maintain $300,000 minimum liability coverage. If you operate only such vehicles but will be transporting any quantity of Division 1.1., 1.2, or 1.3 explosives, any quantity of poison gas (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A material), or highway route controlled quantity of radioactive materials, you must maintain $5 million minimum liability coverage.

Property brokers must have on file with the FHWA a surety bond or trust fund agreement in the amount of $10,000.

Minimum levels of cargo insurance must be maintained by all motor property common carriers: $5,000 for loss of or damage to property carried on any one motor vehicle and $10,000 for loss of or damage to property occurring at any one time and place.

Appropriate insurance forms must be filed within 90 days after the date of the application is published in the FHWA Office of Motor Carriers Register: Form BMC–91 or BMC–91X for bodily injury and property damage: Form BMC–34 for cargo liability; Form BMC–84 for broker surety bond; and Form BMC–85 for broker trust fund agreement.

The FHWA does not furnish copies of insurance forms. You must contact your insurance company to arrange for the filing of all required insurance forms.

Section IV

Safety Certification. Applicants for motor carrier authority must complete the safety certification. You should check the "Yes" response only if you can attest to the truth of the statements. The "Applicant's Oath" at the end of the application form applies to all certifications, and false certifications are subject to the penalties described in that oath.

If you operate only vehicles with a gross weight rating under 10,000 pounds and will not transport hazardous materials, you are exempt from the U.S. DOT safety fitness regulations; however, you must certify that you are familiar with and will observe general operational safety fitness guidelines and applicable state and local laws relating to the safe operation of commercial motor vehicles.

You must check only *one* of the boxes in this section. .

Section V

Affiliations. All applicants must disclose pertinent information concerning affiliations, if any with other former ICC licensed, now FHWA registered entities.

Sections VI

Household Goods Arbitration Certification. All motor carrier registrants that will transport household goods as defined at 49 U.S.C. 13102(10) must complete the required certification concerning arbitration as a condition of registration.

Section VII

Applicant's Oath. Applications may be prepared by the applicant or an authorized representative. In either case, *the oath must be signed by the applicant.* In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

Legal Process Agents

All motor carrier applicants must designate a process agent in each state where operations are authorized. All broker applicants must designate a process agent in each state in which offices are located and in which contracts will be written. Process agents who will accept legal filings on applicant's behalf are designated on FHWA Form BOC–3. Form BOC–3 must be filed within 90 days after the date notice of the application is published in the FHWA Register.

State Notification

Before beginning new or expanded interstate operations, all applicants must contact the appropriate regulatory agencies in every state in and through which the carrier will operate to obtain information regarding various state rules applicable to interstate authorities. It is the applicant's responsibility to comply with registration, fuel tax, and other state regulations and procedures. Begin this process by contacting the transportation regulatory agency for the state in which your business is located.

Mailing Instructions

To register, you must submit an *original and one copy* of this application with the appropriate filing fee.

Note: Retain a copy of the completed application form and any attachments for your own records.

Mailing addresses for applications:

All Documents With Fees Attached

Federal Highway Administration, P. O. Box 100147, Atlanta, GA 30384–0147

For Express Mail Only

Nationsbank Wholesale Lockbox 100147, 6000 Feldwood Road, 3rd Floor East, College Park, GA 30349

For Credit Card Users Only

FHWA, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC. 20024

Additional Assistance

FHWA Information Sources

Additional information on registration or monitoring the status of your applications is available through the FHWA's Automated Response Capability (ARC) telephone system. After dialing (202) 358–7000, press 1, then request appropriate menu number indicated below. You may use the ARC 24 hours a day, 7 days a week to obtain information in the following areas:

Information requested	Menu No.
• Status of your application ..... (Note: Tracking the status of your application can be simplified and expedited if you refer to the assigned docket number when making inquiries. You will be informed of your docket number by letter sent on the date notice of your application appears in the FHWA Office of Motor Carriers Register.)	1
• Assistance in filing your application	3
• Status of insurance and process agent filings	2

If you require information that is not available in the automated response system, the ARC will guide you to an appropriate staff member who will be able to assist you in other areas.

U.S. DOT Registration and Safety Ratings

• To obtain information on completing Form MCS–150 or to request a safety fitness review, write to: Director, Information Analysis, Federal Highway Administration, 400—7th St., S.W.—HIA–10, Washington, DC 20590, or call: (800) 832–5660 (Automated Response System).

• For information concerning a carrier's assigned safety rating, call: (800) 832–5660.

U.S. DOT Hazardous Materials Regulations

• To obtain information on whether the commodities you intend to transport are considered to be hazardous materials:

Refer to the provisions governing hazardous materials in the Federal Motor Carrier Safety Regulations at Parts 170 through 189 of Title 49 of the Code of Federal Regulations (CFR), particularly the Hazardous Materials Table at 49 CFR Part 172, or contact U.S. DOT at (202) 366–6121.

• To obtain information about DOT hazardous materials transportation registration requirements: Contact U.S. DOT at (202) 366–4109.

Federal Highway Administration Form OP–1—Application To Register as a Motor Property Carrier or Broker

This application is for all individuals and business requesting authority to operate as motor property common or contract carriers or property brokers.

For FHWA Use Only

Docket No. MC– _____

Filed _____

Fee No. _____

CC Approval No. _____

Section I—Applicant Information

Do you now have authority from the former ICC or the FHWA or an application being processed by the FHWA?

☐ Dec. 191 thru out No ☐Yes

If yes, identify the lead docket number(s)

_____

Does this application register revoked authority?

☐ NO ☐ YES

Legal Business Name

Doing Business as Name

Business Address

Street Name and Number

City

State/Zip Code

Telephone Number

Mailing Address (if different from above)

Street Name and Number or P.O. Box

City

State/Zip Code

Representative (Person who can respond to inquiries)

Name and title, position, or relationship to applicant

Street Name and Number

Telephone Number

City/State/Zip Code

Fax Number

U.S. DOT Number _____

[Note: Motor carrier registrants that have not been assigned a U.S. DOT number must submit a completed Form MCS–150, *Motor Carrier Identification Report,* with this application or must confirm their exempt status under the Section IV—SAFETY CERTIFICATION portion of this form.]

Form of Business (Check Only One)

☐ Corporation

State of Incorporation _____

☐ Sole Proprietorship

Name of Individual _____

☐ Partnership

Identify Partners _____

☐ Limited Liability Company

Section II—Type of Operations

You must submit a filing fee for each type of authority requested (for each box checked). Also, indicate within each authority category the type of commodities you will transport or broker.

☐ Motor Common Carrier
- ☐ General Freight
- ☐ Household Goods

☐ Motor Contract Carrier
- ☐ General Freight
- ☐ Household Goods

☐ Broker
- ☐ General Freight
- ☐ Household Goods

Fax Number

Section III—Insurance Information

This section must be completed by ALL motor property registration applicants. The dollar amounts in parentheses represent the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the FHWA.

Note: Refer to the instructions for information on cargo insurance filing requirements for motor common carriers and surety bond/trust fund agreement filings for property brokers.

☐ Will operate vehicles having Gross Vehicle Weight Ratings (GVWR) of 10,001 pounds or more to transport:
- ☐ Non-hazardous commodities ($750,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 387.303(b)(2)(c) ($1,000,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 387.303(b)(2)(b) ($5,000,000).

☐ Will operate only vehicles having Gross Vehicle Weight Ratings (GVWR) under 10,001 pounds to transport:
- ☐ Any quantity of Division 1.1, 1.2, 1.3 explosives, any quantity of poison gas (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A materials), or highway route controlled quantity of radioactive materials ($5,000,000).
- ☐ Commodities other than those listed above ($300,000).

Section IV—Safety Compliance (Motor Carrier Applicants Only)

Applicants Subject to Federal Motor Carrier Safety Regulations—If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter

3, Subchapter B (Parts 350–399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial, vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal Motor Carrier Safety Regulations;

(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;

(3) Has in place a driver safety training/orientation program;

(4) Has prepared and maintains an accident register (49 CFR 390.15);

(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);

(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);

(7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

☐ YES

Exempt Applicants—If you will operate only small vehicles (GVWR under 10,000 pounds) and will not transport hazardous materials, you are exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

Section V—Affiliations

Affiliation With Other Former ICC Licensed or FHWA Registered Entities. Disclose any relationship you have or have had with any other FHWA-regulated (or former ICC licensed) entity. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC number, U.S. DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

Section VI—Household Goods Certification

Household Goods Arbitration Certification. All motor carrier registrants that will transport household goods as defined at 49 U.S.C. 13102(10) must certify as follows by checking the "YES" box below:

As a condition of registrant, registration agrees to offer its collect-on-delivery shippers of household goods arbitration as a means of settling disputes concerning damage and loss of household goods transported in accordance with 49 U.S.C. 14708.

☐ YES

Section VII—Applicant's Oath

This oath applies to this application and to all supplemental filings. *The signature must be that of applicant, not a legal representative.*

_____

Name and title,

I, _____,

verify under penalty of perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if If have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to Section 5301 of the Anti-Drug Act of 1988 (21 U.S.C. 862).

Finally, I certify that applicant is not domiciled in Mexico or owned or controlled by persons of that country.

Signature _____

_____

Date _____

_____

Filing Fee Information

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of *boxes* checked in Section II. [Note: Service on household goods and general freight within a single category does not require separate filing fees.] Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in Section II: _____ × filing fee $_____ = $_____

Indicate amount $ _____ and method of payments.

☐ Check or ☐ Money Order, payable to: Federal Highway Administration

☐ VISA ☐ Mastercard

Credit Card Number _____

Exiration Date _____

Signature _____

Date _____

Fee Policy

- Filing fees must be payable to the Federal Highway Administration, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fee are required for each type of authority requested. If applicant requests multiple types of permanent authority on one application form (for example, common and contract carrier authority) or if applicant submits more than one form in OP–1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the sum of the applicable fees.
- Filing fees must be sent, along with original and one copy of the application, to FHWA Lockbox, P.O. Box 100147, Atlanta, GA 30384–0147.
- After an application is received, the filing fee is not refundable.
- The FHWA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

Paperwork Burden. It is estimated that an average of 2.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024, and to the Office of Management and Budget, Office of Information and Regulator Affairs (OMB No. 3120–0047), Washington, DC 20403.

Appendix B to Part 365—Form OP–1(P)—Application to Register as a Motor Passenger Carrier

Instructions for Form OP–1(P)—Application to Register as a Motor Passenger Carrier

These instructions will assist you in preparing accurate and complete registration filings. Applications that do not contain the required information will be rejected and may result in a loss of the application fee. The application must be typed or printed in ink. If additional space is needed to provide a response to any item, use a separate sheet of paper. Identify applicant on each supplemental page and refer to the section and item number in the application for each response.

Section I

FHWA Registration History. If you now have any authority issued by the former ICC or if you are registered with or have a registration application pending before the Federal Highway Administration, check the "*YES*" box and indicate the docket number (MC number) you have been assigned. Example: MC–987654.

Applicant's Legal Business Name and Doing Business as Name. The applicant name should be your full legal business name—the name on the incorporation certificate,

partnership agreement, tax records, etc. If you use a trade name that differs from your official business name, indicate this under "Doing Business As Name." Example: If you are John Jones, doing business as Quick Way Transit, enter "John Jones" under APPLICANT'S LEGAL BUSINESS NAME and "Quick Way Transit" under DOING BUSINESS AS NAME.

Because the FHWA uses computers to retain information about registered carriers, it is important that you spell, space, and punctuate any name the same way each time you write it. Example: John Jones Transit Co., Inc.; J. Jones Transit Co., Inc.; and John Jones Transit are considered three separate companies.

Business Address/Mailing Address. The business address is the physical location of the business. Example: 756 Bounty Street; 15433 State Highway 23. If applicant receives mail at an address different from the business location, also provide the mailing address. Example: P.O. Box 3721. NOTE: To receive pertinent FHWA notices and to ensure that insurance documents filed on applicant's behalf are accepted, notify the Federal Highway Administration, Licensing and Insurance Division, in writing [Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024] if the business or mailing address changes.

Representative. If someone other than the applicant is preparing this form, provide the representative's name, title, position, or relationship to the applicant, address, and telephone and FAX numbers. Applicant's representative will be the contact person if there are questions concerning this application.

U.S. DOT Number. Registration applicants subject to the Federal Motor Carrier Safety Regulations also are required to register with the U.S. Department of Transportation (U.S. DOT) for safety monitoring purposes. Motor carriers that already have been issued a U.S. DOT registration number should provide it; applicants that have not registered with U.S. DOT should do so by submitting a completed Form MCS–150, *Motor Carrier Identification Report*, with this application. [Note: Registrants claiming "EXEMPT" status under the Section IV—"SAFETY COMPLIANCE" portion of this form need not file Form MCS–150.]

Form of Business. A business is either a corporation, sole proprietorship, partnership or limited liability company. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the authority applicant. If the business is a partnership, provide the name of *each* partner.

SECTION II

Type of Operations. Check the appropriate box(es) for the type(s) of operations you are registering. A separate filing fee is required for *each type* of operations registered. See "Fee Policy" in the application form.

Section III

Insurance Information. Check the appropriate box that describes the seating capacity of your vehicles. If *all* the vehicles you operate have a seating capacity of 15 passengers or fewer, you are required to maintain $1,500,000 minimum liability coverage. If *any* one of the vehicles you operate has a seating capacity of 16 passengers or more, you are required to maintain $5,000,000 minimum liability coverage.

Appropriate insurance forms must be filed within 90 days after the date notice of your application is published in the FHWA Office of Motor Carriers Register: Form BMC–91 or BMC–91X for bodily injury and property damage.

The FHWA does not furnish copies of insurance forms. You must contact your insurance company to arrange for the filing of all required insurance forms.

Grantees Under 49 U.S.C. 5307, 5310, or 5311

The insurance limits referenced above do not pertain to motor passenger carriers providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310, or 5311. Such carriers that seek to register to provide for-hire operations between points in a transit service area located in more than one State are required to maintain the minimum level of financial responsibility for their motor vehicles that is at least the highest level required for any of the States in which the transit service area is located. If you qualify for this special financial responsibility provision, you must complete the portion of Section III that includes a certification of eligibility and State insurance requirement information relevant to your particular transit service area.

Section IV

Safety Certification. Applicants for motor passenger carrier authority must complete the safety certification. You must check the "YES" response only if you can attest to the truth of the statements. The "Applicant's Oath" at the end of the application form applies to all certifications, and false certifications are subject to the penalties described in that oath.

If you are exempt from the U.S. DOT safety fitness regulations, you must certify that you are familiar with and will observe general operational safety fitness guidelines and applicable state and local laws relating to the safe operation of commercial motor vehicles.

You must check only *one* of the boxes in this section.

Section V

Funding Status. All applicants must disclose their funding status. If you are a public recipient applicant, you must submit the additional evidence indicated. (This evidence should be provided on a separate sheet of paper attached to your application.)

Section VI

Scope of Operating Authority. When developing passenger service descriptions, the following guidelines may be useful:

Special and charter operations and contract carrier operations generally are conducted over *irregular routes* (i.e., authority that is not restricted to particular roads or highways), between points in the United States.

Other passenger carrier operations generally are performed over *regular routes* (i.e., authority to perform regularly scheduled service between designated points and operating over named roads or highways).

Mexican owned or controlled passenger carriers seeking to perform operations authorized by the North American Free Trade Agreement must define their service as provided at Items (2) or (5) of this Section.

Section VII

Affiliations. All applicants must disclose pertinent information concerning their affiliations, if any, with other former ICC licensed, now FHWA registered entities.

Section VIII

Applicant's Oath. Applications may be prepared by the applicant or an authorized representative. In either case, *the oath must be signed by the applicant.* In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

Legal Process Agents

All applicants must designate a process agent in each state where operations are authorized. Process agents who will accept legal filings on applicant's behalf are designated on FHWA Form BOC–3. Form BOC–3 must be filed within 90 days after the date notice of the application is published in the FHWA Office of Motor Carriers Register.

State Notification

Before beginning new or expanded interstate operations, all applicants must contact the appropriate regulatory agencies in every state in and through which the carrier will operate to obtain information regarding various state rules applicable to interstate authorities. It is the applicant's responsibility to comply with registration, fuel tax, and other state regulations and procedures. Begin this process by contacting the transportation regulatory agency for the state in which your business is located.

Intrastate motor passenger applicants—If you are registering to provide *intrastate*, regular-route authority in conjunction with your interstate operations, you must send a description of the proposed service to the State transportation regulatory body of the State(s) in which the operations described in the application will be performed.

Mailing Instructions

To register, you must submit an original and one copy of this application with the appropriate filing fee.

Note: Retain a copy of the completed application form and any attachments for your own records.

Mailing address for applications:

All Documents with Fees Attached

Federal Highway Administration, P.O. Box 100147, Atlanta, GA 30384–0147

For Express Mail Only

Nationsbank Wholesale Lockbox 100147, 6000 Feldwood Road, 3rd Floor East, College Park, GA 30349

For Credit Card Users Only

FHWA, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024

Additional Assistance

FHWA Information Sources

Additional information on registration or monitoring the status of your applications is available through the FHWA's Automated Response Capability (ARC) telephone system. After dialing (202) 358–7000, press 1, then request appropriate menu number indicated below. You may use the ARC 24 hours a day, 7 days a week to obtain information in the following areas:

Information requested	Menu No.
• Status of your application ..... (Note: Tracking the Status of your application can be simplified and expedited if you refer to the assigned docket number when making inquiries. You will be informed of your docket number by letter sent on the date notice of your application appears in the FHWA Office of Motor Carriers Register.)	1
• Assistance in filing your application	3
• Status of insurance and process agent filings	2

If you require information that is not available in the automated response system, the ARC will guide you to an appropriate FHWA staff member who will be able to assist you in other areas.

U.S. DOT Registration and Safety Ratings

• To obtain information on completing Form MCS–150 or to request a safety fitness review, write to: Director, Information Analysis, Federal Highway Administration, 400—7th St., SW.,—HIA–10, Washington, DC 20590, or call (800) 832–5660 (Automated Response System).

• For information concerning a carrier's assigned safety rating, call: (800) 832–5660.

Federal Highway Administration Form OP–1(P)—Application to Register as a Motor Passenger Carrier

This application is for all individuals and businesses requesting to register as motor passenger common or contract carriers.

For FHWA Use Only

Docket No. MC– _____

Filed _____

Fee No. _____

CC Approval No. _____

Section I—Applicant Information

Do you now have authority from the former ICC or the FHWA or an application being processed by the FHWA?

☐ NO ☐ YES

If yes, identify the lead docket number(s)

_____ _____

Does this application register revoked authority

☐ NO ☐ YES

_____

Legal Business Name

_____

Doing Business as Name

_____

Business Address

_____

Street Name and Number or P.O. Box

_____

City/State/Zip Code

Telephone Number

Mailing Address (if different from above)

_____

Street Name and Number

_____

City/State/Zip Code

Representative (Person who can respond to inquiries)

_____

Name and title, position, or relationship to applicant

_____

Street Name and Number

_____

City/State/Zip Code

_____

Telephone Number

_____

FAX Number

U.S. DOT Number _____

[**Note:** Motor carrier registrants that have not been assigned a U.S. DOT number must submit a completed Form MCS–150, *Motor Carrier Identification Report*, with this application or must confirm their exempt status under the Section IV—SAFETY CERTIFICATION portion of this form.]

Form of Business (Check Only One)

☐ Corporation

State of Incorporation _____

Sole Proprietorship

Name of Individual _____

Partnership

Identify Partners _____

Limited Liability Company

Section II—Type of Authority

You must submit a filing fee for each type of authority requested (for each box checked).

☐ Motor Passenger Common Carrier

☐ Motor Passenger Contract Carrier

Section III—Insurance Information

All motor passenger carrier applicants must maintain public liability insurance. The amounts in parentheses represent the minimum amount of coverage required.

Applicant will use vehicles with seating capacities of (check only one box):

☐ 16 passengers or more ($5,000,000)

☐ 15 passengers or fewer *only* ($1,500,000)

Grantees Under 49 U.S.C. 5307, 5310, or 5311

Certify, by checking the "YES" box below, that you provide passenger transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310 or 5311 and that you seek to register to provide for-hire operations between points in that transit service area located in more than one State.

☐ YES

Registrants in this category need not observe the minimum levels of financial responsibility indicated above, but are required to have filed and maintain evidence of financial responsibility at least at the highest level required for any of the States in which the transit service area is located. Indicate States in your transit service area and the State prescribed financial responsibility limit you will observe:

States: _____

Note: Grantees under 49 U.S.C. 5307, 5310, or 5311 that file evidence of State-prescribed financial responsibility limits that are lower than otherwise applicable Federal limits will be registered to provide interstate service only within their designated transit service areas.

Financial responsibility limit

$ _____

(Indicate amount)

as imposed by: _____

(Indicate State)

Section IV—Safety Compliance (Motor Carrier Applicants Only)

Applicants Subject to Federal Motor Carrier Safety Regulations—If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350–399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal Motor Carrier Safety Regulations;

(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;

(3) Has in place a driver safety training/orientation program;

(4) Has prepared and maintains an accident register (49 CFR 390.15);

(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);

(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);

(7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

☐ YES

Exempt Applicants—If you will operate only small vehicles (GVWR under 10,000 pounds) and will not transport hazardous materials, you are exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

Section V—Government Funding Status

Specify the nature of governmental financial assistance you receive, if any, by checking the appropriate box below. (Check only one box.)

☐ Public recipient—Applicant is any of the following: any state; any municipality, or other political subdivision of a state; any public agency or instrumentality of such entities of one or more state(s); an Indian tribe; and any corporation, board of other person owned or controlled by such entities or owned by, controlled by, or under common control with such a corporation, board, or person which is receiving or has ever received governmental financial assistance for the purchase or operation of any bus.

☐ Private recipient—Applicant is not a public recipient but is receiving, or has received in the past, governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

☐ Non-recipient—Applicant is not receiving, or using equipment acquired with, governmental financial assistance.

Public Interest Criteria: Regular route applicants and private recipient applicants may introduce supplemental evidence describing how the proposed service will respond to existing transportation needs or is otherwise consistent with the public interest. Filing this evidence with the application is optional, but it may be needed later, if the application is protested.

Public Recipient Applicants: All public recipient applicants for charter or special transportation must submit evidence to demonstrate either that:

(1) No motor common carrier of passengers (other than a motor common carrier of passengers that is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

(2) The transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

Supplemental evidence should be provided on a separate sheet of paper attached to this application.

Fitness Only Criteria: No additional evidence is needed from non-recipient applicants for charter and special transportation and applicants for contract carrier operations.

Section VI—Scope of Operating Authority

(1) ☐ Charter and special transportation, in interstate or foreign commerce, between points in the United States.

(2) ☐ International charter and tour bus service across the U.S.—Mexico border provided by a Mexican owned or controlled carrier.

(3) ☐ Service as a common carrier over regular routes. (Regular route passenger carrier authority to perform regularly scheduled service only over named roads or highways.) Regular route passenger service includes authority to transport newspapers, baggage of passengers, express packages, and mail in the same motor vehicle with passengers, or baggage of passengers in a separate motor vehicle.

Applicants requesting authority to operate over regular routes—On a separate sheet of paper attached to the application, describe the specific routes over which you intend to provide regularly scheduled service. You must also furnish a map clearly identifying each regular route involved in your passenger carrier service description(s).

(4) ☐ Intrastate authority.

(a) Are you also requesting *intra*state authority to provide the service described in item 3?

☐ YES ☐ NO

(b) Do you already hold *inter*state authority to provide the service described above?

☐ YES ☐ NO

Note: The FHWA has no jurisdiction to register intrastate authority independently of interstate authority on the same routes. Also, no carrier may conduct operations under a certificate authorizing intrastate regular route service unless it *actually is conducting substantial operations* in interstate commerce over the same route.

(5) ☐ Scheduled international transportation between the U.S.—Mexico border and specified points in the United States provided by a Mexican owned or controlled carrier. (Note: Applications for this authority will be accepted only after the relevant access provision of the North American Free Trade Agreement is implemented.)

(6) ☐ Service as a contract carrier between points in the United States, under continuing contract(s) with persons or organizations requiring passenger transportation service;

☐ Service as a contract carrier between points in the United States, under continuing contract(s) with:

_____

Contracting persons or organizations

Section VII—Affiliations

Affiliation With Other Former ICC Licensed or FHWA Registered Entities. Disclose any relationship you have or have had with any other FHWA regulated or former ICC licensed entity. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC number, U.S. DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

Section VIII—Applicant's Oath

This oath applies to this application and to all supplemental filings. *The signature must be that of applicant, not a legal representative.*

I, _____

Name and title,

verify under penalty of perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to Section 5301 of the Anti-Drug Act of 1988 (21 U.S.C. 862).

Finally, I certify that applicant is not domiciled in Mexico or owned or controlled by persons of that country. (Note: This portion of Applicant's Oath does not pertain to Mexican passenger carriers seeking to provide charter and tour bus service across the United States—Mexico international border or scheduled international transportation between the U.S.-Mexico border and specified points in the United States.)

_____

Signature

_____

Date

Filing Fee Information

All applicants must submit a filing fee for each type of registration requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in Section II _____ × filing fee $_____ = $_____

Indicate amount $_____ and method of payment

☐ Check or ☐ Money Order, payable to: Federal Highway Administration

☐ VISA ☐ Mastercard

Credit Card Number _____

Expiration Date _____

Signature _____

Date _____

Fee Policy

• Filing fees must be payable to the Federal Highway Administration, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.

• Separate fees are required for each type of registration requested. If applicant requests multiple types of registrations on one application form (for example, registration as both a common and contract carrier) or if applicant submits more than one form in the OP–1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the *sum of the applicable fees.*

• Filing fees must be sent, along with the original and one copy of the application, to FHWA Lockbox, P.O. Box 100147, Atlanta, GA 30384–0147.

• After an application is received, the filing fee is not refundable.

• The FHWA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

Paperwork Burden. It is estimated that an average of 2.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120–0047), Washington, DC 20403.

Appendix C to Part 365—Form OP–1(FF)—Application to Register as a Freight Forwarder

Instructions for Form OP–1(FF)—Application for Freight Forwarder Authority

These instructions will assist you in preparing accurate and complete application filings. Applications that do not contain the required information will be rejected and may result in a loss of the application fee. The application must be typed or printed in ink. If additional space is needed to provide a response to any item, use a separate sheet of paper. Identify applicant on each supplemental page and refer to the section and item number in the application for each response.

Section I

FHWA Authority. If you now have any former ICC or Federal Highway Administration authority or have an application for authority being processed now by FHWA, check the "*YES*" box and indicate the docket or the MC number you have been assigned. Example: MC–987654.

Applicant's Legal Business Name and Doing Business as Name. The applicant name should be your full legal business name—the name on the incorporation certificate, partnership agreement, tax records, etc. If you use a trade name that differs from your official business name, indicate this under "Doing Business As Name." Example: If you are John Jones, doing business as Quick Way Forwarding, enter "John Jones" under APPLICANT'S LEGAL BUSINESS NAME and "Quick Way Forwarding" under DOING BUSINESS AS NAME.

Because the FHWA uses computers to retain information about licensed carriers, it is important that you spell, space, and punctuate any name the same way each time you write it. Example: John Jones Forwarding Co., Inc.; J. Jones Forwarding Co., Inc.; and John Jones Forwarding are considered three separate companies.

Business Address/Mailing Address. The business address is the physical location of the business. Example: 756 Bounty Street; 15433 State Highway 23. If applicant receives mail at an address different from the business location, also provide the mailing address. Example: P.O. Box 3721. NOTE: To receive pertinent FHWA notices and to ensure that insurance documents filed on applicant's behalf are accepted, notify the Licensing Section in writing (Federal Highway Administration, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024) if business or mailing address changes.

Representative. If someone other than the applicant is preparing this form, provide the representative's name, title, position, or relationship to the applicant, address, and telephone and FAX numbers. Applicant's representative will be the contact person if there are questions concerning this application.

U.S. DOT Number. Vehicle operating freight forwarders (i.e., if you will provide a pickup or delivery service) subject to the Federal Motor Carrier Safety Regulations also are required to register with the U.S Department of Transportation (U.S. DOT) for safety monitoring purposes. Vehicle operating freight forwarders that already have been issued a U.S. DOT number should provide it; those that have not registered with U.S. DOT should do so by submitting a completed Form MCS–150, *Motor Carrier Identification Report,* with this application. [Note: Vehicle operating freight forwarder registrants claiming "EXEMPT" status under the Section IV— "SAFETY COMPLIANCE" portion of this form need not file Form MCS–150.]

Form of Business. A business is either a corporation, sole proprietorship, partnership, or limited liability company. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the authority applicant. If the business is a partnership, provide the name of *each* partner.

Section II

Type of Authority. Check the appropriate box to confirm that you are requesting to register as a freight forwarder; then indicate the commodities you will forward—household goods, general freight, or both.

Section III—Insurance Information

All freight forwarder applicants must have on file with the FHWA proof of adequate insurance as follows:

(a) Public liability insurance—freight forwarders that perform transfer, collection, and delivery service must have on file evidence that you maintain appropriate levels of bodily injury and property damage (BI&PD) insurance and environmental restoration coverage—filed on Form BMC–91 or BMC–91X. Complete the "Insurance Information" in Section III.

Note: Freight forwarders that:

(1) Do not own or operate any motor vehicles upon the highways in the transportation of property,

(2) Do not perform transfer, collection, or delivery services, and

(3) Do not have motor vehicles operated under their direction and control in the performance of transfer, collection, or delivery services may request a waiver of liability insurance requirements by checking the appropriate box in this Section. Operating authority issued to such forwarders will indicate that BI&PD requirements have been waived. The waiver is conditional and is valid only as long as the forwarder remains in compliance with the non-vehicle operating conditions noted on its operating permit.)

(b) Cargo insurance—all freight forwarders must have on file minimum levels of cargo insurance—filed on Form BMC–34:

1. $5,000—for loss of or damage to property carried on any one motor vehicle; and

2. $10,000—for loss of or damage to or aggregate of losses of or damages to property occurring at any one time and place.

Appropriate insurance forms must be filed within 90 days after the date notice of your application is published in the FHWA Register: Form BMC–91 or BMC–91X for bodily injury and property damage, Form BMC–34 for cargo liability, Form BMC–84 for broker surety bond, and Form BMC–85 for broker trust fund agreement.

The FHWA does not furnish copies of insurance forms. You must contact your insurance company to arrange for the filing of all required insurance forms.

Section IV

Safety Certification. Vehicle operating freight forwarder applicants must complete the safety certification. You should check the "YES" response only if you can attest to the truth of the statements. The "Applicant's Oath" at the end of the application form applies to all certifications, and false certifications are subject to the penalties described in that oath.

If you operate only vehicles with a gross vehicle weight rating under 10,000 pounds and will not transport hazardous materials, you are exempt from the U.S. DOT safety fitness regulations; however, you must certify that you are familiar with and will observe general operational safety fitness guidelines and applicable state and local laws relating to the safe operation of commercial motor vehicles.

You must check only *one* of the boxes in this section.

Section V

Household Goods Arbitration Certification. All registrants that will forward household goods as defined at 49 U.S.C. 13102(10) must complete the required certification concerning arbitration as a condition of registration.

Section VI

Affiliations. All applicants must disclose pertinent information concerning affiliations, if any, with other former ICC, now FHWA licensed entities.

Section VII

Applicant's Oath. Applications may be prepared by the applicant or an authorized representative. In either case, *the oath must be signed by the applicant.* In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

Legal Process Agents

All applicants must designate a process agent in each state where operations are authorized. Process agents who will accept legal filings on applicant's behalf are designated on Form BOC–3. Form BOC–3 must be filed within 90 days after the date notice of the application is published in the FHWA Office of Motor Carriers Register.

State Notification

Before beginning new or expanded interstate operations, you must contact the appropriate regulatory agencies in every state involved in your operations to obtain information regarding various state rules applicable to interstate authorities. It is the applicant's responsibility to comply with any pertinent state regulations and procedures. Begin this process by contacting the transportation regulatory agency for the state in which your business is located.

Mailing Instructions

To file for authority you must submit an original and one copy of this application with the appropriate filing fee to: FHWA Lockbox, P.O. Box 100147, Atlanta, GA 30384–0147.

For Express Mail Only

Nationsbank Wholesale Lockbox 100147, 6000 Feldwood Road, 3rd Floor East, College Park, GA 30349

Note: Retain a copy of the completed application form and any attachments for your own Records.

Additional Assistance

FHWA Information Sources

Additional information on registration or monitoring the status of your applications is available through the FHWA Automated Response Capability (ARC) telephone system. After dialing (202) 358–7000, press 1, then request appropriate menu number indicated below. You may use the ARC 24 hours a day, 7 days a week to obtain information in the following area:

Information requested	Menu No.
• Status of your application ..... (Note: Tracking the Status of your application can be simplified and expedited if you refer to the assigned docket number when making inquiries. You will be informed of your docket number by letter sent on the date notice of your application appears in the FHWA Office of Motor Carriers Register.)	1
• Assistance in filing your application	3
• Status of insurance and process agent filings	2

If you require information that is not available in the automated response system, the ARC will guide you to an appropriate staff member who will be able to assist you in other areas.

U.S. DOT Registration and Safety Ratings

• To obtain information on completing Form MCS–150 or to request a safety fitness review, write to: Director, Information Analysis, Federal Highway Administration, 400 7th Street, S.W.—HIA–10, Washington, DC 20590, or call: (800) 832–5660 (Automated Response System).

• For information concerning a carrier's assigned safety rating, call: (800) 832–5660.

U.S. DOT Hazardous Material Regulations

• If a vehicle operating forwarder, to obtain information on whether the commodities you intend to transport are considered to be hazardous materials:

Refer to the provisions governing hazardous materials in the Federal Motor Carrier Safety Regulations at Parts 170 through 189 of Title 49 of the Code of Federal Regulations (CFR), particularly the Hazardous Materials Table at 49 CFR Part 172, or contact U.S. DOT at (202) 366–6121.

• To obtain information about DOT hazardous materials transportation registration requirements: Contact U.S. DOT at (202) 366–4109.

Federal Highway Administration Form OP–1(FF)—Application for Freight Forwarder Authority

This application is for all individuals and businesses requesting authority to operate as freight forwarders in interstate or foreign commerce. Freight forwarders are involved in the arrangement, assembly, and/or consolidation for transportation where the actual movement is performed by FHWA-licensed carriers. Forwarders arrange with the carriers for the actual line-haul transportation; they do not do it themselves. (Freight forwarders may provide local pickup and delivery services directly or by using a carrier under their control.) Freight forwarders issue bills of lading to shippers and are responsible for loss of or damage to the goods.

For FHWA Use Only

Docket No. FF– _____

Filed _____

Fee No. _____

CC Approval No. _____

Section I—Applicant Information

Do you now have authority from or an application being processed by the former ICC or FHWA?

☐ NO ☐ YES

If Yes, identify the lead docket number(s)

_____

Legal Business Name

_____

Doing Business as Name

_____

Business Address

_____

Street Name and Number

_____

City/State/Zip Code

_____

Telephone Number

_____

Mailing Address (if different from above)

_____

Street Name and Number

_____

City/State/Zip Code

_____

Representative (Person who can respond to inquiries)

_____

Name and title, position, or relationship to applicant

_____

Street Name and Number

_____

City/State/Zip Code

_____

Telephone Number

_____

FAX Number

U.S. DOT Number _____

Note: Vehicle operating freight forwarders that have not been assigned a U.S. DOT number must submit a completed Form MCS–150, *Motor Carrier Identification Report,* with this application or must confirm their exempt status under the Section IV—"SAFETY CERTIFICATION" portion of this form.

Form of Business (Check Only One.)

☐ Corporation

State of Incorporation _____

☐ Sole Proprietorship

Name of Individual _____

☐ Partnership

Identify Partners _____

☐ Limited Liability Company

Section II—Type of Authority

☐ Freight Forwarder
☐ General Freight
☐ Household Goods

Section III—Insurance Information

Freight forwarders that perform transfer, collection, and delivery service must have on file evidence of appropriate levels of liability insurance for the protection of the public. The dollar amounts in parentheses represent

the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the FHWA.

Note: All freight forwarder applicants should refer to the instructions for information on cargo insurance filing requirements.

☐ Will operate vehicles having Gross Vehicle Weight Ratings (GVWR) of 10,001 pounds or more to transport:
- ☐ Non-hazardous commodities ($750,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 387.303(b)(2)(c) ($1,000,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 387.303(b)(2)(b) ($5,000,000).

☐ Will operate only vehicles having Gross Vehicle Weight Ratings (GVWR) under 10,001 pounds to transport:
- ☐ Any quantity of Division 1.1, 1.2, or 1.3 explosives, any quantity of poison gas (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group 1, Hazard Zone A materials), or highway route controlled quantity of radioactive materials ($5,000,000).
- ☐ Commodities other than those listed above ($300,000).

☐ Applicant seeks a waiver of liability (BI&PD) insurance requirements and certifies that in its forwarding operations it:
- ☐ (1) Will not own or operate any motor vehicles upon the highways in the transportation of property;
- ☐ (2) Will not perform transfer, collection, or delivery services; and
- ☐ (3) Will not have motor vehicles under its direction and control in the performance of transfer, collection, or delivery services.

Section IV—Safety Compliance (Vehicle Operating Freight Forwarder Only)

Applicants Subject to Federal Motor Carrier Safety Regulations—If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350–399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal motor carrier safety regulation;

(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;

(3) Has in place a driver safety training/orientation program;

(4) Has prepared and maintains an accident register (49 CFR 390.15);

(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);

(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);

(7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

☐ YES

Exempt Applicants—If you will operate only small vehicles (GVWR under 10,000 pounds), and will not transport hazardous materials, you are, exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

Section V—Household Goods Arbitration

Household Goods Arbitration Certification. All freight forwarder registrants that will forward household goods as defined at 49 U.S.C. 13102(10) must certify as follows by checking the "YES" box below:

As a condition of registration, registrant agrees to offer its collect-on-delivery shippers of household goods arbitration as a means of settling disputes concerning damage and loss of household goods transported in accordance with 49 U.S.C. 14708.

☐ YES

Section VI—Affiliations

Affiliation With Other Former ICC Licensed or FHWA Registered Entities. Disclose any relationship you have or have had with any other FHWA-licensed entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC-number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

Section VII—Applicant's Oath

This oath applies to all supplemental filings to this application. *The signature must be that of applicant, not legal representative.*

I, _____
Name and title

verify under penalty of perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to section 5301 of the Anti-Drug Act of 1988 (21 U.S.C. 862).

_____
Signature

_____
Date

Filing Fee Information

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in Section II. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in Section II: _____ × filing fee $_____ = $_____

Indicate amount $ _____ and amount of payment

☐ Check or ☐ Money Order, payable to: Federal Highway Administration

☐ VISA ☐ Mastercard

Credit Card Number _____

Expiration Date _____

Signature _____

Date _____

Fee Policy

- Filing fees must be payable to the Federal Highway Administration, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required for each type of authority requested. If applicant requests multiple types of permanent authority on one application form (for example, common and contract carrier authority) or if applicant submits more than one form in the OP–1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the *sum of the applicable fees.*
- Filing fees must be sent, along with the original and one copy of the application, to Federal Highway Administration, P.O. Box 100147, Atlanta, GA 30384–0147. For express mail only: Nationsbank Wholesale Lockbox 100147, 6000 Feldwood Road, 3rd Floor East, College Park, GA 30349. For credit card only: FHWA, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, SW., Washington, DC, 20024.
- After an application is received, the filing fee is not refundable.
- The FHWA reserves the right to discontinue processing any application for which a check is returned because of

insufficient funds. The application will not be processed until the fee is paid in full.

Paperwork Burden. It is estimated that an average of 2.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, SW., Washington, DC 20024, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120–0047), Washington, DC 10403.

Appendix D to Part 365—Form OP–1(MX)—Application for Registration of Mexican Property Carriers Provided by the North American Free Trade Agreement

Instructions for Form OP–1(MX)—Application by Mexican Carriers to Register as Provided by the North American Free Trade Agreement

These instructions will assist you in preparing accurate and complete registration filings. Applications that do not contain the required information will be rejected and may result in a loss of the application fee. The application must be completed in English and typed or printed in ink. If additional space is needed to provide a response to any item, use a separate sheet of paper. Identify applicant on each supplemental page and refer to the section and item number in the application for each response.

Section I

FHWA Registration History. If you now have any authority issued by the former ICC or if you are registered with or have a registration application pending before the Federal Highway Administration, check the "*YES*" box and indicate the docket number (MC number) you have been assigned. Example: MX–987654.

Applicant's Legal Business Name and Doing Business as Name. The applicant's name should be your full legal business name—the name on the incorporation certificate, partnership agreement, tax records, etc. If you use a trade name that differs from your official business name, indicate this under "Doing Business As Name." Example: If you are John Jones, doing business as Quick Way Trucking, enter "John Jones" under APPLICANT'S LEGAL BUSINESS NAME and "Quick Way Trucking" under DOING BUSINESS AS NAME.

Because the FHWA uses computers to retain information about licensed carriers, it is important to spell, space, and punctuate any name the same way each time you write it. Example: John Jones Trucking Co., Inc.; J. Jones Trucking Co., Inc.; and John Jones Trucking are considered three separate companies.

Business Address/Mailing Address. The business address is the physical location of the business. Example: 756 El Camino Real, Jalisco. If applicant receives mail at an address different from the business location, also provide the mailing address. Example: P.O. Box 3721. NOTE: To receive pertinent FHWA notices and to ensure that insurance documents filed on applicant's behalf are accepted, notify the Federal Highway Administration, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024, if the business of mailing address changes.

Representative. If someone other than the applicant is preparing this form, provide the representative's name, title, position, or relationship to the applicant, address, and telephone and FAX numbers. Applicant's representative will be the contact person if there are questions concerning this application.

U.S. DOT Number. Registration applicants subject to the Federal Motor Carrier Safety Regulations also are required to register with U.S. Department of Transportation (U.S. DOT) for safety monitoring purposes. Motor Carriers that already have been issued a U.S. DOT registration number should provide it; applicants that have not registered with U.S. DOT should do so by submitting a completed Form MCS–150, *Motor Carrier Identification Report*, with this application. Note: Registrants claiming "EXEMPT" status under the Section IV— "SAFETY COMPLIANCE"portion of this form need not file Form MCS–150

Form of Business. A business is either a corporation, sole proprietorship, partnership, or limited liability company. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the registration applicant. If the business is a partnership, provide the name of *each* partner.

Section II

Type of Authority. Check the appropriate box(es) for the type(s) of operations you are registering. If you are desiring to establish a United States based enterprise, you may only check the last box in this section of the application form. Note: A separate filing fee is required for each type of operations registered. See "Fee Policy" in the application form.

Section III

Insurance Information. Check the appropriate box(es) to describe the type of business you will be conducting. If you operate vehicles with a gross vehicle weight rating exceeding 10,000 pounds and haul only non-hazardous materials, you are required to maintain $750,000 minimum liability coverage for the protection of the public. Hazardous materials referred to in the FHWA's insurance regulations at 49 CFR 1043.2(b)(2)(c) require $1 million minimum liability coverage; those at 49 CFR 1043.2(b)(2)(b) require $5 million minimum liability coverage.

If you operate only vehicles with a gross vehicle weight rating under 10,000 pounds, you must maintain $300,000 minimum liability coverage. If you operate only such vehicles but will be transporting any quantity of Division 1.1, 1.2 or 1.3 explosives; any quantity of poison gas (Division 2,3, Hazard Zone A or Division 6.1, Packing Group 1, Hazard Zone A materials); or highway route controlled quantity of radioactive materials, you must maintain $5 million minimum liability coverage.

Minimum levels of cargo insurance must be maintain by all motor property common carriers: $5,000 for loss of or damage to property carried on any one motor vehicle and $10,000 for loss of or damage to property occurring at any one time and place.

Appropriate insurance forms must be filed within 90 days after the date notice of your application is published in the FHWA Register: Form BMC–91 or BMC–91X for bodily injury and property damage, Form BMC–34 for cargo liability.

The FHWA does not furnish copies of insurance forms. You must contact your insurance company to arrange for the filing of all required insurance forms.

Section IV

Safety Certification. Applicants for motor carrier authority must complete the safety certification. You should check the "YES" response only if you can attest to the trust of the statements. The "Applicant's Oath" at the end of the application form applies to all certifications, and false certifications are subject to the penalties described in that oath.

If you operate only vehicles with a gross vehicle weight rating under 10,000 pounds and will not transport hazardous materials, you are exempt from the U.S. DOT safety fitness regulations; however, you must certify that you are familiar with and will observe general operational safety fitness guidelines and applicable state and local laws relating to the safe operation of commercial motor vehicles.

You must check only one of the boxes in this section.

Failure to comply with the safety fitness standards of the U.S. Department of Transportation will result in the revocation of the motor carrier authority.

Section V

Affiliations. All applicants must disclose pertinent information concerning affiliations, if any, with other former ICC or FHWA registered entities.

Section VI

Household Goods Arbitration Certification. All motor carrier registrants that will transport household goods as defined at 49 U.S.C. 13102(10) must complete the required certification concerning arbitration as a condition of registration.

Section VII

Applicant's Oath. Applications may be prepared by the applicant or an authorized representative. In either case, the oath must be signed by the applicant. In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

Legal Process Agents

All motor carrier applicants must designate a process agent in each state where operations are authorized. Process agents who will accept legal filings on applicant's behalf are designated on FHWA Form BOC–3. Form BOC–3 must be filed within 90 days after the date notice of the application is published in the FHWA Register.

State Notification

Before beginning operations, all applicants must contact the appropriate regulatory agencies in every state in and through which the carrier will operate to obtain information regarding various state rules applicable to interstate authorities. It is the applicant's responsibility to comply with registration, fuel tax, and other state regulations and procedures. Begin this process by selecting the state of California, New Mexico or Texas as your base state for payment of registration fees. See 49 CFR Part 1023. You should select the state in which you will operate the largest number of motor vehicles in the next year and contact that state's transportation agency (the California Public Utilities Commission, in San Francisco; the New Mexico State Corporation Commission, in Santa Fe; or the Texas Department of Transportation, in Austin), to obtain registration forms and instructions. Failure to accomplish this state registration could subject you to substantial state penalties as well as the potential loss of your operating authority.

Mailing Instructions

To file for authority you must submit an original and one copy of this application with the appropriate filing fee to FHWA.

Note: Retain a copy of the completed application form and any attachments for your own records.

Mailing addresses for applications:

All Documents with Fees Attached

Federal Highway Administration, P.O. Box 100147, Atlanta, GA 30384–0147

For Express Mail Only

Nationsbank Wholesale Lockbox 100147, 6000 Feldwood Road, 3rd Floor East, College Park, GA 30349

For Credit Card Users Only

FHWA, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, SW., Washington, DC 20024

Additional information on obtaining operating authority or monitoring the status of your application is available through the Automated Response Capability (ARC) telephone system. After dialing (202) 358–7000, press 1, then request appropriate menu number indicated below. You may use the ARC 24 hours a day, 7 days a week to obtain information in the following areas:

Additional Assistance

Information Sources

Information requested	Menu No.
• Status of your application	1
(Note: Tracking the status of your application can be simplified and expedited if you refer to the assigned docket number when making inquiries. You will be informed of your docket number by letter sent on the date notice of your application appears in the FHWA Register.)	
• Assistance in filing your application	3
• Status of insurance and process agent filings	2

If you require information that is not available in the automated response system, the ARC will guide you to an appropriate FHWA Staff member who will be able to assist you in other areas.

U.S. Department of Transportation Information Sources

U.S. DOT Registration and Safety Ratings

• To obtain information on registering with U.S. DOT (filing Form MCS–150) or to request a safety fitness review, write to: Director, Information Analysis, Federal Highway Administration, 400 7th St., S.W. HIA–10, Washington, DC 20590, or call: 800–832–5660 (Automated response system).

• For information concerning a carrier's assigned safety rating, call: (800) 832–5660.

U.S. DOT Hazardous Materials Regulations

• To obtain information on whether the commodities you intent to transport are considered to be hazardous materials:

Refer to the provisions governing hazardous materials in the Federal Motor Carrier Safety Regulations at Parts 170 through 189 of Title 49 of the Code of Federal Regulations (CFR), particularly the Hazardous Materials Table at 49 CFR Part 172, or contact U.S. DOT at (202) 366–6121.

• To obtain information about DOT hazardous materials transportation registration requirements: Contact U.S. DOT at (202) 366–4109.

This application is for all Mexican carriers requesting authority to transport property (including exempt items) in foreign commerce between the U.S.-Mexico Border and points in California, Arizona, New Mexico and Texas and for all Mexican owned or controlled enterprises established in the United States to transport international cargo in foreign commerce.

For FHWA Use Only

Docket No. MX– _____

DOT No. _____

Filed _____

Fee No. _____

CC Approval No. _____

Section—Applicant Information

Do you now have authority from or an application being processed by the former ICC or FHWA?

☐ NO ☐ YES

If yes, identify the lead docket _____ number(s) _____

Legal Business Name

Doing Business as Name

Business Address

Telephone Number

Street Name and Number

City/State/Zip Code

Mailing Address (If different from above)

Street Name and Number

City/State/Zip Code

Representative (Person who can respond to inquiries)

Name and title, position, or relationship to applicant

Street Name and Number

City/State/Zip Code

Telephone Number

Fax Number

U.S. DOT Number _____

[**Note:** Motor carrier registrants that have not been assigned a U.S. DOT number must submit a completed Form MCS–150, *Motor Carrier Identification Report,* with this application or must confirm their exempt status under the Section IV—SAFETY CERTIFICATION portion of this form.]

Form of Business (Check only one.)

☐ Corporation

Mexican or U.S. State of Incorporation _____

☐ Sole Proprietorship

Name of Individual _____

☐ Partnership

Identify Partners _____

☐ Limited Liability Company

Section II—Type of Authority

You must submit a filing fee for *each* type of authority requested (for each box checked). Also, indicate within each authority category the type of commodities you will transport.

☐ Motor Common Carrier of Property
- ☐ General Freight
- ☐ Household Goods

☐ Motor Contract Carrier of Property
- ☐ General Freight
- ☐ Household Goods

☐ Private Carrier

☐ United States based enterprises providing truck services for the transportation of international cargo
- ☐ General Freight
- ☐ Household Goods

Section III—Insurance Information

This section must be completed by ALL motor property carrier applicants. The dollar

amounts in parentheses represent the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the FHWA.

Note: Refer to the instructions for information on cargo insurance filing requirements for motor common carriers.

☐ Will operate vehicles having Gross Vehicle Weight Ratings (GVWR) of 10,000 pounds or more to transport:
- ☐ Non-hazardous commodities ($750,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 387.303(b)(2)(c) ($1,000,000).
- ☐ Hazardous materials referenced in the FHWA's insurance regulations at 49 CFR 387.303(b)(2)(b) ($5,000,000).

☐ Will operate only vehicles having Gross Vehicle Weight Ratings (GVWR) under 10,000 pounds to transport:
- ☐ Any quantity of Division 1.1, 1.2 or 1.3 explosives; any quantity of poison gas (Division 2.3, Hazard Zone A or Division 6.1, Packing Group 1, Hazard Zone A materials); or highway route controlled quantity of radioactive materials ($5,000,000).
- ☐ Commodities other than those listed above ($300,000).

Section IV—Safety Certification

Applicants Subject to Federal Motor Carrier Safety Regulations—If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3. Subchapter B (Parts 350–399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

(1) Has in place a system and an individual responsible for ensuring overall compliance with Federal Motor Carrier Safety Regulations;

(2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;

(3) Can produce on 48 hours notice records demonstrating compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;

(4) Has prepared and maintains an accident register (49 CFR 390.15);

(5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);

(6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396); and

(7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

☐ YES

Any authority sought pursuant to this application will remain in effect only as long as the carrier satisfies the safety fitness standards of the U.S. Department of Transportation. See *Safety Fitness Policy*, 8 I.C.C.2d 123 (1991).

Exempt Registrant—If you will operate only small vehicles (GVWR under 10,000 pounds) and will not transport hazardous materials of a type and/or amount required to be placarded, check here to indicate your exempt status and then complete the certification below:

☐ Exempt Registrant

Applicant is familiar with and will observe general operation safety guidelines, as well as any applicable state and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

☐ YES

Section V—Affiliations

Affiliation With Other Former ICC or FHWA Registered Entities. Disclose any relationship you have or have had with any other former ICC or FHWA registered entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC-number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

_____

_____

_____

Section VI—Household Goods Certifications

Household Goods Arbitration Certification. All motor carrier registrants that will transport household goods as defined at 49 U.S.C. 13102(10) must certify as follows by checking the "YES" box below:

As a condition of registration, registrant agrees to offer its collect-on-delivery shippers of household goods arbitration as a means of settling disputes concerning damage and loss of household goods transported in accordance with 49 U.S.C. 14708.

☐ YES

Section VII—Applicant's Oath

This oath applies to all supplemental filings to this application. *The signature must be that of applicant, not legal representative.*

I, _____,
Name and title

verify under penalty of perjury, under the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or state offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to Section 5301 of the Anti-Drug Act of 1988 (21 U.S.C. 862).

Signature _____

Date _____

Fee Policy

- Filing fees must be payable to the Federal Highway Administration, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required for each type of authority requested. If applicant requests multiple types of permanent authority for example, common and contract carrier authority, multiple fees are required. The applicant may submit a single payment for the *sum of the applicable fees*.

Filing fees must be sent, along with the original and one copy of the application, to FHWA, P.O. Box 100147, Atlanta, GA, 30384–0147.

- After an application is received, the filing fee is not refundable.
- The FHWA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.

Filing Fee Information

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in Section II. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in Section II: _____ × filing fee $_____=$_____

Indicate amount $ _____ and method of payment

☐ Check or ☐ Money Order, payable to: Federal Highway Administration

☐ VISA ☐ Mastercard

Credit Card Number _____

Expiration Date _____

Signature _____

Date _____

Paperwork Burden. It is estimated that an average of 1.5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this

burden should be directed to both the Federal Highway Administration, Licensing and Insurance Division, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024, and to the Office of Management and Budget, Office of Information and Regulatory Affairs (OMB No. 3120–0047), Washington, DC 20403.

Appendix E to Part 365—Form OCE–46—Request for Revocation of Registration

Federal Highway Administration

Request for Revocation of Registration

Docket No. _____

_____

Name of carrier, freight forwarder, or broker making request

_____

Address, City, State, Zip Code of requesting carrier

For the reasons stated below, this carrier, freight forwarder, or broker, which is the holder of the above-identified permits(s), certificates(s), or license(s), hereby requests revocation of such registration to the extent specified, in accordance with the provisions of 49 U.S.C. 13905.

Reason for request for revocation:

_____

It is clearly understood that upon revocation of this registration, operations which are revoked may not be resumed unless this authority is reinstated as provided at 49 CFR 365.96, or other registration shall have been issued.

_____

Type/print name of person authorized to submit this request

_____

Daytime Telephone Number

_____

Signature of person authorized to submit this request

_____

Date

Note: Signature must be notarized OR signed *in the presence* of a FHWA staff member.

Affix Notary Seal here

or

_____

Signature of FHWA Staff Member

_____

Date

_____

Title

City/County:_____ _____

State:_____ _____

Subscribed and sworn to before me this _____ day of _____, 19____

_____

My Commission Expires: _____

Paperwork Burden: it is estimated that an average of .5 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to both the Federal Highway Administration, Licensing and Insurance Division, Suite 600, 400 Virginia Avenue, S.W., Washington, DC 20024, and to the Office of Management and budget, Office of Information and Regulatory Affairs (OMB No. 2125–0571), Washington, DC 20503.

BILLING CODE 4910–22–M

PART 385—SAFETY FITNESS PROCEDURES

2. The authority citation for part 385 continues to read as follows:

Authority: 49 U.S.C. 104, 504, 521(b)(5)(A), 5113, 31136, 31144, 31502; and 49 CFR 1.48.

3. In § 385.21, paragraph (b) is revised to read as follows:

§ 385.21 Motor carrier identification report.

* * * * *

(b) Except as provided at 49 CFR 365.111(f)(2), all motor carriers beginning operation after the effective date of this rule shall file the Motor Carrier Identification Report, Form MCS–150, within 90 days after beginning operations.

Note: For-hire motor carriers and vehicle operating freight forwarders required to register their operations as provided under 49 U.S.C. 13901–13905 must submit Form MCS–150 concurrently with their registration application as required under 49 CFR 365.111 (f)(2).

PART 387—MINIMUM LEVELS OF FINANCIAL REPONSIBILITY FOR MOTOR CARRIERS

4. The authority citation for part 387 continues to read as follows:

Authority: 49 U.S.C. 13101, 13301, 13906, 14701, 31138, and 31139; and 49 CFR 1.48.

5. Section 387.33 is amended by designating the unumbered paragraph as paragraph (a), by adding the subheading "General limits" at the beginning of paragraph (a), and by adding paragraph (b) to read as follows:

§387.33 Financial responsibility, minimum levels.

(a) *General limits.* * * *

(b) *Limits applicable to transit service providers.* Notwithstanding the provisions of 49 CFR 387.33(a), the minimum level of financial responsibility for a motor vehicle used to provide transportation services within a transit service area located in more than one State under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310, or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities, will be at least the highest level required for any of such States. Transit service providers conducting such operations must register as for-hire passenger carriers under part 365 of this subchapter, identify the States in which they operate under the applicable grants, and certify on their registration documents that they have in effect financial responsibility levels in an amount equal to or greater than the highest level required by any of the States in which they are operating under a qualifying grant.

[FR Doc. 98–3560 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

Alaska Federal Subsistence Regional Advisory Council Meetings; Subsistence Management Regulations for Public Lands in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice informs the public of the Regional Council meetings identified above. The public is invited to attend and observe meeting proceedings. In addition, the public is invited to provide oral testimony before the Councils on proposals to change Subsistence Management Regulations for Public Lands in Alaska for the 1998–99 regulatory year as set forth in a proposed rule on July 25, 1997 (62 FR 39987–40029). A booklet of proposed regulation changes was distributed to the public by mail on November 26, 1997.

The following agenda items will be discussed at each Regional Council meeting: (1) Introduction of Regional Council members and guests; (2) Old business; (3) New business: Member recruitment, Review and development of recommendations on Proposed Regulations for implementing Federal Fisheries Management Program ("Katie John" litigation), and Review and development of recommendations on proposals to change Subsistence Management Regulations (1998–1999) for Public Lands in Alaska.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o Thomas H. Boyd, Office of Subsistence

Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3888. For questions related to subsistence management issues on National Forest Service lands, inquiries may also be directed to Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802–1628; telephone (907) 586–7921.

SUPPLEMENTARY INFORMATION: Regional Council meetings—The Federal Subsistence Board announces the forthcoming public meetings of the Federal Subsistence Regional Advisory Councils. The Regional Council meetings will be held in the following Alaska locations, and begin on the specified dates:

Region 1 (Southeast)—Saxman—Mar. 9, 1998

Region 2 (Southcentral)—Glennallen—Mar. 18, 1998

Region 3 (Kodiak/Aleutians)—Kodiak—Mar. 5, 1998

Region 4 (Bristol Bay)—Dillingham—Mar. 12, 1998

Region 5 (Yukon-Kuskokwim Delta)—Bethel—Mar. 3, 1998

Region 6 (Western Interior)—Galena—Feb. 25, 1998

Region 7 (Seward Peninsula)—Unalakleet—Feb. 24, 1998

Region 8 (Northwest Arctic)—Kotzebue—Feb. 18, 1998

Region 9 (Eastern Interior)—Tanacross—Feb. 18, 1998

Region 10 (North Slope)—Barrow—Mar. 3, 1998

Notice of specific dates, times, and meeting locations will be published in local and statewide newspapers prior to the meetings. Locations and dates may need to be changed based on weather or local circumstances. Length of the Regional Council meetings will be determined by the amount of work on each Regional Council's agenda.

The Regional Councils have been established in accordance with Section 805 of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and Subsistence Management Regulations for Public Lands in Alaska, 36 CFR Part 242 and 50 CFR Part 100, Subparts A, B, and C (57 FR 22940–22964). The Regional Councils advise the Federal Government on all matters related to the subsistence taking of fish and wildlife on public lands in Alaska and operate in accordance with provisions of the Federal Advisory Committee Act.

The identified Regional Council meetings will be open to the public. The public is invited to attend these meetings, observe the proceedings, and provide comments to the Regional Councils.

Dated: February 3, 1998.

Susan K. Detwiler,

Acting Chair, Federal Subsistence Board.

[FR Doc. 98–3384 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 63, No. 30
Friday, February 13, 1998

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[TM–98–00–3]

Notice of Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS) announces a forthcoming meeting of the National Organic Standards Board (NOSB).

DATES: March 16, 1998, at 12:30 p.m. to 5:00 p.m.; March 17, 1998, from 8:00 a.m. to 5:00 p.m.; March 18, 1998, from 8:00 a.m. to 5:00 p.m.; and March 19, 1998, from 8:00 a.m. to 5:00 p.m. for the NOSB.

PLACE: Doubletree Hotel Ontario Airport, 222 N. Vineyard, Ontario, California 91764. Phone: (909) 983–0909.

FOR FURTHER INFORMATION CONTACT: Michael I. Hankin, Senior Marketing Specialist, Room 2510 South Building, U.S. Department of Agriculture, AMS, Transportation and Marketing, National Organic Program Staff, P.O. Box 96456, Washington, D.C. 20090–6456. Phone (202) 720–3252.

SUPPLEMENTARY INFORMATION: Section 2119 (7 U.S.C. 6518) of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. Section 6501 *et seq.*) requires the establishment of the NOSB. The purpose of the NOSB is to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of OFPA. The NOSB met for the first time in Washington, D.C., in March 1992 and currently has six committees working on various aspects of the program. The committees are: Crops Standards; Processing, Labeling and Packaging; Livestock Standards; Accreditation; Materials; and International Issues. In August 1994, the NOSB provided its initial recommendations for the National Organic Program (NOP) to the Secretary of Agriculture and since that time has submitted 30 addenda to the recommendations and reviewed more than 170 substances for inclusion on the National List of Allowed and Prohibited Substances. The last meeting of the NOSB was held in September 1996, in Indianapolis, Indiana. The Department of Agriculture (USDA) published its proposed rule for the NOP in the **Federal Register** (62 FR 65849) on December 16, 1997. An extension of the comment period on the proposed rule was published in the **Federal Register** (63 FR 6498–6499) on February 9, 1998. The comment period has been extended until April 30, 1998.

PURPOSE AND AGENDA: The main purposes of this meeting are to provide an opportunity for the NOSB to listen to comments from interested persons regarding the proposed rule for the NOP, for the NOSB to review its Committee reports on the proposed rule, and for the NOSB to prepare comments on the proposed rule to be submitted to USDA. Minutes of the NOSB meeting, including minutes of oral presentations to the NOSB, will be included in the public record of comments for the proposed rule.

A final agenda for this meeting will be available on March 2, 1998. Persons requesting copies of the final agenda should contact Ms. Karen Thomas at the above address or phone (202) 720–3252.

TYPE OF MEETING: All meetings will be open to the public. Individuals and organizations wishing to provide oral presentations to the NOSB on issues related to the proposed rule should forward the request to Ms. Karen Thomas at the above address or by FAX to (202) 690–3924 by March 10, 1998, in order to be scheduled. The NOSB has scheduled time for public input on March 16, 1998, beginning at 1:00 p.m. and continuing until 5:00 p.m. While persons wishing to make a presentation may sign up at the door, advance registration will ensure an opportunity to speak during the allotted time period and will help the NOSB better manage the meeting and accomplish the agenda. It is our intention to give each individual or organization approximately 5 minutes to present orally their views on the key issues of concern. All persons making an oral presentation are asked also to provide their views in writing. Such written submissions may of course supplement the oral presentation with additional material. Attendees who do not wish to make an oral presentation are invited to submit written comments to the NOSB at this meeting. Those persons submitting written comments should provide 20 copies to the NOSB. All such comments will be included in the minutes of the meeting and placed in the rulemaking record.

Dated: February 9, 1998.

Eileen S. Stommes,

Deputy Administrator, Transportation and Marketing.

[FR Doc. 98–3864 Filed 2–1–98; 12:37 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Coordination Best Practices Project

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Consumer Service's intention to request Office of Management and Budget approval of the Coordination Best Practices Project.

DATES: Written comments on this notice must be received by April 14, 1998.

ADDRESSES: Comments may be sent to: Barbara Hallman, Acting Director, Supplemental Food Programs Division, Food and Consumer Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technology.

All comments to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection forms should be directed to Barbara Hallman, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Title: Coordination Best Practices Project.

OMB Number: Not yet assigned.

Expiration Date: Three years from approval date.

Type of Request: New collection.

Abstract: Participation in continuous and comprehensive health care, coupled with good nutrition, has been shown to improve pregnancy outcomes and the health status of infants, children, and breastfeeding mothers. In recognition of the positive organizational and clinical outcomes that can result from improved coordination between the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Community/Migrant Health Centers (C/MHCs), and between the WIC Program and Indian Health Service (IHS) facilities, Section 17(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(j)), as amended by the Healthy Meals for Healthy Americans Act of 1994, calls for WIC services to be provided at substantially more C/MHCs and for improved coordination of WIC services with those offered by IHS facilities. The purpose of the Coordination Best Practices Project is to identify 30–40 successful model coordination/collaboration efforts between the WIC Program and the C/MHCs funded by the Department of Health and Human Services' Bureau of Primary Health Care, and between the WIC Program and IHS programs and to showcase these in a "Best Practices Handbook." The handbook will be designed to provide information and to stimulate interaction and discussion between WIC, C/MHCs, and IHS programs. The handbook will also contain a tool for local sites to use in conducting an assessment of their current coordination efforts and in developing a plan to increase coordination/collaboration efforts.

Information for this study will be collected in two stages of telephone interviews with staff from WIC clinics, C/MHCs and IHS facilities across the country. First, descriptive information will be collected through telephone interviews from 100–150 sites, each consisting of a C/MHC or IHS facility and the WIC clinic with which they coordinate or collaborate. These sites will be identified from recommendations provided by a variety of agencies and organizations with knowledge of WIC and health care programs. Information from this first stage of data collection will be used to identify 60 potential model sites. These 60 sites will be contacted again by telephone to collect more in-depth information on the collaboration and coordination of the WIC and primary health care services at the local level. Finally, these data will be analyzed to identify 30–40 "best practice" models, which will be described in the Best Practices Handbook. Ten sites will be profiled in greater detail.

Affected Public: Federal, State and local governments, local nonprofit organizations including local WIC agencies, C/MHCs, and IHS facilities.

Estimated Number of Respondents: One staff member from each of the 100–150 sites in the first round of interviews. In the second round of interviews, one staff member from the C/MHC or IHS facility and one staff member of the coordinating/collaborating WIC clinic will be interviewed for each of the 60 sites.

Estimated Time Per Response: Phone interviews will average 30 minutes per site for the first round of 100–150 sites. Interviews will average 60 minutes for the second round of 60 sites with two interviews per site.

Estimated Total Annual Burden on Respondents: 195 hours.

Dated: February 2, 1998.

Yvette S. Jackson,

Acting Administrator, Food and Consumer Service.

[FR Doc. 98–3719 Filed 2–12–98; 8:45 am]

BILLING CODE 3410–30–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 16, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies
(Requirements for the Naval Weapons Station, Charleston, South Carolina)

NPA: Lions Club Industries, Inc., Durham, North Carolina

Cushion, Seat Back, Vehicular
2540–00–737–3311
NPA: Work Training Center for the Handicapped, Chico, California

Services

Audio/Visual Duplication Service
Federal Emergency Management Agency
National Emergency Training Center
16825 South Seton Avenue
Emmitsburg, Maryland
NPA: York County Blind Center, York, Pennsylvania

Grounds Maintenance, Department of the Navy, Hadnot Point, French Creek & Hospital Point Areas, Camp Lejeune, North Carolina, NPA: Coastal Enterprises of Jacksonville, Inc, Jacksonville, North Carolina

Janitorial/Custodial
Bureau of Land Management, Farmington District Office
1235 La Plata Highway
Farmington, New Mexico
NPA: RCI, Inc., Albuquerque, New Mexico

Janitorial/Custodial
U.S. Army Reserve AFRC
3938 Old French Road
Erie, Pennsylvania
NPA: Dr. Gertrude A. Barber Center, Inc., Erie, Pennsylvania

Beverly L. Milkman,
Executive Director.
[FR Doc. 98–3715 Filed 2–12–98; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 16, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On November 21 and December 19, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (62 F.R. 62284 and 66597) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity 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 commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity 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 commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are hereby added to the Procurement List:

Commodity

Pillow, Bed
7210–01–448–9432

Services

Janitorial/Grounds Maintenance
U.S. Army Reserve Center, 1900 Green Springs Highway, Birmingham, Alabama

Mailroom Operation
Veterans Affairs Medical Center 1055 Clermont Street, Denver, Colorado

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,
Executive Director.
[FR Doc. 98–3716 Filed 2–12–98; 8:45 am]
BILLING CODE 6352–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

President's Export Council Subcommittee on Export Administration; Notice of Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration (PECSEA) will be held March 10, 1998, 9:00 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 4832, 14th Street between Pennsylvania and Constitution Avenues, N.W., Washington, D.C. The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Public Session

1. Opening remarks by the Chairman.

2. Presentation of papers or comments by the public.

3. Update on Administration export control initiatives.

4. Task Force reports.

Closed Session

5. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A Notice of Determination to close meetings, or portions of meetings, of the Subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved October 16, 1997, in accordance with the Federal Advisory Committee Act. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. For further information, contact Ms. Lee Ann Carpenter on (202) 482–2583.

Dated: February 9, 1998.

William V. Skidmore,
Acting Deputy Assistant Secretary for Export Administration.
[FR Doc. 98–3626 Filed 2–12–98; 8:45 am]
BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–813]

Notice of Final Results of Antidumping Duty Administrative Review: Canned Pineapple Fruit From Thailand

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

SUMMARY: On August 7, 1997, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on canned pineapple fruit from Thailand. The review covers shipments of this merchandise to the United States during the period of review (POR) January 11, 1995, through June 30, 1996.

Based on our analysis of the comments received, and the correction of certain ministerial errors, these final results differ from the preliminary results. The final results are listed below in the section "Final Results of Review."

EFFECTIVE DATE: February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Kris Campbell, Office of AD/CVD Enforcement 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1442 and (202) 482–3813, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations, codified at 19 CFR part 353, as they existed on April 1, 1997.

Background

This review covers three manufacturers/exporters of merchandise subject to the antidumping order on canned pineapple fruit from Thailand: Siam Food Products Public Company Ltd. (SFP), The Thai Pineapple Public Company, Ltd. (TIPCO), and Thai Pineapple Canning Industry Corp., Ltd. (TPC). On August 7, 1997, the Department of Commerce (the Department) published in the **Federal Register** a notice on *Canned Pineapple Fruit from Thailand; Preliminary Results and Partial Termination of Antidumping Duty Administrative Review* (62 FR 42487) (*Preliminary Results*). We received case briefs from the three respondents on September 8, 1997. Maui Pineapple Co., Ltd. (the petitioner) did not file a case brief. We received a rebuttal brief from the petitioner on September 17, 1997. Pursuant to a timely request by SFP and TIPCO, we held a public hearing on October 14, 1997, at which the three respondents and the petitioner made presentations.

The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended.

Scope of the Review

The product covered by this review is canned pineapple fruit ("CPF"). For purposes of this review, CPF is defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits, and crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added. CPF is currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS 2008.20.0010 covers CPF packed in a sugar-based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice-packed). Although these HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Comparison of United States Price and Normal Value

For both companies involved in this review, we calculated transaction-specific U.S. prices (export price (EP) or constructed export price (CEP), as applicable) and compared them to normal values (NV) based on either weighted-average third-country market prices or constructed values (CV). For price-to-price comparisons, we compared identical merchandise where possible. Where there were no sales of identical merchandise in the third-country market to compare to U.S. sales, we made comparisons of similar merchandise based on the characteristics listed in the Department's antidumping questionnaire.

Export Price and Constructed Export Price

For the price to the United States, we used EP or CEP as defined in section 772 of the Act. We calculated EP and CEP based on the same methodology used in the *Preliminary Results*, except that we corrected two errors in our computer program with respect to commission offsets and CEP offsets. Contrary to our intention, the program (1) included not only U.S. commissions, but also U.S. indirect selling expenses, in deriving the cap that limits the third-country commission offset, and (2) granted a CEP offset, where none was appropriate. We have also modified the program to correct certain ministerial errors identified by TPC. *See* Memorandum from Gabriel Adler to Kris Campbell, dated December 5, 1997, regarding analysis of TPC data for final results.

Normal Value

Where NV was based on a third-country price, we used the same methodology to calculate NV as that described in the *Preliminary Results*, with modifications for clerical errors with respect to TPC's data, and one additional exception. In the preliminary results, we erred in automatically basing NV on CV where comparison market sales of the most physically comparable product made during the first comparison month in the 90/60 day contemporaneity window were found to be below cost. For these final results, in accordance with our practice, we have revised our computer program to ensure that it searches the entire 90/60 day contemporaneity window for any sales of the most comparable product retained after the cost test, and bases NV on such sales if they exist. *See* TPC Sales Comment 2 below.

We note, however, that this methodology does not attempt to base NV on sales of other, less comparable, models in the event that we find all contemporaneous sales of the most comparable model to be below cost. On January 8, 1998, the Court of Appeals of the Federal Circuit issued a decision in *Cemex* v. *United States*, 1998 WL 3626 (Fed. Cir.). In that case, based on the pre-URAA version of the Act, the Court discussed the appropriateness of using CV as the basis for foreign market value (normal value) when the Department finds home market sales to be outside the ordinary course of trade. Although the impact of the below-cost test on our matching methodology was raised generally (*see* Comment 2, below), the specific issue discussed in *Cemex* was not raised by any party in this proceeding. However, the URAA amended the definition of sales outside the "ordinary course of trade" to include sales below cost. *See* Section 771(15) of the Act. Because the Court's decision was issued so close to the deadline for completing this administrative review, we have not had

sufficient time to evaluate and apply (if appropriate and if there are adequate facts on the record) the decision to the facts of this "post-URAA" case. For these reasons, we have determined to continue to apply our policy regarding the use of CV when we have disregarded below-cost sales from the calculation of NV.

Where NV was based on CV, we used the same methodology as that described in the *Preliminary Results*, with the following exceptions:

SFP

1. We modified the margin calculation program to eliminate the double-counting of an adjustment to direct labor and overhead expenses;
2. We revised the calculation of general and administrative (G&A) and interest expenses to include data for the fiscal year corresponding to the last three months of 1995; and
3. We revised G&A expenses to exclude ocean freight charges that had been improperly included in the original calculation.

TIPCO

We revised the program to eliminate the double-counting of packing expenses in CV.

Cost of Production

As discussed in the *Preliminary Results*, we conducted an investigation to determine whether the respondents made third country sales of the foreign like product during the POR at prices below their cost of production (COP) within the meaning of section 773(b)(1) of the Act.

We calculated the COP following the same methodology as in the *Preliminary Results*, except that for SFP we corrected the errors discussed with respect to constructed value above, which also pertain to COP.

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given product were made at prices below the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." In accordance with sections 773(b)(2)(B) and (C) of the Act, where 20 percent or more of a respondent's sales of a given product were made at prices below the COP, we disregarded the below-cost sales because such sales were found to be made within an extended period of time in "substantial quantities." Based on comparisons of third-country prices to weighted-average COPs for the POR, we determined, in accordance with section 773(b)(2)(D) of the Act, that the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable period of time. Where all contemporaneous sales of a specific product were made at prices below the COP, we calculated NV based on CV, in accordance with section 773(a)(4) of the Act.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the *Preliminary Results*. We received comments from the three respondents and rebuttal comments from the petitioner.

Sales Issues—General

Provisional Measures Cap

Respondents TPC and SFP argue that the Department erred in the *Preliminary Results* by calculating a single duty assessment rate based on all sales reported for the period of review. The respondents argue that such a calculation is contrary to the intent of the "provisional measures cap" (section 737 of the Act), which limits the assessment of duties on entries made between the date of the Department's preliminary determination and the date of the International Trade Commission's affirmative injury determination under section 735(b) of the Act ("the cap period") to the amounts deposited during this period.

According to the respondents, most of the dumping margins found during the period of review occurred with respect to sales of entries made during the cap period. The dumping found on these sales exceeded both the deposit rate in effect for the cap period and the rates found on sales of post-cap entries. The respondents argue that, even if the Customs Service (Customs) ultimately applies the cap to cap-period entries, the inclusion of these sales in the calculation of a single POR assessment rate, which is then applied to entries outside the cap period, will shift a portion of the excess liability from the cap period onto post-cap period entries, partially vitiating the intended effect of the cap. Instead, the respondents argue, the Department should calculate separate assessment rates for sales of entries made during the cap period and sales of entries made after the cap period.

The respondents acknowledge that the record contains entry dates for only a few of TPC's sales and none of SFP's sales, but claim that the record contains other data that would allow the Department to infer which sales correspond to data during the cap period. SFP further argues that if the Department decides that it must have SFP-specific entry data on the record in order to calculate separate assessment rates, it should allow SFP to collect such information from importers of SFP merchandise and to place the information on the record.

The petitioner argues that the Department's preliminary results correctly calculated a single weighted-average assessment rate based on the margins found on all entries during the period of review. According to the petitioner, the provisional measures cap has no bearing on the assessment of duties on entries after the cap period, because section 737 of the Act mandates a cap on deposits, not on assessments, with respect to entries subject to provisional measures. The petitioner contends that assessment of duties is governed instead by section 736 of the Act, which requires that assessment account for the full amount that normal value exceeds the export price, and which contains no limitation on the assessment of duties in the post-cap period. The petitioner argues that the courts have held that the Department has broad discretion in calculating assessment rates, since the Act does not specify how duties should be assessed. According to the petitioners, the Department's preliminary calculation is consistent with sections 736 and 737 of the Act, and the Department is not compelled to adopt the methodology proposed by the respondents.

The petitioner opposes the making of any inference with respect to the missing entry dates, arguing that surrogate entry dates would not be accurate and would not provide a specific link of sales to entries. Further, the petitioner opposes reopening of the record to gather the missing entry date data.

DOC Position: We disagree with respondents. Consistent with our established practice, and in accordance with 19 CFR 351.212,[1] we have calculated importer-specific POR-average assessment rates by "dividing the dumping margin found on the subject merchandise examined by the entered value of such merchandise for normal customs duty purposes." The provisional measures cap will be applied in this case, as in all cases, to the appropriate entries. Those entries will not be assessed final duties in excess of the amount of the deposit of estimated antidumping duties, in accordance with section 737(a) of the Act. We disagree with respondents that

[1] While the final regulations do not govern this review, they do describe the Department's current practice with respect to assessment.

section 737(a) also requires a change in our method of calculating duty assessment rates. In limiting the amounts to be assessed against provisional period entries, we have met our statutory obligation to disregard the antidumping duties due on such entries to the extent that the amount deposited is lower than the final duty amount. Further, the calculation of multiple assessment rates would raise concerns about possible manipulation of data to avoid AD duties and unrestrained dumping of certain merchandise subject to an order.

Even if it were otherwise appropriate to determine assessment rates based on the respondents' proposed methodology, they did not provide adequate information to allow a proper application of this methodology. SFP and TPC suggest that a return to master-list assessment is not necessary in order to achieve their request that we calculate multiple assessment rates for each importer. While we agree that the calculation of multiple assessment rates does not require a master list, the concerns that led us to discontinue the master-list approach (difficulties in tying specific entries to specific sales, particularly in CEP situations, as well as the practical difficulties, and the concomitant increase in the probability of administrative error, in assessing based on such ties) are also present regarding the proposals submitted by SFP and TPC. In order to calculate multiple assessment rates as proposed, we would have to determine the entry dates of the sales under review. In this case, the data regarding entry dates is largely incomplete, and we have no way to ascertain whether specific sales correspond to entries subject to the cap. Such incomplete information could lead to manipulation. For instance, a respondent could provide entry dates for the sales with the highest dumping margins and argue that this should form the basis for the cap-period assessment rate, while failing to report entry dates for non-dumped sales of provisional period entries, which would then be factored into, and could lower, the post-cap rate. The respondents' suggestions for estimating entry dates do not adequately allay these concerns.

Finally, we note that the calculation of a single assessment rate, as opposed to multiple rates for each such period, is not biased in favor of, or against, respondents. Under some situations, the single assessment rate methodology may result in the collection of a lesser amount of duties compared with assessment using multiple rates. For instance, this would hold true where the dumping rate during the provisional period exceeds the cap but is less than the post-cap-period dumping rate.

Sales Issues—TPC

Comment 1: Date of Sale

TPC argues that the Department should have relied on the date of invoice as the date of sale for EP sales and third country sales, rather than relying on the date of contract. According to TPC, this review is subject to the date of sale methodology set forth in the Department's proposed regulations, and this methodology bases date of sale on the date of invoice, except in rare situations such as those involving long-term contracts. TPC contends that the Department followed this practice in recent cases on *Yarn from Austria* and *Steel Wire Rod from India*, and maintains that there were no compelling reasons to depart from reliance on the date of invoice in the *Preliminary Results*.

The petitioner responds that the Department's use of contract date as the date of sale is supported by the Department's regulations and practice.

DOC Position: We disagree with TPC that the date of invoice is the appropriate date of sale for the sales in question. For these final results, we have continued to base date of sale on the date of contract.

TPC is correct that at the time of initiation of this review, the Department had a policy of normally relying on the date of invoice as the date of sale. *See Antidumping and Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comments*, 61 FR 7308, 7381 (February 27, 1996) ("Proposed Regulations"); *see also* Memorandum from Susan G. Esserman to Joseph Spetrini and Barbara Stafford, March 29, 1996. The general presumption in favor of invoice date continues to be our normal practice. As explained in the preamble to the Department's final regulations,[2] "in the Department's experience, price and quantity are often subject to continued negotiation between the buyer and seller until a sale is invoiced." *See Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27348 (May 19, 1997) ("Final Regulations") at 27348.

However, this presumption applies "absent satisfactory evidence that the terms of sale were finally established on a different date." *Id.* at 27349. This caveat reflects an awareness that, "[i]n some cases, it may be inappropriate to rely on the date of invoice as the date of sale, because the evidence may indicate that, for a particular respondent, the material terms of sale *usually* are established on some date other than the date of invoice." *Id.* (emphasis added). Accordingly, "[i]f the Department is presented with satisfactory evidence that the material terms of sale are finally established on a date other than the date of invoice, the Department *will* use that alternative date as the date of sale." *Id.* (emphasis added). For these reasons, while section 351.401(i) maintains the general presumption in favor of invoice date, it provides for the use of a different date of sale where the alternative date "better reflects the date on which the exporter or producer establishes the material terms of sale."

The evidence on the record indicates that there were changes to the contracted terms of TPC's POR sales for only one out of several hundred EP sales, and five out of several hundred third country sales. *See Memorandum from Case Analysts to Office Director, Regarding Verification of CEP sales by TPC* (CEP verification report) at 1 ("[W]e noted that for virtually all transactions the terms of sale were established on the date of contract, and these same terms were applied without modification on the date of invoice.") Thus, while the Department's date of sale policy provides that a written agreement may not provide a reliable indication that the material terms of sale are truly established, even if, for a particular sale, the terms were not renegotiated, the fact pattern presented by TPC is one where the invoiced terms of virtually *all* sales are identical to those set in the corresponding contracts. In the context of the Department's practice on date of sale, it is therefore reasonable to conclude that the material terms of the sales in question were usually set on the date of contract, and that the date of contract is therefore the appropriate basis for the date of sale.

Finally, we note that TPC anticipated from the outset of this review that the Department might reject the use of date of invoice as the date of sale. In its initial questionnaire response TPC stated that the Department might find the date of contract to be a more appropriate date of sale than the date of invoice, and provided the date of contract for EP and third-country sales even though the date of contract had not been specifically requested by the Department. *See* letter from Dickstein, Shapiro, Morin & Oshinsky to the Department of Commerce, Case No. A–549–813 (November 12, 1997), at 21. Subsequently, TPC provided, at the Department's request, certain additional third-country sales needed in order to

[2] While the final regulations do not govern this review, they do describe the Department's current practice with respect to date of sale.

base our third-country sales analysis on contract date. Thus, our determination that the contract date is the appropriate date of sale for EP and third-country sales does not prejudice TPC, because we had all information to perform our analysis basing the date of sale on the contract date for these transactions.

Comment 2: Matching of Sales in Contemporaneity Window

TPC argues that the Department erred in comparing U.S. sales to constructed value in instances where there were above-cost third-country sales of the most physically comparable product within the 90/60 day contemporaneity window. According to TPC, the Department's practice in model matching is, first, to search for above-cost comparison market sales of the most comparable product in the month of the U.S. sale and, if no such sales are found, to search three months back and two months after the month of the U.S. sale for any above-cost sales of that product (the 90/60 day contemporaneity window). TPC argues that the Department, contrary to its practice, immediately resorted to constructed value if comparison market sales of the most comparable product in the month of the U.S. sale were below cost, without searching for above-cost sales of that product elsewhere within the 90/60 day window.

The petitioner did not address this comment.

DOC Position: We agree with TPC. The Department's practice in past proceedings, which we have continued to follow in this review (*see Normal Value*, above), is to search the 90/60 day contemporaneity window to determine whether, based on the cost test, we disregarded all sales of the best model for comparison before resorting to CV. *See Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews*, 62 FR 2081, 2111–12 (January 15, 1997) ("*AFBs VI*"). We have revised the Department's margin calculation program accordingly for these final results of review. Although SFP and TIPCO did not comment on this issue in their case briefs, the error identified by TPC was also contained in the programs used for calculation of the dumping margins of the other two respondents, and we have corrected those programs as well.

Comment 3: Calculation of CEP Profit

TPC argues that the Department erred in calculating CEP profit, because it calculated a ratio of total profit to total selling expenses that did not include imputed selling expenses, and applied that ratio to a U.S. selling expense figure that included imputed selling expenses. According to TPC, this treatment is inconsistent and overstates profit on U.S. selling activities.

The petitioner responds that the Department's calculation was consistent with the statute and the Department's practice.

DOC Position: We disagree with TPC. For these final results, we continued to exclude imputed selling expenses in deriving total actual profit. We included these expenses in the pool of U.S. selling expenses used to allocate a portion of total actual profit to each sale.

The preamble to the Final Regulations addresses this issue directly. In response to a comment that we should include imputed expenses in the total selling expenses used to derive total profit in order to avoid double counting, we stated, "We have not adopted this suggestion, because the Department does not take imputed expenses into account in calculating cost. Moreover, normal accounting principles permit the deduction of only actual booked expenses, not imputed expenses, in calculating profit." Final Regulations at 27354.

Our policy regarding imputed expenses in the CEP profit calculation was explained in greater detail recently in *AFBs VI*, as follows:

> Sections 772(f)(1) and 772(f)(2)(D) of the Tariff Act state that the per-unit profit amount shall be an amount determined by multiplying the total actual profit by the applicable percentage (ratio of total U.S. expenses to total expenses) and that the total actual profit means the total profit earned by the foreign producer, exporter, and affiliated parties. In accordance with the statute, we base the calculation of the total actual profit used in calculating the per-unit profit amount for CEP sales on actual revenues and expenses recognized by the company. In calculating the per-unit cost of the U.S. sales, we have included net interest expense. Therefore, we do not need to include imputed interest expenses in the "total actual profit" calculation since we have already accounted for actual interest in computing this amount under section 772(f)(1).
>
> When we allocated a portion of the actual profit to each CEP sale, we have included imputed credit and inventory carrying costs as part of the total U.S. expense allocation factor. This methodology is consistent with section 772(f)(1) of the statute which defines "total United States Expense" as the total expenses described under section 772(d) (1) and (2). Such expenses include both imputed credit and inventory carrying costs.

AFBs VI at 2127. This policy is also described in a recent policy bulletin. *See* Import Administration Policy Bulletin number 97/1, issued on September 4, 1997, concerning the *Calculation of Profit for Constructed Export Price Transactions*, at 3 and note 5. As in the *Preliminary Results*, we have followed this policy for these final results of review.

Comment 4: Level of Trade/CEP Offset

TPC argues that the Department erred in finding that CEP sales in the U.S. and third-country market were made at the same level of trade and in denying TPC a CEP offset. According to TPC, sales in the U.S. and third-country market would be at the same level of trade only if no adjustments were made for the activities of the U.S. reseller. However, TPC maintains, the level of trade for CEP sales must be determined after making adjustments for the reseller's activities, so that CEP sales necessarily were made at a less advanced level of trade than its third-country sales. TPC contends that since a level of trade adjustment is not possible, the Department should grant TPC a CEP offset.

The petitioner argues that adjustments to CEP for U.S. selling expenses do not automatically warrant a CEP offset, and contends that TPC has failed to demonstrate the existence of different levels of trade in the U.S. and third-country market, so that a CEP offset is not warranted.

DOC Position: We disagree with TPC. In the *Preliminary Results*, we expressly stated that, consistent with the statute, we had determined the level of trade for CEP sales *after* excluding those selling activities related to the expenses deducted under section 772(d) of the Act. Once these selling activities (which included warehousing, co-op advertising, and sales visits to customers) were excluded, we found that the selling functions performed for TPC's sales in the two markets were essentially the same, irrespective of channel of distribution, and were limited to the processing of sales-related documentation, invoicing, and collection of payment. *See Preliminary Results* at 42489. Since all of TPC's sales were made at the same level of trade, no level of trade adjustment or CEP offset is warranted in the calculation of TPC's antidumping margin.

Comment 5: TPC's Alleged Clerical Errors

Warranties: TPC argues that the Department erred in its recalculation of warranty expenses incurred by affiliated reseller MC Foods, Inc. (MFI) based on verification findings. According to TPC, the Department should have recalculated warranty expenses incurred

by affiliated reseller Mitsubishi International Corporation (MIC), not those incurred by MFI. Further, the expenses in question should have been decreased rather than increased.

The petitioner does not address TPC's claim.

DOC Position: We disagree with TPC that the Department should have recalculated warranty expenses incurred by affiliated reseller MIC, rather than those incurred by MFI. In the list of clerical error corrections presented at the outset of verification, TPC explained that it was necessary to make a correction to warranty expenses by one of its affiliated resellers, but incorrectly identified the reseller as MIC. *See* CEP verification report at Exhibit LA–1. In fact, in verifying warranty expenses, we found that the correction applied to MFI warranty expenses (and not to MIC expenses), and resulted in a small decrease of the MFI warranty expense ratio. *See* CEP verification report at exhibit LA–16. In the preliminary results, the Department was therefore correct in seeking to recalculate the MFI warranty expense ratio. However, we agree with TPC that the adjustment should have resulted in a decrease, rather than an increase, to those expenses. *See Id.*, containing worksheet recalculating the expenses. We have revised the MFI warranty expenses accordingly for these final results.

U.S. Direct Selling Expenses: TPC argues that certain revisions to TPC's U.S. sales database that were presented at verification with respect to bank fees were not properly implemented in the preliminary results of review. According to TPC, the spreadsheet presented at verification to revise the bank fees was incorrectly captioned, and this error was not detected by the Department when incorporating the revised data into the preliminary margin calculation program, resulting in adjustment to a different expense (billback expense).

The petitioner does not address this issue.

DOC Position: We agree with TPC. At verification, TPC indicated that an error had been made in the calculation of bank fees, which correspond to variable "DDIRSELU" in TPC's sales database. However, the revised spreadsheet presented by TPC was incorrectly captioned "DIRSELU", a variable name that corresponds to billback expenses, which are unrelated to bank fees. Despite this error, the record indicates that the correction in question, as verified by the Department, should have been made to bank fees and not to billback expenses. We have revised the margin calculation program accordingly.

U.S. Indirect Selling Expenses: TPC argues that the Department erred in the manner in which it increased indirect selling expenses incurred by affiliated reseller MIC on U.S. sales to account for certain unreported selling expenses. According to TPC, the expenses reported in the sales database under the indirect selling expense field (INDIRSU) included certain expenses that do not concern the under-reported expenses, namely handling and storage expenses. In the preliminary results, the Department increased the INDIRSU field by the ratio of the unreported selling expenses to the reported selling expenses. TPC argues that by doing so, the Department inadvertently increased the handling and storage expenses as well. TPC requests that the Department recalculate the indirect selling expenses so as not to increase the handling and storage expenses.

The petitioner argues that the Department correctly calculated indirect selling expenses, and maintain that there is no evidence on the record to support the correction proposed by TPC.

DOC Position: We agree with TPC. The record shows that the expenses reported in the indirect selling expense field included unrelated brokerage and handling expenses, and that these expenses varied by warehouse. *See* TPC's November 12, 1996 questionnaire response at 139; *see also* CEP verification report at Exhibit LA–31. For these final results, we have revised the indirect selling expenses so as not to increase the reported brokerage and handling expenses.

Inventory Carrying Costs: TPC argues that the Department erred in implementing a correction to inventory carrying costs presented by TPC at verification. According to TPC, these expenses varied by warehouse location, and the Department erred in identifying the Kansas warehouse.

The petitioner argues that there is no evidence on the record for TPC's claim that the warehouse in question was incorrectly identified.

DOC Position: We agree with TPC. In its preliminary results of review, the Department's program erroneously referred to the Kansas warehouse as "Kansas", but TPC identified this warehouse using other codes. We have revised the program to correct this error for the final results.

International Freight: TPC argues that the Department, in attempting to correct errors in TPC's reported international freight expenses for CEP sales that were identified by TPC at the outset of verification, made the following three errors: (1) the Department identified the destination based on the field DESTINU (which provides the location of the end customer) rather than WARLOC (which provides the location of the warehouse the merchandise was actually shipped to), (2) the Department did not apply a weight factor to the reported freight rates to convert the freight expenses to a standard 20 oz. case equivalent weight basis (the basis on which prices and adjustments are used in the program), and (3) the Department incorrectly applied the rate for eight-ounce merchandise to shipments to a single warehouse, rather than all warehouses.

The petitioner argues that there is no basis in the record to support TPC's allegation with respect to the third error described above.

DOC Position: We agree with TPC on all three points. We note, with respect to the third error, that TPC demonstrated at verification that the rate for shipments of eight-ounce merchandise applied to all shipments, irrespective of destination. *See* CEP verification report at Exhibit S–41.

CEP Selling Expenses: TPC argues that the Department incorrectly double counted inventory carrying expenses in the calculation of CEP selling expenses, and also deducted these expenses twice from U.S. price.

The petitioner does not comment on this claim.

DOC Position: We agree with TPC, and have revised the final results accordingly.

U.S. Commissions: TPC argues that the Department improperly treated U.S. commissions incurred on CEP sales in the margin calculation program, by both deducting such commissions from U.S. price and adding the same commissions to normal value.

The petitioner disagrees that commissions were double counted, and argue that U.S. commissions were deducted from normal value in the form of a commission offset.

DOC Position: We agree with TPC that we double counted U.S. commissions incurred on CEP sales in the preliminary results by subtracting these commissions from U.S. price and adding them to NV. The commission offset alluded to by petitioners consists of home market indirect selling expenses, capped by the amount of U.S. commissions. Although such an offset, when capped by U.S. expenses, results in a deduction from normal value in the amount of the U.S. expenses, the actual adjustment is for home market expenses rather than U.S. commissions. We have revised the margin calculation program accordingly. We note that the language suggested by TPC to correct this error pertains only to price-to-price comparisons. Since an identical error

was made for price-to-CV comparisons, we have also corrected this error.

Entered Values: TPC argues that the Department should incorporate into the margin calculation program revised entered value data that were presented at the outset of verification.

The petitioner does not comment on TPC's request.

DOC Position: We agree with TPC, and have incorporated the revised entered value information.

Sales Issues—TIPCO

Comment 1: Knowledge of Final Destination

TIPCO argues that the Department erred in disregarding certain U.S. sales based on a finding that the producer that supplied TIPCO with the merchandise involved in these sales knew the merchandise was destined for export to the United States. According to TIPCO, the manufacturer knew that its merchandise was destined for export, but did not know with certainty that it would be exported to the United States. TIPCO argues that the Department should therefore regard the sales in question as subject to TIPCO's antidumping margins, rather than the margins corresponding to the manufacturer of the merchandise.

The petitioner argues that the evidence on the record supports a conclusion that the manufacturer knew that its merchandise was destined for the United States.

DOC Position: We agree with the petitioner. The Department found at verification that the manufacturer of the merchandise in question was responsible for labeling, packing, and loading of the merchandise into containers. The labels applied by the manufacturer were standard U.S. market labels, listing U.S. distributors and nutrition facts as required by U.S. government regulations. Moreover, as explained by TIPCO officials at verification, CPF products with such labels are exported exclusively to the U.S. market. *See Memorandum from Case Analysts to Office Director, Regarding Verification of Sales by TIPCO,* July 30, 1997, at 5–6. Since the manufacturer was clearly in possession of information indicating the destination of the subject merchandise, we have determined that the manufacturer knew, or should have known, the ultimate destination of the subject merchandise purchased by TIPCO. Therefore, we have continued to exclude these sales from TIPCO's margin calculation for purposes of the final results of this review.

Comment 2: Use of CV for Certain U.S. Sales of Other Producers' Merchandise

TIPCO argues that the Department erred in comparing certain U.S. sales of merchandise produced by other manufacturers to constructed value, rather than comparing these sales to third-country sales of identical or similar products produced by TIPCO. TIPCO acknowledges that it did not sell merchandise produced by these suppliers to the third-country market (Germany) during the POR. However, according to TIPCO, it is more logical to compare the *selling* prices of other producers' merchandise to the *selling* prices of identical or similar TIPCO merchandise than to the *costs* of TIPCO merchandise.

The petitioner argues that the Department properly used CV for comparison to the sales in question. According to the petitioner, the Department did not learn of the identity of the producers of that merchandise until verification, and was thus unable to collect information on third-country sales involving merchandise produced by the same suppliers. The petitioner contends that there is therefore no basis for comparison of the U.S. sales in question to third-country sales of merchandise produced by TIPCO.

DOC Position: We disagree with TIPCO. The statutory definition of foreign like product requires sales of merchandise produced by the same manufacturer as that involved in the U.S. sales. *See* section 771(16) of the Act. Given this requirement, the record does not contain evidence that there are third-country sales of a foreign like product that would serve as a proper basis for comparison of the merchandise produced by the other manufacturers. Because TIPCO did not inform the Department until verification that certain of its U.S. sales involved merchandise produced by other manufacturers, and did not identify any sales of such merchandise in the comparison market, there is no foreign-like product to which the sales in question can be compared. Further, because TIPCO did not report the cost of the merchandise produced by the other manufacturer, there is no basis on which to calculate a constructed value using the actual cost of that merchandise. Therefore, the only alternative left to the Department is to compare the U.S. sales in question to the constructed value reported by TIPCO with respect to merchandise produced by TIPCO.

Comment 3: Double-Counting of Packing Charges

TIPCO argues that the Department double-counted packing in the calculation of constructed value.

The petitioner does not address TIPCO's comment.

DOC Position: We agree with TIPCO, and have revised the margin calculation program to eliminate the double-counting of packing in the calculation of constructed value.

Cost Issues—General

Fruit Cost Allocation Methodology: Respondents SFP and TIPCO claim that the Department's decision to allocate joint production costs (including fruit costs) using a net realizable value (NRV) methodology is unlawful. According to the respondents, the courts have disallowed the use of value-based data to allocate shared costs, finding that such allocations undermine the statutory requirement that production costs serve as an independent yardstick by which to judge the fairness of prices. Specifically, the respondents argue that the Court of Appeals for the Federal Circuit (CAFC) ruled in *IPSCO Inc.* v. *United States,* 965 F.2d 1056 (CAFC 1992)(IPSCO) that value-based cost allocations are unlawful, and the Court of International Trade (CIT) applied this ruling to the present case in *The Thai Pineapple Public Co., Ltd. et al.* v. *United States,* 946 F. Supp. 11 (CIT November 8, 1996), appeal filed May 15, 1997 (*TIPCO*). The respondents argue that, based on these precedents, the Department should accept an allocation of joint fruit costs on the basis of the weight of fruit used.

In the alternative, SFP argues that the Department should accept the allocation basis used in its normal accounting system during the POR. SFP points out that after the Department rejected the weight-based allocation of fruit costs in the original investigation (because such an allocation did not capture qualitative differences among different parts of a pineapple), SFP changed the manner in which fruit costs were allocated in its normal accounting system during the period of the first review, so as to ensure that qualitative differences among different parts of the fruit were properly reflected.

TIPCO adds that, even if an NRV methodology were a permissible basis for allocation of costs, the Department incorrectly calculated the NRV ratios based on sales prices and costs incurred during a five-year period prior to the POR, instead of using TIPCO's submitted POR NRV costs. TIPCO argues that if the Department insists on

using a value-based methodology, it should, at a minimum, base any such methodology solely on NRV ratios derived from costs and revenues during the POR.

In addition, TIPCO argues that the Department improperly applied NRV ratios to shared "upstream" labor and overhead expenses, which were incurred in the production of both CPF and juice. TIPCO contends that such expenses are not dependent on qualitative differences among raw material inputs, and should be allocated on a weight basis.

The petitioner argues that the Department's practice fully supports the use of a value-based allocation for shared costs, and that an NRV methodology results in a more reasonable and accurate allocation of costs than a weight-based methodology. The petitioner further argues that the new methodology used by SFP in its normal accounting system was in fact a weight-based method, and was therefore unreliable.

In addition, the petitioner contends that the use of an NRV methodology is entirely consistent with court rulings that establish that the Department's allocation methodologies must reflect actual production costs based on a company's normal (*i.e.*, historical) allocation formulas consistent with generally accepted accounting principles. According to the petitioner, the use of POR data to calculate NRV ratios (as advocated by TIPCO) would be inappropriate given that the cost allocation methodologies followed during the POR represented a change from the historical allocation bases.

The petitioner also claims that the Department properly allocated TIPCO's shared labor and overhead costs using an NRV methodology. The petitioner notes that the NRV ratios were derived in order to allocate all pre-split-off costs, including labor and overhead, and that labor and overhead cost data were used to derive the NRV ratios.

DOC Position: We agree with the petitioner. The Department's long-standing practice, now codified at section 773(f)(1)(A) of the Act, is to rely on data from a respondent's normal books and records if they are prepared in accordance with home country generally accepted accounting principles (GAAP) *and* reasonably reflect the costs of producing the merchandise. Also, as described in section 773(f)(1)(A) of the Act, the Department must consider whether reported allocations "have been historically used by the exporter or producer."

In the *Preliminary Results*, we found that the respondents had abandoned their historical fruit cost allocation methodologies during the POR. *See Preliminary Results* at 62 FR 42487, 42490. We carefully reviewed each of the new cost allocation methodologies to determine whether they were in accordance with home country GAAP and whether they allocated costs reasonably. We determined that the newly adopted fruit cost allocation methodologies were based on the relative weight of the fruit contained in the CPF produced. *Id.* As discussed in the final determination in the underlying investigation, the allocation of pineapple fruit costs among products solely on the basis of weight (*i.e.*, a quantitative factor) is inappropriate. *See Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit from Thailand*, 60 FR 29553, 29561 (June 5, 1995) (*Final Determination*).[3] Since the newly adopted allocation methodologies do not incorporate any measure of the qualitative factor of the different parts of the pineapple, we find that such methodologies do not reasonably reflect the costs associated with production of canned pineapple fruit. A reasonable fruit cost allocation methodology is one that reflects the significantly different quality of the fruit parts that are used in the production of CPF versus those used in the production of juice products. *Id.* An allocation methodology based on net realizable value data recognizes these differences while a weight-based approach does not.

We disagree with respondents' arguments that the Court of Appeals for the Federal Circuit (CAFC) ruled in *IPSCO Inc.* v. *United States*, 965 F.2d 1056 (CAFC 1992)(*IPSCO*) that value-based cost allocations are unlawful. *IPSCO* involved the Department's use of an appropriate methodology for allocating costs between two grades of steel pipe. There were no physical differences between the two grades of pipe, only differences in quality and market value. Furthermore, the same materials, labor, and overhead went into the manufacturing lot that yielded both grades of pipe. Given these facts, the Department, in its final determination for the underlying case, allocated production costs equally between the two grades of pipe, reasoning that because they were produced simultaneously, the two grades of pipe in fact had identical production costs.

[3] Although, as noted above, this aspect of the *Final Determination* was overturned by the CIT in *TIPCO*, it is currently on appeal before the CAFC.

This aspect of the case was upheld in *IPSCO*, based on the CAFC's holding that the Department "computed constructed value according to the unambiguous terms of [the Act]." *IPSCO* at 1061. While the CAFC noted, in deferring to the Department's "consistent and reasonable interpretation of section 1677b(e)," that the allocation of costs based on relative value resulted in an unreasonable circular methodology (*i.e.*, because the value of the pipe became a factor in determining cost which became the basis for measuring the fairness of the selling price of pipe), nowhere did the appellate court indicate that use of an allocation methodology based on relative value was legally impermissible. *Id.* On the contrary, *IPSCO* suggests that the courts will defer to the Department's preference for reliance on a respondent's normal allocation methodologies, particularly when there are significant differences in the raw materials. The Department's reasoning in the instant case (*i.e.*, that the use of the pineapple cylinder in production of CPF and the use of the shells, cores, and ends, in production of juice and concentrate, requires a value-based allocation basis) is thus fully consistent with *IPSCO*.

We disagree with SFP that its normal accounting system during the POR allocated fruit costs in a manner that accounted for qualitative differences in the different parts of the fruit. Due to the proprietary nature of the facts at issue, our analysis of SFP's normal allocation methodology is contained in the proprietary version of a memorandum in the Department's Central Records Unit. *See Memorandum from William Jones through Cathie Miller to the File, Regarding SFP Fruit Cost Allocation* (December 5, 1997). As discussed in that memo, we have determined that SFP's normal allocation methodology during the POR does not "reasonably reflect" the cost of producing the merchandise and we cannot employ this method in our COP analysis. Alternatively, we have applied the NRV methodology used for the preliminary results in our calculations for these final results.

In response to TIPCO's argument that NRV ratios, to be used at all, should have been based on POR data, we continue to believe that we correctly relied upon historical data in calculating the NRV ratios used in the *Preliminary Results*. The NRV is commonly defined as the predicted selling price in the ordinary course of business less reasonably predictable costs of completion and disposal. *See Cost Accounting: A Managerial Emphasis* at 550 (Horngren, 9th ed.

1997). In order to calculate NRV ratios for the *Preliminary Results*, it was necessary to compare historical cost and sales data for pineapple fruit products over a period encompassing several years prior to the antidumping proceeding, and also to include data for markets where allegations of dumping had not been lodged. We therefore collected company-specific historical data from 1990 through 1994 and used this information to perform our calculations and adjust the allocation of shared costs.

Finally, with respect to the allocation of TIPCO's joint labor and overhead costs, we continue to believe that these costs should be allocated in the same manner as the costs of purchasing fruit. The Department recognizes that a "joint production process occurs when 'two or more products result simultaneously from the use of one raw materials as production takes place.'" *See Polyethylene Terephthalate Film, Sheet and Strip from the Republic of Korea; Final Results of Antidumping Duty Administrative Review and Notice of Revocation in Part*, 61 FR 58374, 58376 (November 14, 1996) (*PET Film*) (quoting Keeler, *Management Accountants' Handbook*, Fourth Ed. at 11:1). Moreover, a joint production process produces two distinct products and the essential point of that process is that the raw material, labor and overhead costs prior to the initial split-off requires an allocation to the final products. *See Management Accountant's Handbook* at 11:1. CPF and juice result from a joint production process because they both rely on the use of a single raw material, pineapple fruit. From the time when the fruit is purchased or grown until the fruit is processed in the Ginaca machine (which separates the fruit into its various parts), CPF and juice share the joint raw material, labor, and overhead costs. (After the Ginaca machine separates the fruit (*i.e.*, the "split-off point"), the cored pineapple cylinders are processed into CPF, and the remaining portions of the pineapple (*i.e.*, the shells, cores and ends) are processed separately in order to extract pineapple juice.) Since all costs up to the split-off point are joint costs, and since, as discussed above, there are qualitative differences in the different parts of the pineapple, all such costs (including labor and overhead) must be allocated in a manner that reflects those differences. Accordingly, it would be inappropriate to allocate the labor and overhead costs on a weight basis, as urged by TIPCO. Instead, for these final results we continue to allocate these costs on the basis of NRV ratios, since such an allocation reasonably reflects qualitative differences that exist between the joint raw materials used to produce CPF and juice.

Cost Issues—TPC

Comment 1: Calculation of Average Cost for POR

TPC argues that the Department should have calculated a separate cost of production for each fiscal year for which sales in the comparison market were compared to costs (*i.e.*, 1994, 1995, and 1996), rather than calculating a single average cost for the POR on the basis of 1995 and 1996 data. TPC contends that the calculation of a single average cost for the POR is not required by statute, and maintains that the Department has calculated separate fiscal year costs in other cases where the use of a single average cost would have created a distortion. TPC argues that calculation of separate fiscal year costs is necessary in this case in order to account for substantial increases in the cost of fresh pineapple and interest expenses from year to year. According to TPC, the calculation of a single average cost for the POR in the *Preliminary Results* distorted the price-cost comparison in such a way that sales early in the period appear to be below cost, while sales late in the period appear to have high profit margins. TPC further claims that this result was exacerbated because the Department did not include 1994 cost data in the calculation of the single average POR cost. TPC argues that a distortion also arises because its merchandise is held in inventory, so that, for instance, sales in early 1995 are made out of inventory produced in 1994. According to TPC, prices are determined based on the cost of inventory, and therefore a comparison of sales in early 1995 to average costs in 1995 would create a distortion. TPC argues that, instead, the Department should assign fiscal year costs to sales taking into account the average inventory period for each product.

The petitioner responds that it would be contrary to law and the Department's practice to rely on costs outside the POR. The petitioner points out that in the underlying investigation, the Department explicitly determined to use costs for the POI and not costs for the period before the POI, and that in the investigation the Department rejected arguments similar to those made by TPC in this review. According to the petitioner, the Department generally does not analyze the holding period in determining the appropriate reporting period for cost information, and TPC has offered no new arguments beyond those raised by the respondents in the underlying investigation. The petitioner further argues that the prevailing market conditions during the period reflected steady prices despite increasing costs, so that there is no evidence that a distortion arises from the comparison of prices to an average POR cost.

DOC Position: We disagree with TPC. The Department's normal methodology with respect to the averaging of costs is to calculate a single weighted-average cost for the entire period of investigation or review, except in unusual cases where there are substantial changes in cost, *e.g.*, cases involving high-inflation economies. *See Circular Welded Non-Alloy Steel Pipe and Tube From Mexico; Final Results of Antidumping Duty Administrative Review*, 62 FR 37014, 37024 (July 10, 1997); *see also Final Determination of Sales at Less Than Fair Value: Certain Welded Stainless Steel Pipes and Tubes From Taiwan*, 57 FR 53705 (November 12, 1992). This methodology is reasonable and in accordance with law, and has been consistently followed regardless of whether the costs of production inputs during the period were higher or lower than the costs in other periods. *See, e.g., Final Determination of Sales at Less than Fair Value: Stainless SteelBar From Spain*, 59 FR 66931 (December 28, 1994)(the Department declined to accept the petitioner's argument that the appropriate cost period was that period prior to the period of investigation, which reflected higher costs).

The Department believes that, absent strong evidence to the contrary, the cost structure during the POR (or period of investigation) is representative and can be used to calculate an estimate of the cost of production of that foreign like product in the ordinary course of business. Thus, although the statute grants the Department latitude in determining the appropriate cost reporting period, the Department has consistently required and used the per-unit weighted-average costs incurred during the POR.

The Department has departed from its normal practice of using POR weighted-average costs in certain rare situations where cost and price averages calculated over the entire period did not permit an appropriate comparison. *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Static Random Access Memory Semiconductors From Taiwan*, 62 FR 51442, 51444 (October 1, 1997); *Final Determination of Sales at Less*

Than Fair Value: Erasable Programmable Read Only Memories (EPROMs) from Japan, 51 FR 39680, 39682 (October 30, 1986); *Final Determination of Sales at Less Than Fair Value: Dynamic Random Access Memory Semiconductors of One Megabit and Above From the Republic of Korea*, 58 FR 15467, 15476 (March 23, 1993). However, we find that the pineapple industry did not experience significant price movements over the POR, and therefore we continue to believe that the costs incurred during the POR are reasonably representative of TPC's cost experience and the most relevant data to analyze whether current sales permit recovery of costs.

As for the "significant" increase in the cost of the raw material input that TPC claims to have experienced during the POR, we note that as with all commodities, price fluctuations in the raw pineapple are to be expected, as prices are dependent upon the supply and demand of that commodity. TPC has not identified, and we do not know of, any past case where the Department has abandoned its normal POR cost methodology on the basis of a fluctuation in the price of raw material inputs. Further, TPC's assertion that the cost of pineapple fruit increased substantially during the POR is misleading. While TPC is correct that the average cost of pineapple fruit was higher at the end of the POR than it was at the beginning of the POR, the average monthly costs fluctuated both upward and downward throughout the POR. Moreover, in its brief, TPC understates the 1994 average cost of pineapple fruit, relying on an average cost of pineapple for 1994 that included costs for nine months before the earliest 1994 sale it was required to report.

We are also unpersuaded by TPC's argument that its interest expenses increased substantially over the period, thus warranting calculation of separate costs for each fiscal year. The increase in interest rates noted by TPC is greatest when comparing the average interest expenses for 1994 to those for 1995. However, the interest expense ratio reported by TPC for 1995 is not, on its face, aberrational, whereas the interest expense ratio for 1994 (which TPC has treated as proprietary, and therefore cannot be disclosed in this notice), is strikingly low. *See* TPC case brief at 7.

As for TPC's additional argument that the average POR cost relied upon in the *Preliminary Results* is distorted by the exclusion of 1994 fiscal year costs from the average, we note that the Department's practice is to base its cost calculation on fiscal years overlapping the POR. No part of the TPC 1994 fiscal year overlaps the POR. Although third-country market sales in the last three months of 1994 might serve as a comparison basis for U.S. sales at the beginning of the POR under the Department's 90/60 day window for matching, we are unpersuaded that this is a sufficient reason to depart from the Department's practice. We have therefore continued to base the calculation of the weighted-average cost for the POR on 1995 and 1996 costs.

In sum, we find no compelling reason to depart from the Department's normal practice and to calculate separate costs for each fiscal year. We have continued to rely on a single weighted-average cost for the POR, based on 1995 and 1996 costs.

Cost Issues—SFP

Comment 1: Adjustment to Direct Labor and Overhead

SFP states that the Department inadvertently included a direct labor and overhead adjustment in its calculation of SFP's COP and CV. SFP argues that the adjustment would have been appropriate if the Department had used SFP's unadjusted costs, as reflected in its normal accounting records; but since the Department accepted SFP's revised allocation of labor and overhead costs, the adjustment is not necessary.

The petitioner claims that SFP is mistaken in claiming that the Department included the direct labor and overhead adjustment in the calculation of COP and CV for the preliminary results.

DOC Position: We agree with the respondent. The direct labor and overhead adjustment was included in the Department's calculation of SFP's cost of manufacturing used in the preliminary results. This can be confirmed by adding the materials, labor and overhead amounts shown in the cost calculation memo and comparing them to the cost of manufacturing also reported in that memo. Further, since the Department accepted SFP's revised allocation of labor and overhead costs, the adjustment in question was not necessary. We have revised labor and overhead costs accordingly for these final results.

Comment 2: Adjustments to Year-End Physical Inventory

SFP claims that the Department incorrectly included SFP's year-end inventory count adjustments in the calculation of COP and CV. SFP argues that these adjustments were recorded to correct for errors that occurred in tracking CPF inventory movement from production to semi-finished goods inventory, and then to finished goods inventory and sales. According to SFP, the Department's use of actual production quantities in its cost calculations has already accounted for a portion of its year-end adjustments, and the remaining adjustments are irrelevant to the cost of manufacturing since these adjustments are related to post-production inventory movement. SFP argues that in the alternative, if the year-end adjustments are included, the Department should use SFP's original, uncorrected production figures as the starting point for the calculation of unit costs.

The petitioner argues that SFP's original production figures contained errors and therefore should not be used for unit cost calculations. The petitioner further argues that SFP's year-end adjustments were not reflected in its submitted cost data, and that the Department therefore correctly revised SFP's production costs to include the adjustments.

DOC Position: We agree with the petitioner. The submitted cost data did not include any of SFP's year-end inventory adjustments, and the inventory tracking errors involved costs that arose throughout the POR. SFP accumulated these costs and reported them in the inventory amount on its balance sheet. These costs were not reflected on SFP's income statement until the end of 1996, when year-end adjustments were applied, nor were they included in the reported costs. Therefore, we have continued to include the year-end adjustments in our cost calculations for the final results. In applying the adjustments, we have pro-rated the total amount between the first six months of 1996 and the last six months of 1996 on the basis of production quantities.

Comment 3: Appropriate Period for G&A and Interest Expenses

SFP argues that the Department incorrectly calculated G&A and interest expenses. According to SFP, the Department's long-standing policy is to calculate G&A expenses from the audited financial statements which most closely correspond to the POR. SFP had two sets of financial statements during the POR, reflecting the fact that SFP changed its fiscal period to the calendar year at the end of 1995. The first set of financial statements covered the period October 1994 through September 1995, and the second set covers the last three months of 1995 (the "stub" year). In the preliminary results, the Department based G&A and interest expenses on the first of these financial statements only.

SFP argues that the Department should have also included in its calculation the expenses shown in SFP's stub year 1995 financial statements. SFP argues that in *Steel Products from Canada* the Department included expenses from a period of less than a full year in its G&A and interest expense calculations. *See Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada; Final Results of Antidumping Duty Administrative Reviews*, 61 FR 13815, 13829–30 (March 28, 1996).

The petitioner argues that the Department followed its normal practice when it calculated SFP's G&A expenses using the audited financial statements for the fiscal year ending in September 1995. The petitioner claims that the Department's use of full year annual data to calculate SFP's G&A expenses was consistent with the methodology used in *Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol from Thailand*, 60 FR 22557, 22560–61 (May 8, 1995), where the Department stated that because of their nature as period costs, and due to the irregular manner in which many companies record G&A expenses, the Department generally looks to a full-year period in computing G&A expenses for COP and CV.

DOC Position: We agree with SFP. While stub year 1995 encompasses only three months, it represents an audited fiscal period (thus properly reflecting all costs related to this period), and falls entirely within our POR. We have therefore recalculated SFP's G&A and interest expense rates for these final results using both the audited financial statements for the year ending September 30, 1995, as well as the audited financial statements for the "stub year" ending December 31, 1995.

Comment 4—Movement Charges in G&A Expenses

SFP claims that the Department improperly included ocean freight charges in the calculation of G&A expenses. SFP argues that these charges are direct selling expenses, not G&A expenses. SFP further argues that all of its sales during the POR were made on an FOB Thailand basis, so that any ocean freight expenses are unrelated to subject merchandise.

The petitioner argues that the Department properly included ocean freight charges in the calculation of G&A expenses. The petitioner claims that SFP classifies these costs as G&A expenses in its accounting system and thus they should be included in the G&A expense calculation.

DOC Position: We agree with SFP. Ocean freight charges are properly classified as a movement expense and thus should not be included in the calculation of G&A expenses. Accordingly, we have corrected the G&A expense calculation for these final results by excluding the ocean freight charges.

Cost Issues—TIPCO

Comment 1: Foreign Exchange Gains and Losses on Accounts Receivable

TIPCO claims that the Department erred when it removed foreign exchange gains from the calculation of G&A expenses. TIPCO contends that a portion of the excluded exchange gains were related to loans and purchase transactions and therefore should be allowed as an offset to TIPCO's G&A expenses. TIPCO also argues that the remaining exchange gains are akin to gains on financing activity and thus should be treated in a manner similar to interest income on short-term financial assets. Therefore, TIPCO argues, the Department should apply the remaining exchange gains as an offset to interest expenses.

The petitioner argues that the Department properly followed its stated policy when it excluded foreign exchange gains earned on accounts receivable from the calculation of TIPCO's G&A expenses. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value: Certain Pasta from Italy*, 61 FR 30326, 30364 (June 14, 1996). The petitioner also notes that it is Department practice to exclude foreign exchange gains on accounts receivable from the calculation of net interest expenses. *See, e.g., Notice of Final Determination of Sales at Less than Fair Value: Silicomanganese from Venezuela*, 59 FR 55436, 55440 (November 7, 1994). The petitioner claims that TIPCO did not provide any information or explanation in support of its claim that exchange gains on accounts receivable were related to financing activities and, therefore, these amounts should be excluded from the calculations of TIPCO's G&A expenses and net interest expenses for the final results.

DOC Position: We agree with the petitioner. It is Department practice to include foreign exchange gains and losses on financial assets and liabilities in our COP and CV calculations, provided that the gains and losses are related to the company's production. Since the foreign exchange gains and losses incurred on accounts receivable are related to the sales function, rather than to production, these amounts should not be included in the calculations of COP and CV. Accordingly, we have excluded these amounts from G&A expenses and net interest expenses for the final results. However, we have included foreign exchange gains and losses incurred on loans in the calculation of COP and CV, as TIPCO demonstrated that these gains and losses were related to the company's financing activities.

Comment 2: Calculation of Profit for CV

TIPCO argues that the Department failed to include packing in the revenue and cost components of the CV profit calculation. According to TIPCO, the profit realized on sales must be allocated over the entire cost experience, and packing is a component of cost of goods sold.

The petitioner argues that the Department was correct in excluding packing from the profit calculation for TIPCO, because the home market net price and COP net price calculated by the Department did not include packing.

DOC Position: We agree with the petitioner. In the *Preliminary Results*, we calculated the profit rate in the margin program exclusive of packing. Therefore, the profit rate is correctly applied to a cost of manufacturing and general expense amount exclusive of packing. Accordingly, we have not revised the profit calculation for these final results.

Final Results of Review

As a result of our review, we determine that the following margins exist for the period January 11, 1995, through June 30, 1996:

Manufacturer/exporter	Margin (percent)
Siam Food Products Public Company Ltd	12.85
The Thai Pineapple Public Company, Ltd	27.85
Thai Pineapple Canning Industry Corp., Ltd	21.54

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. As discussed above, because the number of transactions involved in this review and other simplification methods prevent entry-by-entry assessments, we have calculated exporter/importer-specific assessment rates. With respect to both EP and CEP sales, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. We will direct Customs to assess the resulting percentage margins against the entered Customs values for the subject

merchandise on each of that importer's entries under the relevant order during the review period. While the Department is aware that the entered value of the reviewed sales is not necessarily equal to the entered value of entries during the POR (particularly for CEP sales), use of entered value of sales as the basis of the assessment rate permits the Department to collect a reasonable approximation of the antidumping duties which would have been determined if the Department had reviewed those sales of merchandise actually entered during the POR.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of this administrative review, as provided by section 751(a) of the Act: (1) The cash deposit rate for SFP, TIPCO, and TPC will be the rate established above; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less than fair value (LTFV) investigation, the cash deposit will continue to be the company-specific rate published in the final determination of the LTFV investigation; (3) if the exporter is not a firm covered in this review or the LTFV investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or the LTFV investigation, the cash deposit rate will be 24.64 percent, the "all others" rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as final reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 3, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–3763 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Announcing a Meeting of the Computer System Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board (CSSPAB) will meet Wednesday, March 4, 1998, and Thursday, March 5, 1998, from 9 a.m. to 5:00 p.m. The Advisory Board was established by the Computer Security Act of 1987 (Pub. L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on March 4 and 5, 1998, from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will take place at the National Institute of Standards and Technology, Gaithersburg, Maryland in the Administration Building in Lecture Room A.

Agenda

- Welcome and Overview
- Issues Update and Briefings
- Pending Computer Security Legislation Updates
- CIO Briefings
- Information Security Briefing
- Privacy/Health Care Briefing
- Systems Certification Briefing
- Discussion
- Pending Business
- Public Participation
- Agenda Development for June Meeting
- Wrap-Up

Public Participation: The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the CSSPAB Secretariat, Information Technology Laboratory, Building 820, Room 426, National Institute of Standards and Technology, Gaithersburg, MD 20899–0001. It would be appreciated if 35 copies of written material were submitted for distribution to the Board and attendees no later than February 23, 1998. Approximately 20 seats will be available for the public and media.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Roback, Board Secretariat, Information Technology Laboratory, National Institute of Standards and Technology, Building 820, Room 426, Gaithersburg, MD 20899–0001, telephone: (301) 975–3696.

Dated: February 10, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–3766 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–CN–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020698C]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), Scientific and Statistical Committee Salmon Subcommittee, Scientific and Statistical Committee Economic Subcommittee, Scientific and Statistical Committee Groundfish Subcommittee, and the full Scientific and Statistical Committee (SSC) will hold meetings which are open to the public.

DATES: The meetings will be held on March 2–5, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Doubletree Hotel Portland Downtown, 310 SW Lincoln, Portland, OR 97201; telephone: (503) 221–0450.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Julie Walker, Fishery Management Analyst; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The GAP, the GMT, and the Groundfish Subcommittee of the SSC will meet jointly Monday, March 2, 1998, at 1 p.m. through Wednesday, March 4, at 10 a.m. The GMT will continue meeting Wednesday, March 4, from 10 a.m. to 5 p.m. The Salmon Subcommittee and the Economic Subcommittee of the SSC will meet Tuesday, March 3, at 8 a.m. through Wednesday, March 4, at 10 a.m., and the full SSC will meet Wednesday, March 4, at 10 a.m. through Thursday, March 5, at 5 p.m.

The purpose of the joint GAP, GMT, and Groundfish Subcommittee of the SSC's meeting is to discuss groundfish management and research issues, including but not limited to draft plan amendments to the Pacific Coast Groundfish Fishery Management Plan (including new definitions, essential fish habitat designation, overfishing and maximum sustainable yield control rules, and bycatch provisions), the proposed stock assessment review process, capacity reduction, and fixed gear sablefish management. These groups will address priorities for groundfish research on Wednesday, March 4, from 8 a.m. to 10 a.m. From 10 a.m. to 5 p.m., on Wednesday, March 4, the GMT will hold a work session to revise the draft amendment documents and materials related to the joint meeting.

The Salmon Subcommittee of the SSC will review the Klamath Ocean Harvest Model, Amendment 13 to the Salmon Plan, new Oregon hooking mortality figures, draft plan amendments to the Salmon Plan, possible revisions to the harvest modeling for Sacramento fall chinook, and other items scheduled on the agenda for the full SSC meeting.

The Economic Subcommittee of the SSC will discuss the economic data plan, the groundfish capacity reduction plan, and other items scheduled on the agenda of the full SSC meeting.

The full SSC will discuss the review of 1997 salmon fisheries and summary of 1998 stock abundance estimates, salmon estimation procedures and methodologies, draft plan amendments to the draft coastal pelagic species management plan, the Oregon coastal natural coho rebuilding analysis and progress report, groundfish final provisions for 1998 primary fixed gear sablefish season, groundfish capacity reduction program, and the groundfish stock assessment review process for 1998.

Although other issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues will not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Eric Greene at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: February 9, 1998.

Gary. Matlock,

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

[FR Doc. 98–3756 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020698B]

Marine Mammals

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Brendan P. Kelly, Ph.D., Juneau Center, School of Fisheries and Ocean Sciences, University of Alaska Fairbanks, 11120 Glacier Highway, Juneau, AK 99801 (Co-investigators: Dr Douglas Wartzok and Lori Quakenbush)(File No. 350–1434), has been issued a permit to take ringed seals (*Phoca hispida*) for the purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7721).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On December 17, 1997, notice was published in the **Federal Register** (62 FR 66054) that a request for a scientific research permit to take (i.e., harass) ringed seals had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 6, 1998.

Ann D. Terbush

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–3622 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020698A]

Marine Mammals

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

ACTION: Receipt of applications.

SUMMARY: Notice is hereby given that applications have been submitted in due form for a permit or the amend an existing permit to take marine mammals for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before March 16, 1998.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment in the following offices:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221); and

Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115–0070 (206/526–6150).

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on these particular requests would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided

the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Applicants

Alaska Fisheries Science Center, National Marine Mammal Laboratory, 7600 Sand Point Way, NE, Seattle, WA 98115 (File No. 782–1446) requests a permit to conduct aerial, ground and boat surveys annually for stock assessment of harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and northern elephant seals (*Mirounga angustirostris*). California sea lions and harbor seals will be: captured, tagged and branded for long term identification of individuals for information on reproductive success, survival and longevity; blood and biopsy sampled for contaminant analysis; tissue sampled for genetic analysis; and instrumented with VHF radio transmitters and/or time-depth recorders or satellite tags to document movements activity and foraging patterns. Elephant seals will be captured, tagged, marked and released. Animals will be incidentally harassed during these activities and accidental mortalities are requested for each species to be captured. Activities will occur in Washington, Oregon and Alaska.

University of Alaska Museum, 907 Yukon Drive, Fairbanks, AK 99775–6960 (File No. 704–1444) requests a permit to obtain and archive specimens from all species of Cetacea and Pinnipedia (except walrus) for scientific research purposes. Samples will be obtained from marine mammals taken by Alaska Native subsistence hunters, and scientists involved in marine mammal research under other permit. Samples will also be imported and exported.

Alaska Department of Fish and Game, P.O. Box 3–2000, Juneau, AK 99802 (Principal Investigators: Lloyd Lowry, Kathryn Frost, Jonathan Lewis, and Kenneth Pitcher), (File No. P66K) requests an amendment to Permit No. 1000. The original permit authorizes capture, tagging and sampling of harbor seals (*Phoca vitulina*) and spotted seals (*P. largha*) in Alaska. The Permittee wants to amend the permit by increasing the number of animals that may be injected with deuterium oxide, and the number of animals may be incidentally harassed during the conduct of the authorized activities and increased scat collection activities.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 6, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–3623 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration (NTIA)

Advisory Committee on Public Interest Obligations of Digital Television Broadcasters; Notice of Open Meeting

February 13, 1998.

ACTION: Notice is hereby given of a meeting of the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters, created pursuant to Executive Order 13038.

SUMMARY: The President established the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters (PIAC) to advise the Vice President on the public interest obligations of digital broadcasters. The Committee will study and recommend which public interest obligations should accompany broadcasters' receipt of digital television licenses. The President designated the National Telecommunications and Information Administration as secretariat for the Committee.

AUTHORITY: Executive Order 13038, signed by President Clinton on March 11, 1997.

DATES: The meeting will be held on Monday, March 2, 1998 from 8:30 a.m. until 5:00 p.m.

ADDRESSES: The meeting is scheduled to take place at the Annenberg School of Communications of the University of Southern California at 3502 Watt Way, Los Angeles, CA 90089–0281. This location is subject to change. If the location changes, another **Federal Register** notice will be issued. Updates about the location of the meeting will also be available on the Advisory Committee's homepage at www.ntia.doc.gov/pubintadvcom/pubint.htm or you may call Karen Edwards at 202–482–8056.

FOR FURTHER INFORMATION CONTACT: Karen Edwards, Designated Federal Officer and Telecommunications Policy Specialist, at the National Telecommunications and Information Administration; U.S. Department of Commerce, Room 4720; 14th Street and Constitution Avenue, N.W.; Washington, DC 20230. Telephone: 202–482–8056; Fax: 202–482–8058; E-mail: piac@ntia.doc.gov.

Media Inquiries

Please contact Paige Darden at the Office of Public Affairs, at 202–482–7002.

Agenda

Monday, March 2
- Opening remarks
- Briefings by producers on programming and access in the digital age
- Briefings on and discussion of free air time for political candidates
- Committee deliberations
- Public comment
- Committee business
- Closing remarks

This agenda is subject to change. For an updated, more detailed agenda, please check the Advisory Committee homepage at www.ntia.doc.gov/pubintadvcom/pubint.htm.

Public Participation

The meeting will be open to the public, with limited seating available on a first-come, first-served basis. This meeting is physically accessible to people with disabilities. Any member of the public requiring special services, such as sign language interpretation or other ancillary aids, should contact Karen Edwards at least five (5) working days prior to the meeting at 202–482–8056 or at piac@ntia.doc.gov.

Any member of the public may submit written comments concerning the Committee's affairs at any time before or after the meeting. The Secretariat's guidelines for public comment are described below and are available on the Advisory Committee website (www.ntia.doc.gov/pubintadvcom/pubint.htm) or by calling 202–482–8056.

Guidelines for Public Comment

The Advisory Committee on Public Interest Obligations of Digital Television Broadcasters welcomes public comments.

Oral Comment: In general, opportunities for oral comment will usually be limited to no more than five (5) minutes per speaker and no more than thirty (30) minutes total at each meeting.

Written Comment: Written comments must be submitted to the Advisory Committee Secretariat at the address listed below. Comments can be submitted either by letter addressed to the Committee (please place "Public Comment" on the bottom left of the envelope and submit at least thirty-five (35) copies) or by electronic mail to piac@ntia.doc.gov (please use "Public Comment" as the subject line). Written comments received within three (3) workings days of a meeting and comments received shortly after a meeting will be compiled and sent as briefing material to Committee members prior to the next scheduled meeting.

Obtaining Meeting Minutes

Within thirty (30) days following the meeting, copies of the minutes of the meeting may be obtained over the Internet at www.ntia.doc.gov/pubintadvcom/pubint.htm, by phone request at 202–482–8056 or 202–501–6195, by email request at piac@ntia.doc.gov or by written request to Karen Edwards; Advisory Committee on Public Interest Obligations of Digital Television Broadcasters; National Telecommunications and Information Administration; U.S. Department of Commerce, Room 4720; 14th Street and Constitution Avenue N.W.; Washington, DC 20230.

Larry Irving,

Assistant Secretary for Communications and Information.

[FR Doc. 98–3836 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Cambodia

February 9, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: February 18, 1998.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482-3740.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

A notice published in the **Federal Register** on November 21, 1997 (62 FR 62290) announces that if no solution is agreed upon in consultations between the Governments of the United States and Cambodia on Categories 331/631 the Committee for the Implementation of Textile Agreements may establish a limit for the twelve-month period beginning on October 29, 1997 and extending through October 28, 1998 at a level of not less than 1,250,841 dozen pairs.

Inasmuch as no agreement was reached during consultations on a mutually satisfactory solution, the United States Government has decided to control imports in Categories 331/631 for the period October 29, 1997 through October 28, 1998, as authorized by Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The United States remains committed to finding a solution concerning Categories 331/631. Should such a solution be reached in consultations with the Government of Cambodia, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997).

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 9, 1998.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 18, 1998, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 331/631, produced or manufactured in Cambodia and exported during the twelve-month period beginning on October 29, 1997 and extending through October 28, 1998, in excess of 1,250,841 dozen pairs [1].

Textile products in Categories 331/631 which have been exported to the United States prior to October 29, 1997 shall not be subject to this directive.

Textile products in Categories 331/631 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

Import charges will be provided at a later date.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–3755 Filed 2–12–98; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after October 28, 1997.

COMMODITY FUTURES TRADING COMMISSION

Applications of the New York Mercantile Exchange for Designation as a Contract Market in Cinergy Electricity Futures and Options and Entergy Electricity Futures and Options, Submitted Under 45-Day Fast Track Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed terms and conditions for applications for contract market designation.

SUMMARY: The New York Mercantile Exchange (NYMEX or Exchange) has applied for designation as a contract market in Cinergy and Entergy electricity futures and option contracts. The proposals were submitted under the Commission's 45-day Fast Track procedures. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

DATES: Comments must be received on or before March 2, 1998.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to NYMEX Cinergy and Entergy electricity futures and option contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Joseph Storer of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581, telephone (202) 418–5282. Facsimile number: (202) 418–5527. Electronic mail: jstorer@cftc.gov.

SUPPLEMENTARY INFORMATION: The proposed designation applications were submitted pursuant to the Commission's Fast Track procedures for streamlining the review of futures contract rule amendments and new contract approvals (62 F.R. 10434). Under those procedures, the proposals, absent any contrary action by the Commission, may be deemed approved at the close of business on March 23, 1998, 45 days after receipt of the proposals. In view of the limited review period provided under the Fast Track procedures, the Commission has determined to publish for public comment notice of the availability of the terms and conditions for 15 days, rather than 30 days as provided for proposals submitted under the regular review procedures.

Copies of the proposed terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418–5100, or via the internet on the CFTC website at www.cftc.gov under "What's Pending."

Other materials submitted by the NYMEX in support of the proposals may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1997)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposals, or with respect to other materials submitted by the NYMEX, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on February 6, 1998.

John R. Mielke,

Acting Director.

[FR Doc. 98–3633 Filed 2–12–98; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 97–94–NG]

Androscoggin Energy LLC; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Androscoggin Energy LLC (Androscoggin) long-term authorization to import up to 16.01 billion cubic feet (Bcf) of natural gas per year from Canada. The term of the authorization is for a period of 10 years commencing November 1, 1998, through October 31, 2008, or for 10 years after the commencement of deliveries if deliveries begin after November 1, 1998. This gas may be imported from Canada at the proposed interconnection of the TransQuebec and Maritimes Pipeline and the Portland Natural Gas Transmission System near Pittsburg, New Hampshire.

This order is available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export Activities docket room, 3F–042, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 29, 1998.

John W. Glynn,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import and Export Activities, Office of Fossil Energy.

[FR Doc. 98–3722 Filed 2–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 98–05–NG]

Tenaska Washington Partners, L.P.; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Tenaska Washington Partners, L.P., long-term authorization to import 50,000 MMBtu (approximately 50,000 Mcf) of natural gas per day from Canada commencing on January 28, 1998, and continuing through December 31, 2011. The natural gas will be imported at Sumas, Washington, under a supply arrangement with Puget Sound Energy, Inc.

This order is available for inspection and copying in the Office of Natural Gas & Petroleum Import and Export

Activities docket room, 3E–033, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 3, 1998.

John W. Glynn,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import and Export Activities, Office of Fossil Energy.

[FR Doc. 98–3723 Filed 2–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of General Counsel

Preparation of Report to Congress on Price-Anderson Act

AGENCY: Office of General Counsel, DOE.

ACTION: Notice of inquiry concerning preparation of report to Congress on the Price-Anderson Act; extension of due date for reply comments.

SUMMARY: The Department of Energy is extending until February 25, 1998, the due date for reply comments to a Notice of Inquiry concerning the continuation or modification of the provisions of the Price-Anderson Act.

DATES: Public comments were due on January 30, 1998. Reply comments must be received by February 25, 1998 (an extension from February 13, 1998).

ADDRESSES: Send 5 written copies of reply comments to: U.S. Department of Energy, Office of General Counsel, GC–52, 1000 Independence Ave. SW, Washington, DC 20585. If possible, a copy should also be e-mailed to PAA.notice@hq.doe.gov or provided on computer disk. This Notice, the comments submitted to DOE, and other relevant information will be available on the internet at "www.gc.doe.gov". The comments also may be examined between 9 a.m. and 4 p.m. at the U.S. Department of Energy, Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–6020.

FOR FURTHER INFORMATION CONTACT: Ben McRae or Jeanette Helfrich, U.S. Department of Energy, Office of General Counsel, GC–52, 1000 Independence Ave. SW, Washington, DC 20585, (202) 586–6975.

SUPPLEMENTARY INFORMATION: On December 31, 1998, the Department of Energy published a Notice of Inquiry in the **Federal Register** (62 FR 68272) soliciting public comments concerning the continuation or modification of the provisions of the Price-Anderson Act. These comments will assist the Department in the preparation of a report on the Act to be submitted to Congress by August 1, 1998 as required by the Atomic Energy Act. The initial comments were due on January 30, 1998. In addition, reply comments on the initial comments were due on February 13, 1998.

Several of the initial comments indicated the comment period should be longer because of the complex legal and policy issues raised by the Notice of Inquiry. In response to these requests for a longer comment period, the Department has decided to change the due date for reply comments from February 13, 1998, to February 25, 1998. This extension will provide more time for the preparation of reply comments.

Issued in Washington, DC on February 9, 1998.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 98–3721 Filed 2–12–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC98–549–001 FERC–549]

Information Collection Submitted for Review and Request for Comments

February 9, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) has submitted the energy information collection listed in this notice to the Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier **Federal Register** notice of October 2, 1997 (62 FR 51648) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received on or before March 16, 1998.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 726 Jackson Place, N.W., Washington, D.C. 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Division of Information Services, Attention: Mr. Michael Miller, 888 First Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at michael.miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC–549 "Gas Pipeline Rates: NGPA Title III and NGA Blanket Certificate Transactions".

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902–0086. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. There is no change to the reporting burden. These are mandatory collection requirements.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of Sections 311 and 312 Natural Gas Policy Act (NGPA) and Section 7 of the Natural Gas Act (NGA). The reporting requirements for implementing these provisions are contained in 18 Code of Federal Regulations (CFR) part 284. Under Part 284 of the Commission's regulations noninterstate pipelines that perform transportation service under NGPA section 311 (intrastate pipelines) or blanket certificates issued under Section 7 of the NGA (Hinshaw pipelines) are required to file an annual report containing specific details of each transaction initiated during the reporting year. Interstate pipelines performing unbundled sales service under a blanket certificate granted under part 284 of the regulations are required to file an annual report detailing specific information on each transaction initiated during the reporting year. Following approval of the initial filing, the individual

transactions commence on a self-implementing basis without case-by-case prior Commission determination. The information collected in these reports is used by the Commission to monitor the jurisdictional transportation activities of intrastate and Hinshaw pipelines and the unbundled sales activities of interstate natural gas pipelines.

5. *Respondent Description:* The respondent universe currently comprises on average, 90 respondents.

6. *Estimated Burden:* 795 total burden hours, 90 respondents, 1 response annually, 8.83 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 795 hours ÷ 2,088 hours per year × $109,889 per year = $41,840, average cost per respondent = $465.

Statutory Authority: Sections 311(a), 311(b), and 318 of the Natural Gas Policy Act (NGPA), 15 U.S.C. Sections 3371–3372; Section 7 of the Natural Gas Act (NGA) 15 U.S.C. 717–717w.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3708 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–171–012]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 10, 1998.

Take notice that on February 5, 1998, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Substitute Eighth Revised Sheet No. 10 to be effective November 1, 1997.

ANR states that the purpose of this filing is to comply with the Commission's January 21, 1998 Letter Order in this proceeding. That Order directed ANR to state in its tariff the Maximum Daily Capacity Release Rates for the storage service provided under ANR's Rate Schedule FSS.

ANR states that copies of the filing have been mailed to all affected customers and State regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commissions Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3711 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3189–013]

Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Potomac Electric Power Company, and Public Service Electric and Gas Company; Notice of Filing

February 9, 1998.

Take notice that on January 26, 1997, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively, and each doing business as GPU Energy), submitted a compliance filing pursuant to ordering paragraph P of the Commission's November 25, 1997, order in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3653 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3189–013]

Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Potomac Electric Power Company, and Public Service Electric and Gas Company; Notice of Filing

February 9, 1998.

Take notice that on January 26, 1998, PP&L, Inc., tendered its compliance filing as required by Ordering Paragraph (P) of the Commission's order in Pennsylvania-New Jersey-Maryland Interconnection, 81 FERC ¶ 61.257 (1997).

PP&L states that copies of this filing have been served on the PJM Office of Interconnection, and on the PP&L customers under the bilateral transmission service agreements that are identified in the compliance filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3654 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–3189–013 and ER98–1608–000]

Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Potomac Electric Power Company, Public Service Electric and Gas Company and Delmarva Power & Light Company; Notice of Filing

February 9, 1998.

Take notice that on January 26, 1997, Delmarva Power & Light Company of Wilmington, Delaware, tendered for filing its compliance report pursuant to Ordering Paragraphs P and T the Commission's November 25, 1997, order in Docket Nos. OA97–261–000 and ER97–1082–000, et al. (81 FERC ¶ 61,257 at 62,283).

Delmarva states that copies of the filing were served on the affected utilities, the Delaware Public Service Commission, Maryland Public Service Commission, and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3655 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–3189–013 and ER98–1609–000]

Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Potomac Electric Power Company, Public Service Electric and Gas Company and Atlantic City Electric Company; Notice of Filing

February 9, 1998.

Take notice that on January 26, 1998, Atlantic City Electric Company of Egg Harbor Township, New Jersey, tendered for filing its compliance report pursuant to Ordering Paragraphs P and T of the Commission's November 25, 1997, order in Docket Nos. OA97–261–000 and ER97–1082–000, et al., 81 FERC ¶ 61,257 and 62,283.

Atlantic states that copies of the filing have been served on the affected utility and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3656 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97–3189–013 and ER97–1621–000]

Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Potomac Electric Power Company, Public Service Electric and Gas Company, and Atlantic City Electric Company; Notice of Filing

February 9, 1998.

Take notice that on January 26, 1998, Atlantic City Electric Company submitted its compliance filing as required by Ordering Paragraphs (P) and (T) of the Commission's Order in Pennsylvania-New Jersey-Maryland Interconnection, *et al.*, 81 FERC ¶ 61,257 (1997).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to be become a party must file motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3657 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–459–001]

Bangor Energy Resale, Inc.; Notice of Filing

February 9, 1998.

Take notice that on January 16, 1998, Bangor Energy Resale, Inc., tendered for filing its compliance filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3658 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–96–001]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

February 10, 1998.

Take notice that on February 6, 1998, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets proposed to be effective February 1, 1998:

Second Revised Volume No. 1

Substitute Third Revised Sheet No. 10
Substitute Second Revised Sheet No. 10A
Substitute Fourth Revised Sheet No. 13
Substitute Second Revised Sheet No. 40A

Original Volume No. 2

Substitute Third Revised Sheet No. 220
Substitute Third Revised Sheet No. 243
Substitute Third Revised Sheet No. 265
Substitute Sixth Revised Sheet No. 291
Substitute Fourth Revised Sheet No. 601

Great Lakes states that the tariff sheets are being filed in compliance with the Commission's Order of January 30, 1998, in the above-named proceeding. 82 FERC ¶ 61,076 (1998). The order required Great Lakes to submit tariff sheets reflecting the necessary modifications to sheets filed by Great Lakes on December 23, 1997 in a tariff filing proposing to implement numerous procedural, operational, and administrative changes.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Copies of this filing are on file with the Commission and are available for public inspection in the Commission's Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3712 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–373–000]

Koch Gateway Pipeline Company; Notice Rescheduling Informal Settlement Conference

January 9, 1998.

Take notice that the informal settlement conference scheduled to convene in this proceeding on February 10, 1998 has been canceled and rescheduled for February 24, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Edith A. Gilmore at (202) 208–2158 or Sandra J. Delude at (202) 208–0583.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3660 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–128–000]

Midcoast Interstate Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

February 10, 1998.

Take notice that on February 6, 1998, Midcoast Interstate Transmission, Inc. (MIT) tendered for filing in its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective October 1, 1997:

SUB. 15th Revised Sheet No. 4

MIT states that the purpose of the filing of the Revised Tariff Sheet is to reflect correctly the ACA unit amount that the Commission has previously determined to be applicable to it.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3713 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA96–67–004]

Montaup Electric Company; Notice of Filing

February 9, 1998.

Take notice that on August 13, 1997, Montaup Electric Company, tendered for filing revised Attachments E & I to the Service Agreements in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888

First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 384.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3661 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–64–010]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

February 10, 1998.

Take notice that on February 4, 1998, Natural Gas Pipeline company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, First Revised Sheet No. 247B, to be effective on November 1, 1997.

Natural states that the purpose of this filing is to rectify an inadvertent omission of text in Section 8.5(d) of its General Terms and Conditions.

Natural states that copies of the filing have been mailed to Natural's customers, interested state regulatory agencies and all parties set out on the official service list in Docket No. RP97–64.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commissions Rules and Regulations. All such protests must be filed as provide in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3710 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG98–5–000]

Texas Gas Transmission Corporation; Notice of Filing

February 10, 1998.

Take notice that on January 29, 1998, Texas Gas Transmission Corporation (Texas Gas) filed revised standards of conduct to incorporate changes to its list of marketing affiliates.

Texas Gas states that it has served copies of its revised standards of conduct upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before February 25, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3709 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA97–653–000]

UtiliCorp United, Inc.; Notice of Filing

February 9, 1998.

Take notice that on July 14, 1997, UtiliCorp United, Inc., tendered for filing its amended revised open access transmission tariffs in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3662 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP92–236–012]

Williston Basin Interstate Pipeline Company; Notice of Refund Report

February 9, 1998.

Take notice that on January 30, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, tendered for filing with the Commission, its Refund Report made in compliance with the Commission's Letter Order issued December 10, 1997, in Docket No. RP92–236–009.

Williston Basin states that on December 31, 1997, additional refunds of amounts owed to shippers and/or invoices for amounts owed to Williston Basin were mailed to Williston Basin's shippers in connection with rates that were in effect from June 1, 1992 through December 31, 1995 with interest calculated through December 31, 1997, in accordance with Section 154.501 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before February 11, 1998. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of his filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3659 Filed 2–12–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Sutter Power Plant and Transmission Line Project, California

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: In accordance with Section 102(2) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332, Western Area Power Administration (Western) intends to prepare an environmental impact statement (EIS) regarding the proposal by the Calpine Corporation (Calpine) to construct an electric generating facility and associated 230-kilovolt (kV) transmission line, approximately 3.5 miles in length, known as the Sutter Power Plant (SPP). Calpine has approached Western concerning an interconnection with Western's Keswick-Elverta and Olinda-Elverta Double-Circuit 230-kV Transmission Line. Because of the potential for incorporating new generation into Western's system, along with potential changes in the existing system, Western has determined to prepare an EIS, in accordance with U.S. Department of Energy's (DOE) NEPA Implementing Procedures, 10 CFR 1021, Appendices D5 and 6 to Subpart D. The California Energy Commission (CEC) is responsible for permitting the proposed SPP. The CEC responsibilities are similar to those of a lead agency under the California Environmental Quality Act (CEQA). In the spirit of the regulations of the Council on Environmental Quality (CEQ) implementing NEPA (40 CFR 1501.5(b)), Western and CEC will act as "joint lead agencies" for purposes of satisfying the requirements of NEPA and CEQA, respectively. In this notice, Western and CEC announce intentions to prepare an EIS and hold a public scoping meeting for the proposed project. Western's scoping will include notification of the public and Federal, State, local, and tribal agencies of the proposed action, and identification by the public and agencies of issues and reasonable alternatives to be considered in the EIS.

DATES: The scoping meeting will be Tuesday, March 3, 1998, beginning at 10 a.m. The meeting will be held at the Veterans Memorial Community Building, 1425 Circle Drive, Yuba City, California, 95993. Written comments on the scope of the EIS for the proposed SPP should be received no later than May 5, 1998. Comments on the project will be accepted throughout the NEPA process.

FOR FURTHER INFORMATION CONTACT: If you are interested in receiving future information or wish to submit written comments, please call or write Loreen McMahon, Project Manager, Western Area Power Administration, Sierra Nevada Customer Service Region, 114 Parkshore Drive, Folsom, California, 95630–4710, (916) 353–4460, FAX: (916) 985–1930, E-mail: mcmahon@wapa.gov. Comments may also be sent to Paul Richins, Project Manager, Energy Facilities Siting and Environmental Protection Division, California Energy Commission, 1516 Ninth Street, MS–15, Sacramento, California 95814, (916) 654–4074, E-mail: prichins@energy.state.ca.us. For general information on DOE's NEPA review procedures or status of a NEPA review, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: Calpine proposes to construct the SPP on lands it owns north of Sacramento, California. The SPP will be a "merchant plant." SPP will not be owned by a utility nor by a utility affiliate selling power to its utility, nor is it supported by a long-term power purchase agreement with a utility. The SPP will instead sell power on a short and mid-term basis to customers and the on-the-spot market. Power purchases by customers will be voluntary, and all economic costs will be borne by Calpine.

The SPP project consists of a nominal 500 megawatt (MW) net electrical output natural gas-fired, combined cycle generating facility, a 230-kV switching station, and 3.5 miles of new 230-kV transmission line to connect with Western's Keswick-Elverta and Olinda-Elverta Double-Circuit 230-kV Transmission Line at some point south and west of the plant. A new 12-mile natural gas pipeline will be constructed to provide fuel for the project. The 16-inch gas pipeline will connect to an existing Pacific Gas and Electric natural gas supply line located to the west of the facility site. Potable water and cooling water will be provided by an on-site well system that will be developed as part of the project. It is expected that three wells will be developed to provide about 3,000 gallons per minute of water that will be needed during peak operating conditions. Sanitary waste will be treated on-site. The treated and other waste water generated in the operation of the plant will be discharged to an existing surface drainage system, requiring a National Pollutant Discharge Elimination System Permit.

The SPP will be located in Sutter County, California, on a portion of Calpine owned 77-acre parcel of land that contains a 49.5 MW cogeneration plant. Yuba City, California, is about 7 miles to the northeast; Oswald, California, is about 3.5 miles to the east; and Sacramento, California, is about 36 miles to the southeast of the proposed project site. The land surrounding the project area is farmland used to grow rice, walnuts, almonds, and other orchard crops.

Western was approached by Calpine to consider providing an outlet for the power produced by the SPP. Since this would require Western to make facility additions to its existing system to incorporate additional power from new generation, Western is required by the DOE's NEPA Implementing Procedures to prepare an EIS on the potential environmental impacts of this proposal. Western, therefore, agreed to be the lead Federal Agency, as defined at 40 CFR 1501.5. However, because the CEC has licensing responsibilities, Western has agreed to be a joint lead with the CEC and to utilize their expertise in siting issues.

The purpose of the CEC's Energy Facilities Siting and Environmental Protection Division (Division) is to ensure that needed energy facilities are authorized according to this process in an expeditious, safe, and environmentally acceptable manner. In addition, the Division prepares all environmental documentation for the CEC as required by CEQA. To attain its objectives, the Division maintains a staff of experts in more than 20 environmental and engineering disciplines. The Division's range of technical expertise allows it to perform balanced, totally independent evaluations of complex and controversial projects.

Western and the CEC will carefully examine public health and safety,

environmental impacts, and engineering aspects of the proposed power project, including all related facilities, such as electric transmission and natural gas lines. The permitting process is open to the public and includes input from the public and all interested parties as well as consultations with other Federal, State, local, and tribal agencies. The review process was initiated when Calpine filed an Application for Certification (AFC) with the CEC on December 15, 1997. On January 21, 1998, the CEC accepted the AFC as complete which begins a 1-year review process. General information on the CEC facility siting process and the SPP can be found on the CEC's Internet web site (http://www.energy.ca.gov/sitingcases/sutterpower). Since the project site is currently zoned for agricultural uses, Calpine will request Sutter County to permit a rezone of the 77-acre parcel to a planned development site, thus allowing industrial use. Western, CEC, and Sutter County reviews will occur concurrently.

The EIS will be prepared in accordance with the requirements of CEQ's NEPA implementing regulations (40 CFR 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR 1021). Full public participation and disclosure are planned for the entire EIS process. It is anticipated that the EIS process will take 12 months and will include public information/scoping meetings; coordination and involvement with appropriate Federal, State, local, and tribal government agencies; public review and hearings on the published draft EIS; a published final EIS; a review period; and publication of a record of decision (ROD). Public information and scoping meetings will begin March 3, 1998. Publication of the ROD is anticipated in the fall of 1998.

Dated: February 5, 1998.

Michael S. Hacskaylo,

Acting Administrator.

[FR Doc. 98–3724 Filed 2–12–98; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5488–8]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed February 02, 1998 Through February 06, 1998 Pursuant to 40 CFR 1506.9.

EIS No. 980028, DRAFT EIS, COE, CA, Yuba River Basin Investigation Study, Flood Protection, Also Portions of the Feather River Basin below Oroville Dam, City of Maryville Yuba County, CA, Due: March 30, 1998, Contact: Jane Rinck (916) 557–6715.

EIS No. 980029, DRAFT EIS, COE, GA, Latham River/Jekyll Creek Environmental Restoration Project (Section 1135), To Establish the Without Project Condition, Atlantic Intracoastal Waterway (AIWW), Glynn County, GA, Due: March 30, 1998, Contact: William Bailey (912) 652–5781.

EIS No. 980030, DRAFT EIS, TVA, MS, Red Hills Power Project, Proposal to Purchase 440 megawatts (MW) of Electrial Energy, COE Section 404 Permit, Town of Ackerman, Choctaw County, MS, Due: March 30, 1998, Contact: Charles P. Nicholson (423) 632–3582.

EIS No. 980031, DRAFT EIS, BLM, NV, Trenton Canyon Mining Project, Construction, Operation and Expansion, Plan of Operation, Valma and North Peak Deposits, Humboldt and Lander Counties, NV, Due: April 14, 1998, Contact: Rodney Herrick (702) 623–1500.

EIS No. 980032, DRAFT EIS, COE, CA, Oakland Harbor Inner and Outer Deep Navigation (-50 Foot) Improvement Project, Implementation, Feasibility Study, Port of Oakland, Alameda and San Francisco Counties, CA, Due: March 30, 1998, Contact: Gail Staba (510) 272–1479.

EIS No. 980033, FINAL EIS, FHW, RI, Rhode Island Northeast Corridor Freight Rail Improvement Project, Major Investment Study, Implementation, Boston Switch in Central Falls to the Quonset Point/Davisville Industrial Park in North Kingtown, Funding, COE Section 10 and 404 Permits, Providence County, RI, Due: March 16, 1998, Contact: Ralph J. Rizzo (401) 528–4548.

EIS No. 980034, DRAFT SUPPLEMENT, NPS, CA, Santa Rosa Island Resources Management Plan, Improvements of Water Quality and Conservation of Rare Species and their Habitats, Channel Islands National Park, Santa Barbara County, CA, Due: March 30, 1998, Contact: Alan Schmierer (415) 427–1441.

EIS No. 980035, FINAL SUPPLEMENT, SCS, WV, North Fork Hughes River Watershed Plan, Installation of a Multi-purpose Roller Compacted Concrete Dam, Implementation and Funding, Flood Protection and COE Section 404 Permits, Ritchie County, WV, Due: March 16, 1998, Contact: Paul S. Dunn (304) 291–4153.

EIS No. 980036, DRAFT SUPPLEMENT, USA, TT, Theater Missile Defense (TMD) Extended Test Range (ETR) Project, Eglin Gulf Test Range to Conduct (TMD Testing or Training Activities, Santa Rosa Island and Cape San Blas, FL, Due: April 03, 1998, Contact: Linda Ninh (850) 882–6499.

Dated: February 10, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–3767 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5488–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 26, 1998 through January 30, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1997 (62 FR 16154).

Draft EISs

ERP No. D–AFS–J65278–CO Rating EC2, South Quartzite Timber Sale, Timber Harvesting and Road Construction, White River National Forest, Rifle Ranger District, Grizzly Creek Rare II Area, Garfield County, CO.

Summary: EPA requested additional information related to helicopter yarding procedures and snag preservation in the project area.

ERP No. D–AFS–J65280–MT Rating EC2, Meadow Timber Sales, Implementation, Timber Harvesting, Road Construction and Prescribed Burning, Fortine Ranger District, Kootenai National Forest, Lincoln County, MT.

Summary: EPA expressed environmental concerns regarding existing degraded riparian habitat and water quality in the project area, particularly the North Fork of Meadow Creek. EPA believed additional information is needed to fully assess and mitigate all potential impacts of the management actions.

ERP No. D–AFS–L65202–AK Rating EC2, Crystal Creek Timber Harvest,

Implementation the 1997 Tongass Land Management Plan, Stikine Area, Tongass National Forest, AK.

Summary: EPA is concerned with the lack of specificity in how the existing Thomas Bay LTF would be reconstructed and operated with the implementation of any of the proposed action alternatives.

ERP No. D–BLM–J70019–WY Rating EU2, Jonah Field II Natural Gas Development Project, Exploration, Development and Production, Applications for Permit to Drill, Right-of-Way Grant, COE Section 404 Permit and NPDES Permit, Pinedale Resource Area and Green River Resource Area, Rock Spring District, Sublette County, WY.

Summary: EPA identified the potential adverse impacts to air to be environmentally unsatisfactory. EPA believed that there are reasonably available alternatives to the proposed action which could reduce the predicted environmental impact.

ERP No. D–NPS–L61215–OR Rating LO, rater Lake National Park, New Concession Contract for Visitor Services Plan, Implementation, OR.

Summary: EPA Region 10 used a screening tool to conduct a limited review of the Visitor Services Plan for Crater Lake National Park. Based upon the screen, EPA does not foresee having any environmental objections to the proposed project. Therefore, EPA will not be conducting a detailed review.

ERP No. D–NPS–L61217–OR Rating LO, Oregon Caves National Monument, General Management Plan, Development Concept Plan, Josephine County, OR.

Summary: EPA Region 10 used a screening tool to conduct a limited review of the Oregon Caves national Monument General Management Plan. Based upon the screen, EPA does not foresee having any environmental objections to the proposed project. Therefore, EPA will not be conducting a detailed review.

Final EISs

ERP No. F–AFS–L65281–ID, White Pine Creek Timber Sale, Implementation, Clearwater National Forest, Palouse Ranger District, Benewah and Latah Counties, ID.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory.

ERP No. F–AFS–L65283–WA, Long Draw Salvage Sale, Implementation, Okanogan National Forest, Tonasket Ranger District, Okanogan County, WA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–BLM–J31025–WY, Greybull Valley Irrigation District Dam and Reservoir Project, Issuance of Right-of-Way Permit and COE Section 404 Permit, Park County, WY.

Summary: EPA continued to express concerns with the lack of of the mitigation plan and suggested water quality monitoring be conducted and documented.

ERP No. F–USN–K11079–CA, Fleet and Industrial Supply Center/Vision 2000 Maritime Development, Disposal and Reuse, Funding, NPDES Permit, COE Section 10 and 404 Permits, City of Oakland, Alameda County, CA.

Summary: EPA continues to have concerns regarding possible contaminated dredge material and the proposed region of influence. Clarification of the issues was requested in the Record of Decision.

ERP No. FS–NOA–E86002–00, Snapper Grouper Fishery, Amendment 8 to the Fishery Management Plan, Regulatory Impact Review, South Atlantic Region.

Summary: EPA had no objection to the action as proposed.

Dated: February 10, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–3768 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[PF–786A; FRL–5768–9]

Notice of Filing; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: In the **Federal Register** of January 9, 1998 (63 FR 1457) (FRL–5762–6) EPA issued pesticide petition filing (PP) 7F4881. The petition was submitted by BASF Corporation and proposed that EPA establish a tolerances for residues of certain pesticide chemicals in or on various food commodities. EPA is correcting PP 7F4881 to add information that was inadvertently omitted from the original publication. EPA is also establishing a new comment period for this petition to allow the required 30 days.

DATES: Comments, identified by the docket control number PF–786A, must be received on or before March 16, 1998.

FOR FURTHER INFORMATION CONTACT: By mail: Marion Johnson (PM 10), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 217, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-6788, e-mail: johnson.marion@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In FR Doc. 98-557, in the issue for Friday, January 9, 1998, at page 1457, in the third column, item "1. BASF Corporation," the first full paragraph is corrected to read as follows:

EPA has received a pesticide petition (PP 7F4881) from BASF Corporation, Agricultural Products, P.O. Box 13528, Research Triangle Park, NC 27709, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of Pridaben, [2 tert-butyl-5(4-tert-butylbenzylthio)-4-chloropyridazin-3(2*H*)-one] in or on the raw agricultural commodities: peaches and nectarine at 2.4 parts per million (ppm), plum and prune (fresh) at 0.7 ppm; prune dried at 2.2 ppm; cherry and apricot at 0.05 ppm; grape at 1.4 ppm and tree nut crops at 0.05 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 2, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 98–3586 Filed 2–12–98; 8:45 a.m.]

BILLING CODE 6560–50–F

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Amendment to Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on February 9, 1998 (63 FR 6568) of the regular

meeting of the Farm Credit Administration Board (Board) scheduled for February 12, 1998. This notice is to amend the agenda by revising the open session items of that meeting.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, 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 were open to the public (limited space available), and parts of this meeting were closed to the public. The agenda for February 12, 1998, is amended by revising the open session to read as follows:

Open Session

A. *Approval of Minutes*
B. *New Business*
1. *Regulation*
—Organization; Balloting and Stockholder Reconsideration Issues [12 CFR Part 611] (Proposed)
2. *Other*
—FCA Year 2000 Compliance

Dated: February 11, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–3880 Field 2–11–98; 12:24 p.m.]

BILLING CODE 6705–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:20 a.m. on Tuesday, February 10, 1998, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Acting Chairman Andrew C. Hove, Jr., seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director Eugene A. Ludwig (Comptroller of the Currency), and Director Joseph H. Neely (Appointive), 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), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: February 10, 1998.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 98–3851 Filed 2–11–98; 12:23 pm]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Consultation with local officials to assure compliance with sections 110 and 206 of the Flood Disaster Protection Act of 1973 (Revisions to National Flood Insurance Program Maps).

Type of Information Collection: Reinstatement.

OMB Number: 3067–0148.

Abstract: These following certification forms (referred to as MT–2 series forms) will provide FEMA with assurances that all pertinent data relating to revisions to effective Flood Insurance Studies (FIS) are included in the submittal of requests for revisions. FEMA uses the information to review the assumptions made, parameters used, and results on technical accuracy, and to ensure that the FIS, Flood Insurance Rate Map (FIRM), and Flood Boundaries and Floodway Maps (FBFM) are included with the initial submittal.

FEMA Form 81–89, Revision Requester and Community Official Form—This form describes the location of the revision request, what is being requested, and which forms are required for the request.

Certification by Registered Professional Engineer and/or Land Surveyor—NFIP regulations require that scientific or technical data that is submitted in support of a revision request be certified by a registered professional engineer or land surveyor depending on the type of data being submitted. This allows a registered professional engineer or land surveyor to certify that the submitted data is correct to the best of his/her knowledge.

FEMA Form 81.89A, Credit Card Information—This form outlines the information required to process a request when the requester is paying by credit card.

FEMA Form 81–89B, Hydrologic Analysis Form—If a revision request is based on revised flood discharges, the requester must submit a revised hydrologic analysis. This form will allow FEMA to efficiently review the assumptions made, parameters used, and results on technical accuracy.

FEMA Form 81–89C, Riverine Hydraulic Analysis Form—If a revision request is based on improved hydrologic data/analysis, improved hydraulic analysis, or physical changes to the hydraulics of the flooding source, NFIP regulations require the revision requester to submit a hydraulic analysis. This form will allow FEMA to efficiently review the assumptions made, parameters used, and results for technical accuracy. In addition, the form ensures that the required hydraulic models to revise the FIS, FIRM, and FBFM are included with the initial submittal.

FEMA Form 81–89D, Riverine/Coastal Mapping Form—This form ensures that everything required to be shown on the requester's topographic work map in order to revise the FIRM and FBFM is included with the initial submittal. In addition, the NFIP regulations section 44 CFR 65.6(a)(6) requires that fill placed in a SFHA meet certain criteria. This form ensures that the fill was placed in accordance with the aforementioned NFIP regulations.

FEMA Form 81–89E, Channelization Form—If a submitted revision request includes a channelization project, this form must be completed. This form describes the channelization project and its impacts on the 100-year water-surface elevation.

FEMA Form 81–81–89F, Bridge/Culvert Form—If a submitted revision request includes a bridge or culvert, this form must be completed. This form describes the bridge or culvert and its impacts on the 100-year water-surface elevation.

FEMA Form 81–89G, Levee/Floodwall System Analyses Form—If a submitted revision request includes a levee or floodwall, this form must be completed. NFIP regulations section 44 CFR 65.10 requires that levees being credited with providing protection from a 100-year flood event meet certain criteria. This

form ensures that the levee was constructed in accordance with the aforementioned NFIP regulations.

FEMA Form 81–89H, Coastal Analysis Form—If a revision request is based on improved coastal analysis or physical changes to the coastal area, the requester must submit a revised coastal analysis. This form will allow FEMA to efficiently review the assumptions made, parameters used, and results for technical accuracy.

FEMA Form 81–89I, Coastal Structures Form—If a submitted revision request involves a coastal structure, this form must be completed. This form describes the coastal structure and its impacts on the 100-year flood elevations.

FEMA Form 81–89J, Dam Form—If a submitted revision request involves a dam, this form must be completed. This form describes the dam and its impacts on the 100-year flood elevations.

FEMA Form 81–89K, Alluvial Fan Flooding Forms—If a submitted revision request involves alluvial fan flooding, this form must be completed. NFIP regulations section 44 CFR 65.13 requires that certain analyses be performed for alluvial fan flooding. This form ensures these analyses are performed and allows the results of the analyses to be reviewed efficiently.

Affected Public: State, Local, or Tribal Government; Individuals or household; Businesses or other for profit.

Number of Respondents: 900.

Estimated Time per Respondent: 7.86.

Estimated Total Annual Burden Hours: 7,074.

Frequency of Response: On occasions.

Comments: Interested persons are invited to submit written comments on the proposed information collection to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before March 16, 1998.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

Dated: February 4, 1998.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 98–3744 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Progress Report.

Type of Information Collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

OMB Number: 3067–0151.

Abstract: The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) authorizes the President to provide assistance to individuals and to State and local governments to help them to respond and recover from a disaster. In order to receive Federal assistance (i.e., Federal grants) States and local officials and officials of eligible private nonprofit organizations who have a responsibility for response to a major disaster and for the restoration of facilities in the aftermath of such events must provide information to FEMA. The information is required in accordance with FEMA regulations 44 CFR 206.204(f) and guidance published in FEMA 286, Public Assistance Guide.

Public Assistance grants are awarded to States eligible for Federal disaster assistance. FEMA regulation 44 CFR part 13, Uniform Requirements for Grant and Cooperative Agreements to State and Local Governments, places certain requirements on the State in its role as grantee for the Public Assistance Program, which includes monitoring and reporting program/project performance. States are required to submit progress reports on a quarterly basis which describe the status of those projects and any problems or circumstances expected to result in noncompliance with the approved grant conditions.

Affected Public: Not for profit institutions; State, Local and Tribal Governments.

Number of Respondents: 25.

Estimated Time per Respondent: 1.

Estimated Total Annual Burden Hours: 125.

Frequency of Response: Quarterly and Final.

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before March 16, 1998.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

Dated: February 6, 1998.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 98–3745 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: National Fire Academy Executive Fire Officer Program Application for Admission.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0194.

Form(S): FEMA Form 95–22, Application for Admission

Abstract: FEMA Form 95–22, National Fire Academy Executive Fire Officer Program, Application for Admission is used by senior level executive fire officers to apply to the Executive Fire Officer Program. FEMA uses the application form to select the best qualified applicants for admission to the program.

Affected Public: State, Local or tribal Government.

Number of Respondents: 300.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 300.

Frequency of Response: On occasion.

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 on or before March 16, 1998.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

Dated: February 6, 1998.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 98–3746 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Report to Submit Technical or Scientific Data to Correct Mapping Deficiencies Unrelated to Community-Wide Elevation Determinations

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0257.

FEMA Form: 81–92, Application For Single Residential Lot or Structure Amendments and Revision to National Flood Insurance Program Maps.

Abstract: The certification form (also referred to as MT–EZ) is designed to assist requesters in gathering information that FEMA needs, to determine whether a single residential lot or structure is likely to be flooded during a flood event, that has a one-percent chance of being equaled or exceeded in any given year (base flood).

Affected Public: Individuals or households.

Number of Respondents: 5854.

Estimated Time per Respondent: 2.4 hours.

Estimated Total Annual Burden Hours: 14,050.

Frequency of Response: On occasion.

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

Dated: February 4, 1998.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 98–3747 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1202–DR]

New Mexico; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Mexico (FEMA–1202–DR), dated January 29, 1998, and related determinations.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 29, 1998, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New Mexico, resulting from a severe winter storm on December 22–25, 1997, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Prb. Law 93–288 as amended, ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New Mexico.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert E. Hendrix of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Mexico to have been affected adversely by this declared major disaster:

Chaves, DeBaca, Eddy, Guadalupe, Lincoln, Mora, Quay, Torrance, and Union Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers [CFDA] are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

James L. Witt,

Director.

[FR Doc. 98–3742 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1202–DR]

New Mexico; 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 New Mexico, (FEMA–1202-DR), dated January 29, 1998, and related determinations.

EFFECTIVE DATE: February 4, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of New Mexico, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 29, 1997:

Roosevelt County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–3743 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1200–DR]

North Carolina; 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 North Carolina (FEMA–1200–DR), dated January 15, 1998, and related determinations.

EFFECTIVE DATE: February 4, 1998

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster which was closed effective January 21, 1998, is now reopened to allow for additional damage resulting from continuing severe storms. The incident period for this declared disaster is January 7, 1998, and continuing.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–3741 Filed 2–12–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 27, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Kennon R. Patterson, Sr., Boaz, Alabama; to acquire additional voting shares of Community Bancshares, Inc., Blountsville, Alabama, and thereby indirectly acquire Community Bank, Blountsville, Alabama.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Pethinaidu Veluchamy, and Parameswari Veluchamy, both of Oak Brook, Illinois; to each acquire additional voting shares of First Mutual Bancorp of Illinois, Inc., Harvey, Illinois, and thereby indirectly acquire Mutual Bank, Harvey, Illinois.

Board of Governors of the Federal Reserve System, February 9, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–3651 Filed 2–12–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will 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 March 3, 1998.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Donald H. Schafer, Chebanse, Illinois; to acquire additional voting shares of Federated Bancorp, Inc., Loda, Illinois, and thereby indirectly acquire Federated Bank, Onarga, Illinois.

Board of Governors of the Federal Reserve System, February 10, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–3760 Filed 2–12–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval,

pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 9, 1998.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. *Glacier Bancorp, Inc.*, Kalispell, Montana; to merge with HUB Financial Corporation, Helena, Montana, and thereby indirectly acquire Valley Bank of Helena, Helena, Montana.

Board of Governors of the Federal Reserve System, February 9, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–3650 Filed 2–12–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 13, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *United Community Bancshares, Inc.*, Gonzales, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of United Community Bank (in organization), Gonzales, Louisiana.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. *LB Bancorp, Inc.*, Milwaukee, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Liberty Bank, Milwaukee, Wisconsin.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers*, Kansas City, Kansas; to acquire up to 47.5 percent of the voting shares of Brotherhood Bancshares, Inc., Kansas City, Kansas; and thereby indirectly acquire Brotherhood Bank & Trust Company, Kansas City, Kansas.

Board of Governors of the Federal Reserve System, February 10, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–3759 Filed 2–12–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, February 18, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 11, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–3823 Filed 2–11–98; 10:00 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS) Joint meeting of the Subcommittee on Population-Specific Issues and the Subcommittee on Health Data Needs, Standards and Security.

Times and dates: 9:00 a.m.–5:00 p.m., March 2, 1998.

Place: Multipurpose Room, Central Building, Health Care Financing Administration, 7500 Security Boulevard, Baltimore, Maryland.

Status: Open.

Purpose: The Subcommittee will continue to assess the current status of data collection

efforts relating to post acute care. Presentations are planned regarding current data collection and analysis efforts by selected post acute care settings, including nursing home, rehabilitation and home health settings. Future plans for data collection, analysis and integration also will be discussed.

CONTACT PERSON FOR MORE INFORMATION: Substantive program information as well as a roster of committee members may be obtained from Carolyn Rimes, Lead Subcommittee Staff, Health Care Financing Administration, DHHS, 7500 Security Boulevard, C–3–21–06, Baltimore, Maryland 21244–1850, telephone (410) 786–6620, or Marjorie S. Greenberg, Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 436–7050. Additional information about the full Committee is available on the NCVHS website, where the tentative agenda for the Subcommittee meeting will also be posted when available: http://aspe.os.dhhs.gov/ncvhs

Dated: February 9, 1998.

James Scanlon,

Director, Division of Data Policy.

[FR Doc. 98–3699 Filed 2–12–98; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–98–2]

Fiscal Year 1998 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to carry out the functions of a National Center on Elder Abuse.

SUMMARY: The Administration on Aging announces that it will hold a cooperative agreement/grant award competition under this program announcement for a National Center on Elder Abuse. The deadline date for the submission of applications is April 20, 1998. Public and/or nonprofit agencies, organizations, and institutions are eligible to apply under this program announcement. To be considered for funding, however, Center applicants must demonstrate a proven track record of expert knowledge concerning the operation and organization of elder abuse programs at national, state, and local levels, as well as the requisite organizational capacity to carry out the activities of the Center on a national scale.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Elder Rights Protection, 330 Independence Avenue, S.W., Room 4254, Washington, DC 20201, or by calling 202/619–2044.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 98–3693 Filed 2–12–98; 8:45 am]

BILLING CODE 4150–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No.97N–0438]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the information collection by March 16, 1998.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC, 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FDA has submitted the following proposed collections of information to OMB for review and clearance.

User Fee Cover Sheet; Form FDA 3397—(OMB Control Number 0910–090297)—Reinstatement)

Under section 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g and 379h), FDA has the authority to assess and collect user fees for certain drug and biologic product applications and supplements. Under this authority, pharmaceutical companies pay a fee for each new drug application, biologic product license application, biologic license application, or supplement submitted for review. Because the submission of user fees concurrently with applications and supplements is required, review of an application cannot begin until the fee is submitted. Form FDA 3397 is the user fee cover sheet, which is designed to provide the minimum necessary information to determine whether a fee is required for review of an application, to determine the amount of the fee required, and to account for and track user fees. The form provides a cross-reference of the fee submitted for an application with the actual application by utilizing a unique number tracking system. The information collected is used by FDA, Center for Drug Evaluation and Research (CDER), and Center for Biologics Evaluation and Research (CBER) to initiate the administrative screening of new drug applications, new biologic product license applications, and supplemental applications.

Respondents to this collection of information are drug and biologic product applicants.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN

Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
FDA 3397	200	9.44	1,888	.15	283

There are no capital costs or operating and maintenance costs associated with this collection.

Based on the agency's experience of 4 years, FDA estimates there are approximately 200 manufacturers of products subject to the Prescription Drug User Fee Act. Of the 200 manufacturers, CDER estimates 141 are drug manufacturers, and CBER estimates 59 are biologics manufacturers. CDER estimates there are 1,721 annual responses that include the following: 125 new drug applications, 1,098 chemistry supplements, 400 labeling supplements, and 98 efficacy supplements. CBER estimates there are 167 annual responses that include the following: 157 annual product supplements, and 10 original license applications.

Dated: February 9, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–3707 Filed 2–12–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–170]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Criteria for Medicare Coverage of Lung Transplants; *Form No.:* HCFA–R–170 (OMB# 0938–0670); *Use:* Medicare participating hospitals must file an application to be approved for coverage and payment of lung transplants performed on Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Business or other for-profit; *Number of Respondents:* 16; *Total Annual Responses:* 16; *Total Annual Hours:* 1,910.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 3, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–3689 Filed 2–12–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Healthy Start Initiative—Phase II: Limited Competition Within the City of Milwaukee

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of availability of funds for a limited competition within the City of Milwaukee.

SUMMARY: The HRSA announces the availability funds in fiscal year 1998 for a single cooperative agreement for the replication of the Healthy Start Initiative (HSI) Phase II within the City of Milwaukee. The Healthy Start Initiative is a program of projects which, since FY 1991, has developed and implemented community-based strategies to reduce infant mortality in areas with a high incidence of infant mortality. The purpose of Healthy Start-Phase II is to operationalize successful infant mortality reduction strategies developed during the demonstration phase and to launch Healthy Start projects in new rural and urban communities (i.e., communities currently without a Healthy Start Initiative-funded project). Within the HRSA, the Healthy Start Initiative is administered by the Maternal and Child Health Bureau (MCHB). This cooperative agreement for Healthy Start-Phase II in the city of Milwaukee will be made under the program authority of Section 301 of the Public Health Service Act. Funds for this award were appropriated under Public Law 104–208.

To continue Healthy Start efforts to meet critical maternal and child health needs within the City of Milwaukee, public and nonprofit private organizations within the City of Milwaukee are encouraged to apply.

DATES: The application deadline date is Friday, February 20, 1998.

ADDRESS: Interested parties may contact the HRSA Grants Application Center for an application package. Requests should specify the Healthy Start Initiative—Phase II limited competition within the City of Milwaukee (CFDA #93.926b). The Center may be contacted by: *telephone:* 1–888–300–HRSA, *FAX:* 301–309–0579, or *e-mail:* HRSA.GAC@x.netcom.com. *Completed applications should be returned to:* Grants Management Officer (CFDA 93.926b), HRSA Grants Application Center, 40 West Gude Drive, Suite 100, Rockville, Maryland 20850.

Dated: February 9, 1998.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 98–3705 Filed 2–12–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Practitioner Data Bank; Change in User Fee and Elimination of Diskette Queries

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Withdrawal.

SUMMARY: National Practitioner Data Bank; Change in User Fee and Elimination of Diskette Queries notice, document 98–2637, pages 5811–5812, Volume 63, Number 23, in the issue of Wednesday, February 4, 1998, was published in error and is withdrawn from publication.

The correct version of the notice was published on Thursday, January 29,

1998, Document No. 98–2116, Volume 63, Number 19, page 4460.

Dated: February 9, 1998.

James J. Corrigan,

Acting Associate Administrator for Management and Program Support.

[FR Doc. 98–3704 Filed 2–12–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part R of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (DHHS), Health Resources and Services Administration (60 FR 56605 as amended November 6, 1995; as last amended at 62 FR 43173–77 dated August 12, 1997). This notice reflects the title change of the Office of Information Resources Management (RS6) under the Office of Management and Program Support (RS).

I. Under RS6, make the following changes: A. Change the title of the organization to Office of Information Technology.

B. Amend the functional statement to read: Provides leadership in the development, review and implementation of policies and procedures to promote improved information resources management capabilities and practices throughout HRSA; (2) develops and coordinates HRSA-wide plans and budgets for the management of information technology and services, including centralized data processing, office automation and telecommunications; (3) develops and recommends policies and procedures relating to information resources management and support services; (4) identifies and coordinates HRSA-wide information needs and develops or coordinates with others the development of creative answers to these needs; (5) plans, manages, administers and coordinates the HRSA-wide microcomputer network including all required linkages to other networks inside and outside HRSA including mainframe systems; (6) provides information support to the Office of the Administrator and other HRSA organizational components; (7) designs, develops, catalogues and manages data bases, information resources, including those data bases developed within the HRSA Bureaus and offices, and the acquisition and use of external bases and information resources that support HRSA needs; (8) manages and coordinates state-of-the-art expertise for information science and technology; (9) assesses hardware and software systems to test their applicability and cost; provides consultation, technical advice and assistance and coordinates training in the use of ADP resources; (10) develops and manages an ongoing strategic planning program; (11) monitors and reviews legislative and regulatory activities and initiatives related to information technology; (12) develops and coordinates the implementation of information security programs; (13) maintains liaison and coordinates information resources management with the HRSA Bureaus and offices; (14) maintains liaison with HHS, other Federal agencies, States and professional organizations and associations concerning health information interests allied to the HRSA mission; and (15) reviews all HRSA requests for ADP resources, providing ADP clearance for all appropriately justified requests.

II. Delegation of Authority: All delegations and redelegations of authority which were in effect immediately prior to the effective date hereof have been continued in effect in them or their successors pending further redelegations.

This reorganization is effective upon date of signature.

Dated: February 6, 1998.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 98–3706 Filed 2–12–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Refugee Resettlement Program: Proposed Allocations to States of FY 1998 Funds for Refugee Social Services

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Notice of proposed allocations to States of FY 1998 funds for refugee [1] social services.

SUMMARY: This notice establishes the proposed allocations to States of FY 1998 funds for social services under the Refugee Resettlement Program (RRP). In the final notice, allocation amounts could be adjusted slightly based on final adjustments in FY 1997 arrivals in some States. This notice reflects the decision by Congress to provide $14,000,000 under social services to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. This notice also announces ORR's intention to eliminate the floor formula for States with small refugee populations, beginning in FY 1999.

EFFECTIVE DATE: Comments on the proposed allocations contained in this notice must be received by March 16, 1998.

ADDRESSES: Address written comments, in duplicate, to: Toyo Biddle, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447.

FOR FURTHER INFORMATION CONTACT: Toyo Biddle, Director, Division of Refugee Self-Sufficiency, (202) 401–9250.

SUPPLEMENTARY INFORMATION:

I. Amounts For Allocation

The Office of Refugee Resettlement (ORR) has available $129,990,000 in FY 1998 refugee social service funds as part of the FY 1998 appropriation for the Department of Health and Human Services (Pub. L. No. 105–78).

The FY 1998 House Appropriations Committee Report (H.R. Rept. No. 105–205) reads as follows with respect to social services funds:

> The bill provides $129,990,000 for social services, an increase of $19,108,000 over the comparable fiscal year 1997 appropriation and the budget request. Funds are distributed by formula as well as through the

[1] In addition to persons who meet all requirements of 45 CFR 400.43, "Requirements for documentation of refugee status," eligibility for refugee social services also includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. No. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. No. 100–202); and (3) certain Amerasians from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. No. 100–461), 1990 (Pub. L. No. 101–167), and 1991 (Pub. L. No. 101–513). For convenience, the term "refugee" is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the social service program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival or until they obtain permanent resident alien status, whichever comes first.

discretionary grant making process for special projects. The Committee agrees that $19,000,000 is available for assistance to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased. The Committee has set-aside $16,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. Finally, the Committee has set aside $14,000,000 to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. The Committee urges ORR to assist refugees at risk of losing, or who have lost, benefits including SSI, TANF and Medicaid, in obtaining citizenship. In addition, ORR may initiate planning grants to create alternative cash and medical assistance programs for refugees.

The Committee recommends that ORR give special consideration in allocating grant funding to applicants providing rehabilitation services for victims of physical and mental torture. The Committee requests that ORR be prepared to testify regarding its activities in support of victims of torture during the fiscal year 1999 budget hearings.

The FY 1998 Senate Appropriations Committee Report (S. Rept. No. 105–58) adds the following:

The Committee is concerned that the current policy of the Office of Refugee Resettlement prohibiting the use of a portion of refugee social services and targeted assistance formula grant funds for refugees who have been in the United States for more than 5 years deprives some counties and States of the ability to give employment-related assistance to many of their refugee welfare recipients. The Committee urges the ORR to be flexible in considering waiver requests of the 5-year policy.

The Conference Report on Appropriations (H. Rept. No. 105–390) agrees with the House and Senate Reports regarding the allocation of social services.

The Director of the Office of Refugee Resettlement (ORR) proposes to use the $129,990,000 appropriated for FY 1998 social services as follows:

- $68,841,500 will be allocated under the 3-year population formula, as set forth in this notice for the purpose of providing employment services and other needed services to refugees.
- $12,148,500 will be awarded as social service discretionary grants through competitive grant announcements that will be issued separately from this notice.
- $19,000,000 will be awarded to serve communities most heavily affected by recent Cuban and Haitian entrant and refugee arrivals. These funds would be awarded through a discretionary grant announcement that will be issued separately from this notice.
- $16,000,000 will be awarded through discretionary grants for communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. A grant announcement will be issued separately from this notice.
- $14,000,000 will be awarded to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. Awards will be made through the Wilson/Fish grant announcement and discretionary grant announcements issued separately from this notice.

Refugee Social Service Funds

The population figures for the social services allocation include refugees, Cuban/Haitian entrants, Amerasians from Vietnam, and Kurdish asylees since these populations may be served through funds addressed in this notice. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program or indicate in its refugee program State plan that Cuban/Haitian entrants will be served in order to use funds on behalf of entrants as well as refugees.)

The Director proposes to allocate $68,841,500 to States on the basis of each State's proportion of the national population of refugees who had been in the U.S. 3 years or less as of October 1, 1997 (including a floor amount for States which have small refugee populations).

The use of the 3-year population base in the allocation formula is required by section 412(c)(1)(B) of the Immigration and Nationality Act (INA) which states that the "funds available for a fiscal year for grants and contracts [for social services]* * *shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year."

As established in the FY 1991 social services notice published in the **Federal Register** of August 29, 1991, section I, "Allocation Amounts" (56 FR 42745), a variable floor amount for States which have small refugee populations is calculated as follows: If the application of the regular allocation formula yields less than $100,000, then—

(1) a base amount of $75,000 is provided for a State with a population of 50 or fewer refugees who have been in the U.S. 3 years or less; and

(2) for a State with more than 50 refugees who have been in the U.S. 3 years or less: (a) a floor has been calculated consisting of $50,000 plus the regular per capita allocation for refugees above 50 up to a total of $100,000 (in other words, the maximum under the floor formula is $100,000); (b) if this calculation has yielded less than $75,000, a base amount of $75,000 is provided for the State.

ORR intends FY 1998 to be the last year in which a floor allocation is used for States with small refugee populations. ORR's intention is to eliminate the floor formula beginning in FY 1999 and to use the 3-year refugee population allocations formula for all participating States. We invite comments, particularly from the floor States, regarding the potential impact of eliminating the floor.

Population To Be Served

Although the allocation formula is based on the 3-year refugee population, in accordance with the current requirements of 45 CFR Part 400 Subpart I—Refugee Social Services, States are not required to limit social service programs to refugees who have been in the U.S. only 3 years. However, under 45 CFR 400.152, States may not provide services funded by this notice, except for referral and interpreter services, to refugees who have been in the United States for more than 60 months (5 years).

In accordance with 45 CFR 400.147, States are required to provide services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) all newly arriving refugees during their first year in the U.S., who apply for services; (b) refugees who are receiving cash assistance; (c) unemployed refugees who are not receiving cash assistance; and (d) employed refugees in need of services to retain employment or to attain economic independence.

ORR funds may not be used to provide services to United States citizens, since they are not covered under the authorizing legislation, with the following exceptions: (1) Under current regulations at 45 CFR 400.208, services may be provided to a U.S.-born minor child in a family in which both parents are refugees or, if only one parent is present, in which that parent is a refugee; and (2) under the FY 1989 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. No. 100–461), services may

be provided to an Amerasian from Vietnam who is a U.S. citizen and who enters the U.S. after October 1, 1988.

Service Priorities

In the past, a number of States have focused primarily on serving refugee cash assistance (RCA) recipients because of the need to help these refugees become employed and self-sufficient within the 8-month RCA eligibility period. Now, with the passage of welfare reform, refugee recipients of Temporary Assistance for Needy Families (TANF) also face a time limit for cash assistance and need appropriate services as quickly as possible to become employed and self-sufficient. In order for refugees to move quickly off TANF, we believe it is crucial for these refugees to receive refugee-specific services that are designed to address the employment barriers that refugees typically face. We, therefore, strongly encourage State Refugee Coordinators to make every effort to develop agreements with their State TANF program to utilize, to the maximum extent possible, the existing refugee service system in a State for refugee TANF participants.

Refugee social service funding should be used to assist refugee families to achieve economic independence. To this end, States are required to ensure that a coherent family self-sufficiency plan is developed for each eligible family that addresses the family's needs from time of arrival until attainment of economic independence. (See 45 CFR 400.79 and 400.156(g).) Each family self-sufficiency plan should address a family's needs for both employment-related services and other needed social services. The family self-sufficiency plan must include: (1) a determination of the income level a family would have to earn to exceed its cash grant and move into self-support without suffering a monetary penalty; (2) a strategy and timetable for obtaining that level of family income through the placement in employment of sufficient numbers of employable family members at sufficient wage levels; and (3) employability plans for every employable member of the family.

Reflecting section 412(a)(1)(A)(iv) of the INA, and in keeping with 45 CFR 400.145(c), States must ensure that women have the same opportunities as men to participate in all services funded under this notice, including job placement services. In addition, services must be provided to the maximum extent feasible in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women. The Director also strongly encourages the inclusion of refugee women in management and board positions in agencies that serve refugees. In order to facilitate refugee self-support, the Director also expects States to implement strategies which address simultaneously the employment potential of both male and female wage earners in a family unit, particularly in the case of large families. States are expected to make every effort to assure the availability of day care services for children in order to allow women with children the opportunity to participate in employment services or to accept or retain employment. To accomplish this, day care may be treated as a priority employment-related service under the refugee social services program. Refugees who are participating in employment services or have accepted employment are eligible for day care services for children. For an employed refugee, day care funded by refugee social service dollars should be limited to one year after the refugee becomes employed. States are expected to use day care funding from other publicly funded mainstream programs as a prior resource and are expected to work with service providers to assure maximum access to other publicly funded resources for day care.

In accordance with 45 CFR 400.146, social service funds must be used primarily for employability services designed to enable refugees to obtain jobs within one year of becoming enrolled in services in order to achieve economic self-sufficiency as soon as possible. Social services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Social service funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

In accordance with 45 CFR 400.156(e), refugee social services must be provided, to the maximum extent feasible, in a manner that is culturally and linguistically compatible with a refugee's language and cultural background. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population.

Services funded under this notice must be refugee-specific services which are designed specifically to meet refugee needs and are in keeping with the rules and objectives of the refugee program. Vocational or job skills training, on-the-job training, or English language training, however, need not be refugee-specific (45 CFR 400.156(d)).

English language training must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related activities (45 CFR 400.156(c)).

When planning State refugee services, States must take into account the reception and placement (R & P) services provided by local resettlement agencies in order to utilize these resources in the overall program design and to ensure the provision of seamless, coordinated services to refugees that are not duplicative (45 CFR 400.156(b)).

In order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible in a time of limited resources, ORR encourages States and counties to promote and give special consideration to the provision of refugee social services through coalitions of refugee service organizations, such as coalitions of mutual assistance associations (MAAs), voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

States should also expect to use funds available under this notice to pay for social services which are provided to refugees who participate in alternative projects. Section 412(e)(7)(A) of the INA provides that:

> The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (60 FR 15766, March 27, 1995). The notice on alternative projects does not contain provisions for the allocation of additional social service funds

beyond the amounts established in this notice. Therefore a State which may wish to consider carrying out such a project should take note of this in planning its use of social service funds being allocated under the present notice.

The Use of MAAs

ORR believes that the use of qualified refugee mutual assistance associations in the delivery of social services helps to ensure the provision of culturally and linguistically appropriate services as well as increasing the effectiveness of the overall service system. Therefore, we expect States to use MAAs as service providers to the maximum extent possible. We strongly encourage States when contracting for services, including employment services, to give consideration to the special strengths of MAAs, whenever contract bidders are otherwise equally qualified, provided that the MAA has the capability to deliver services in a manner that is culturally and linguistically compatible with the background of the target population to be served. ORR also strongly encourages MAAs to ensure that their management and board composition reflect the major target populations to be served. ORR expects States to continue to assist MAAs in seeking other public and/or private funds for the provision of services to refugee clients.

States may use a portion of their social service grant, either through contracts or through the use of State/county staff, to provide technical assistance and organizational training to strengthen the capability of MAAs to provide employment services, particularly in States where MAA capability is weak or undeveloped.

ORR defines MAAs as organizations with the following qualifications:

a. The organization is legally incorporated as a nonprofit organization; and

b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association is comprised of refugees or former refugees, including both refugee men and women.

II. [Reserved for Discussion of Comments In Final Notice]

III. Allocation Formulas

A. Allocation Formula

Of the funds available for FY 1998 for social services, $68,841,500 is proposed to be allocated to States in accordance with the formula specified below. A State's allowable allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees, Cuban/Haitian entrants, Amerasians from Vietnam, and Kurdish asylees who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount will be multiplied by—

3. The number of persons in item 2, above, in the State as of October 1, 1997, adjusted for estimated secondary migration.

The calculation above yields the formula allocation for each State. Minimum allocations for small States are taken into account.

IV. Basis of Population Estimates

The population estimates for the proposed allocation of funds in FY 1998 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1997, for estimated secondary migration. The data base includes refugees of all nationalities, Amerasians from Vietnam, Cuban and Haitian entrants, and Kurdish asylees.

For fiscal year 1998, ORR's proposed formula allocations for the States for social services are based on the numbers of refugees, Amerasians, Kurdish asylees, and entrants who arrived during the preceding three fiscal years: 1995, 1996, and 1997, based on arrival data by State. Therefore, estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dates between October 1, 1994, and September 30, 1997, who are thought to be living in each State as of October 1, 1997.

The estimates of secondary migration were based on data submitted by all participating States on Form ORR–11 on secondary migrants who have resided in the U.S. for 36 months or less, as of September 30, 1997. The total migration reported by each State was summed, yielding in- and out-migration figures and a net migration figure for each State. The net migration figure was applied to the State's total arrival figure, resulting in a revised population estimate.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. Eligible Amerasians and Kurdish asylees are included in the refugee figures.

With regard to Havana parolees, in the absence of reliable data on the State-by-State resettlement of this population, we are crediting each State that received entrant arrivals during the 3-year period from FY 1995–FY 1997 with a prorated share of the 5,992 parolees reported by the Immigration and Naturalization Service (INS) to have come to the U.S. directly from Havana in FY 1997. In addition, we have credited each State with the same share of FY 1995 and FY 1996 Havana parolees that they were credited with in the final FY 1996 and FY 1997 social service notices. The proposed allocations in this notice reflect these additional parolee numbers.

If a State does not agree with ORR's population estimate and wishes ORR to reconsider its population estimate, it should submit written evidence to ORR, including a list of refugees identified by name, alien number, date of birth, and date of arrival. Listings of refugees who are not identified by their alien numbers will not be considered. Such evidence should be submitted separately from comments on the proposed allocation formula no later than 30 days from the date of publication of this notice and should be addressed to: Loren Bussert, Division of Refugee Self-Sufficiency, Office of Refugee Resettlement, 370 L'Enfant Promenade, S.W., Washington, DC 20447, Telephone: (202) 401–4732.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1997, of refugees (col. 1); entrants (col. 2); Havana parolees (col. 3); total refugee/entrant population, (col. 4); the proposed formula amounts which the population estimates yield (col. 5); and the proposed allocation amounts after allowing for the minimum amounts (col. 6).

These population estimates and proposed allocation amounts are intended to be as close to the final figures as was possible at the time they were developed. However, revisions may need to be made to reflect final adjustments in FY 1997 arrival data in some States.

V. Proposed Allocation Amounts

Funding will be contingent upon the submittal and approval of a State annual services plan that is developed on the basis of a local consultative process, as required by 45 CFR 400.11(b)(2) in the ORR regulations. The following amounts are proposed for allocation for refugee social services in FY 1998:

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND PROPOSED SOCIAL SERVICE FORMULA AMOUNTS AND ALLOCATIONS FOR FY 1998

State	Refugees [1]	Entrants	Havana parolees [2]	Total population	Proposed formula amount	Proposed allocation
	(1)	(2)	(3)	(4)	(5)	(6)
Alabama	523	113	60	696	$152,467	$152,467
Alaska [3]	0	0	0	0	0	0
Arizona	4,986	539	316	5,841	1,279,541	1,279,541
Arkansas	184	13	6	203	44,470	83,516
California [4]	45,934	948	653	47,535	10,413,111	10,413,111
Colorado	3,450	9	7	3,466	759,269	759,269
Connecticut	2,125	297	178	2,600	569,561	569,561
Delaware	34	4	3	41	8,982	75,000
Dist. of Columbia	1,851	14	7	1,872	410,084	410,084
Florida	14,508	23,701	19,662	57,871	12,677,335	12,677,335
Georgia	8,426	247	149	8,822	1,932,565	1,932,565
Hawaii	252	1	0	253	55,423	94,470
Idaho	1,446	1	1	1,448	317,202	317,202
Illinois	11,469	446	244	12,159	2,663,574	2,663,574
Indiana	1,195	11	9	1,215	266,160	266,160
Iowa	4,889	6	3	4,898	1,072,966	1,072,966
Kansas	1,605	17	10	1,632	357,509	357,509
Kentucky [5]	3,071	576	239	3,886	851,275	851,275
Louisiana	1,350	239	159	1,748	382,920	382,920
Maine	674	1	0	675	147,867	147,867
Maryland	3,697	170	102	3,969	869,457	869,457
Massachusetts	7,181	151	111	7,443	1,630,478	1,630,478
Michigan	7,327	399	186	7,912	1,733,218	1,733,218
Minnesota	8,730	25	14	8,769	1,920,954	1,920,954
Mississippi	38	32	22	92	20,154	75,000
Missouri	5,765	22	17	5,804	1,271,436	1,271,436
Montana	227	0	0	227	49,727	88,774
Nebraska	1,672	40	16	1,728	378,539	378,539
Nevada [5]	693	812	541	2,046	448,201	448,201
New Hampshire	903	1	0	904	198,032	198,032
New Jersey	3,881	1,110	783	5,774	1,264,864	1,264,864
New Mexico	466	787	602	1,855	406,360	406,360
New York	38,406	1,180	775	40,361	8,841,560	8,841,560
North Carolina	3,181	45	23	3,249	711,732	711,732
North Dakota	1,164	4	3	1,171	256,522	256,522
Ohio	3,985	54	27	4,066	890,706	890,706
Oklahoma	774	17	10	801	175,469	175,469
Oregon	4,419	515	265	5,199	1,138,903	1,138,903
Pennsylvania	7,225	327	161	7,713	1,689,625	1,689,625
Rhode Island	346	7	3	356	77,986	100,000
South Carolina	346	8	3	357	78,205	100,000
South Dakota	670	0	0	670	146,772	146,772
Tennessee	3,581	225	102	3,908	856,094	856,094
Texas	11,498	1,067	687	13,252	2,903,009	2,903,009
Utah	2,573	1	0	2,574	563,865	563,865
Vermont	715	0	0	715	156,629	156,629
Virginia	4,838	251	140	5,229	1,145,475	1,145,475
Washington	17,111	66	29	17,206	3,769,180	3,769,180
West Virginia	14	1	0	15	3,286	75,000
Wisconsin	2,387	18	11	2,416	529,254	529,254
Wyoming	0	0	0	0	0	0
Total	251,785	34,518	26,339	312,642	68,487,973	68,841,500

[1] Includes: refugees, Kurdish asylees, and Amerasian immigrants from Vietnam.

[2] For FY 1997, 5992 Havana Parolees (HP's) were prorated to all States based on the States' proportion of the three year (FY 1995–1997) entrant population in the U.S. For FY 1996, Florida's HP's (7303) were based on actual data while HP's in other States (2611) were prorated based on the States' proportion of the three year (FY 1994–1996) entrant population. For FY 1995, Florida's HP's (8245) were based on actual data while HP's in other States (2188) were prorated based on the States' proportion of the three year (FY 1993–1995) entrant population.

[3] Alaska and Wyoming no longer participate in the Refugee Program.

[4] A portion of the California allocation is expected to be awarded to continue a Wilson/Fish project in San Diego.

[5] The allocation for Kentucky and Nevada is expected to be awarded to continue a Wilson/Fish project.

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 93.566 Refugee Assistance—State Administered Programs)

Dated: February 9, 1998.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 98–3764 Filed 2–12–98; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the following meetings of the SAMHSA Special Emphasis Panel II in February 1998.

A summary of the meetings may be obtained from: Ms. Dee Herman, Committee Management Liaison, SAMHSA, Office of Program Planning and Coordination (OPPC), Division of Extramural Activities, Policy, and Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone: (301) 443–7390.

Substantive program information may be obtained from the individual named as Contact for the meetings listed below.

The meetings will include the review, discussion and evaluation of individual contract proposals. These discussions could reveal personal information concerning individuals associated with the proposals and confidential and financial information about an individual's proposal. The discussions may also reveal information about procurement activities exempt from disclosure by statute and trade secrets and commercial or financial information obtained from a person and privileged and confidential. Accordingly, the meetings are concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c) (3), (4), and (6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel II (SEP II).

Meeting Date: February 25–26, 1998.

Place: Residence Inn, 7335 Wisconsin Avenue, Montgomery I Room, Bethesda, MD 20814.

Closed: February 25, 1998 9:00 a.m.—February 26, 1998 at Adjournment.

Contact: Allen Smith, Room 17–89, Parklawn Building, Telephone: (301) 443–4783 and FAX: (301) 443–3437.

Committee Name: SAMHSA Special Emphasis Panel II (SEP II).

Meeting Date: February 26, 1998.

Place: Sheraton City Centre, Georgetown Room, 1143 New Hampshire Avenue, Washington, DC 20037.

Closed: February 26, 1998, 9:00 a.m. to adjournment.

Contact: George Lewis, Room 17–89 Parklawn Building, Telephone: (301) 443–4783 and FAX: (301) 443–3437.

Dated: February 9, 1998.

Jeri Lipov,

Committee Management Officer, SAMHSA.

[FR Doc. 98–3624 Filed 2–12–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4054–N–01]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: March 16, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use: (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 5, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Comprehensive Section 8 Conforming Rule for the Section 8 Rental Certificate and Rental Voucher Program.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0169.

Description of The Need for The Information and Its Proposed Use: Under the Section 8 Rental Certificate Program and Rental Voucher Program, the Department of Housing and Urban Development (HUD) enters into an Annual Contributions Contact (ACC) with Public Housing Agencies to assist very low-income families who enter into leases and rental agreements directly with private owners of existing rental housing.

Form Number: HUD–52515, 52517, 52578, 52578B, 52580, 52580A, 52595, 52646, 52663, 52665, 52667, 52672, 52673, 52681, and 52683.

Respondents: Individuals or Households and State, Local, or Tribal Government.

Frequency of Submission: Recordkeeping and On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	252,600		9		.30		677,503

Total Estimated Burden Hours: 677,503.

Status: Revision.

Contact: Cedric A. Brown, HUD, (202 708–3887 x4057 Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 98–3680 Filed 2–12–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4263–N–84]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: March 16, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 5, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Analysis of Proposed Main Construction Contract.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0037.

Description of The Need for The Information and its Proposed Use: Form HUD–52396 is a comparison of actual bid cost on a conventionally developed public housing project to the approved pre-bid estimates. The form is prepared by the PHA and submitted to HUD when requesting approval for the award of the construction contract.

Form Number: HUD–52396.

Respondents: State, Local or Tribal Governments and Not-For-Profit Institutions.

Frequency of Submission: Annually and Recordkeeping.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Reporting	96		1.15		2		220
Recordkeeping	110		1		.25		28

Total Estimated Burden Hours: 248.

Status: Reinstatement, without changes.

Contact: William C. Thorson, HUD, (202) 708–4703; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 98–3681 Filed 2–12–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–42]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings

and other real property that HUD reviewed in 1997 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 1997, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8 (d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days form the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expression of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For 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:* Jeff Holste, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22315; (703) 428–6318; *Corps of Engineers:* Bob Swieconek, Army Corps of Engineers, Management and Disposal Division, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 761–1749; *U.S. Navy:* Charles C. Cocks, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; *U.S. Air Force:* Barbara Jenkins, Air Force Real Estate Agency (Area/MI), Bolling AFB, 112 Luke Avenue, Suite 104, Washington, DC 20332–8020; (202) 767–4184; *GSA:* Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 501–2059; *Dept. of Veterans Affairs:* George L. Szwarcman, Land Management Service, Dept. of Veterans Affairs, room 414, Lafayette Bldg., 811 Vermont Ave. NW, Washington, DC 20420; (202) 565–5941; *Dept. of Energy:* Marsha Penhaker, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; *Dept. of Transportation:* Philip Rockmaker, Space Management, Transportation Administrative Service Center, DOT, 400 Seventh St. SW, room 2310, Washington, DC 20590; (202) 366–4246; *Dept. of Interior:* Lola D. Knight, Property Management, Dept. of Interior, 1849 C St. NW, Mailstop 5512–MIB, Washington, DC 20240; (202) 208–4080; (These are not toll-free numbers).

Dated: February 5, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Title V Properties Reported in Year 97 Which Are Suitable and Available

Air Force

California

Buildings

Bldg. 604
Property #: 189010237
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 605
Property #: 189010238
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Property #: 189010239
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Property #: 189010240
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Property #: 189010241
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Property #: 189010242
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Property #: 189010243
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Property #: 189010244
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Property #: 189010245
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Property #: 189010246
Fed Reg Date: 09/05/97
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Idaho

Buildings

Bldg. 2201
Property #: 189520005
Fed Reg Date: 09/05/97
Mountain Home Air Force Base
Mountain Home, ID, Co: Elmore, Zip: 83648–
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent use—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles.

Maine

Land

Irish Ridge NEXRAD Site

Property #: 189640017
Fed Reg Date: 09/05/97
Loring AFB
Fort Fairfield, ME, Co: Aroostock, Zip: 04742–
Status: Unutilized
Comment: 3.491 acres in fee simple.

Gwen Site (Patten)
Property #: 189640018
Fed Reg Date: 07/04/97
Loring AFB
Stacyville, ME, Co: Herseytown, Zip: 04742–
Status: Unutilized
Comment: 19.3 acres in fee simple plus access easements.
GSA No: 1–D–ME–630

Montana

Land

6.43 acres
Property #: 189610003
Fed Reg Date: 09/05/97
Forsyth Training Site
MT, Co: Rosebud, Zip:
Status: Unutilized
Comment: 6.43 acres, most recent use—tech. oper. site for radar bombing range.

Buildings

Facility #1:
Property # 189530047
Fed Reg Date: 09/05/97
Havre Training Site
MT, Co: Hill, Zip: 59501–
Status: Excess
Comment: 6843 sq. ft., 1 story brick frame, good condition, most recent use—technical training site.

Bldg. 110
Property #: 189610001
Fed Reg Date: 09/05/97
Forsyth Training Site
MT, Co: Rosebud, Zip:
Status: Unutilized
Comment: 6843 sq. ft., needs repair, on top of bluff, most recent use—offices.

Bldg. 112
Property #: 189610002
Fed Reg Date: 09/05/97
Forsyth Training Site
MT, Co: Rosebud, Zip:
Status: Unutilized
Comment: 586 sq. ft., most recent use—cold storage.

Nebraska

Buildings

Bldg. 20
Property #: 189610004
Fed Reg Date: 09/05/97
Offutt Communications Annex 4
Silver Creek, NE, Co: Nance, Zip: 68663–
Status: Unutilized
Comment: 4714 sq. ft., most recent use—dormitory needs major repair.

South Dakota

Buildings

West Communications Annex
Property #: 189340051
Fed Reg Date: 09/05/97
Ellsworth Air Force Base
Ellsworth AFB, SD, Co: Meade, Zip: 57706–
Status: Unutilized
Comment: 2 bldgs. on 3.37 acres, remote area, lacks infrastructure, road hazards during winter storms, most recent use—industrial storage.

Summary of Properties for Air Force

Buildings = 16
Land = 3
Total Suitable and Available by agency = 19

Army

Alaska

Land

Harding Lake Recreation Area
Property #: 219540009
Fed Reg Date: 08/29/97
Fort Richardson
Anchorage, AK, Zip:
Statis: Underutilized
Comment: 25.5 acres, most recent use—recreation.

Buildings

Bldg. 400
Property #: 219440400
Fed Reg Date: 08/29/97
Fort Richardson
Ft. Richardson, AK, Zip: 99505–
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only.

Bldg. 402
Property #: 219440401
Fed Reg Date: 08/29/97
Fort Richardson
Ft. Richardson, AK, Zip: 99505–
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood, presence of lead paint and asbestos, off-site use only.

Bldg. 407
Property #: 219440402
Fed Reg Date: 08/29/97
Fort Richardson
Ft. Richardson, AK, Zip: 99505–
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only.

Bldg. 1168
Property #: 219610636
Fed Reg Date: 08/29/97
Fort Wainwright
Ft. Wainwright, AK, Co: Fairbanks, Zip: 99703–
Status: Unutilized
Comment: 6455 sq. ft., concrete, presence of asbestos, most recent use—warehouse.

Bldg. 639
Property #: 219720152
Fed Reg Date: 08/29/97
Fort Richardson
Ft. Richardson, AK, Zip: 99505–6500
Status: Unutilized
Comment: 9246 sq. ft., concrete, most recent use—auditorium, poor condition, presence of asbestos/lead paint, off-site use only.

Alabama

Buildings

Bldg. 3704, Fort Rucker
Property #: 219340185
Fed Reg Date: 08/29/97
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only.

Bldg. 3708, Fort Rucker
Property #: 219340189
Fed Reg Date: 08/29/97
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 60101
Property #: 219520152
Fed Reg Date: 08/29/97
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only.

Bldg. 60103
Property #: 219520154
Fed Reg Date: 08/29/97
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only.

Bldg. 60110
Property #. 219520155
Fed Reg Date: 08/29/97
Shell Army Helicopter
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldg. 60113
Property #: 219520156
Fed Reg Date: 08/29/97
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Ft. Richardson, AK, , Zip: 99505–
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldgs. 2802, 2805
Property #: 219620662
Fed Reg Date: 08/29/97
Fort Rucker
Ft. Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: #2802=13,082 sq. ft., #2805=13,082 sq. ft., most recent use—admin., needs repair, off-site use only.

Arizona

Buildings

Bldg. 82013
Property #: 219240752
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2193 sq. ft., 1-story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 90327
Property #: 219240753
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 279 sq. ft., 1-story wood frame, possible asbestos, scheduled to become

vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 82007
Property #: 219240755
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
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
Property #: 219240756
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
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. 84103, Fort Huachuca
Property #: 219310296
Fed Reg Date: 08/29/97
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 984 sq. ft., 1-story presence of asbestos and lead paint, most recent use—admin.

Bldg. 30012, Fort Huachuca
Property #: 219310298
Fed Reg Date: 08/29/97
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage.

Bldg. 83102
Property #: 219330236
Fed Reg Date: 08/29/97
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 984 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only.

Bldg. 84010
Property #: 219330237
Fed Reg Date: 08/29/97
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2147 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only.

Bldg. 83027
Property #: 219410249
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1993 sq. ft., 2-story wood, most recent use—admin.; off-site use only.

Bldg. 84007
Property #: 219410250
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2000 sq. ft., 2-story wood, most recent use—admin.; off-site use only.

Bldg. 30126
Property #: 219410252
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 9324 sq. ft., 1-story; wood; most recent use—maintenance; off-site use only.

Bldg. 84014
Property #: 219410253
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2260 sq. ft., 1-story; wood; most recent use—maintenance; off-site use only.

Bldg. S–106
Property #: 219420345
Fed Reg Date: 08/29/97
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85635–9104
Status: Unutilized
Comment: 1101 sq. ft., 1-story, cold storage bldg., needs repair.

Bldg. S–306
Property #: 219420346
Fed Reg Date: 08/29/97
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85635–9104
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, scheduled to be vacated on or about 2/95.

Bldg. 83023
Property #: 219430247
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1648 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 81028
Property #: 219430249
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2193 sq. ft., 2-story, wood frame, most recent use—admin., needs repair, off-site use only.

Bldg. 80111
Property #: 219430250
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2032 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 503, Yuma Proving Ground
Property #: 219520073
Fed Reg Date: 08/29/97
Yuma, AZ, Co: Yuma, Zip: 85365–9104
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos.

9 Bldgs.
Property #: 219610639
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Location: 82002, 82027, 82028, 83021, 83022, 85008, 85009, 85027, 85028
Status: Unutilized
Comment: various sq. ft., presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 85005
Property #: 219610640
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3515 sq. ft., presence of asbestos, most recent use—dining off-site use only.

Bldgs. 13548, 72918
Property #: 219620663
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: #13548=2048 sq. ft., most recent use—maint. shop, #72918=2822 sq. ft., most recent use—storage, possible asbestos/lead base paint, off-site use only.

Bldg. 41410
Property #: 219640508
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 582 sq. ft., presence of lead base paint, most recent use—admin., off-site use only.

Bldg. 71916
Property #: 219640509
Fed Reg Date: 08/29/97
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1225 sq. ft., presence of asbestos/lead base paint, most recent use—storage, off-site use only.

11 Bldgs., Fort Huachuca
Property #: 219640510
Fed Reg Date: 08/29/97
#31209, 31210, 31211, 81104, 82001, 82010, 84025, 84026, 84027, 84028, 84105
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead base paint, off-site use only.

Colorado

Buildings

Bldg. T–222
Property #: 219630126
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 2750 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—storage, off-site use only.

Bldg. P–1008
Property #: 219630127
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 3362 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—service outlet, off-site use only.

Bldg. T–1827

Property #: 219630132
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 2488 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—service outlet, off-site use only.

Bldg. T–2438
Property #: 219630133
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 4020 sq. ft., fair condition, most recent use—instruction bldg., off-site use only.

Bldg. T–6043
Property #: 219630136
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 10225 sq. ft., poor condition, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–6052
Property #: 219630137
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 4458 sq. ft., poor condition, possible asbestos, most recent use—maintenance shop, off-site use only.

Bldg. T–6089
Property #: 219630139
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 3150 sq. ft., poor condition, possible asbestos, most recent use—service outlet, off-site use only.

Bldg. S–6226
Property #: 219630141
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 13154 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—admin., off-site use only.

Bldg. S–6230
Property #: 219630143
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 13154 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—admin., off-site use only.

Bldg. S–6235
Property #: 219630144
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 10038 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only.

Bldg. S–6240
Property #: 219630145
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 9985 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only.

Bldg. S–6241
Property #: 219630146
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 10038 sq. ft., poor condition, possible asbestos/lead based paint, off-site use only.

Bldgs. 6244, 6247
Property #: 219630148
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: fair condition, possible asbestos/lead based paint, most recent use—admin, off-site use only.

Bldgs. S–6245, S–6246
Property #: 219630149
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: fair condition, possible asbestos/lead based paint, most recent use—barracks, off-site use only.

Bldg. S–6260
Property #: 219630152
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 2953 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—comm. bldg., off-site use only.

Bldg. S–6261
Property #: 219630153
Fed Reg Date: 08/29/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–5023
Status: Unutilized
Comment: 7778 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—storage, off-site use only.

Bldg. T–847
Property #: 219730209
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 10,286 sq. ft., 2-story, possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. P–1007
Property #: 219730210
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 3818 sq. ft., needs repair, possible asbestos/lead paint, most recent use—health clinic, off-site use only.

Bldg. T–1342
Property #: 219730211
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 13,364 sq. ft., possible asbestos/lead paint, most recent use—instruction bldg.

Bldg. T–1641
Property #: 219730212
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 3663 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. T–6005
Property #: 219730213
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 19,015 sq. ft., possible asbestos/lead paint, most recent use—warehouse.

Bldg. T–6028
Property #: 219730214
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 10,193 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. T–6049
Property #: 219730215
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 19,344 sq. ft., possible asbestos/lead paint, most recent use—youth center.

Bldg. P–6225A
Property #: 219730216
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 1040 sq. ft., possible asbestos/lead paint, most recent use—garage, off-site use only.

Bldg. S–6274
Property #: 219730217
Fed Reg Date: 10/03/97
Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 4751 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Georgia

Land

Land (Railbed)
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential.

Buildings

Bldg. 5390
Property #: 219010137
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5362
Property #: 219010147
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5392
Property #: 219010151
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room needs rehab.

Bldg. 5391
Property #: 219010152
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room needs rehab.

Bldg. 4487
Property #: 219011681
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Property #: 219011683
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Property #: 219011694
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Fort Benning
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Property #: 219011704
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Property #: 219011709
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Mucogee, Zip: 31905–
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflammable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Property #: 219011710
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 1235
Property #: 219014887
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1236
Property #: 219014888
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4491
Property #: 219014916
Fed Reg Date: 08/29/97
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 2150
Property #: 219120258
Fed Reg Date: 08/29/97
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3909 sq. ft., 1 story, needs rehab, most recent use—general inst. bldg.

Bldg. 3828
Property #: 219120266
Fed Reg Date: 08/29/97
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 628 sq. ft., 1 story, needs rehab, most recent use—general storehouse.

Bldg. 3086, Fort Benning
Property #: 21920688
Fed Reg Date: 08/29/97
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3089, Fort Benning
Property #: 219220689
Fed Reg Date: 08/29/97
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 1252 Fort Benning
Property #: 219220694
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1733 Fort Benning
Property #: 219220698
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9375 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3083 Fort Benning
Property #: 219220699
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3856 Fort Benning
Property #: 219220703
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881 Fort Benning
Property #: 219220707
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963 Fort Benning
Property #: 219220710
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 2396 Fort Benning
Property #: 219220712
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3085 Fort Benning
Property #: 219220715
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 4882 Fort Benning
Property #: 219220727
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967, Fort Benning
Property #: 219220728
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 5396, Fort Benning
Property #: 219220734
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 247, Fort Benning
Property #: 219220735
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only.

Bldg. 4977, Fort Benning
Property #: 219220736
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944, Fort Benning
Property #: 219220747
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Property #: 219220752
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Property #: 219220753
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 1758, Fort Benning
Property #: 219220755
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 3817, Fort Benning
Property #: 219220758
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 4884, Fort Benning
Property #: 219220762
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964, Fort Benning
Property #: 219220763
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966, Fort Benning
Property #: 219220764
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4979, Fort Benning
Property #: 219220767
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., need major rehab, off-site removal only.

Bldg. 4883, Fort Benning
Property #: 219220768
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Property #: 219220769
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 2513, Fort Benning
Property #: 219220770
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, need major rehab, off-site removal only.

Bldg. 2589, Fort Benning
Property #: 219220772
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., need major rehab, off-site removal only.

Bldg. 4945, Fort Benning
Property #: 219220779
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, need major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Property #: 219220780
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 400 Sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4004, Fort Benning
Property #: 219310418
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 1835, Fort Benning
Property #: 219310443
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room off-site use only.

Bldg. 3072, Fort Benning
Property #: 219310447
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4019, Fort Benning
Property #: 219310451
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only.

Bldg. 4023, Fort Benning
Property #: 219310461
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4024, Fort Benning
Property #: 219310462
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4067, Fort Benning
Property #: 219310465
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 10847, Fort Benning
Property #: 219310476
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 10768, Fort Benning
Property #: 219310477
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 2683, Fort Benning
Property #: 219310478
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 354, Fort Gordon
Property #: 219330259
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 355, Fort Gordon
Property #: 219330260
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, needs repairs, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 356, Fort Gordon
Property #: 219330261
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repairs, most recent use—offices, off-site use only.

Bldg. 19601, Fort Gordon
Property #: 219330268
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 19602, Fort Gordon
Property #: 219330269
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 332, Fort Gordon
Property #: 219330289
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.

Bldg. 333, Fort Gordon
Property #: 219330290
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.

Bldg. 352, Fort Gordon
Property #: 219330294
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only.

Bldg. 10501
Property #: 219410264
Fed Reg Date: 08/29/97
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2516 sq. ft.; 1 story; wood; needs rehab.; most recent use—office; off-site use only.

Bldg. 11813
Property #: 219410269
Fed Reg Date: 08/29/97
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 70 sq. ft., 1-story; metal, needs rehab.; most recent use—storage; off-site use only.

Bldg. 21314
Property #: 219410270
Fed Reg Date: 08/29/97
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 85 sq. ft., 1-story; needs rehab.; most recent use—storage; off-site use only.

Bldg. 951
Property #: 219410271
Fed Reg Date: 08/29/97
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 17,825 sq. ft.; 1 story; wood; needs rehab.; most recent use—workshop; off-site use only.

Bldg. 12809
Property #: 219410272
Fed Reg Date: 08/29/97
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2788 sq. ft., 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only.

Bldg. 10306
Property #: 219410273
Fed Reg Date: 08/29/97
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 195 sq. ft., 1 story; wood; most recent use—oil storage shed; off-site use only.

Bldg. 2813, Ft. Benning
Property #: 219520074
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—admin., needs major repair, off-site use only.

Bldg. T–901
Property #: 219520077
Fed Reg Date: 08/29/97
Hunter Army Airfield
Savannah, GA, Co. Chatham, Zip: 31409–
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin., off-site use only.

Bldg. 2814, Fort Benning
Property #: 219520133
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—barracks w/dining, needs major repair, off-site use only.

Bldg. 1755, Fort Benning
Property #: 219520170
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3142 sq. ft., needs rehab, most recent use—maint. shop, off-site use only.

Bldg. 4051, Fort Benning
Property #: 219520175
Fed Reg Date: 08/29/97
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. A1618, Fort Gordon
Property #: 219520184
Fed Reg Date: 08/29/97
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2800 sq. ft., 1-story, needs rehab, most recent use—storage, presence of asbestos & lead base paint, off-site use only.

Bldg. 2141
Property #: 219610655
Fed Reg Date: 08/29/97
Fort Gordon
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only.

Bldg. 34300
Property #: 219620664
Fed Reg Date: 08/29/97
Fort Gordon
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2525 sq. ft., most recent use—auto svc store, possible asbestos, off-site use only.

Bldg. S–7332
Property #: 219630160
Fed Reg Date: 08/29/97
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 1140 sq. ft., fair condition, most recent use—admin., off-site use only.

Bldg. T–293
Property #: 219710230
Fed Reg Date: 08/29/97
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Excess
Comment: 5220 sq. ft., most recent use—admin., needs major repairs, off-site use only.

Bldg. T–963
Property #: 219710232
Fed Reg Date: 08/29/97
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Excess
Comment: 3108 sq. ft., most recent use—veh. maint. shop, needs major repairs, off-site use only.

Bldg. 107
Property #: 219720154
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 12823 sq. ft., needs rehab, most recent use—warehouse, off-site use only.

Bldg. 239
Property #: 219720155
Fed Reg Date: 08/29/97
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–

Status: Unutilized
Comment: 2817 sq. ft., needs rehab, most recent use—exchange service outlet, off-site use only.

Bldg. 322
Property #: 219720156
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 327
Property #: 219720157
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 996 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 329
Property #: 219720158
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1001 sq. ft., needs rehab, most recent use—access cnt fac, off-site use only.

Bldg. 1727
Property #: 219720159
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 704 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 1728
Property #: 219720160
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7693 sq. ft., needs rehab, most use—storage, off-site use only.

Bldg. 1737
Property #: 219720161
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1500 sq. ft., needs rehab. most recent use—storage off-site use only.

Bldg. 2512
Property #: 219720162
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4378 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2515
Property #: 219720163
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2517–2518, 2521–2525
Property #: 219720164
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., each, needs rehab, most recent use—education facility, off-site use only.

Bldgs. 2527–2531
Property#: 219720165
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., each, needs rehab, most recent use—admin., off-site use only.

Bldg. 2592
Property#: 219720166
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 11674 sq. ft., needs rehab, most recent use—gym, off-site use only.

Bldg. 2593
Property#: 219720167
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only.

Bldg. 2595
Property #: 219720168
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only.

Bldgs. 2865, 2869, 2872
Property #: 219720169
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only.

Bldgs. 4400–4402
Property #: 219720170
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: various sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 4404
Property #: 219720171
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2723 sq. ft., needs rehab, most recent use—detached day room, off-site use only.

Bldg. 4405
Property #: 219720172
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7670 sq. ft., needs rehab, most recent use—barracks, off-site use only.

Bldg. 4406
Property #: 219720173
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 4407
Property #: 219720174
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1635 sq. ft., needs rehab, most recent use—admin., off-site use only.

11 Bldgs.
Property #: 219720175
Fed Reg Date: 08/29/97
Fort Benning
4428–4429, 4433–4436, 4441–4443, 4447–4448
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft. each, needs rehab, most recent use—barracks, off-site use only.

6 Bldgs.
Property #: 219720176
Fed Reg Date: 08/29/97
Fort Benning
4450–4451, 4453–4454, 4456–4457
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft. each, needs rehab, most recent use—barracks, off-site use only.

10 Bldgs.
Property #: 219720177
Fed Reg Date: 08/29/97
Fort Benning
4460–4461, 4463–4464, 4468, 4470–4474
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft. each, needs rehab, most recent use—barracks, off-site use only.

Bldgs. 4432, 4440, 4445
Property #: 219720179
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: various sq. ft., needs rehab, most recent use—storage, off-site use only.

8 Bldgs.
Property #: 219720180
Fed Reg Date: 08/29/97
Fort Benning
4425, 4431, 4438–4439, 4452, 4458–4459, 4465
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2498 sq. ft. each, needs rehab, most recent use—dining facility, off-site use only.

6 Bldgs.
Property #: 219720181
Fed Reg Date: 08/29/97
Fort Benning
4430, 4437, 4449, 4455, 4462, 4467
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1884 sq. ft. each, needs rehab, most recent use—admin., off-site use only.

Bldg. 4444
Property #: 219720182

Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2284 sq. ft. needs rehab, most recent use—medical clinic, off-site use only.

Bldg. 4475
Property #: 219720183
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2213 sq. ft. needs rehab, most recent use—headquarters bldg., off-site use only.

Bldg. 4476
Property #: 219720184
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint. shop, off-site use only.

Bldgs. 4478, 4485
Property #: 219720185
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3000 sq. ft. and 4366 sq. ft., needs rehab, most recent use—instruction bldg., off-site use only.

Bldg. 4480
Property #: 219720186
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3000 sq. ft., needs rehab, most recent use—mobilization dining facility, off-site use only.

Bldg. 4482
Property #: 219720187
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 300 sq. ft., needs rehab, most recent use—carpentry shop, off-site use only.

Bldg. 4640
Property #: 219720188
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3800 sq. ft., needs rehab, most recent use—exchange branch, off-site use only.

8 Bldgs.
Property #: 219720189
Fed Reg Date: 08/29/97
Fort Benning
4700–4701, 4704–4707, 4710–4711
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only.

Bldgs. 4703, 4708–4709
Property #: 219720190
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3570 sq. ft. each, needs rehab, most recent use—battalion headquarters bldg., off-site use only.

Bldg. 4714
Property #: 219720191
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only.

Bldg. 4702
Property #: 219720192
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility off-site use only.

Bldgs. 4712–4713
Property #: 219720193
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only.

Bldg. T–930
Property #: 219730218
Fed Reg Date: 10/03//97
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 34098 sq. ft., poor condition, most recent use—laundry, off-site use only.

Bldg. T–931
Property #: 219730219
Fed Reg Date: 10/03/97
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 2232 sq. ft., poor condition, most recent use—gas gen. plant, off-site use only.

Bldg. T–949
Property #: 219730220
Fed Reg Date: 10/03/97
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status. Unutilized
Comment: 240 sq. ft. poor condition, most recent use—plant bldg., off-site use only.

Hawaii

Buildings

P–88
Property #: 219030324
Fed Reg Date: 08/29/97
Project Name: Aliamanu Military Reservation
Aliamanu Military Reservation
Honolulu, HI, Co: Honolulu, Zip: 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination. use of respirator required by those entering property, use limitations.

Bldg. S–823
Property #: 219520082
Fed Reg Date: 08/29/97
Wheeler Army Airfield
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 3150 sq. ft., 2-story wood frame, most recent use—office, off-site use only.

Bldg. T–723
Property #: 219620657
Fed Reg Date: 08/29/97
Fort Shafter
Honolulu, HI, Zip: 96819–
Status: Unutilized
Comment: 1751 sq. ft., most recent use—store house, off-site use only.

Bldg. T–1629
Property #: 219620658
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 3287 sq. ft., most recent use—storage, possible termite infestation, off-site use only.

Bldg. T–587
Property #: 219640198
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 3448 sq. ft., most recent use—store house, off-site use only.

Bldg. P–591
Property #: 219640199
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 800 sq. ft., most recent use—store house, off-site use only.

Bldg. P–592
Property #: 219640200
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 800 sq. ft., most recent use—store house, off-site use only.

Bldg. T–674A
Property #: 219640201
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 4365 sq. ft., most recent use—office/classroom, off-site use only.

Bldg. T–675A
Property #: 219640202
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 4365 sq. ft., most recent use—offce, off-site use only.

Bldg. T–337
Property #: 219640203
Fed Reg Date: 08/29/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only.

Bldg. T–527

Property #: 219640204
Fed Reg Date: 08/29/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 4131 sq. ft., most recent use—training center, off-site use only.

Bldg. P–593
Property #: 219710119
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 882 sq. ft. metal, good condition, off-site use only.

Bldg. P–594
Property #: 219710120
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 882 sq. ft. metal, good condition, off-site use only.

Bldg. P–225
Property #: 219710121
Fed Reg Date: 08/29/97
Fort Shafter Military Reservation
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 330 sq. ft., most recent use—storage, requires complete cleaning, off-site use only.

Bldg. T–69
Property #: 219720198
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 3039 sq. ft., most recent use—chapel, needs repair, off-site use only.

Bldg. T–911
Property #: 219720199
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 4800 sq. ft., most recent use—office, needs repair, off-site use only.

Bldg. T–912
Property #: 219720200
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 4800 sq. ft., most recent use—office, needs repair, off-site use only.

Bldg. T–913
Property #: 219720201
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 4800 sq. ft., most recent use—office, needs repair, off-site use only.

Bldg. T–914
Property #: 219720202
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, needs repair, off-site use only.

Bldg. T–917
Property #: 219720203
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 1328 sq. ft., most recent use—office, needs repair, off-site use only.

Bldg. T–918
Property #: 219720204
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 1306 sq. ft., most recent use—classroom, needs repair, off-site use only.

Bldg. T–920
Property #: 219720205
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 1306 sq. ft., most recent use—office, needs repair, off-site use only.

Bldg. T–921
Property #: 219720206
Fed Reg Date: 08/29/97
Schofield Barracks
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 1427 sq. ft., most recent use—office, needs repair, off-site use only.

Bldg. T–450
Property #: 219730221
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–451
Property #: 219730222
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–452
Property #: 219730223
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–453
Property #: 219730224
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–454
Property #: 219730225
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–455
Property #: 219730226
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–456
Property #: 219730227
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–457
Property #: 219730228
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–458
Property #: 219730229
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–459
Property #: 219730230
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 1348 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Bldg. T–460
Property #: 219730231
Fed Reg Date: 10/03/97
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819–
Status: Unutilized
Comment: 672 sq. ft., presence of asbestos/lead paint, most recent use—guest house, off-site use only.

Illinois

Buildings

Bldg. 54
Property #: 219620666
Fed Reg Date: 08/29/97
Rock Island Arsenal
Rock Island, IL, Co: Rock Island, Zip: 61299–
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only.

Kansas

Buildings

Bldg. 166, Fort Riley
Property #: 219410325
Fed Reg Date: 08/29/97
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of

asbestos, located within National Registered Historic District.

Bldg. 184, Fort Riley
Property #: 219430146
Fed Reg Date: 08/29/97
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—boiler plant, historic district.

Bldg. P–313, Fort Riley
Property #: 219620668
Fed Reg Date: 08/29/97
Ft. Riley, KS, Co: 66442–
Status: Unutilized
Comment: 6222 sq. ft., most recent use—admin. bldg., needs repair, possible asbestos.

Bldg. P–138
Property #: 219730232
Fed Reg Date: 10/03/97
Fort Leavenworth
Leavenworth, KS, Zip: 66027–
Status: Unutilized
Comment: 5087 sq. ft., 2-story, possible asbestos/lead paint, most recent use—battalion hdqtrs., off-site use only.

Bldg. P–139
Property #: 219730233
Fed Reg Date: 10/03/97
Fort Leavenworth
Leavenworth, KS, Zip: 66027–
Status: Unutilized
Comment: 1798 sq. ft., possible asbestos/lead paint, most recent use—brigade hdqtrs., off-site use only.

Bldg. S–402
Property #: 219730234
Fed Reg Date: 10/03/97
Fort Leavenworth
Leavenworth, KS, Zip: 66027–
Status: Unutilized
Comment: 2792 sq. ft., possible asbestos/lead paint, most recent use—hospital clinic, off-site use only.

Bldg. S–404
Property #: 219730235
Fed Reg Date: 10/03/97
Fort Leavenworth
Leavenworth, KS, Zip: 66027–
Status: Unutilized
Comment: 4795 sq. ft., possible asbestos/lead paint, most recent use—hospital clinic, off-site use only.

Louisiana

Buildings

Bldg. 7311, Fort Polk
Property #: 219620681
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon, Zip: 71459–
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient.

Bldg. 7310, Fort Polk
Property #: 219620682
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon, Zip: 71459–
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient.

Bldg. 7309, Fort Polk
Property #: 219620683
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon, Zip: 71459–
Status: Underutilized
Comment: 643 sq. ft., most recent use–BOQ Transient, needs repair.

Bldg. 5917 A, B, C, D
Property #: 219630164
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–7100
Status: Unutilized
Comment: 3902 sq. ft.. family housing, needs rehab.

Bldg. 7805, Fort Polk
Property #: 219640513
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks.

Bldg. 7806, Fort Polk
Property #: 219640514
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks.

Bldg. 7807
Fort Polk
Property #: 219640515
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7808
Fort Polk
Property #: 219640516
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7809
Fort Polk
Property #: 219640517
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7810
Fort Polk
Property #: 219640518
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7811
Fort Polk
Property #: 219640519
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7813
Fort Polk
Property #: 219640520
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7814
Fort Polk
Property #: 219640521
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7815
Fort Polk
Property #: 219640522
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 7816
Fort Polk
Property #: 219640523
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks.

Bldg. 8405
Fort Polk
Property #: 219640524
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office.

Bldg. 8407
Fort Polk
Property #: 219640525
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8408
Fort Polk
Property #: 219640526
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8414
Fort Polk
Property #: 219640527
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8423
Fort Polk
Property #: 219640528
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8424
Fort Polk
Property #: 219640529
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8426
Fort Polk

Property #: 219640530
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8427
Fort Polk
Property #: 219640531
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8428
Fort Polk
Property #: 219640532
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8429
Fort Polk
Property #: 219640533
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8430
Fort Polk
Property #: 219640534
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8431
Fort Polk
Property #: 219640535
Fed Reg Date: 08/29/97
Ft. Polk, LA. Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8432
Fort Polk
Property #: 219640536
Fed Reg Date: 08/29/97
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8433
Property #: 219640537
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8446
Property #: 219640538
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8449
Property #: 219640539
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office.

Bldg. 8450
Property #: 219640540
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8457
Property #: 219640541
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8458
Property #: 219640542
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8459
Property #: 219640543
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8460
Property #: 219640544
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8461
Property #: 219640545
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8462
Property #: 219640546
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8463
Property #: 219640547
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8501
Property #: 219640548
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 1687 sq. ft., most recent use—office.

Bldg. 8502
Property #: 219640549
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office.

Bldg. 8540
Property #: 219640550
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8541
Property #: 219640551
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8542
Property #: 219640552
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8543
Property #: 219640553
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8544
Property #: 219640554
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8545
Property #: 219640555
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8546
Property #: 219640556
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8547
Property #: 219640557
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8548
Property #: 219640558
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, ZIP: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 8549
Property #: 219640559
Fed Reg Date: 08/29/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks.

Bldg. 7401
Property #: 219730236
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 1688 sq. ft., most recent use—classroom, off-site use only.

Bldg. 7402
Property #: 219730237
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 1675 sq. ft., most recent use—admin/supply, off-site use only.

Bldg. 7403
Property #: 219730238
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only.

Bldg. 7404
Property #: 219730239
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only.

Bldg. 7405
Property #: 219730240
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 1922 sq. ft., most recent use—recreation, off-site use only.

Bldg. 7406
Property #: 219730241
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 1675 sq. ft., most recent use—storage, off-site use only.

Bldg. 7407
Property #: 219730242
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only.

Bldg. 7408
Property #: 219730243
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 2093 sq. ft., most recent use—admin/supply, off-site use only.

Bldg. 7412
Property #: 219730244
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 1029 sq. ft., most recent use—admin., off-site use only.

Bldg. 7419
Property #: 219730245
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 2777 sq. ft., most recent use—classroom, off-site use only.

Bldg. 7423
Property #: 219730246
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only.

Bldg. 7424
Property #: 219730247
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4073 sq. ft., most reent use—barracks, off-site use only.

Bldg. 7425
Property #: 219730248
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only.

Bldg. 7437
Property #: 219730249
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only.

Bldg. 7438
Property #: 219730250
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized
Comment: 4073 sq. ft., most recent use—barracks, off-site use only.

Bldg. 7453
Property #: 21930251
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized.
Comment: 1029 sq. ft., most recent use—admin., off-site use only.

Bldg. 7454
Property #: 219730252
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized.
Comment: 1922 sq. ft., most recent use—dining facility, off-site use only.

Bldg. 7455
Property #: 219730253
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized.
Comment: 2093 sq. ft., off-site use only.

Bldg. 7456
Property #: 219730254
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized.
Comment: 2453 sq. ft., off-site use only.

Bldg. 7457
Property #: 219730255
Fed Reg Date: 10/03/97
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Unutilized.
Comment: 2356 sq. ft., most recent use—dining, off-site use only.

Maryland

Buildings

Bldg. 6687
Property #: 219220446
Fed Reg Date: 08/29/97
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5115
Status: Unutilized.
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only, sched. to be vacated 10/1/92.

Bldg. 370
Property #: 219730256
Fed Reg Date: 10/03/97
Fort Meade
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5115
Status: Unutilized.
Comment: 19,583 sq. ft., most recent use—NCO club, possible asbestos/lead paint.

Bldg. 2424
Property #: 219730257
Fed Reg Date: 10/03/97
Fort Meade
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5115
Status: Unutilized.
Comment: 2284 sq. ft., most recent use—admin., possible asbestos/lead paint.

Minnesota

Land

Land
Property #: 219120269
Fed Reg Date: 08/29/97
Twin Cities Army Ammunition Plant
New Brighton, MN, Co: Ramsey, Zip: 55112–
Status: Underutilized
Comment: Approx. 49 acres, possible contamination, secured area with alternate access.

Missouri

Buildings

Bldg. T599

Property #: 219230260
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.

Bldg. T1311
Property #: 219230261
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.

Bldg. T427
Property #: 219330299
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 10245 sq. ft., 1-story, presence of asbestos, most recent use—post office, off-site use only.

Bldg. T2171
Property #: 219340212
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only.

Bldg. T6822
Property #: 219340219
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fiscutes, off-site use only.

Bldg. T1364
Property #: 219420393
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1144 Sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only.

Bldg. T408
Property #: 219420433
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 10296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T429
Property #: 219420439
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2475 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T1497
Property #: 219420441
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paid, most recent use—admin/gen. purpose, off-site use only.

Bldg. T2139
Property #: 219420446
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T–2191
Property #: 219440334
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T–2197
Property #: 219440335
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T590
Property #: 219510110
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T1246
Property #: 219510111
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 1144 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T2385
Property #: 219510115
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

4 Bldgs.
Property #: 219710124
Fed Reg Date: 08/29/97
Fort Leonard Wood
83, 85, 89 Cable Street
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1236 sq. ft., each, needs repair, presence of asbestos, most recent use—family quarters.

38 Bldgs.
Property #: 219710125
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Location: 1–16, 18, 20, 22, 24, 26–29, 31, 33–45 Depuy Street
Status: Unutilized
Comment: 1083–1485 sq. ft., each, needs repair, presence of asbestos, most recent use—family quarters.

14 Bldgs.
Property #: 219710126
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Location: 1–5, 7, 22, 24, 26, 28, 30, 32, 34, 36 Diamond Street
Status: Unutilized
Comment: 1083–1454 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters.

32 Bldgs.
Property #: 219710127
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Location: 1–17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 52, 54, 56, 58, 60, 62 Elwood Street
Status: Unutilized
Comment: 1083–1454 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters.

4 Bldgs.
Property #: 219710128
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Location: 1, 3, 5, 7 Epps Street
Status: Unutilized
Comment: 1083 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters.

46 Bldgs.
Property #: 219710129
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Location: Indiana Street
Status: Unutilized
Comment: 1083–1454 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters.

14 Bldgs.
Property #: 219710130
Fed Reg Date: 08/29/97

Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Location: Young Street
Status: Unutilized
Comment: 1083 sq. ft. each, needs repair, presence of asbestos, most recent use—family quarters.

Bldgs. T–2340 thru T2343
Property #: 219710138
Fed Reg Date: 08/29/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 9267 sq. ft. each, most recent use—storage/general purpose.

Bldg. 1226
Property #: 219730275
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1271
Property #: 219730276
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1280
Property #: 219730277
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 1281
Property #: 219730278
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. 1282
Property #: 219730279
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 1283
Property #: 219730280
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1284
Property #: 219730281
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1285
Property #: 219730282
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 1286
Property #: 219730283
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 1287
Property #: 219730284
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. 1288
Property #: 219730285
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only.

Bldg. 1289
Property #: 219730286
Fed Reg Date: 10/03/97
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

North Carolina

Buildings

Building 8–3641
Property #: 219710025
Fed Reg Date: 8/29/97
Fort Bragg
Fort Bragg, NC, Co: Cumberland, Zip: 28307—
Status: Unutilized
Comment: 960 sq. ft., aluminum trailer, needs repair, possible asbestos and leadpaint, off-site use only.

Building A–3672
Property #: 219710026
Fed Reg Date: 08/29/97
Fort Bragg
Fort Bragg, NC, Co: Cumberland, Zip: 28307–
Status: Unutilized
Comment: 30 sq. ft., guard shack, needs repair, possible asbestos and leadpaint, off-site use only.

North Dakota

Buildings

Bldg. 1101
Property #: 219640213
Fed Reg Date: 08/29/97
Stanley R. Mickelsen Safeguard Complex
Nekoma, ND, Co: Ramsey, Zip: 58355–
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 1110
Property #: 219640214
Fed Reg Date: 08/29/97
Stanley R. Mickelsen Safeguard Complex
Nekoma, ND, Co: Ramsey, Zip: 58355–
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

Bldg. 2101
Property #: 219640215
Fed Reg Date: 08/29/97
Stanley R. Mickelsen Safeguard Complex
Nekoma, ND, Co: Cavalier, Zip: 58249–
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 2110
Property #: 219640216
Fed Reg Date: 08/29/97
Stanley R. Mickelsen Safeguard Complex
Nekoma, ND, Co: Cavalier, Zip: 58249–
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

Bldg. 4101
Property #: 219640217
Fed Reg Date: 08/29/97
Stanley R. Mickelsen Safeguard Complex
Nekoma, ND, Co: Walsh, Zip: 58355–
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 4110
Property #: 219640218
Fed Reg Date: 08/29/97
Stanley R. Mickelsen Safeguard Complex
Nekoma, ND, Co: Walsh, Zip: 58355–
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

New Mexico

Buildings

Bldg. 357
Property #≦ 219330335
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized

Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 32980
Property #≦ 219330340
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 28267
Property #≦ 219330351
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 29195
Property #≦ 219330352
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 34219
Property #≦ 219330353
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 19242
Property #≦ 219330357
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only.

Bldg. 34227
Property #≦ 219330358
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only.

Bldg. 1834
Property #: 219330366
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only.

Bldg. 29196
Property #: 219330369
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg, off-site use only.

Bldg. 30774
Property #: 219330370
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only.

Bldg. 33136
Property #: 219330371
Fed Reg Date: 08/29/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 18 sq. ft., off-site use only.

Bldg. 364
Property #: 219730300
Fed Reg Date: 10/03/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 1992 sq. ft., presence of asbestos, poor condition, most recent use—office, off-site use only.

Bldg. 419
Property #: 219730301
Fed Reg Date: 10/03/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 4859 sq. ft., presence of asbestos, most recent use—storehouse, off-site use only.

Bldg. 421
Property #: 219730302
Fed Reg Date: 10/03/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Underutilized
Comment: 6418 sq. ft., presence of asbestos, most recent use—storehouse, off-site use only.

Nevada

Land

Parcel A
Property #: 219012049
Fed Reg Date: 08/29/97
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plan
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Property #: 219012056
Fed Reg Date: 08/29/97
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plan
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Status: Unutilized
Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Property #: 219012057
Fed Reg Date: 08/29/97
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plan
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Property #: 219012058
Fed Reg Date: 08/29/97
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plan
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

Buildings

Bldgs. 00425–00449
Property #: 219011946
Fed Reg Date: 08/29/97
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plan
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

New York

Land

Land—6.965 Acres
Property #: 219540018
Fed Reg Date: 08/29/97
Dix Avenue
Queensbury, NY, Co: Warren, Zip: 12801–
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities.

Buildings

Bldg. 100, Fort Hamilton
Property #: 219340254
Fed Reg Date: 08/29/97
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Unutilized
Comment: 155 sq. ft., 1-story, most recent use—storage.

Bldg. 200, Fort Hamilton
Property #: 219340255
Fed Reg Date: 08/29/97
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Unutilized
Comment: 12000 sq. ft., 1-story, most recent use—office.

Bldg. 300, Fort Hamilton
Property #: 219340256

Fed Reg Date: 08/29/97
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Underutilized
Comment: 11000 sq. ft., 1-story, most recent use—reserve center.

Bldg. 900, Fort Hamilton
Property #: 219430259
Fed Reg Date: 08/29/97
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Underutilized
Comment: 400 sq. ft., 1-story, needs rehab, most recent use—material storage.

Bldgs. 2400, 2402, 2404
Property #: 219710131
Fed Reg Date: 08/29/97
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553–
Status: Unutilized
Comment: various sq. ft., most recent use—storage/dog kennel, need repairs, off-site use only.

Bldgs. 2308, 2310
Property #: 219710132
Fed Reg Date: 08/29/97
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553–
Status: Unutilized
Comment: 425 & 1834 sq. ft., most recent use—gas pump house/office/ motor pool, need repairs, off-site use only.

Bldgs. 1800, 1802, 1818
Property #: 219710133
Fed Reg Date: 08/29/97
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553–
Status: Unutilized
Comment: approx. 6500 sq. ft. each, most recent use—barracks/storage, need repairs, off-site use only.

Bldgs. 2612, 2614, 2616
Property #: 219710134
Fed Reg Date: 08/29/97
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553–
Status: Unutilized
Comment: 10052 sq. ft. each, most recent use—family housing, need repairs, off-site use only.

Ohio

Buildings

15 Units
Property #: 219230354
Fed Reg Date: 08/29/97
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266–9297
Status: Excess.
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom (8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only.

7 Units
Property #: 219230355
Fed Reg Date: 08/29/97
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266–9297
Status: Excess
Comment: 1–4 stall garage and 6–3 stall garages, presence of asbestos, off-site use only.

Oklahoma

Buildings

Bldg. T–2606
Property #: 219011273
Fed Reg Date: 08/29/97
Project Name: Fort Sill
Fort Sill
2606 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–838, Fort Sill
Property #: 219220609
Fed Reg Date: 08/29/97
838 Macomb Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
Property #: 219240659
Fed Reg Date: 08/29/97
954 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–1050, Fort Sill
Property #: 219240660
Fed Reg Date: 08/29/97
1050 Quinettee Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldg. T–1051, Fort Sill
Property #: 219240661
Fed Reg Date: 08/29/97
1051 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldg. T–2740, Fort Sill
Property #: 219240669
Fed Reg Date: 08/29/97
2740 Miner Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8210 sq. Ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–4050, Fort Sill
Property #: 219240676
Fed Reg Date: 08/29/97
4050 Pitman Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. P–3032, Fort Sill
Property #: 219240678
Fed Reg Date: 08/29/97
3032 Haskins Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general storehouse.

Bldg. T–3325, Fort Sill
Property #: 219240681
Fed Reg Date: 08/29/97
3325 Naylor Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8832 sq. st., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. P–2610, Fort Sill
Property #: 219330372
Fed Reg Date: 08/29/97
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only.

Bldg. T1652, Fort Sill
Property #: 219330380
Fed Reg Date: 08/29/97
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2705
Property #: 219330384
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T3026
Property #: 219330392
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2454 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5637
Property #: 219330419
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T4226
Property #: 219440384
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 114 sq. ft., 1 story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.

Bldg. P-1015
Property #: 219520197
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73501–5100
Status: Unutilized
Comment: 15402 sq. ft., 1 story, most recent use—storage, off-site use only.

Bldg. T–2648
2648 Tacy Street

Property #: 219540022
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Excess
Comment: 9407 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general purpose warehouse.

Bldg. T–2649
2649 Tacy Street
Property #: 219540024
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Excess
Comment: 9374 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general storehouse.

Bldg. T–4036
4036 Carrie Road
Property #: 219540034
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Excess
Comment: 4532 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—classroom.

Bldg. T–367
Property #: 219610736
Fed Reg Date: 08/29/97
Fort Sill Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 9370 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. P–366
Property #: 219610740
Fed Reg Date: 08/29/97
Fort Sill Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. P–1700
Property #: 219620707
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 7574 sq. ft., most recent use—maint. shop/office, possible asbestos/lead paint, off-site use only.

Building T–266
Property #: 219710027
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,419 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only.

Building T–267
Property #: 219710028
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,419 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–598
Property #: 219710029
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 744 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–1601
Property #: 219710032
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5,258 sq. ft., possible asbestos and leadpaint, most recent use—chapel, off-site use only.

Building P–1800
Property #: 219710033
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,545 sq. ft., possible asbestos and leadpaint, most recent use—military equipment, off-site use only.

Building P–1805
Property #: 219710034
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 106 sq. ft., possible asbestos and lead paint, most recent use—utility, off-site use only.

Building P–1806
Property #: 219710035
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 44 sq. ft., possible asbestos and leadpaint, most recent use—utility, off-site use only.

Building T–1942
Property #: 219710036
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1,549 sq. ft., possible asbestos and leadpaint, most recent use—shop office, off-site use only.

Building T–1960
Property #: 219710037
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 10,309 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–1961
Property #: 219710038
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 7,128 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–2035
Property #: 219710039
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 18,157 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–2181
Property #: 219710040
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,805 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building T–2426
Property #: 219710041
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8,876 sq. ft., possible asbestos and leadpaint, most recent use—office/storage, off-site use only.

Building T–2451
Property #: 219710043
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9,470 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–2607
Property #: 219710044
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6,743 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only.

Building T–2608
Property #: 219710045
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6,737 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only.

Building T–2952
Property #: 219710047
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and leadpaint, most recent use—motor repair shop, off-site use only.

Building T–2953
Property #: 219710048
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 114 sq. ft., possible asbestos and leadpaint, most recent use—storehouse, off-site use only.

Building T–3152
Property #: 219710051
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100

Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–3153
Property #: 219710052
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–3154
Property #: 219710053
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–3155
Property #: 219710054
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3,151 sq. ft., possible asbestos and leadpaint, most recent use—repair shop, off-site use only.

Building T–4009
Property #: 219710056
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,817 sq. ft., possible asbestos and leadpaint, most recent use—classroom, off-site use only.

Building T–4010
Property #: 219710057
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,815 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building T–4011
Property #: 219710058
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9,456 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–4026
Property #: 219710059
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9,597 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–4030
Property #: 219710060
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9,618 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–4068
Property #: 219710061
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9,618 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

Building T–4069
Property #: 219710062
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,750 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building T–4070
Property #: 219710063
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,750 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building T–4468
Property #: 219710064
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2,262 sq. ft., possible asbestos and leadpaint, most recent use—barracks, off-site use only.

Building P–5042
Property #: 219710066
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and leadpaint, most recent use—heatplant, off-site use only.

Building T–5093
Property #: 219710067
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9,361 sq. ft., possible asbestos and leadpaint, most recent use—storage, off-site use only.

6 Buildings
Property #: 219710085
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: P–6449, S–6451, T–6452, P–6460, P–6463, S–6450
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only.

4 Buildings
Property #: 219710086
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Status: Unutilized
Comment: various sq. ft., possible asbestos and leadpaint, most recent use—range support, off-site use only.

Building P–6539
Property #: 219710087
Fed Reg Date: 08/29/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and leadpaint, most recent use—office, off-site use only.

Building T–2751, Fort Sill
Property #: 219720209
Fed Reg Date: 08/29/97
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 19510 sq. ft., most recent use—admin., possible asbestos/lead paint, off-site use only.

Bldg. T–205
Property #: 219730343
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 95 sq. ft., possible asbestos/lead paint, most recent use—waiting shelter, off-site use only.

Bldg. T–208
Property #: 219730344
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 20525 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldg. T–210
Property #: 219730345
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 19,049 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. T–214
Property #: 219730346
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldgs. T–215, T–216
Property #: 219730347
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6300 sq. ft., each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–217
Property #: 219730348
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only.

Bldgs. T–219, T–220
Property #: 219730349
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 152 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–810
Property #: 219730350
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only.

Bldgs. T–837, T–839
Property #: 219730351
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–902
Property #: 219730352
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 101 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. P–934
Property #: 219730353
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint most recent use—storage, off-site use only.

Bldg. P–936
Property #: 219730354
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 342 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. S–956
Property #: 219730355
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1602 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1177
Property #: 219730356
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 183 sq. ft., possibel asbestos/lead paint, most recent use—snack bar, off-site use only.

Bldgs. T–1468, T–1469
Property #: 219730357
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1470
Property #: 219730358
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1508
Property #: 219730359
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3176 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1940
Property #: 219730360
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–1944
Property #: 219730361
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 449 sq. ft., possible asbestos/lead paint, off-site use only.

Bldgs. T–1954, T–2022
Property #: 219730362
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2180
Property #: 219730363
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: possible asbestos/lead paint, most recent use—vehicle maint. facility, off-site use only.

Bldg. T–2184
Property #: 219730364
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2185
Property #: 219730365
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 151 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only.

Bldgs. T–2186, T–2188, T–2189
Property #: 219730366
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1656–3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only.

Bldg. T–2187
Property #: 219730367
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2209
Property #: 219730368
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2240, T–2241
Property #: 219730369
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 9500 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2262, T–2263
Property #: 219730370
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 3100 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldgs. T–2271, T–2272
Property #: 219730371
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 232 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–2291 thru T–2296
Property #: 219730372
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

5 Bldgs.
Property #: 219730373
Fed Reg Date: 10/03/97
Fort Sill
T–2300, T–2301, T–2303, T–2306, T–2307
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized

Comment: various sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2406
Property #: 219730374
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

4 Bldgs.
Property #: 219730375
Fed Reg Date: 10/03/97
#T–2427, T–2431, T–2433, T–2449
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

3 Bldgs.
Property #: 219730376
Fed Reg Date: 10/03/97
Fort Sill
#T–2430, T–2432, T–2435
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 8900 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–2434
Property #: 219730377
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8997 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only.

Bldg. T–2606
Property #: 219730378
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3850 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2746
Property #: 219730379
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 4105 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

Bldgs. T–2800, T–2809, T–2810
Property #: 219730380
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 19,000 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2922
Property #: 219730381
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3842 sq. ft., possible asbestos/lead paint, most recent use—chapel, off-site use only.

Bldgs. T–2963, T–2964, T–2965
Property #: 219730382
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 3000 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldgs. T–3001, T–3006
Property #: 219730383
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–3025
Property #: 219730384
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5259 sq. ft., possible asbestos/lead paint, most recent use—museum, off-site use only.

Bldg. T–3314
Property #: 219730385
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. T–3318, T–3324, T–3327
Property #: 219730386
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8832–9048 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–3323
Property #: 219730387
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–3328
Property #: 219730388
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9030 sq. ft., possible asbestos/lead paint, most recent use—refuse, off-site use only.

Bldgs. T–4021, T–4022
Property #: 219730389
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 442–869 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–4065
Property #: 219730390
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3145 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldg. T–4067
Property #: 219730391
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1032 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–4281
Property #: 219730392
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–4401, T–4402
Property #: 219730393
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Property #: 219730394
Fed Reg Date: 10/03/97
Fort Sill
#T–4403 thru T–4406, T–4408
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. T–4407
Property #: 219730395
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only.

4 Bldgs.
Property #: 219730396
Fed Reg Date: 10/03/97
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—Office, off-site use only.

5 Bldgs.
Property #: 219730397
Fed Reg Date: 10/03/97
Fort Sill
#T–4411 thru T–4416 thru T–4417
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–4421
Property #: 219730398
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

10 Bldgs.
Property #: 219730399
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

6 Bldgs.
Property #: 219730400
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Status: Unutilized
Comment: 1311–2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

5 Bldgs.
Property #: 219730401
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–4441, T–4442, T–4443, T–4446, T–4447
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-stie use only.

3 Bldgs.
Property #: 219730402
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–4451, T–4460, T–4481
Status: Unutilized
Comment: various sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

12 Bldgs.
Property #: 219730403
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–4454, T–4455, T–4457, T–4462, T–4464, T–4465, T–4466, T–4482, T–4483, T–4484, T–4485, T–4486,
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

Bldgs. T–4461, T–4479
Property #: 219730404
Fed Reg Date: 010/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2265 sq. ft., possible asbestos/lead paint, most recent use—dayroom, off-site use only.

5 Bldgs.
Property #: 219730405
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–4469, T–4470, T–4475, T–4478, T–4480
Status: Unutilized
Comment: 1311–2265 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

4 Bldgs.
Property #: 219730406
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–4471, T–4472, T–4473, T–4477
Status: Unutilized
Comments: approx. 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only.

Bldg. T–4707
Property #: 219730407
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—waiting shelter, off-site use only.

Bldg. T–5005
Property #: 219730408
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comments: 3206 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–5041
Property #: 219730409
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comments: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–5044, T–5045
Property #: 219730410
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comments: 1798/1806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only.

4 Bldgs.
Property #: 219730411
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Location: #T–5046, T–5047, T–5048, T–5049
Status: Unutilized
Comments: various sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–5094
Property #: 219730412
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3,204 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldg. T–5095
Property #: 219730413
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3,223 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–5420
Property #: 219730414
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only.

Bldg. T–5595
Property #: 219730415
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 695 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–5639
Property #: 219730416
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 10,720 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. T–7290, T–7291
Property #: 219730417
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only.

Bldgs. T–7701, T–7703
Property #: 219730418
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1,706/1,650 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–7775
Property #: 219730419
Fed Reg Date: 10/03/97
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1,452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only.

South Carolina

Buildings

Bldg. 5412
Property #: 219510139
Fed Reg Date: 08/29/97
Fort Jackson
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only.

Bldg. 3499

Property #: 219730310
Fed Reg Date: 10/03/97
Fort Jackson
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. E4831
Property #: 219730311
Fed Reg Date: 10/03/97
Fort Jackson
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 272 sq. ft., needs repair, most recent use—storage.

Bldg. 5418
Property #: 219730312
Fed Reg Date: 10/03/97
Fort Jackson
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 3900 sq. ft., needs repair, most recent use—admin.

Bldg. G7357
Property #: 219730313
Fed Reg Date: 10/03/97
Fort Jackson
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 49 sq. ft., most recent use—range bldg.

Bldg. H7471
Property #: 219730314
Fed Reg Date: 10/03/97
Fort Jackson
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 144 sq. ft., most recent use—range bldg.

Tennessee

Land

Holston Army Ammunition Plant
Property #: 219012338
Fed Reg Date: 08/29/97
Project Name: Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins, Zip: 61299–6000
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Texas

Land

Old Camp Bullis Road
Property #:219420461
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 7.16 acres, rural gravel road.

Castner Range
Property #:219610788
Fed Reg Date: 08/29/97
Fort Bliss
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park.

Buildings

Bldg. P–3824, Fort Sam Houston
Property #: 219220398
Fed Reg Date: 08/29/97
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic Disctrict, off-site removal only.

Bldg. P–377, Fort Sam Houston
Property #: 219330444
Fed Reg Date: 08/29/97
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use—scale house, located in National Historic District, off-site use only.

Bldg. T–5901
Property #: 219330486
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. 4480, Fort Hood
Property #: 219410322
Fed Reg Date: 08/29/97
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. P–452
Property #: 219440449
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 600 sq. ft., 1 story stucco frame, lead paint, off-site removal only, most recent use—bath house.

Bldg. P–6615
Property #: 219440454
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only, most recent use—detached garage.

Bldg. 4201, Fort Hood
Property #: 219520201
Fed Reg Date: 08/29/97
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only.

Bldg. 4202, Fort Hood
Property #: 219520202
Fed Reg Date: 08/29/97
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 5400 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. P–1030
Property #: 219520203
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 8212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only.

Bldg. 439
Property #: 219610754
Fed Reg Date: 08/29/97
Ft. Hood
Ft. Hood, TX, Co: Coryell, Zip: 76544–
Status: Unutilized
Comment: 3983 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2046
Property #: 219610757
Fed Reg Date: 08/29/97
Fort Hood
Ft. Hood, TX, Co: Coryell, Zip: 76544–
Status: Unutilized
Comment: 2700 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. P–197
Property #: 219640220
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 13819 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. T–230
Property #: 219640221
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 18102 sq. ft., presence of asbestos/lead paint, most recent use—printing plant and shop, off-site use only.

Bldg. P–606B
Property #: 219640223
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. P–607
Property #: 219640224
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 12610 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only.

Bldg. P–608
Property #: 219640225
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 12676 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only.

Bldg. P–608A
Property #: 219640226
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2914 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only.

Bldg. P–1000
Property #: 219640227
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized

Comment: 226374 sq. ft., presence of asbestos/lead paint, historic property, most recent use—hospital/medical center.

Bldg. P–2270
Property #: 219640230
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 14622 sq. ft., 2-story, historic bldg., presence of asbestos/lead paint, most recent use—auditorium.

Bldg. S–3898
Property #: 219640235
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Bldg. S–3899
Property #: 219640236
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only.

Building P–4190
Property #: 219640237
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 88067 sq. ft., historic bldg., presence of asbestos/lead paint, most recent use—admin/warehouse.

Building P–5126
Property #: 219640240
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 189 sq. ft., off-site use only.

Building P–6201
Property #: 219640241
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3003 sq. ft., presence of asbestos/lead paint, most recent use—officers family quarters, off-site use only.

Building P–6202
Property #: 219640242
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1479 sq. ft., presence of lead paint, most recent use—officers family quarters, off-site use only.

Building P–6203
Property #: 219640243
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1381 sq. ft., presence of lead paint, most recent use—military family quarters, off-site use only.

Building P–6204
Property #: 219640244
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1454 sq. ft., presence of asbestos/lead paint, most recent use—military family quarters, off-site use only.

Building 7137, Fort Bliss
Property #: 219640564
Fed Reg Date: 08/29/97
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only.

Building 4630
Property #: 219710088
Fed Reg Date: 08/29/97
Fort Hood
Fort Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 21,833 sq. ft., most recent use—Admin., off-site use only.

Bldg. P–4224
Property #: 219720213
Fed Reg Date: 08/29/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 293 sq. ft., concrete, possible lead based paint, off-site use only.

Bldg. T–330
Property #: 219730315
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 59,149 sq. ft., presence of asbestos/lead paint, historical category, most recent use—laundry, off-site use only.

Bldgs. P–605A & P–606A
Property #: 219730316
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only.

Bldg. S–1150
Property #: 219730317
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 8629 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldg., off-site use only.

Bldgs. S–1440—S–1446, S–1452
Property #: 219730318
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 4200 sq. ft., presence of lead, most recent use—instruction bldgs., off-site use only.

4 Bldgs.
Property #: 219730319
Fed Reg Date: 10/03/97
Fort Sam Houston
#S–1447, S–1449, S–1450, S–1451
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—instruction bldgs., off-site use only.

Bldg. P–3500
Property #: 219730320
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 13,921 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—support of firing range, off-site use only.

Bldg. T–3551
Property #: 219730321
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 992 sq. ft., presence of asbestos/lead paint, most recent use—maint. shop, off-site use only.

Bldg. T–3552
Property #: 219730322
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 992 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage shed, off-site use only.

Bldg. T–3553
Property #: 219730323
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 992 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage shed, off-site use only.

Bldg. T–3554
Property #: 219730324
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 18,803 sq. ft., poor condition, presence of lead paint, most recent use—stable, off-site use only.

Bldg. T–3556
Property #: 219730325
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1,300 sq. ft., poor condition, presence of lead paint, most recent use—stable, off-site use only.

Bldg. T–3557
Property #: 219730326
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 992 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—stable, off-site use only.

Bldg. P–4115
Property #: 219730327
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized

Comment: 529 sq. ft., presence of asbestos/lead paint historic bldg., most recent use—admin., off-site use only.

Bldg. 4205
Property #: 219730328
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 24,573 sq. ft., presence of asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. T–5112
Property #: 219730329
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3663 sq. ft., presence of asbestos/lead paint, historical category, most recent use—post exchange, off-site use only.

Bldg. T–5113
Property #: 219730330
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2550 sq. ft., presence of asbestos/lead paint, historical bldg. most recent use—medical clinic, off-site use only.

Bldg. T–5122
Property #: 219730331
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only.

Bldg. T–5903
Property #: 219730332
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.

Bldg. T–5907
Property #: 219730333
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only.

Bldg. P–6271
Property #: 219730334
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 291 sq. ft., presence of asbestos/lead paint, most recent use—pump station, off-site use only.

Bldg. T–6284
Property #: 219730335
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 120 sq. ft., presence of lead paint, most recent use—pump station, off-site use only.

Bldg. T–5906
Property #: 219730420
Fed Reg Date: 10/03/97
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Virginia

Buildings

Bldg. 2436, Fort Belvoir
Property #: 219720215
Fed Reg Date: 08/29/97
Ft. Belvoir, VA, Co: Fairfax, Zip: 22060–5402
Status: Excess
Comment: 3200 sq. Ft., most recent use—storage, needs extensive repair, possible asbestos/lead paint, off-site use only.

Bldg. 409
Property #: 219730336
Fed Reg Date: 10/03/97
Fort Myer
Ft. Myer, VA, Co: Arlington, Zip: 22211–1199
Status: Unutilized
Comment: 2930 sq. ft., most recent use—storage, off-site use only.

Bldg. T–59
Property #: 219730337
Fed Reg Date: 10/03/97
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Unutilized
Comment: 3282 sq. ft., wood, off-site use only.

Washington

Buildings

13 Bldgs., Fort Lewis
Property #: 219630199
Fed Reg Date: 08/29/97
A0402, CO723, CO726, CO727, CO902, CO903, CO906, CO907, CO922, CO923, CO926, CO927, C1250
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.

7 Bldgs., Fort Lewis
Property #: 219630200
Fed Reg Date: 08/29/97
AO438, AO439, CO901, CO910, CO911, CO918, CO919
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only.

Bldg. AO608, Fort Lewis
Property #: 219630201
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 2285 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—dining, off-site use only.

6 Bldgs., Fort Lewis
Property #: 219630204
Fed Reg Date: 08/29/97
CO908, CO728, CO921, CO928, C1008, C1108
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.

Bldg. CO909
Property #: 219630205
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. CO920
Property #: 219630206
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. C1249
Property #: 219630207
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1164
Property #: 219630213
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 1307
Property #: 219630216
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 1309
Property #: 219630217
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2167
Property #: 219630218
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 4078
Property #: 219630219
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 9599
Property #: 219630220
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–9500
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/ lead paint, most recent use—warehouse, off-site use only.

Bldg. A1404
Property #: 219640570
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. A1419
Property #: 219640571
Fed Reg Date: 08/29/97
Fort Lewis Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. A1420
Property #: 219640572
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 5234 sq. ft., needs rehab, most recent use—vehicle maintenance shop, off-site use only.

11 Buildings
Property #: 219710143
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Location: #EO103–EO106, EO306, EO315–EO316, EO343–EO344, EO353–EO354
Status: Underutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only.

Bldgs. EO109, EO350
Property #: 219710144
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 1165 sq. ft., possible asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldgs. EO120, EO321, EO338
Property #: 219710145
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3810 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only.

5 Bldgs.
Property #: 219710146
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Location: #EO127, EO136, EO302, EO204, EO330
Status: Unutilized
Comment: 2284 sq. ft., possible asbestos/lead paint, most recent use—offices, off-site use only.

Bldg. EO136
Property #: 219710147
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3885 sq. ft., possible asbestos/lead paint, most recent use—officer's quarters, off-site use only.

Bldgs. EO158-E0303
Property #: 219710148
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 1675 sq. ft, possible asbestos/ leadpaint, most recent use—office, off-site use only.

Bldg. EO202
Property #: 219710149
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 992 sq. ft, possible asbestos/ leadpaint, most recent use—office, off-site use only.

Bldg. EO312
Property #: 219710150
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3885 sq. ft, possible asbestos/ leadpaint, most recent use—officer's quarters, off-site use only.

Bldg. EO322
Property #: 219710151
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 2250 sq. ft, possible asbestos/ leadpaint, most recent use—storage, off-site use only.

Bldg. EO325
Property #: 219710152
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3336 sq. ft, possible asbestos/ leadpaint, most recent use—officer's quarters, off-site use only.

Bldg. EO329
Property #: 219710153
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 1843 sq. ft, possible asbestos/ leadpaint, most recent use—office, off-site use only.

Bldg. EO334
Property #: 219710154
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3779 sq. ft, possible asbestos/ leadpaint, most recent use—recreation, off-site use only.

Bldg. EO335
Property #: 219710155
Fed Reg Date: 08/29/97
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 2207 sq. ft, possible asbestos/ leadpaint, most recent use—dining facility, off-site use only.

Bldg. EO347
Property #: 219710156
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. EO349, EO110
Property #: 219710157
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 1296 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

4 Bldgs.
Property #: 219710158
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Location: #EO351, EO308, EO207, EO108
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom, off-site use only.

Bldgs. EO352, EO307
Property #: 219710159
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. EO355
Property #: 219710160
Fed Reg Date: 08/29/97
Fort Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—training facility, off-site use only.

Bldg. B1008
Property #: 219720216
Fed Reg Date: 08/29/97
Ft. Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/ lead paint, most recent use—medical clinic, off-site use only.

Bldgs. B1011–B1012
Property #: 219720217
Fed Reg. Date: 08/29/97
Ft. Lewis
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 922 sq. ft. and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only.

COE

Arkansas

Land

Parcel 01
Property #: 319010071
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized

Comment: 77.6 acres.

Parcel 02
Property #: 319010072
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
Property #: 319010073
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 18
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
Property #: 319010074
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 24, 25, 30, 31
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
Property #: 319010075
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 16
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
Property #: 319010076
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
Property #: 319010077
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 34
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
Property #: 319010078
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
Property #: 319010079
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
Property #: 319010080
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
Property #: 319010081
Fed Reg Date: 08/08/97
Project Name: DeGray Lake
DeGray Lake
Section 19
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Property #: 319010083
Fed Reg Date: 08/08/97
Project Name: Lake Greeson
Section 7, 8 and 18
Murfreesboro, AR, Co: Pike, Zip: 71958–9720
Status: Unutilized
Comment: 46 acres.

Colorado

Buildings

Residence
Property #: 319720001
Fed Reg Date: 08/08/97
Cherry Creek Lake Project
3311 Parker Road
Aurora, CO, Co: Arapahoe, Zip: 80112–
Status: Excess
Comment: 1000 sq. ft. house and 900 sq. ft. garage, needs rehab, off-site use only.

Storage Shed
Property #: 319720002
Fed Reg Date: 08/08/97
Cherry Creek Lake Project
3311 Parker Road
Aurora, CO, Co: Arapahoe, Zip: 80112–
Status: Excess
Comment: 600 sq. ft. w/dirt floor, off-site use only.

District of Columbia

Buildings

Dalecarlia Reservoir
Property #: 319610004
Fed Reg Date: 08/08/97
Bldgs. 5900, 5902, 5906, 5908, 5910
Washington Aqueduct
Washington, DC, Zip: 20016–
Status: Excess
Comment: brick/frame residences in poor condition w/2 floors and basement, presence of asbestos, on National Historic Register, off-site use only.

Iowa

Buildings

Bldg.—Bridgeview
Property #: 319340003
Fed Reg Date: 08/08/97
Rathbun Lake Project, R.R. #3
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg.—Island View
Property #: 319340004
Fed Reg Date: 08/08/97
Rathbun Lake Project, R.R. #3
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg.—Rolling Cove
Property #: 319340005
Fed Reg Date: 08/08/97
Rathbun Lake Project, R.R. #3
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Tract 141
Property #: 319610005
Fed Reg Date: 08/08/97
Melos, Stanley, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 1104 sq. ft., most recent use—storage, needs rehab, possible asbestos, off-site use only,

2 Residence/1 Garage
Property #: 319710001
Fed Reg Date: 08/08/97
Rathbun Lake Project
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Excess
Comment: 1315 sq. ft. each house, 576 sq. ft. garage, off-site use only.

Kansas

Land

Parcel 1
Property #: 319010064
Fed Reg Date: 08/08/97
Project Name: El Dorado Lake
El Dorado Lake
Section 13, 24, and 18
(See County), KS, Co: Butler, Zip:
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Buildings

Trailer—Clinton Lake
Property #: 319410003
Fed Reg Date: 08/08/97
Lawrence, KS, Co: Douglas, Zip: 66046–
Rt. 5, Box 109B
Status: Excess
Comment: double-wide trailer (24x50), most recent use—residence, needs repair, off-site use only.

Washhouse/shower
Property #: 319620002
Fed Reg Date: 08/08/97
Pomona Lake
Vassar, KS, Co: Osage, Zip: 66543–
Status: Excess
Comment: 1274 sq. ft. metal bldg., most recent use—storage, needs repair, off-site use only.

Water Treatment Bldg.
Property #: 319620003
Fed Reg Date: 08/08/97
Pomona Lake

Vassar, KS, Co: Osage, Zip: 66543–
Status: Excess
Comment: 720 sq. ft. bldg., needs repair, off-site use only.

Dwelling
Property #: 319710002
Fed Reg Date: 08/08/97
Kanopolis Project
KS, Co: Ellsworth, Zip: 67464–
Status: Excess
Comment: 670 sq. ft., residence.

Residence, Perry Lake
Property #: 319710003
Fed Reg Date: 08/08/97
Perry, KS, Co: Jefferson, Zip: 66073–
Status: Excess
Comment: 1440 sq. ft. residence, presence of asbestos, off-site use only.

Mobile Home
Property #: 319710004
Fed Reg Date: 08/08/97
Hillsdale Lake
Paola, KS, Co: Miami, Zip: 66071–
Status: Unutilized
Comment: 23' x 62' modular, most recent use—storage, major repairs required, off-site use only.

Kentucky

Land

Tract 2625
Property #: 319010025
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky, and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: Adjoining the village of Rockcastle.
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Property #: 319010026
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Property #: 319010027
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Property #: 319010028
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Property #: 319010029
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 6½ miles west of Cadiz.
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Property #: 319010031
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Property #: 319010032
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Property #: 319010033
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Property #: 319010034
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 5 miles south of Canton, KY.
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Property #: 319010035
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Property #: 319010036
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 6½ miles south of Canton, KY.
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Property #: 319010042
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: On the north side of the Illinois Central Railroad.
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Property #: 319010044
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Property #: 319010045
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Property #: 319010046
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Property #: 319010047
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Property #: 319010048
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Property #: 319010049
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Property #: 319010050
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 7 miles southeasterly of Eddyville, KY.

Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Property #: 319010051
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Property #: 319010052
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Property #: 319010053
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa.
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Property #: 319010054
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Property #: 319010055
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Property #: 319010056
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Property #: 319010057
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Kuttawa, KY, Co: Lyon, Zip: 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

Tract 5203 and 5204
Property #: 319010058
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212–
Location: Village of Linton, KY state highway 1254.
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Property #: 319010059
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212–
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Property #: 319011621
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Property #: 319011622
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Property #: 319011623
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Property #: 319011624
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tract 212 and 237
Property #: 319011625
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Property #: 319011626
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Property #: 319011627
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract B—Markland Locks & Dam
Property #: 319130002
Fed Reg Date: 08/08/97
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095—
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding

Tract A—Markland Locks & Dam
Property #: 319130003
Fed Reg Date: 08/08/97
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095—
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding

Tract C—Markland Locks & Dam
Property #: 319130005
Fed Reg Date: 08/08/97
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095—
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding

Tract N–819
Property #: 319140009
Fed Reg Date: 08/08/97
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart, KY, Co: Clinton, Zip: 42601—
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1.
Property #: 319320003
Fed Reg Date: 08/08/97
Kentucky River
Carrolton, KY, Co: Carroll, Zip: 41008–0305
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored

Portion of Lock & Dam No. 2
Property #: 319320004
Fed Reg Date: 08/08/97
Kentucky River
Lockport, KY, Co: Henry, Zip: 40036–9999
Status: Underutilized
Comment: approx. 13.14 acres (sloping), access monitored.

Buildings

Green River Lock & Dam #3
Property #: 319010022
Fed Reg Date: 08/08/97
Project Name: Green River Lock & Dam #3
Rochester, KY, Co: Butler, Zip: 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Kentucky River Lock and Dam 3
Property #: 319010060
Fed Reg Date: 08/08/97
Project Name: Kentucky River Lock and Dam 3
Pleasureville, KY, Co: Henry, Zip: 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Bldg. 1
Property #: 319011628
Fed Reg Date: 08/08/97
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip: 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame; subject to periodic flooding; needs rehab.

Bldg. 2
Property #: 319011629
Fed Reg Date: 08/08/97
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip: 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame; subject to periodic flooding; needs rehab.

Utility Bldg, Nolin River Lake
Property #: 31920002
Fed Reg Date: 08/08/97
Moutardier Recreation Site
KY, Co: Edmonson, Zip:
Status: Unutilized
Comment: 541 sq. ft.; concrete block, off-site use only.

Louisiana

Land

Wallace Lake Dam and Reservoir
Property #: 319011009
Fed Reg Date: 08/08/97
Project Name: Wallace Lake Dam and Reservoir
SShreveport, LA, Co: Caddo, Zip: 71103–
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Property #: 319011010
Fed Reg Date: 08/08/97
Project Name: Bayou Bodcau Dam and Reservoir
Haughton, LA, Co: Caddo, Zip: 71037–9707
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Minnesota

Land

Parcel D
Property #: 319011038
Fed Reg Date: 08/08/97
Project Name: Pine River
Pine River
Cross Lake, MN, Co: Crow Wing, Zip: 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Property #: 319011040
Fed Reg Date: 08/08/97
Project Name: Sandy Lake
Sandy Lake
McGregor, MN, Co: Aitkins, Zip: 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Property #: 319011041
Fed Reg Date: 08/08/97
Project Name: Leech Lake
Leech Lake
Benedict, MN, Co: Hubbard, Zip: 56641–
Location: 1 mile from city of Federal Dam, Mn.
Status: Excess
Comment: 7.3 acres; no utilities.

Missouri

Land

Harry S Truman Dam & Reservoir
Property #: 319030014
Fed Reg Date: 08/08/97
Project Name: Harry S Truman Dam & Reservoir
Warsaw, MO, Co: Benton, Zip: 65355–
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150.
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Buildings

Bldg. A
Property #: 319620004
Fed Reg Date: 08/08/97
Harry S. Truman Project
Warsaw, MO, Co: Benton, Zip: 65355–
Status: Excess
Comment: 1440 sq. ft. residence, off-site use only.

Bldg. B
Property #: 319620005
Fed Reg Date: 08/08/97
Harry S. Truman Project
Warsaw, MO, Co: Benton, Zip: 65355–
Status: Excess
Comment: 1440 sq. ft. residence, off-site use only.

Residence
Property #: 319710005
Fed Reg Date: 08/08/97
Pomme de Terre Project
Hermitage, MO, Co: Hickory, Zip: 65668–
Status: Excess
Comment: 1255 sq. ft. residence, presence of asbestos/lead paint, off-site use only.

Riverlands Ofc. Bldg.
Property #: 319730001
Fed Reg Date: 10/17/97
Melvin Price Locks & Dam
Access Road
West Alton, MO, Co: St. Charles, Zip: 63386–
Status: Excess
Comment: 5000 sq. ft., steel, most recent use—office, flood damaged, off-site use only.

Mississippi

Land

Parcel 7
Property #: 319011019
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Sections 22, 23, T24N
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Property #: 319011020
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N
Grenada, MS, Co: Yalobusha, Zip: 38901–0093
Status: underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Property #: 319011021
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Property #: 319011022
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 16, 17, 18, T24N, R8E
Grenada, MS, Co: Calhoun, Zip: 38901–0903
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Property #: 319011023
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 20 and T23N, R5E
Grenada, MS, Co: Grenada, Zip: 38901–0903
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Property #: 319011024
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake

Section 4, T23N, R5E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Property #: 319011025
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 2 and 3, T23N, R5E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Property #: 319011026
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 7, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Property #: 319011027
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 9, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Property #: 319011028
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N, R8E
Grenada, MS, Co: Calhoun, Zip: 38901–0903
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Property #: 319011029
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 25, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Property #: 319011030
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 34, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Property #: 319011031
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 3, T23N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Property #: 319011032
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 4, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Property #: 319011033
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 9, T23N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized.
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Property #: 319011034
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 17, T23N, R7E
Grenada, MS, Co: Yalobusha, Zip: 28901–0903
Status: Underutilized.
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Property #: 319011035
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 22, T23N, R7E
Grenada, MS, Co: Yalobusha, Zip: 28902–0903
Status: Underutilized.
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Property #: 319011036
Fed Reg Date: 08/08/97
Project Name: Grenada Lake
Grenada Lake
Section 9, T22N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized.
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Nebraska

Buildings

Bldg. A
Property #: 3197610006
Fed Reg Date: 08/08/97
Harlan County Lake Project
Republican City, NE, Co: Harlan, Zip: 68971–
Status: Excess.
Comment: 1760 sq. ft. residence, needs repair, off-site use only.

Bldg. B
Property #: 319710007
Fed Reg Date: 08/08/97
Harlan County Lake Project
Republican City, NE, Co: Harlan, Zip: 68971–
Status: Excess.
Comment: 720 sq. ft. residence, needs repair, off-site use only.

Bldg C
Property #: 319710008
Fed Reg Date: 08/08/97
Harland County Lake Project
Republican City, NE, Co: Harlan, Zip: 68971–
Status: Excess.
Comment: 720 sq. ft. residence, needs repair, off-site use only.

Ohio

Land

Hannibal Locks and Dam
Property #: 319010015
Fed Reg Date: 08/08/97
Project Name: Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal, OH, Co: Monroe, Zip: 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Status: Underutilized
Comment: 22 acres; river bank.

Buildings

Baker Historic House
Property #: 319120018
Fed Reg Date: 08/08/97
Willow Island Locks and Dam
Newport, OH, Co: Washington, Zip: 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

Oklahoma

Land

Pine Creek Lake
Property #: 319010923
Fed Reg Date: 08/08/97
Project Name: Pine Creek Lake
Section 27
(See County), OK, Co: McCurtain, Zip:
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Buildings

Water Treatment Plant
Property #: 319630001
Fed Reg Date: 08/08/97
Belle Starr, Eufaula Lake
Eufaula, OK, Co: McIntosh, Zip: 74432–
Status: Excess
Comment: 16'x16', metal, off-site use only.

Water Treatment Plant
Property #: 319630002
Fed Reg Date: 08/08/97
Gentry Creek, Eufaula Lake
Eufaula, OK, Co: McIntosh, Zip: 74432–
Status: Excess
Comment: 12'x16', metal, off-site use only.

Pennsylvania

Land

Mahoning Creek Lake
Property #: 319010018
Fed Reg Date: 08/08/97
Project Name: Mahoning Creek Lake
New Bethlehem, PA, Co: Armstrong, Zip: 16242–9603
Location: Route 28 north to Belknap, Road #4
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Property #: 319011001
Fed Reg Date: 08/08/97
Project Name: Shenango River Lake
Shenango River Lake
Sharpsville, PA, Co: Mercer, Zip: 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Property #: 319011011
Fed Reg Date: 08/08/97
Project Name: Crooked Creek Lake
Crooked Creek Lake
PA, Co: Armstrong, Zip: 03051–
Location: Left Bank—55 miles downstream of dam.
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Property #: 319430012
Fed Reg Date: 08/08/97
Crooked Creek Lake, LR 03051
Ford City, PA, Co: Armstrong, Zip: 16226–
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Buildings

Mahoning Creek Reservoir
Property #: 31921008
Fed Reg Date: 08/08/97
New Bethlehem, PA, Co: Armstrong, Zip: 16242–
Status: Unutilized
Comment: 1015 sq. ft., 2-story brick residence, off-site use only.

One Unit/Residence
Property #: 319430011
Fed Reg Date: 08/08/97
Conemaugh River Lake, RD #1, Box 702
Saltburg, PA, Co: Indiana, Zip: 15681–
Status: Unutilized
Comment: 2642 sq. ft., 1-story, 1-unit of duplex, fair condition, access restrictions.

Dwelling
Property #: 319620008
Fed Reg Date: 08/08/97
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport, PA, Co: Armstrong, Zip: 16229–2023
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Dwelling
Property #: 319710009
Fed Reg Date: 08/08/97
Lock & Dam 4, Allegheny River
Natrona, PA, Co: Allegheny, Zip: 15065–2609
Status: Unutilized
Comment: 1,664 sq. ft., 2-story brick residence, needs repair, off-site use only.

South Carolina

Buildings

Bldg. 5
Property #: 319011548
Fed Reg Date: 08/08/97
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip:
Location: ½ mile east of Resource Managers Office.
Status: Excess
Comment: 1,900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Tennessee

Land

Tract 6827
Property #: 319010927
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 2½ miles west of Dover, TN.
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Property #: 319010928
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 3½ miles south of village of Tabaccoport.
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Property #: 319010929
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Dickson, Zip: 37015–
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
Property #: 319010930
Fed Reg Date: 08/08/97
Project Name: J. Percey Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Zip: 37130–
Location: West of Buckeye Bottom Road
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
Property #: 319010931
Fed Reg Date: 08/08/97
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: Old Jefferson Pike
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
Property #: 319010932
Fed Reg Date: 08/08/97
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: Across Fall Creek near Fall Creek camping area.
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Property #: 319010933
Fed Reg Date: 08/08/97
Project Name: Cordell Hull Lake & Dam Pro.
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro, TN, Co: Jackson, Zip: 38562–
Location: TN Highway 56
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
Property #: 319010934
Fed Reg Date: 08/08/97
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: East of Lamar Road
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321
Property #: 319010935
Fed Reg Date: 08/08/97
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: South of Old Jefferson Pike
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Property #: 319010936
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comment 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Property #: 319010937
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Cumberland, TN, Co: Stewart, Zip: 37050–
Location: 1½ miles East of Cumberland City.
Status: Excess
Comment 96 acres; subject to existing easements.

Tract 8911
Property #: 319010938
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Cumberland City, TN, Co: Montgomery, Zip: 37050–
Location: 4 miles east of Cumberland City.
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Property #: 319010939
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip: 37015–
Location: 2 miles downstream from Cheatham Dam.
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Property #: 319010940
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip: 37015–
Location: 2½ miles downstream from Cheatham Dam.
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Property #: 319010941
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Bumpus Mills, TN, Co: Stewart, Zip: 37028–
Location: 4½ miles SW. of Bumpus Mills
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Property #: 319010943
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Palmyer, TN, Co: Montgomery, Zip: 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Property #: 319010944
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart Zip: 37058–
Location: 1½ miles SE of Dover, TN.
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Property #: 319011173
Fed Reg Date: 08/08/97
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart Zip: 37058–
Location: 3 miles south of Village of Tabaccoport.
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Property #: 319130007
Fed Reg Date: 08/08/97
Old Hickory Lock and Dam
Hartsville, TN, Co: Trousdale, Zip: 37074–
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Property #: 319140006
Fed Reg Date: 08/08/97
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Property #: 319140007
Fed Reg Date: 08/08/97
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tract A–20, A–21
Property #: 319140008
Fed Reg Date: 08/08/97
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 831 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Property #: 319140010
Fed Reg Date: 08/08/97
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston, TN, Co: Clay, Zip: 38570–
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Buildings

Cheatham Lock & Dam
Property #: 319520003
Fed Reg Date: 08/08/97
Tract D, Lock Road
Nashville, TN, Co: Davidson, Zip: 37207–
Status: Underutilized
Comment: 1100 sq. ft. dwelling w/storage bldgs on 7 acres, needs major rehab, contamination issues, approx. 1 acre in fldwy, modif. to struct. subj. to approval of St. Hist. Presv. Ofc.

Virginia

Buildings

Peters Ridge Site
Property #: 319430013
Fed Reg Date: 08/08/97
Gathright Dam
Covington, VA, Zip:
Status: Excess
Comment: 64 sq. Ft., metal bldg.

Metal Bldg.
Property #: 319620009
Fed Reg Date: 08/08/97
John H. Kerr Dam & Reservoir
VA, Co: Boydton, Zip:
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.

Wisconsin

Buildings

Former Lockmaster's Dwelling
Property #: 319011524
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Kaukauna, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property #: 319011525
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Property #: 319011527
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kankauna, WI, Co: Outagamie, Zip: 54131–
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab.; secured area with alternate access.

Former Lockmaster's Dwelling
Property #: 319011531
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab.; secured area with alternate access.

Former Lockmaster's Dwelling
Property #: 319011533
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown, WI, Co: Outagamie, Zip: 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Property #: 319011535
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Little Kaukauna Lock
Little Kaukauna
Lawrence, WI, Co: Brown, Zip: 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Truck Highway "D") and River Street.
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Property #: 319011536
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute, WI, Co: Outagamie, Zip: 54140–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

West Virginia

Buildings

German Ridge Radio Transmitter
Property #: 319610002
Fed Reg Date: 08/08/97
Huntington, WV, Co: Wayne, Zip: 25701–
Status: Unutilized
Comment: 187 sq. ft. cinder block bldg. on .55 acre in remote area, most recent use—radio equipment room.

GSA

Alaska

Buildings

10 Office Buildings
Property #: 549710002
Fed Reg Date: 08/08/97
255 Gambell St.
Anchorage, AK, Co: Anchorage, Zip: 99501–
Status: Surplus
Comment: high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint.
GSA No.: 9–F–AK–750

3 Storage Buildings
Property #: 549710003
Fed Reg Date: 08/08/97
Anchorage Native Medical Center
255 Gambell St.
Anchorage, AK, Co: Anchorage, Zip: 99501–
Status: Surplus
Comment: high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint.
GSA No.: 9–F–AK–750

1 Hospital
Property #: 549710004
Fed Reg Date: 08/08/97
Anchorage Native Medical Center
255 Gambell St.
Anchorage, AK, Co: Anchorage, Zip: 99501–
Status: Surplus
Comment: 173,336 sq. ft., high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint.
GSA No.: 9–F–AK–750

Arkansas

Land

Hergett Substation
Property #: 549730017
Fed Reg Date: 09/12/97
305 N. Floyd St.
Jonesboro, AR, Co: Craighead, Zip:
Status: Excess
Comment: 1.55 acres, most recent use—electrical substation.
GSA No.: 7–B–AR–553

California

Buildings

112 Bldgs.—Skaggs Island
Property #: 549730001
Fed Reg Date: 09/05/97
Naval Security Group
Skaggs Island, CA, Co: Sonoma, Zip:
Status: Excess
Comment: 32–13, 374 sq. ft., temp. quonset huts to perm. wood/concrete, most recent use—housing, admin., support facilities, remote location, below sea level, high maintenance.
GSA No.: 9–N–CA–1488

Colorado

Land

Erie Substation
Property #: 549740002
Fed Reg Date: 11/14/97
Hwy 87
CO, Co: Weld, Zip:
Status: Excess
Comment: 2.75 acres, most recent use—electrical substation, (transmission lines)

Massachusetts

Land

Estate of S. Newburg
Property #: 549630017
Fed Reg Date: 08/08/97
Lois and Ellen Street
Haverhill, MA, Co: Essex, Zip: 01830–
Status: Excess
Comment: land—36,425 sq. ft.—two noncontiguous parcels, heavily wooded.
GSA No.: 1–G–MA–793

Michigan

Land

Parcel 3, Parcel B
Property #: 549730013
Fed Reg Date: 09/05/97
East Tawas, MI, Co: Iosco, Zip:
Status: Excess
Comment: 2.02 acres of land, wooded and primarily wetlands, restricted access.
GSA No.: 1–U–MI–500

Buildings

Parcel 1
Property #: 549730011
Fed Reg Date: 09/05/97
Old Lifeboat Station
East Tawas, MI, Co: Iosco, Zip:
Status: Excess
Comment: 2062 sq. ft. station bldg., garage, boathouse, oilhouse, possible asbestos/lead paint, eligible for listing on National Register of Historic Places.
GSA No.: 1–UU–MI–500

Parcel 2
Property #: 549730012
Fed Reg Date: 09/05/97
Tawas Point Lighthouse
East Tawas, MI, Co: Iosco, Zip:
Status: Excess
Comment: Lighthouse, duplex dwelling, garage, storage, possible asbestos/lead paint, wetlands, listed on National Register of Historic Places, restricted access.
GSA No.: 1–U–MI–500

Eagle Harbor Lighthouse
Property #: 549740018
Fed Reg Date: 12/26/97
Rt. 26
Eagle Harbor, MI, Co: Keweenaw, Zip: 44950-
Status: Excess
Comment: 2 bldgs., 3111 sq. ft., combined, presence of asbestos/lead paint, most recent use—museum and storage.
GSA No: 1–U–MI–420A

Nebraska

Land

Radar Site
Property #: 549740007
Fed Reg Date: 11/14/97
Hwy 92
Gandy, NE, Co: Logan, Zip: 69163-
Status: Surplus
Comment: .52 acres.
GSA No.: 7–C–NE–0523

New Jersey

Buildings

ESMT Manasquan
Property #: 549730025
Fed Reg Date: 10/17/97
Manasquan, NJ, Co: Monmouth, Zip:
Status: Excess
Comment: main bldg. (5714 sq. ft.), paint locker (96 sq. ft.), garage (3880 sq. ft.), need repairs, presence of asbestos/lead paint, Coast Guard easement.
GSA No.: 1–U–NJ–0632

New York

Buildings

Fed. Office Building
Property #: 549630011
Fed Reg Date: 08/08/97
35 Ryerson Street
Brooklyn, NY, Co: Kings, Zip:
Status: Excess
Comment: nine floors and basement, possible asbestos, needs rehab, most recent use—VA Clinic.
GSA No.: 1–G–NY–637A

Stockston School/Maint Garage
Property #: 549730024
Fed Reg Date: 10/17/97
Mill Street
Stockton, NY, Zip: 14784-
Status: Surplus
Comment: 13,555 sq. ft., 1-story, most recent use—training center, 4.8 acres of land.
GSA No.: I–L–NY–0860

South Dakota

Land

Old Oahe Lock & Dam
Property #: 549740004
Fed Reg Date: 11/14/97
Lake Oahe Project
Ft. Pierre, SD, Co: Stanley, Zip: 57501–
Status: Excess
Comment: 1.91 acres, most recent use—old railroad grade, subject to existing easements.
GSA No.: 7–D–SD–0520

Texas

Buildings

Bryan Federal Building
Property #: 549730003
Fed Reg Date: 09/05/97
216 W 26th Street
Bryan, TX, Co: Brazos Zip: 77801–
Status: Underutilized
Comment: portion of 4000 sq. ft. bldg., most recent use—office, limitations due to potential historic significance.
GSA No.: 7–G–TX–1048

Bldg. 439
Property #: 879630011
Fed Reg Date: 11/14/97
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston Zip: 77553–
Status: Surplus
Comment: 1632 sq. ft. per floor, 2-story, most recent use—residential, historic properties.
GSA No.: 7–U–TX–0549G, H, I

Virginia

Buildings

Housing
Property #: 879120082
Fed Reg Date: 11/14/97
Rt. 637—Gwynnville Road
Gwynn Island, VA, Co: Mathews, Zip: 23066–
Status: Excess
Comment: 929 sq. ft., one story residence.
GSA No.: 4–U–DE–461

Wyoming

Land

Pavillion Substation
Property #: 549740003
Fed Reg Date: 11/14/97
Wind River Meridian
WY, Co: Fremont Zip:
Status: Excess
Comment: 0.11 acre tract, most recent use—powerline substation.

Summary of Properties for GSA

Buildings = 13
Land = 13
Total Suitable and Available by agency = 20

Interior

California

Buildings

Visitor Motel—Upper Kaweah
Property #: 619720007
Fed Reg Date: 09/05/97
Sequoia National Park
Three Rivers, CA, Zip: 93271–
Status: Unutilized
Comment: 39403 sq. ft., wood, 2-story, needs repair, presence of asbestos/lead paint, off-site use only.

New Jersey

Buildings

Former Tyberg Residence
Property #: 619720053
Fed Reg Date: 09/05/97
National Park Service
Wallpack, NJ, Co: Sussex, Zip: 07881–
Status: Unutilized
Comment: most recent use—housing, off-site use only.

Pennsylvania

Buildings

Former Florio House
Property #: 619720050
Fed Reg Date: 09/05/97
National Park Service
Bushkill, PA, Co: Monroe, Zip: 18324–
Status: Unutilized
Comment: 936 sq. ft., frame, most recent use—housing, off-site use only.

Former Hardtla House
Property #: 619720051
Fed Reg Date: 09/05/97
Ramondskill
Milford, PA, Co: Pike, Zip:
Status: Unutilized
Comment: 1527 sq. ft. frame, 2-story, needs repair, most recent use—housing, off-site use only.

Former Hickman House
Property #: 619720052
Fed Reg Date: 09/05/97
National Park Service
Bushkill, PA, Co: Monroe, Zip: 18324–
Status: Unutilized
Comment: approx. 1604 sq. ft. frame, 2-story, most recent use—housing, off-site use only.

Virginia

Buildings

Nichols Property
Property #: 619640009
Fed Reg Date: 09/05/97
Rt. 2, Box 554
Galax, VA, Co: Grayson, Zip: 24333–
Status: Unutilized
Comment: 1520 sq. ft., residence, off-site use only.

Golding Property
Property #: 619640010
Fed Reg Date: 09/05/97
Rt. 2, Box 555
Galax, VA, Co: Grayson, Zip: 24333–
Status: Unutilized
Comment: 2224 sq. ft. residence, needs repair, barn, rental cottage, shed, off-site use only.

West Virginia

Buildings

Emit Jennings House
Property #: 619740002
Fed Reg Date: 12/26/97
New River Gorge National River
Huffman Drive
McCreery, WV, Co: Raleigh, Zip: 25934–
Status: Excess
Comment: 1400 sq. ft. concrete block, needs rehab, off-site use only.

Webb House
Property #: 619740003
Fed Reg Date: 12/26/97
New River Gorge National River
Rt. 41 North
McCreery, WV, Co: Raleigh, Zip: 25934–
Status: Excess
Comment: 288 sq. ft. dwelling, off-site use only.

Gilliam House
Property #: 619740004
Fed Reg Date: 12/26/97
New River Gorge National River
Rt. 41 North
McCreery, WV, Co: Raleigh, Zip: 25934–
Status: Excess
Comment: 448 sq. ft. dwelling, off-site use only.

NAVY

Connecticut

Buildings

Pier 7
Property #: 779710063
Fed Reg Date: 09/05/97
Naval Undersea Warfare Center
New London, CT, Co: New London, Zip: 06320–5594
Status: Excess
Comment: 700′ long by 30′ wide, rectangular shaped reinforced concrete pier.

Georgia

Land

Naval Submarine Base
Property #: 779010229
Fed Reg Date: 09/05/97
Project Name: Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay, GA, Co: Camden, Zip: 31547–
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Hawaii

Land

1.49 acres, Ferry Terminal
Property #: 779740068
Fed Reg Date: 12/12/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Underutilized
Comment: intermittent use, most recent use—parking.

Buildings

Bldg. S87, Radio Trans. Fac.
Property #: 779240011
Fed Reg Date: 09/05/97
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Underutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 64, Radio Trans. Facility
Property #: 779310004
Fed Reg Date: 09/05/97
Naval Computer & Telecommunications Area
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 594
Property #: 779620011
Fed Reg Date: 09/05/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 1300 sq. ft., most recent use—parking garage, off-site use only.

Bldgs. S233–S234, S241–S244
Property #: 779620012
Fed Reg Date: 09/05/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 90 sq. ft. each, need repairs, most recent use—storage, off-site use only.

Bldgs. S229–S232
Property #: 779620013
Fed Reg Date: 09/05/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 180 sq. ft. each, need repairs, most recent use—storage, off-site use only.

Bldg. 4 Naval Station
Property #: 779620043
Fed Reg Date: 09/05/97
Pearl Harbor, Bishop Point (Hickman AFB)
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 576 sq. ft., need rehab, most recent use—storage, off-site use only.

Bldg. 20 Naval Station
Property #: 779620044
Fed Reg Date: 09/05/97
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized

Comment: 252 sq. ft., need rehab, most recent use—storage, off-site use only.

Bldg. 442 Naval Station
Property #: 779620088
Fed Reg Date: 09/05/97
Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only.

Bldg. S180
Property #: 779620039
Fed Reg Date: 09/05/97
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 3,412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.

Bldg. S181
Property #: 779620040
Fed Reg Date: 09/05/97
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 4,258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.

Bldg. 219
Property #: 779620041
Fed Reg Date: 09/05/97
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 220
Property #: 779640042
Fed Reg Date: 09/05/97
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 222
Property #: 779640043
Fed Reg Date: 09/05/97
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.

Bldg. 148, Hale Moku Housing
Property #: 779720122
Fed Reg Date: 09/05/97
Navy Public Works Center, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96818–
Status: Excess
Comment: 2138 sq. ft., concrete/masonry/wood, needs major rehab, off-site use only.

Bldg. 5421
Property #: 779740002
Fed Reg Date: 10/17/97
Iroquois Point Housing
Navy Public Works Center
Ewa Beach, HI, Co: Honolulu, Zip: 96706–
Status: Excess
Comment: 1543 sq. ft., concrete/wood, possible asbestos/lead paint, off-site use only (may not be feasible).

Bldg. 5423
Property #: 779740003
Fed Reg Date: 10/17/97
Iroquois Point Housing
Navy Public Works Center
Ewa Beach, HI, Co: Honolulu, Zip: 96706–
Status: Excess
Comment: 336 sq. ft., concrete/wood, possible asbestos/lead paint, off-site use only (may not be feasible).

Bldg. 5425
Property #: 779740004
Fed Reg Date: 10/17/97
Iroquois Point Housing
Navy Public Works Center
Ewa Beach, HI, Co: Honolulu, Zip: 96706–
Status: Excess
Comment: 1543 sq. ft., concrete/wood, possible asbestos/lead paint, off-site use only (may not be feasible).

Bldg. 5427
Property #: 779740005
Fed Reg Date: 10/17/97
Iroquois Point Housing
Navy Public Works Center
Ewa Beach, HI, Co: Honolulu, Zip: 96706–
Status: Excess
Comment: 336 sq. ft., concrete/wood, possible asbestos/lead paint, off-site use only (may not be feasible).

Bldg. 5429
Property #: 779740006
Fed Reg Date: 10/17/97
Iroquois Point Housing
Navy Public Works Center
Ewa Beach, HI, Co: Honolulu, Zip: 96706–
Status: Excess
Comment: 1543 sq. ft., concrete/wood, possible asbestos/lead paint, off-site use only (may not be feasible).

Bldg. 5431
Property #: 779740007
Fed Reg Date: 10/17/97
Iroquois Point Housing
Navy Public Works Center
Ewa Beach, HI, Co: Honolulu, Zip: 96706–
Status: Excess
Comment: 336 sq. ft., concrete/wood, possible asbestos/lead paint, off-site use only (may not be feasible).

Bldg. 618, Ferry Terminal
Property #: 779740069
Fed Reg Date: 12/12/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Underutilized
Comment: intermittent use, 315 sq. ft., most recent use—storage.

Bldg. 619, Ferry Terminal
Property #: 779740070
Fed Reg Date: 12/12/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Underutilized
Comment: intermittent use, 1460 ft., most recent use—storage.

Bldg. 594, Ferry Terminal
Property #: 779740071
Fed Reg Date: 12/12/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Excess
Comment: 1300 sq. ft., most recent use—parking shed, needs rehab.

Bldg. 566, Ferry Terminal
Property #: 779740072
Fed Reg Date: 12/12/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Excess
Comment: 52 sq. ft., most recent use—sentry post.

Structure 5378, Ford Island
Property #: 779740073
Fed Reg Date: 12/12/97
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860–
Status: Underutilized
Comment: intermittent use, berthing pier.

Maryland

Land

46.725 acres
Property #: 779710067
Fed Reg Date: 09/05/97
Naval Air Warfare Center
Willows Road
Lexington Park, MD, Co: St. Mary's, Zip:
Status: Unutilized
Comment: buffer area within Accident Potential Zone 2, no utilities, use and access restrictions.

North Carolina

Buildings

Bldg. 146, Camp Lejeune
Property #: 779620029
Fed Reg Date: 09/05/97
Greater Sandy Run Training Area
Camp Lejeune, NC, Co: Onslow, Zip: 28542–
Status: Unutilized
Comment: 1900 sq. ft., concrete block, most recent use—gas station, off-site use only.

Bldg. 117, Camp Lejeune
Property #: 779720042
Fed Reg Date: 09/05/97
Greater Sandy Run Training Area
Camp Lejeune, NC, Co: Onslow, Zip: 28542–
Status: Unutilized
Comment: 1456 sq. ft., frame, off-site use only.

Bldg. 118, Camp Lejeune
Property #: 779720043
Fed Reg Date: 09/05/97
Greater Sandy Run Training Area
Camp Lejeune, NC, Co: Onslow, Zip: 28542–
Status: Unutilized
Comment: 1456 sq. ft., frame, off-site use only.

Pennsylvania

Buildings

Bldg. 76
Property #: 779730075
Fed Reg Date: 10/03/97
Naval Inventory Control Point
Philadelphia, PA, Co: Philadelphia, Zip: 19111–5098
Status: Excess
Comment: 3475 sq. ft., cinder block/metal, most recent use—child care, needs repair, off-site use only.

Texas

Land

Peary Point #2
Property #: 779030001
Fed Reg Date: 09/05/97
Naval Air Station

Corpus Christi, TX, Co: Nueces, Zip: 78419–5000
Status: Excess
Comment: 43.48 acres; of land under lease until 8/93.

Virginia

Buildings

Bldg. 1470
Property #: 779640044
Fed Reg Date: 09/05/97
509 King Street
Portsmouth, VA, Zip: 23704–
Status: Unutilized
Comment: 21445 sq. ft., 3-story.

Bldg. V14
Property #: 779710013
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 2800 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. V15
Property #: 779710014
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 17179 sq. ft., presence of asbestos/lead paint, most recent use—shipboard repair, off-site use only.

Bldg. V16
Property #: 779710015
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 2800 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. V31
Property #: 779710016
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 23430 sq. ft., presence of lead paint/asbestos, off-site use only.

Bldg. LP196
Property #: 779710027
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 297 gross sq. ft., off-site use only.

Bldg. R49
Property #: 779710028
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 12000 sq. ft., need repair, presence of asbestos/lead paint, off-site use only.

Bldg. R56
Property #: 779710029
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 4000 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. R60
Property #: 779710030
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 3970 gross sq. ft., need repair, presence of asbestos/lead paint, off-site use only.

Bldg. V42
Property #: 779710032
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 13026 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. V48
Property #: 779710034
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 2408 gross sq. ft., presence of asbestos/lead paint, off-site use only.

Bldg. LP176
Property #: 779710035
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 25611 gross sq. ft., off-site use only.

Bldg. U47
Property #: 779710036
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 1000 gross sq. ft., off-site use only.

Bldg. V43
Property #: 779710037
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 8754 gross sq. ft., presence of asbestos, off-site use only.

Bldg. V45
Property #: 779710038
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 1343 gross sq. ft., battery contamination, presence of asbestos, off-site use only.

Bldg. LF38
Property #: 779710039
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 5292 gross sq. ft., needs repair, off-site use only.

Bldg. V30AQ
Property #: 779710040
Fed Reg Date: 09/05/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 340 gross sq. ft., needs repair, most recent use—storage, off-site use only.

Bldg. 34
Property #: 779710046
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 1260 sq. ft., off-site use only.

Bldg. 91
Property #: 779710047
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 780 sq. ft., off-site use only.

Bldg. 141
Property #: 779710048
Fed Reg Date: 09/05/97
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 414 sq. ft., off-site use only.

Bldg. 213
Property #: 779710049
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 1328 sq. ft., off-site use only.

Bldg. 224
Property #: 779710050
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 512 sq. ft., off-site use only.

Bldg. 237–238
Property #: 779710051
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 63 sq. ft., off-site use only.

Bldg. 241–243
Property #: 779710052
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 144 sq. ft., off-site use only.

Bldg. 251
Property #: 779710053
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 1134 sq. ft., off-site use only.

Bldg. 254
Property #: 779710054
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 156 sq. ft., off-site use only.

Bldg. 280
Property #: 779710055
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 126 sq. ft., off-site use only.

Bldg. 357
Property #: 779710056
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 2214 sq. ft., off-site use only.

Bldg. 360
Property #: 779710057
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 144 sq. ft., off-site use only.

Bldg. 383
Property #: 779710058
Fed Reg Date: 09/05/97
Naval Base Norfolk, St. Julien's Creek Annex
VA, Co: Chesapeake, Zip:
Status: Excess
Comment: 160 sq. ft., off-site use only.

Bldg. 2058A
Property #: 779720054
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 280 sq. ft., poor condition, most recent use—storage, off-site use only.

Bldg. 2076
Property #: 779720055
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 3000 sq. ft., fair condition, most recent use—offices, off-site use only.

Bldg. 3319
Property #: 779720059
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 9000 sq. ft., fair condition, most recent use—maintenance, off-site use only.

Bldg. 3373
Property #: 779720060
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 1800 sq. ft., fair condition, most recent use—office, off-site use only.

Bldg. 3627
Property #: 779720061
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 1200 sq. ft., fair condition, most recent use—laundry/dry cleaners, off-site use only.

Bldg. 3684
Property #: 779720062
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 2200 sq. ft., poor condition, most recent use—recreation pavillion, off-site use only.

Bldg. 3692
Property #: 779720063
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 3000 sq. ft., fair condition, most recent use—storage, off-site use only.

Bldg. 3151
Property #: 779720065
Fed Reg Date: 09/05/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 2600 sq. ft., fair condition, most recent use—office, off-site use only.

Bldg. SP–247
Property #: 779720106
Fed Reg Date: 12/26/97
Naval Base Norfolk Creek
Norfolk, VA, Zip: 23511–
Status: Unutilized
Comment: 3206 sq. ft., no utilities, presence of asbestos/lead paint, off-site use only.

Bldg. E26, Naval Base Norfolk
Property #: 779730042
Fed Reg Date: 09/19/97
Norfolk, VA, Zip:
Status: Excess
Comment: 21,654 sq. ft., 2-story, off-site use only.

Bldg. X379, Naval Base Norfolk
Property #: 779730043
Fed Reg Date: 09/19/97
Norfolk, VA, Zip:
Status: Excess
Comment: 1138 sq. ft., most recent use—recycling facility, off-site use only.

Bldg. N27
Property #: 779730046
Fed Reg Date: 09/19/97
Naval Base Norfolk
Norfolk, VA, Zip:
Status: Excess
Comment: 5166 sq. ft., most recent use—indoor playing courts, poor condition, off-site use only.

Bldg. 89
Property #: 779730047
Fed Reg Date: 09/19/97
Naval Base Norfolk
Norfolk, VA, Zip:
Status: Excess
Comment: 16,077 sq. ft., most recent use—office, poor condition, off-site use only.

Bldg. 138
Property #: 779730048
Fed Reg Date: 09/19/97
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Excess
Comment: 192 sq. ft., most recent use—storage, poor condition, off-site use only.

Bldg. 215
Property #: 779730049
Fed Reg Date: 09/19/97
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Excess
Comment: 1600 sq. ft., most recent use—storage, poor condition, off-site use only.

Bldg. 234
Property #: 779730050
Fed Reg Date: 09/19/97
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Excess
Comment: 1161 sq. ft., most recent use—office, poor condition, off-site use only.

Bldg. 248
Property #: 779730051
Fed Reg Date: 09/19/97
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Excess
Comment: 4858 sq. ft., most recent use—office, poor condition, off-site use only.

Bldg. 276
Property #: 779730052
Fed Reg Date: 09/19/97
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Excess
Comment: 81 sq. ft., most recent use—storage, poor condition, off-site use only.

Bldg. 194
Property #: 779730053
Fed Reg Date: 09/19/97
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Excess
Comment: 1580 sq. ft., most recent use—office, poor condition, off-site use only.

Bldg. NM–59A
Property #: 779730069
Fed Reg Date: 12/26/97
Naval Base Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 14,044 sq. ft., presence of asbestos, most recent use—mobile facilities shop, off-site use only.

Bldg. 2069
Property #: 779740064
Fed Reg Date: 11/14/97
Naval Amphibious Base Little Creek
Norfolk, VA, Zip: 23521–2616
Status: Excess
Comment: 5000 sq. ft., most recent use—storage, off-site use only.

Bldg. 94
Property #: 779740075
Fed Reg Date: 12/12/97
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Unutilized
Comment: 361 sq. ft.

Bldg. 206
Property #: 779740076
Fed Reg Date: 12/12/97
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Unutilized
Comment: 204 sq. ft., most recent use—storage.

Bldg. 211
Property #: 779740077
Fed Reg Date: 12/12/97
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Unutilized
Comment: 165 sq. ft., most recent use—storage.

Bldg. 274
Property #: 779740078
Fed Reg Date: 12/12/97
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Unutilized
Comment: 81 sq. ft., most recent use—storage.

Bldg. 124

Property #: 779740079
Fed Reg Date: 12/12/97
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Unutilized
Comment: 4900 sq. ft., most recent use—office.

Bldg. 193
Property #: 779740080
Fed Reg Date: 12/12/97
St. Juliens Creek Annex
Portsmouth, VA, Zip: 23702–
Status: Unutilized
Comment: 1932 sq. ft., most recent use—office.

Bldg. P82
Property #: 779740081
Fed Reg Date: 12/12/97
Naval Station Norfolk
Norfolk, VA, Zip: 23511–
Status: Excess
Comment: 1324 sq. ft., most recent use—retail store.

Summary of Properties for Navy

Buildings = 88
Land = 4
Total Suitable and Available by agency = 92

VA

Alabama

Land

VA Medical Center
Property #: 979010053
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
VAMC
Tuskegee, AL, Co: Macon, Zip: 36083–
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Land
Property #: 979240001
Fed Reg Date: 09/05/97
4150 Clement Street
San Francisco, CA, Co: San Francisco, Zip: 94121–
Status: Underutilized
Comment: 4 acres; landslide area.

Indiana

Buildings

Bldg. 140, VAMC
Property #: 979230007
Fed Reg Date: 09/05/97
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions.

Maryland

Land

VA Medical Center
Property #: 979010020
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
9500 North Point Road
Fort Howard, MD, Co: Baltimore, Zip: 21052–
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Pennsylvania

Buildings

Bldg. 25—VA Medical Center
Property #: 979210001
Fed Reg Date: 09/05/97
Delafield Road
Pittsburgh, PA, Co: Allegheny, Zip: 15215–
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

Bldg. 3, VAMC
Property #: 979230012
Fed Reg Date: 09/05/97
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage, second floor—lacks elevator access.

Texas

Land

Land
Property #: 979010079
Fed Reg Date: 09/05/97
Project Name: Olin E. Teague Veterans Center
Olin E. Teague Veterans Center
1901 South 1st Street
Temple, TX, Co: Bell, Zip: 76504–
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

Land

VA Medical Center
Property #: 979010054
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
County Highway E
Tomah, WI, Co: Monroe, Zip: 54660–
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Buildings

Bldg. 8
Property #: 979010056
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
VA Medical Center
County Highway E
Tomah, WI, Co: Monroe, Zip: 54660–
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Title V Properties for Year 97 which are Suitable and Unavailable

Air Force

Arizona

Buildings

Facility #4250
Property #: 189510043
Fed Reg Date: 09/05/97
Gila Bend AF Auxiliary Field
Gila Bend AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Reason: Transferred to assist homeless.

Facility #4252
Property #: 189510044
Fed Reg Date: 09/05/97
Gila Bend AF Auxiliary Field
Gila Bend AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Reason: Transferred to assist homeless.

California

Land

Norton Com. Facility Annex
Property #: 189010194
Fed Reg Date: 09/05/97
Project Name: Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland, CA, Co: San Bernardino, Zip: 92409–5045
Status: Excess
Reason: Leased by "Baseline Little League".

Buildings

Hawes Site (KHGM)
Property #: 189010084
Fed Reg Date: 08/05/97
Project Name: Hawes Site
March AFB
Hinckley, CA, Co: San Bernardino, Zip: 92402–
Status: Unutilized
Reason: Contamination being cleaned up.

Colorado

Buildings

Bldg. 8026
Property #: 189730009
Fed Reg Date: 10/17/97
U.S. Air Force Academy
Colorado Springs, CO, Co: El Paso, Zip: 80814–2400
Status: Underutilized
Reason: in way of new construction.

Bldg. 9023
Property #: 189730010
Fed Reg Date: 10/17/97
U.S. Air Force Academy
Colorado Springs, CO, Co: El Paso, Zip: 80814–2400
Status: Underutilized
Reason: utilized.

Bldg. 9027
Property #: 189730011
Fed Reg Date: 10/17/97
U.S. Air Force Academy
Colorado Springs, CO, Co: El Paso, Zip: 80814–2400
Status: Underutilized
Reason: utilized.

Bldg. 9214
Property #: 189730012
Fed Reg Date: 10/17/97
U.S. Air Force Academy
Colorado Springs, CO, Co: El Paso, Zip: 80814–2400
Status: Underutilized
Reason: restricted area.

Flordia

Land

Woodland Tract
Property #: 189540020
Fed Reg Date: 09/05/97
Elgin AFB, AF Enlisted Widows' Home

Ft. Walton Beach, FL, Co: Okaloosa, Zip: 32542–5000
Status: Unutilized
Reason: To be excessed to the Dept. of Agriculture.

Buildings

Facility No. 0001
Property #: 189610010
Fed Reg Date: 09/05/97
Cocoa Beach Comm. Annex No. 2
Cocoa Beach, FL, Co: Brevard, Zip 32931–
Status: Unutilized
Reason: Disposal process by GSA.

Facility No. 00901
Property #: 189610011
Fed Reg Date: 09/05/97
Cocoa Beach Comm. Annex No. 1
Cocoa Beach,FL, Co: Brevard, Zip 32931–
Status: Unutilized
Reason: Disposal process by GSA.

Iowa

Buildings

Bldg. 00627
Property #: 189310001
Fed Reg Date: 09/05/97
Sioux Gateway Airport
Sioux City, IA, Co: Woodbury, Zip: 51110–
Status: Underutilized
Reason: Will be transferred to Sioux City.

Bldg. 00669
Property #: 189310002
Fed Reg Date: 09/05/97
Sioux Gateway Airport
Sioux City, IA, Co: Woodbury, Zip 51110–
Status: Unutilized
Reason: Will be transferred to Sioux City.

Idaho

Buildings

Bldg. 516
Property #: 189520004
Fed Reg Date: 09/05/97
Mountain Home Air Force Base
Mountain Home, ID Co: Elmore, Zip: 86348–
Status: Excess
Reason: Currently in use.

Kansas

Buildings

Bldg. 2703, Forbes Field
Property #: 189720042
Fed Reg Date: 09/05/97
KS, Co: Topeka, Zip:
Status: Unutilized
Reason: Utilized.

Michigan

Buildings

Bldg. 50
Property #: 189010790
Fed Reg Date: 09/05/97
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 14
Property #: 189010833
Fed Reg Date: 09/05/97
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 16
Property #: 189010834
Fed Reg Date: 09/05/97
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 15
Property #: 189010864
Fed Reg Date: 09/05/97
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Montana

Buildings

Bldg. 00007
Property #: 189330066
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00008
Property #: 189330067
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00016
Property #: 189330068
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00023
Property #: 189330069
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00024
Property #: 189330070
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00027
Property #: 189330071
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00029
Property #: 189330072
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00031
Property #: 189330073
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00032
Property #: 189330074
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00035
Property #: 189330075
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00039
Property #: 189330076
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00040
Property #: 189330077
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00041
Property #: 189330078
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00042
Property #: 189330079
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00044
Property #: 189330080
Fed Reg Date: 09/05/97
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Malstrom Communications Annex
Property #: 189510023
Fed Reg Date: 09/05/97
(Transmitter), 39 78th St., N.
Malstrom AFB, MT, Co: Cascade, Zip: 59405–
Status: Excess
GSA No.: 7–D–MT–4240
Reason: Disposal process.

Nebraska

Land

Land/Offutt Comm. Annex No. 4
Property #: 189720041
Fed Reg Date: 09/05/97
Silver Creek, NE, Co: Nance, Zip: 68663–
Status: Unutilized
Reason: Asbestos in underground bunker.

Buildings

Bldg. 64
Property #: 189720040
Fed Reg Date: 09/05/97
Offutt AFB
Silver Creek, NE, Co: Nance, Zip: 68113–

Status: Unutilized
Reason: Utilized.

New Hampshire

Buildings

Bldg. 127
Property #: 189320057
Fed Reg Date: 09/05/97
New Boston Air Force Station
Amherst, NH, Co: Hillsborough, Zip: 03031–1514
Status: Excess
Reason: Ongoing installation mission consideration.

Texas

Buildings

Bldg. 697
Property #: 189110092
Fed Reg Date: 09/05/97
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 698
Property #: 189110093
Fed Reg Date: 09/05/97
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Army

Georgia

Buildings

Bldg. 4090
Property #: 219630007
Fed Reg Date: 08/29/97
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Underutilized
Reason: Plan to utilize as a museum.

Hawaii

Buildings

Bldg. S–275
Property #: 219540014
Fed Reg Date: 08/29/97
Fort DeRussy
Honolulu, HI, Zip: 96815–
Status: Unutilized
Reason: Mission use.

Illinois

Land

Bridge Ramp & Property
Property #: 219620665
Fed Reg Date: 08/29/97
Rock Island Arsenal
Rock Island, IL, Co: Rock Island, Zip: 61299–
Status: Unutilized
Reason: Being utilized.

Maryland

Buildings

Bldgs. TMA4, TMA5, TMA8, TMA9
Property #: 219320292
Fed Reg Date: 08/29/97
Fort George G. Meade
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5115
Status: Unutilized
Reason: To be demolished.

North Carolina

Land

.92 Acre—Land
Property #: 219610728
Fed Reg Date: 08/29/97
Military Ocean Terminal, Sunny Point
Southport, NC, Co: Brunswick, Zip: 28461–5000
Status: Underutilized
Reason: Contains well owned by Town; within an explosive buffer zone.

10 Acre—Lane
Property #: 219610729
Fed Reg Date: 08/29/97
Military Ocean Terminal, Sunny Point
Southport, NC, Co: Brunswick, Zip: 28461–5000
Status: Underutilized
Reason: Within an explosives buffer zone.

257 Acre—Land
Property #: 219610730
Fed Reg Date: 08/29/97
Military Ocean Terminal, Sunny Point
Southport, NC, Co: Brunswick, Zip: 28461–5000
Status: Underutilized
Reason: Within an explosives buffer zone.

24.82 Acres—Tract of Land
Property #: 219620685
Fed Reg Date: 08/29/97
Military Ocean Terminal, Sunny Point
Southport, NC, Co: Brunswick, Zip: 28461–5000
Status: Underutilized
Reason: Explosive Buffer Zone.

New Mexico

Buildings

Bldg. 436
Property #: 219730303
Fed Reg Date: 10/03/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Reason: Withdrawn.

Bldg. 1310
Property #: 219730304
Fed Reg Date: 10/03/97
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Reason: Withdrawn.

Texas

Land

Vacant Land, Fort Sam Houston
Property #: 219220438
Fed Reg Date: 08/29/97
All of Block 1800, Portions of Blocks 1900, 3100 and 3200
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Reason: Clean-up process.

Buildings

Bldg. P–2000, Fort Sam Houston
Property #: 219220389
Fed Reg Date: 08/29/97
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–2001, Fort Sam Houston
Property #: 219220390
Fed Reg Date: 08/29/97
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. T–189, Fort Sam Houston
Property #: 219220402
Fed Reg Date: 08/29/97
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. S–1461
Property #: 219610772
Fed Reg Date: 08/29/97
Fort Sam Houston
TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Reason: Being utilized.

Virginia

Buildings

Bldg. T–181
Property #: 219630002
Fed Reg Date: 08/29/97
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Underutilized
Reason: Currently occupied.

Bldg. T–182
Property #: 219630003
Fed Reg Date: 08/29/97
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Underutilized
Reason: Currently occupied.

Bldg. T–183
Property #: 219630004
Fed Reg Date: 08/29/97
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Underutilized
Reason: Currently occupied.

Bldg. T–184
Property #: 219630005
Fed Reg Date: 08/29/97
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Underutilized
Reason: Currently occupied.

COE

California

Buildings

Santa Fe Flood Control Basin
Property #: 319011298
Fed Reg Date: 08/08/97
Project Name: Santa Fe Flood Control Basin
Irwindale, CA, Co: Los Angeles, Zip: 91706–
Status: Unutilized
Reason: Needed for contract personnel.

Florida

Buildings

Bldg. CN7
Property #: 319010012
Fed Reg Date: 08/08/97
Project Name: Ortona Lock Reservation
Ortona Lock Reservation, Okeechobee Waterway
Ortona, FL, Co: Glades, Zip: 33471–
Status: Unutilized
Reason: Disposal actions have been initiated.

Bldg. CN8

Property #: 319010013
Fed Reg Date: 08/08/97
Project Name: Ortona Lock Reservation
Ortona Lock Reservation, Okeechobee Waterway
Ortona, FL, Co: Glades, Zip: 33471–
Status: Unutilized
Reason: Disposal actions have been initiated.

Illinois

Land

Lake Shelbyville
Property #: 319240004
Fed Reg Date: 08/08/97
Project Name: Shelbyville, IL, Co: Shelby & Moultrie, Zip: 62565–9804
Status: Unutilized
Reason: Disposal action initiated.

Buildings

Bldg. 7
Property #: 319010001
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 6
Property #: 319010002
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 5
Property #: 319010003
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 4
Property #: 319010004
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 3
Property #: 319010005
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 2
Property #: 319010006
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability..

Bldg. 1
Property #: 319010007
Fed Reg Date: 08/08/97
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Kentucky

Land

Carr Fork Lake
Property #: 319240003
Fed Reg Date: 08/08/97
5 miles SE of Hindman, KY., Hwy. 60
Hindman, KY, Co: Knott, Zip:
Status: Unutilized
Reason: Used as drainage field

North Dakota

Land

Tracts V–1971B, V–1971
Property #: 319620006
Fed Reg Date: 08/08/97
Garrison Dam/Lake Sakakawea
ND, Co: McKenzie, ZIP:
Status: Unutilized
Reason: sold to adjoining landowner to resolve encroachment.

Lot 3/0.16 acre
Property #: 319720003
Fed Reg Date: 08/08/97
Snake Creek Cabin Site/Tract C272A
ND, Co: Mclean, Zip:
Status: Unutilized
Reason: To be sold/encroachment.

Ohio

Buildings

Bldg.—Berlin Lake
Property #: 319640001
Fed Reg Date: 08/08/97
7400 Bedell Road
Berlin Center, OH, Co: Mahoning, Zip: 44401–9797
Status: Unutilized
Reason: Utilized as construction office.

Pennsylvania

Land

East Branch Clarion River Lake
Property #: 319011012
Fed Reg Date: 08/08/97
Project Name: East Branch Clarion River Lake
Wilcox, PA, Co: Elk, Zip:
Status: Underutilized
Reason: Location near damsite.

Dashields Locks and Dam (Glenwillard, PA)
Property #: 319210009
Fed Reg Date: 08/08/97
Crescent Twp., PA, Co: Allegheny, Zip: 15046–0475
Status: Unutilized
Reason: Leased to Township.

Buildings

Tract 302B
Property #: 319430017
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Old Glassworks, PA, Co: Greene Zip: 15338–
Status: Unutilized
Reason: To be transferred to County.

Tract 353
Property #: 319430019
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 402
Property #: 319430020
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 403A
Property #: 319430021
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene: Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 403B
Property #: 319430022
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 403C
Property #: 319430023
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 434
Property #: 319430024
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract No. 224
Property #: 319440001
Fed Reg Date: 08/08/97
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Green, Zip: 15338–
Status: Unutilized
Reason: Disposal action initiated.

Govt. Dwelling
Property #. 319640002
Fed Reg Date: 08/08/97
Youghiogheny River Lake
Confluence, PA, Co: Fayette, Zip: 15424–9103
Status: Unutilized
Reason: Utilized as a conference area.

Texas

Land

Parcel #222
Property #: 319010421

Fed Reg Date: 10/17/97
Project Name: Lake Texoma
Lake Texoma TX, Co: Grayson, Zip:
Status: Excess
Reason: Landfill to be investigated.

Wisconsin

Buildings

Former Lockmaster's Dwelling
Property #: 319011526
Fed Reg Date: 08/08/97
Project Name: Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere, WI, Co: Brown, Zip: 54115–
Status: Unutilized
Reason: In negotiation for transfer to the State.

DOT

Alaska

Buildings

Bldgs. 001A&B
Property #: 879720001
Fed Reg Date: 09/05/97
Spruce Cape Loran Station
Kodiak, AK, Co: Kodiak Is. Bor., Zip: 99615–
Status: Excess
Reason: Currently utilized by Navy.

California

Land

Excess Land at Eureka Housing
Property #: 879540001
Fed Reg Date: 09/05/97
Eureka, CA, Co: Humboldt, Zip: 95501–
Status: Unutilized
Reason: Encroachment on property.

Georgia

Land

Land—St. Simons Boathouse
Property #: 879540003
Fed Reg Date: 09/05/97
St. Simons Island, GA, Co: Glynn, Zip: 31522–0577
Status: Unutilized
Reason: Reversionary clause in deed.

Massachusetts

Buildings

Keepers Dwelling
Property #: 879240024
Fed Reg Date: 09/05/97
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport, MA, Co: Essex, Zip: 01966–
Status: Unutilized
Reason: Under a license agreement.

Assistant Keepers Dwelling
Property #: 879240025
Fed Reg Date: 09/05/97
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport, MA, Co: Essex, Zip: 01966–
Status: Unutilized
Reason: Under a license agreement.

Maine

Buildings

Mount Desert Rock Light
Property #: 879240023
Fed Reg Date: 09/05/97
U.S. Coast Guard
Southwest Harbor, ME, Co: Hancock, Zip: 04679–
Status: Unutilized
Reason: No electrical service.

Little River Light
Property #: 879240026
Fed Reg Date: 09/05/97
U.S. Coast Guard
Cutler, ME, Co: Washington, Zip:
Status: Unutilized
Reason: Well contamination.

Burnt Island Light
Property #: 879240027
Fed Reg Date: 09/05/97
U.S. Coast Guard
Southport, ME, Co: Lincoln, Zip: 04576–
Status: Unutilized
Reason: Under a historic lease.

Texas

Buildings

Brownsville Urban System
Property #: 879010003
Fed Reg Date: 09/05/97
Project Name: Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville, TX, Co: Cameron, Zip: 78520–
Status: Unutilized
Reason: City of Brownsville needs the property.

Energy

Idaho

Buildings

Bldg. CFA–613
Property #: 419630001
Fed Reg Date: 09/05/97
Central Facilities Area
Idaho National Engineering Lab
Scoville, ID, Co: Butte, Zip: 83415–
Status: Unutilized
Reason: being reviewed for its historical status.

Illinois

Buildings

Bldg. 603030018
Property #: 419730002
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 006
Property #: 419730003
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 026
Property #: 419730004
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 028
Property #: 419730005
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 809
Property #: 419730006
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 826
Property #: 419730007
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 829
Property #: 419730008
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Bldg. 829A
Property #: 419730009
Fed Reg Date: 10/03/97
Argonne National Laboratory
Argonne, IL, Co: DuPage, Zip: 60439–
Status: Excess
Reason: disposal process.

Louisiana

Buildings

3 Office Buildings
Property #: 419640002
Fed Reg Date: 09/05/97
St. James Terminal
St. James, LA, Co: St. James Parish, Zip: 70086–
Status: Underutilized
Reason: under lease.

Warehouse
Property #: 419640003
Fed Reg Date: 09/05/97
St. James Terminal
St. James, LA, Co: St. James Parish, Zip: 70086–
Status: Underutilized
Reason: under lease.

Laboratory
Property #: 419640004
Fed Reg Date: 09/05/97
St. James Terminal
St. James, LA, Co: St. James Parish, Zip: 70086–
Status: Underutilized
Reason: under lease.

Guard House
Property #: 419640005
Fed Reg Date: 09/05/97
St. James Terminal
St. James, LA, Co: St. James Parish, Zip: 70086–
Status: Underutilized
Reason: under lease.

2 Dock Operator Bldgs.
Property #: 419640006
Fed Reg Date: 09/05/97
St. James Terminal
St. James, LA, Co: St. James Parish, Zip: 70086–
Status: Underutilized
Reason: under lease.

New York

Buildings

Bldg. 118
Property #: 419710001
Fed Reg Date: 09/05/97
10 Pennsylvania Ave.
Upton, NY, Co: Suffolk, Zip: 11973–
Status: Excess
Reason: Disposal process.

GSA

Arizona

Land

Part of Old Mesa Substation
Property #: 549730008
Fed Reg Date: 08/01/97
NE corner of University Drive
Mesa, AZ, Co: Maricopa, Zip: 85203–
Status: Surplus
GSA No.: 9–B–AZ–803
Reason: Advertised.

California

Land

(P) Camp Elliott
Property #: 549310008
Fed Reg Date: 08/08/97
Rosedale Tract
San Diego, CA, Co: San Diego, Zip:
Status: Surplus
GSA No.: 9–GR(6)–CA–694A
Reason: Sale pending.

Buildings

Bakersfield Federal Building
Property #: 549710013
Fed Reg Date: 08/08/97
800 Truxton Avenue
Bakersfield, CA, Co: Kern, Zip: 93302–
Status: Excess
GSA No.: 9–G–CA–1478
Reason: City interest.

25-Units of Housing
Property #: 549730006
Fed Reg Date: 08/01/97
Former Naval Facility, Pt. Sur
Centerville Beach Detachment
CA, Co: Monterey, Zip:
Status: Surplus
GSA No.: 9–N–CA–1480
Reason: Homeless interest.

23 Admin/Misc Buldings
Property #: 549730007
Fed Reg Date: 08/01/97
Former Naval Facility, Pt. Sur
Centerville Beach Detachment
CA, Co: Monterey, Zip:
Status: Surplus
GSA No.: 9–N–CA–1480
Reason: Homeless interest.

Georgia

Land

NARACS Site
Property #: 549730002
Fed Reg Date: 09/05/97
North side of GA Hwy 36, 5 mi. west of I–75
GA, Co: Lamar, Zip:
Status: Excess
GSA No.: 4–U–GA–0855
Reason: County interest.

Iowa

Buildings

Naval Family Housing
Property #: 549720009
Fed Reg Date: 08/08/97
23-Units
Waverly, IA, Co: Bremer, Zip: 50677–
Status: Excess
GSA No.: 7–D–LA–0463B
Reason: Federal need.

Idaho

Land

160 acres
Property #: 549720008
Fed Reg Date: 08/08/97
Idaho National Engineering Lab
ID, Co: Jefferson, Zip: 83415–
Status: Surplus
GSA No.: 9–B–ID–542
Reason: Sale to County pending.

Illinois

Buildings

Parcel 2
Property #: 549610011
Fed Reg Date: 08/08/97
Portion Former Lock & Dam 51
Golconda, IL, Co: Pope, Zip: 62938–
Status: Excess
GSA No.: 2–D–IL–703
Reason: Public benefit.

Indiana

Land

Portion
Property #: 549620002
Fed Reg Date: 08/08/97
Bureau of Prisons Vigo Farm
Linden Twp, IN, Co: Vigo, Zip:
Status: Excess
GSA No.: 2–J–IN–507C
Reason: County is interested in negotiated sale.

Kansas

Buildings

Federal Office Building
Property #: 549640014
Fed Reg Date: 08/08/97
400 Houston Street
Manhattan, KS, Co: Riley, Zip: 66502–
Status: Surplus
GSA No.: 7–G–KS–0519
Reason: Public benefit interest.

Massachusetts

Buildings

17 Single Family Residences
Property #: 549520002
Fed Reg Date: 08/08/97
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022–
Status: Excess
Reason: Public body interest.

20 Fourplex Residences
Property #: 549520004
Fed Reg Date: 08/08/97
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022–
Status: Excess
Reason: Public body interest.

Maine

Land

Remote Center Air
Property #: 549610014
Fed Reg Date: 08/08/97
Gound Communication Facility
Westford Hill Road
Hodgdon, ME, Co: Aroostook, Zip: 04730–
Status: Excess
GSA No.: 1–ME–624
Reason: Sale scheduled.

Buildings

51 Housing Units w/garages
Property #: 549640012
Fed Reg Date: 08/08/97
Charleston Family Housing Complex
Maxwell Lane & Randolph Drive
Bangor, ME, Co: Penobscot, Zip: 04401–
Status: Excess
GSA No.: 1–D–ME–526H
Reason: Negotiated sale.

Michigan

Buildings

Detroit Job Corps Center
Property #: 549510002
Fed Reg Date: 08/08/97
10401 E. Jefferson & 1438 Garland;
1265 St. Clair
Detroit, MI Co: Wayne, Zip: 42128–
Status: Surplus
GSA No.: 2–L–MI–757
Reason: Education application.

Seul Choix Point Light
Property #: 549640005
Fed Reg Date: 08/08/97
Guilliver, MI, Co: Schoolcraft, Zip: 49840–
Status: Excess
GSA No.: 1–U–MI–679A
Reason: Public body interest.

Missouri

Buildings

Meteorological Observatory
Property #: 549740006
Fed Reg Date: 11/14/97
323 Farm Road
Monett, MO, Co: Berry, Zip: 65708–9351
Status: Surplus
GSA No.: 7–C–MO–0639
Reason: Educational interest.

Montana

Buildings

Bldg.—Conrad Training Site
Property #: 189420025
Fed Reg Date: 08/08/97
15 miles east of the City of Conrad
MT, Co: Pondera, Zip: 59425–
Status: Excess
Reason: Advertising.

North Carolina

Buildings

Federal Building
Property #: 549730021
Fed Reg Date: 09/12/97
140 4th Avenue West
Hendersonville, NC, Co: Henderson, Zip: 28739–
Status: Excess
GSA No.: 4–G–NC–726
Reason: Homeless interest.

Federal Building

Property #: 549730022
Fed Reg Date: 09/12/97
146 North Main Street
Rutherfordton, NC, Co: Rutherford, Zip: 28139–
Status: Excess
GSA No.: 4–G–NC–727
Reason: Homeless interest.

North Dakota

Buildings

House #1 (OJ1)
Property #: 549720010
Fed Reg Date: 08/08/97
OMEGA Station
213 2nd St. NE
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #2 (OJ2)
Property #: 549720011
Fed Reg Date: 08/08/97
OMEGA Station
216 2nd St. NE
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #3 (OJ3)
Property #: 549720012
Fed Reg Date: 08/08/97
OMEGA Station
310 2nd St. NE
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #4 (OJ4)
Property #: 549720013
Fed Reg Date: 08/08/97
OMEGA Station
316 2nd St. NE
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #5 (OJ5)
Property #: 549720014
Fed Reg Date: 08/08/97
OMEGA Station
122 4th Ave. NW
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #6 (OJ6)
Property #: 549720015
Fed Reg Date: 08/08/97
OMEGA Station
417 2nd St. NW
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #7 (OJ7)
Property #: 549720016
Fed Reg Date: 08/08/97
OMEGA Station
421 2nd St. NW
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #8 (OJ8)
Property #: 549720017
Fed Reg Date: 08/08/97
OMEGA Station
123 5th Ave. NW
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #9 (OJ9)
Property #: 549720018
Fed Reg Date: 08/08/97
OMEGA Station
517 2nd St. NW
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

House #10 (OJO)
Property #: 549720019
Fed Reg Date: 08/08/97
OMEGA Station
521 2nd St. NW
LaMoure, ND, Co: LaMoure, Zip: 58458–
Status: Excess
GSA No.: 7–U–ND–0494A & B
Reason: Advertised.

Nebraska

Buildings

Forecast Office
Property #: 549740005
Fed Reg Date: 11/14/97
11404 N 72nd Street
Omaha, NE, Co: Douglas, Zip: 58102–
Status: Surplus
GSA No.: 7–C–NE–0522
Reason: Homeless interest.

Nevada

Buildings

5 Single Family Residences
Property #: 549430004
Fed Reg Date: 08/08/97
Tonopah Housing Complex
Tonopah, NV, Co: Nye, Zip: 89049–
Status: Excess
GSA No.: 9–U–NV–467–C
Reason: Advertising.

13 Single Family Residences
Property #: 549430005
Fed Reg Date: 08/08/97
Tonopah Housing Complex
Tonopah, NV, Co: Nye, Zip: 89049–
Status: Excess
GSA No.: 9–U–NV–467–C
Reason: Advertised.

New York

Land

Galeville Army Training Site
Property #: 219510128
Fed Reg Date: 08/08/97
Shawangunk, NY, Co: Ulster, Zip: 12589–
Status: Excess
GSA No.: 2–D–NY–807
Reason: Federal need.

Ohio

Land

Bethany Relay Station
Property #: 549610008
Fed Reg Date: 08/08/97
8070 Tylersville Road
Union Township, OH, Co: Butler, Zip: 45040–
Status: Excess
GSA No.: 1–Z–OH–726B
Reason: Multiple public benefit interests.

Receiver Site
Property #: 549720001
Fed Reg Date: 08/08/97
Bethany Relay Station
Wayne, OH, Co: Butler, Zip: 45040–
Status: Surplus
GSA No.: 1–GR–OH–0726C
Reason: Negotiated sale in progress.

Buildings

65 North Fifth Street
Zanesville Federal Building
Property #: 549520018
Fed Reg Date: 08/08/97
Zanesville, OH, Co: Muskingum, Zip:
Status: Excess
GSA No.: 2–G–OH–781A
Reason: Public benefit interest from County.

Marblehead Light Tower
Property #: 549710005
Fed Reg Date: 08/08/97
East Harbor State Park
Marblehead, OH, Co: Ottawa, Zip: 43440–
Status: Excess
GSA No.: 1–U–OH–655–C
Reason: Public body interest.

Oregon

Land

Portion, Astoria Field Office
Property #: 549640015
Fed Reg Date: 08/08/97
Via Hwy 30
Astoria, OR, Co: Clatsop, Zip: 97103–
Status: Excess
GSA No.: 9–D–OR–447F
Reason: State interest.

Buildings

Gus Solomon U.S. Courthouse
Property #: 549730023
Fed Reg Date: 09/19/97
620 SW Main Street
Portland, OR, Co: Multnomah, Zip: 97205–
Status: Underutilized
GSA No.: 7–G–OR–724
Reason: Pending lease with County government.

Pennsylvania

Buildings

Federal Office Building
Property #: 549730004
Fed Reg Date: 08/01/97
1421 Cherry Street
Philadelphia, PA, Zip: 19107–
Status: Surplus
GSA No.: 4–G–PA–776
Reason: Negotiated sale in progress.

Presque Isle Light Station
Property #: 549730009
Fed Reg Date: 08/08/97
Erie, PA, Co: Erie, Zip: 16505–
Status: Excess
GSA No.: 4–U–PA–775
Reason: Historic monument interest.

Puerto Rico

Land

La Hueca—Naval Station
Property #: 549420006

Fed Reg Date: 08/08/97
Roosevelt Roads
Vieques, PR, Zip: 00765–
Status: Excess
Reason: Federal interest.

Tennessee

Buildings

Federal Building
Property #: 549730010
Fed Reg Date: 08/08/97
130 Main Street
Carthage, TN, Co: Smith, Zip: 37030–
Status: Excess
GSA No.: 4–G–TN–643
Reason: Homeless interest.

Texas

Buildings

7 Office Buildings
Property #: 549630007
Fed Reg Date: 08/08/97
Former SW Regional Headquarters
4400 Blue Mound Road
TX, , Zip: 76106–
Status: Excess
GSA No.: 7–U–TX–1041
Reason: Homeless interest.

5 Storage Buildings
Property #: 549630008
Fed Reg Date: 08/08/97
Former SW Regional Headquarters
4400 Blue Mound Road
TX, , Zip: 76106–
Status: Excess
GSA No.: 7–U–TX–1041
Reason: Homeless interest.

6 Misc. Buildings
Property #: 549630009
Fed Reg Date: 08/08/97
Former SW Regional Headquarters
4400 Blue Mound Road
TX, Zip: 76106–
Status: Excess
GSA No.: 7–U–TX–1041
Reason: Homeless interest.

Harlingen USARC
Property #: 549730005
Fed Reg Date: 08/01/97
1920 East Washington
Harlingen, TX, Co: Cameron, Zip: 78550–
Status: Surplus
GSA No.: 7–D–TX–1047
Reason: Educational interest.

Virginia

Buildings

National Weather Service
Property #: 549710001
Fed Reg Date: 08/08/97
Route 3
Volens, VA, Co: Halifax, Zip:
Status: Excess
GSA No.: 4–C–VA–713
Reason: Advertised for public sale.

Washington

Land

Sandpoint Control Tower
Property #: 549440003
Fed Reg Date: 08/08/97
Near 7600 Sandpoint Way, NE
Seattle, WA, Co: King, Zip: 98115–
Status: Excess
GSA No.: 4–C–WA–1069
Reason: Federal requirement.

West Virginia

Buildings

Ravenswood Public Access Site
Property #: 549640013
Fed Reg Date: 08/08/97
No. 2, 4, 6 Washington Street South
Ravenswood, WV, Co: Jackson, Zip: 26164–
Status: Excess
GSA No.: 4–D–WV–526
Reason: Under existing lease to City.

Wyoming

Land

Former Portion/Warren AFB
Property #: 549730016
Fed Reg Date: 09/12/97
Cheyenne, WY, Co: Laramie, Zip: 82001–
Status: Surplus
GSA No.: 7–GR–WY–422V
Reason: Advertise.

NAVY

California

Buildings

Bldg. 29
Property #: 779730013
Fed Reg Date: 08/08/97
Naval Support Activity
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Unutilized
Reason: demolition in process.

Bldg. 218
Property #: 779730014
Fed Reg Date: 08/08/97
Naval Support Activity
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Unutilized
Reason: demolition in process.

3 Bldgs. La Mesa Village
Property #: 779740030
Fed Reg Date: 11/14/97
Naval Support Activity
#39, 40, 117
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Excess
Reason: demolition in process.

9 Bldgs. La Mesa Village
Property #: 779740031
Fed Reg Date: 11/14/97
Naval Support Activity
#31, 33, 35, 36, 41, 116, 118, 121, 122
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Excess
Reason: demolition in process.

5 Bldgs. La Mesa Village
Property #: 779740032
Fed Reg Date: 11/14/97
Naval Support Activity
#32, 38, 42, 119, 123
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Excess
Reason: demolition in process

12 Bldgs. La Mesa Village
Property #: 779740033
Fed Reg Date: 11/14/97
Naval Support Activity
#24–25, 45–48, 54–55, 57, 59, 113–114
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 26 La Mesa Village
Property #: 779740034
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Co: Monterey, Zip: 93943–
Status: Excess
Reason: demolition in process.

23 Bldgs. La Mesa Village
Property #: 779740035
Fed Reg Date: 11/14/97
Naval Support Activity
1–5, 27–30, 50–53, 83–85, 124–125, 129–132, 136
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

9 Bldgs. La Mesa Village
Property #: 779740036
Fed Reg Date: 11/14/97
Naval Support Activity
#37, 142–149
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 115 La Mesa Village
Property #: 779740037
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 120 La Mesa Village
Property #: 779740038
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 23 La Mesa Village
Property #: 779740039
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 34 La Mesa Village
Property #: 779740040
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 37 La Mesa Village
Property #: 779740041
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 44 La Mesa Village
Property #: 779740042
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 49 La Mesa Village
Property #: 779740043
Fed Reg Date: 11/14/97
Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: demolition in process.

Bldg. 56 La Mesa Village
Property #: 779740044
Fed Reg Date: 11/14/97

Naval Support Activity
Monterey, CA, Zip: 93943–
Status: Excess
Reason: Demolition in process.

Bldg. 65–74, 86, 87
Property #: 779740067
Fed Reg Date: 12/12/97
Naval Postgraduate School
La Mesa
Monterey, CA, Zip: 93943–
Status: Excess
Reason: Demolition in process.

Florida

Land

Naval Public Works Center
Property #: 779010157
Fed Reg Date: 09/05/97
Project Name: Naval Base
Naval Air Station
Pensacola, FL, Co: Escambia, Zip: 32508–
Status: Unutilized
Reason: Prop. reverts to grantor when no longer needed by military.

Georgia

Land

Naval Submarine Base
Property #: 779010255
Fed Reg Date: 09/05/97
Project Name: Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay, GA, Co: Camden, Zip: 31547–
Status: Underutilized
Reason: Buffer area for an explosive safety arc.

Maryland

Buildings

Bldg. 230
Property #: 779330010
Fed Reg Date: 09/05/97
Naval Communication Detachment
9190 Commo Road
Cheltenham, MD, Co: Prince George, Zip: 20397–5520
Status: Unutilized
Reason: Federal need expressed.

Maine

Buildings

Bldg. 376, Naval Air Station
Property #: 779320011
Fed Reg Date: 09/05/97
Topsham Annex
Topsham, ME, Co: Sagadahoc, Zip:
Status: Unutilized
Reason: Federal need.

Bldg. 383
Property #: 779720025
Fed Reg Date: 09/05/97
Topsham Annex, Naval Air Station
Brunswick, ME, Zip: 04011–
Status: Unutilized
Reason: Pending special legislation.

Bldg. 382
Property #: 779720026
Fed Reg Date: 09/05/97
Topsham Annex, Naval Air Station
Brunswick, ME, Zip: 04011–
Status: Unutilized
Reason: Pending special legislation.

Bldg. 381
Property #: 779720027
Fed Reg Date: 09/05/97
Topsham Annex, Naval Air Station
Brunswick, ME, Zip: 04011–
Status: Unutilized
Reason: Pending special legislation.

Ohio

Bulidings

Naval & Marine Corps Res. Cntr
Property #: 779320012
Fed Reg Date: 09/05/97
315 East LaClede Avenue
Youngstown, OH, Zip:
Status: Unutilized
Reason: Returning property to the City.

Puerto Rico

Buildings

Bldgs. 501 & 502
Property #: 779530007
Fed Reg Date: 09/05/97
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz, PR, Zip: 00795–
Status: Underutilized
Reason: Department of Defense interest.

Virginia

Land

Naval Base
Property #: 779010156
Fed Reg Date: 09/05/97
Project Name: Naval Base
Norfolk, VA, Co: Norfolk, Zip: 23508–
Status: Unutilized
Reason: Identified for use in developing admin. office space.

Buildings

Naval Medical Clinic
Property #: 779010109
Fed Reg Date: 09/05/97
Project Name: Naval Medical Clinic
6500 Hampton Blvd.
Norfolk, VA, Co: Norfolk, Zip: 23508–
Status: Unutilized
Reason: Planned for expansion space.

Virgin Islands

Land

Ham's Bluff Test Site
Property #: 779530006
Fed Reg Date: 09/05/97
Freddriksted, VI, Co: St. Croix, Zip: 00840–
Status: Unutilized
Reason: Department of Defense interest.

VA

Florida

Buildings

Bldg. 37, VAMC
Property #: 979230010
Fed Reg Date: 09/05/97
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Dedicated to patient care purposes.

Illinois

Land

VA Medical Center
Property #: 979010082
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
3001 Green Bay Road
North Chicago, IL, Co: Lake, Zip: 60064–
Status: Underutilized
Reason: Fully used as a staging area for major construction project.

Indiana

Buildings

Bldg. 24, VAMC
Property #: 979230005
Fed Reg Date: 09/05/97
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Reason: Currently utilized.
Bldg. 105, VAMC
East 38th Street
Marion, IN, Co: Grant, ZIP 46952–
Status: Underutilized
Reason: Currently Utilized.
Bldg. 105, VAMC
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Reason: Integral part of the security system

Michigan

Land

VA Medical Center
Property #. 979010015
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
5500 Armstrong Road
Battle Creek, MI, Co: Calhoun, Zip: 49016–
Status: Underutilized
Reason: Being used for patient and program activities.

New York

Land

VA Medical Center
Property #: 979010017
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
Fort Hill Avenue
Canandaigua, NY, Co: Ontario, Zip: 14424–
Status: Underutilized
Reason: 13 acres/Canandaigua School Dist., 14.5 acres landlocked.

Pennsylvania

Land

VA Medical Center
Property #: 979010016
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
New Castle Road
Butler, PA, Co: Butler, Zip: 16001–
Status: Underutilized
Reason: Used as natural drainage for facility property.

Land No. 645
Property #: 979010080
Fed Reg Date: 09/05/97
Project Name: VA Medical Center
VA Medical Center
Highland Drive
Pittsburgh, PA, Co: Allegheny, Zip: 15206–
Status: Unutilized
Reason: Property is essential to security and safety of patients.

Land—34.16 acres
Property #: 979340001
Fed Reg Date: 09/05/97
VA Medical Center
1400 Black Horse Hill Road

Coatesville, PA, Co: Chester, Zip: 19320–
Status: Underutilized
Reason: Needed for mission related functions.

Wyoming

Buildings

Bldg. 13
Property #: 979110001
Fed Reg Date: 09/05/97
Project Name: Medical Center
Medical Center
N.W. of town at the end of Fort Road
Sheridan, WY, Co: Sheridan, Zip: 82801–
Status: Unutilized
Reason: Planned for future use—currently used for storage.

Bldg. 79
Property #: 979110003
Fed Reg Date: 09/05/97
Project Name: Medical Center
Medical Center
N.W. of town at the end of Fort Road
Sheridan, WY, Co: Sheridan, Zip: 82801–
Status: Unutilized
Reason: VA uses as a filtration plant.

[FR Doc. 98–3348 Filed 2–12–98; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–060–1620–01, WYW136142, WYW136458]

Notice of Availability of a Final Environmental Impact Statement (FEIS) on Two Separate Coal Lease Applications for Federal Coal in the Decertified Powder River Federal Coal Production Region, WY

SUMMARY: This notice announces the Availability of a FEIS pursuant to 40 CFR parts 1500–1508 for the Powder River (WYW136142) and Thundercloud (WYW136458) Coal Lease Applications in the Wyoming Powder River Basin. The Powder River tract is being considered for sale as a result of a coal lease application received from Powder River Coal Company (WYW136142) for Federal coal in an area adjacent to the company's North Antelope and Rochelle Mines. The Thundercloud tract is being considered for sale as a result of a coal lease application received from Kerr-McGee Coal Corporation (WYW136458), for Federal coal in an area adjacent to the company's Jacobs Ranch Mine. The two application areas are located about 9 miles apart in southeastern Campbell County, Wyoming.

DATES: The FEIS is scheduled to be available to the public on February 13, 1998. Two separate Records of Decision (one for each application) will be signed after the 30 day availability period ends on March 16, 1998.

ADDRESSES: Please address questions, comments, or requests for copies of the FEIS to the Casper District Office, Bureau of Land Management, Attn: Nancy Doelger, 1701 East E Street, Casper, Wyoming 82601, or fax them to 307–234–1525.

FOR FURTHER INFORMATION CONTACT: Nancy Doelger or Mike Karbs at the above address, or telephone: 307–261–7600.

SUPPLEMENTARY INFORMATION: Both applications were filed as maintenance tract lease-by-applications (LBAs) under the provisions of 43 Code of Federal Regulations (CFR) 3425.1.

On March 23, 1995, Powder River Coal Company filed a coal lease application with the BLM for a maintenance tract LBA for the following lands, which contain an estimated 515 million tons of Federal coal:

T. 41 N., R. 70 W., 6th P.M., Wyoming,
Sec. 6, lots 10 thru 13, and 18 thru 21;
Sec. 7, lots 6, 11, 14, and 19;
Sec. 18, lots 5, 12, 13, and 20;
T. 42 N., R. 70 W., 6th P.M., Wyoming,
Sec. 31, lots 5 thru 20;
Sec. 32, lots 1 thru 16;
Sec. 33, lots 1 thru 16;
Sec. 34, lots 1 thru 16;
Sec. 35, lots 1 thru 16;
T. 41 N., R. 71 W., 6th P.M., Wyoming,
Sec. 1, lots 5, 6, 11, and 12.

The area described contains 4,023.460 acres more or less.

The BLM has recommended that the following lands be excluded from the tract to enhance the value of remaining unleased Federal coal in the area:

T. 41 N., R. 71 W., 6th P.M., Wyoming,
Sec. 1, lots 5, 6, 11, and 12.

The area described contains 161.24 acres more or less.

The BLM further recommended that the following lands be included in the tract to avoid a potential bypass situation in the future:

T. 41 N., R. 71 W., 6th P.M., Wyoming,
Sec. 19, lot 5, and lot 12 (N½);
Sec. 20, lots 1 thru 4, lot 5 (N½), lot 6 (N½), lot 7 (N½), and lot 8 (N½);
Sec. 21, lot 4, and lot 5 (N½).

The area described contains 362.005 acres more or less.

The tract as amended by the BLM contains a total of 4,224.225 acres, more or less, and approximately 534 million tons of Federal coal and includes the following lands:

T. 41 N., R. 70 W., 6th P.M., Wyoming,
Sec. 6, lots 10 thru 13 and 18 thru 21;
Sec. 7, lots 6, 11, 14, and 19;
Sec. 18, lots 5, 12, 13, and 20;
Sec. 19, lot 5, and lot 12 (N½);
Sec. 20, lots 1 thru 4, lot 5 (N½), lot 6 (N½), lot 7 (N½), and lot 8 (N½);
Sec. 21, lot 4, and lot 5 (N½);
T. 42 N., R. 70 W., 6th P.M., Wyoming,
Sec. 31, lots 5 thru 20;
Sec. 32: lots 1 thru 16;
Sec. 33, lots 1 thru 16;
Sec. 34, lots 1 thru 16;
Sec. 35, lots 1 thru 16.

The North Antelope and Rochelle Mines are contiguous mines which are both adjacent to the lease application area. Both mines have approved mining and reclamation plans. The Rochelle Mine has an air quality permit approved by the Wyoming Department of Environmental Quality, Air Quality Division (WDEQ/AQD) to mine up to 30 million tons of coal per year. The North Antelope Mine has an air quality permit approved by the WDEQ/AQD to mine up to 35 million tons of coal per year. According to the application, Powder River Coal Company plans no production increase at either mine solely from the acquisition of the proposed lease; the additional tonnage would extend the life of both mines.

In 1992, Powder River Coal Company was the successful bidder on a maintenance coal lease (WYW119554) containing approximately 3,493 acres adjacent to the North Antelope and Rochelle Mines using the LBA process.

On April 14, 1995, Kerr-McGee Coal Corporation filed a coal lease application with the BLM for a maintenance tract LBA for the following lands, which contain an estimated 427 million tons of Federal coal:

T. 43 N., R. 70 W., 6th P.M., Wyoming,
Sec. 4, lots 8, 9, and 15 thru 18;
Sec. 5, lots 5 thru 20;
Sec. 6, lots 8 thru 23;
Sec. 7, lots 5 thru 7, lot 8 (N½), lots 9 thru 12; lot 13 (N½ and SE¼), and lot 19 (NE¼);
Sec. 8, lots 1 thru 16;
Sec. 9, lots 3 thru 6 and 11 thru 14;
T. 43 N., R. 71 W., 6th P.M., Wyoming,
Sec. 1, lots 5 thru 15, 19, and SE¼NE¼.

The area described contains 3,395.917 acres more or less.

The BLM has recommended that the following acreage be included in the tract to avoid a potential bypass situation in the future:

T. 43 N., R. 71 W., 6th P.M., Wyoming
Sec. 1, lot 16 (N½), lots 17 and 18;
Sec. 12, lot 1, and lot 2 (NE¼).

The area described contains 149.588 acres more or less.

The tract as amended by the BLM contains a total of 3,545.503 acres, more or less, and approximately 450 million tons of Federal coal and includes the following lands:

T. 43 N., R. 70 W., 6th P.M., Wyoming,
Sec. 4, lots 8, 9, and 15 thru 18;
Sec. 5, lots 5 thru 20;
Sec. 6, lots 8 thru 23;

Sec. 7, lots 5 thru 7, lot 8 (N½), lots 9 thru 12, lot 13 (N½ and SE¼), and lot 19 (NE¼);
Sec. 8, lots 1 thru 16;
Sec. 9, lots 3 thru 6 and 11 thru 14;
T. 43 N., R. 71 W., 6th P.M., Wyoming,
Sec. 1, lots 5 thru 15, lot 16(N½), lots 17 thru 19, and SE¼NE¼;
Sec. 12, lot 1, and lot 2 (NE¼).

The acreage applied for in Kerr McGee's application is known as the Thundercloud tract. It is part of the Thundercloud tract described in a 1983 BLM document entitled "Powder River Coal Region Tract Summaries," which was prepared in anticipation of a Federal coal sale proposed for 1984 that did not take place.

The Jacobs Ranch Mine has an air quality permit approved by the WDEQ/AQD to mine up to 35 million tons of coal per year. According to Kerr-McGee, the additional coal reserves would extend the life of the current mining operations at the Jacobs Ranch Mine.

Kerr-McGee was previously the successful bidder on a maintenance coal lease (WYW117924, issued effective October 1, 1992) containing approximately 1,709 acres adjacent to the Jacobs Ranch Mine using the LBA process.

The Powder River Regional Coal Team reviewed both competitive lease applications at their meeting on April 23, 1996, in Cheyenne, Wyoming, and recommended that both be processed.

The FEIS analyzes three alternatives. Under the Proposed Action, the BLM would hold a separate competitive sale for each tract as applied for, and issue a lease for each tract to the successful high bidder at each sale whose bid meets or exceeds the fair market value of the Federal coal as determined by BLM. The second alternative, Alternative 1 is the No Action Alternative, which assumes that neither maintenance tract would be leased, but that existing operations at the three mines adjacent to the LBA tracts would proceed as currently permitted. Under the third alternative, Alternative 2, BLM would hold a separate competitive sale for each tract as modified by the BLM, and issue a lease for each tract to the successful high bidder at each sale whose bid meets or exceeds the fair market value of the Federal coal as determined by BLM. Alternative 2 is the preferred alternative of the BLM.

The U.S. Forest Service (USFS) is a cooperating agency in the preparation of the EIS because the surface of some of the land included in both tracts is owned by the Federal Government and administered by the USFS as part of the Thunder Basin National Grasslands. The Office of Surface Mining Reclamation and Enforcement is also a cooperating agency in the preparation of the EIS because it is the Federal agency that would review the mining plans for the two tracts if they are leased, and recommend approval or disapproval of the mining plans to the Secretary of the Interior.

The DEIS was mailed to the public in August 1997, and the DEIS comment period extended though October 28, 1997. A public hearing was held on October 8, 1997, at the Holiday Inn in Gillette, Wyoming, pursuant to 43 CFR 3425.4. The purpose of the hearing was to receive comments on the DEIS, and on the fair market value, the maximum economic recovery, and the proposed separate competitive sales of coal from the two tracts. The ten comment letters that were received on the DEIS are included, with responses, in the FEIS.

Dated: February 5, 1998.

Alan L. Kesterke,

Associate State Director.

[FR Doc. 98–3684 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–020–1990–01]

Trenton Canyon Mine Project Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement and the initiation of a 60-day comment period.

SUMMARY: Pursuant to section 102 (2) (c) of the National Environmental Policy Act of 1969, notice is given that the Winnemucca Field Office of the Bureau of Land Management (BLM) has prepared, by third party contractor, a Draft Environmental Impact Statement on Newmont Gold Company's Trenton Canyon Project. This document became available February 13, 1998, and public comment will be accepted for a 60 day period beginning then.

DATES AND ADDRESSES: Written comments on the Draft Environmental Impact Statement must be received by the close of business April 14, 1998, to ensure consideration. Public meetings to receive oral and written comments have been scheduled for the following dates, times, and places: March 19, 1998 at 7 p.m. at the Winnemucca Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada; March 18, 1998 at 7 p.m. at the Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada.

A copy of the Draft Environmental Impact Statement can be obtained from: Bureau of Land Management, Winnemucca Field Office. ATTN: Rod Herrick, Project Coordinator, 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445.

The Draft Environmental Impact Statement is also available for inspection at the following additional locations: Bureau of Land Management, Nevada State Office, 850 Harvard Way, Reno, Nevada; Humboldt County Library, Winnemucca, Nevada; Pershing County Library, Lovelock, Nevada; Lander County Library, Battle Mountain, Nevada; and the University of Nevada Library in Reno, Nevada.

FOR FURTHER INFORMATION CONTACT: Rod Herrick, Project Coordinator at the above Winnemucca Field Office address or telephone (702) 623–1500.

SUPPLEMENTARY INFORMATION: The Draft Environmental Impact Statement analyzes the potential environmental impacts that could result from the implementation of the proposed mine expansion. Alternatives analyzed are partial pit backfilling, reconfiguration of waste rock disposal areas, and the no action alternative.

The mine is located on public and private lands south of Interstate Highway 80, approximately 35 miles southeast of Winnemucca, Nevada and 18 miles northwest of Battle Mountain, Nevada. Approximately 1,480 acres would be disturbed by the proposed mine expansion, of which 633 are public and 847 private. The proposed project would include expansion of the existing open pits and waste rock storage areas; development of new open pits and waste rock storage areas; development of one or two new heap leach facilities, haul roads, solution ponds, diversion channels, growth media stockpiles, exploration roads and drill sites, and other ancillary facilities; and realignment of the primary access road . Approval would extend the life of the mine to 2005 plus 3 years reclamation.

Dated: January 24, 1997.

Ron Wenker,

District Manager.

[FR Doc. 98–2964 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-921-41-5700; 137796]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

February 4, 1998.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW137796 for lands in Sublette County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16-2/3 percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW137796 effective November 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 98-3686 Filed 2-12-98; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-921-41-5700; 134470]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

February 4, 1998.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW134470 for lands in Sublette County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW134470 effective November 1, 1997, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Chief, Leasable Minerals Section.

[FR Doc. 98-3687 Filed 2-12-98; 8:45 am]

BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-932-1410-00; FF-14954]

Public Land Order No. 7313; Withdrawal of Public Lands for Wainwright Village Selection; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 9,151 acres of public lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, pursuant to Section 22(j)(2) of the Alaska Native Claims Settlement Act. Approximately 8,513 acres of the lands are located within the National Petroleum Reserve-Alaska. This action also reserves the lands for selection by the Olgoonik Corporation, the village corporation for Wainwright. This withdrawal is for a period of 120 days; however, any lands selected shall remain withdrawn by the order until they are conveyed. Any lands described herein that are not selected by the corporation will remain subject to the terms and conditions of any withdrawal or segregation of record.

EFFECTIVE DATE: February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Shirley J. Macke, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5049.

By virtue of the authority vested in the Secretary of the Interior by Section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1994), and in accordance with Section 12 of the Alaska Land Status Technical Corrections Act of 1992, 43 U.S.C. 1634(f) (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, a portion of which are located within the boundaries of the National Petroleum Reserve-Alaska, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are hereby reserved for selection under Section 12 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 (1994), by the Olgoonik Corporation, the village corporation for Wainwright:

Umiat Meridian

T. 16 N., R. 29 W., (Unsurveyed)
Secs. 1 to 12, inclusive.
T. 14 N., R. 30 W., (Surveyed)
Secs. 1 to 4, inclusive; and secs. 9 to 12, inclusive.
T. 4 S., R. 11 W., (Partially Surveyed)
Sec. 30, S½.
T. 4 S., R. 12 W., (Partially Surveyed)
Sec. 25, S½.

The areas described aggregate approximately 9,151 acres.

2. Prior to conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal.

3. This order constitutes final withdrawal action by the Secretary of the Interior under Section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1994), to make lands available for selection by the Olgoonik Corporation, to fulfill the entitlement of the village of Wainwright under Section 12 and Section 14(a) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 and 1613 (1994).

4. This withdrawal will terminate 120 days from the effective date of this order; provided, any lands selected shall remain withdrawn pursuant to this order until conveyed. Any lands described in this order, not selected by the corporation, will be subject to the terms and conditions of any other withdrawal or segregation of record.

5. It has been determined that this action is not expected to have any significant effect on the subsistence uses and needs pursuant to Section 810(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3120(c) (1994), and this action is exempted from the National Environmental Policy Act of 1969, 42 U.S.C. 4321 note (1994), by Section 910 of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1638 (1994).

Dated: February 4, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–3603 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–010–1430–00 ;-N–58862, N–58864, N–58865, N–58867, N–58868, N–58869, N–58870, N–58872, N–58873, N–58874, N–58875, N–58876, N–58877, N–58878]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following public lands in Clark County, Nevada, have been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The lands are needed for development of multiple Senior, Middle, and Elementary Schools.

Mount Diablo Meridian, Nevada

T. 19 S., R. 62 E.,
Section 13, lot 7, 9;
Section 15, lot 11;
Section 16, lot 7;
Section 17, lot 12;
Section 18, lots 6, 11, 15;
Section 19, lot 15;
Section 20, lot 1;
Section 23, lot 1;
Section 24, lot 11.

T. 19 S., R. 62 E.,
Section 18, lot 2, S½NW¼SE¼;
Section 19, W½SE¼NE¼SW¼, SW¼NE¼SW¼.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, and will be subject to:

1. Easements in accordance with the City of North Las Vegas Transportation Plan and as stated by letter to the Bureau of Land Management dated November 17, 1997.

2. N–58862 The south thirty feet (30′) and the west thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the south and west by thirty feet (30′).

3. N–58864 The north thirty feet (30′) and the east thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the northeast corner of said parcel concave to the southwest, bounded on the north and east by thirty feet (30′).

4. N–58865 The west forty feet (40′), the south thirty feet (30′), and the east thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southeast corner of said parcel concave to the northwest, bounded on the south and east by thirty feet (30′), TOGETHER WITH a twenty-foot (20′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the south by thirty feet (30′) and bounded on the west by forty feet (40′).

5. N–58867 The north forty feet (40′), the west thirty feet (30′), and the south thirty feet (30′), TOGETHER WITH a twenty foot (20′) radius located at the northwest corner of said parcel concave to the southeast, bounded on the north by forty feet (40′) and bounded on the west by thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the south and west by thirty feet (30′).

6. N–58868 The north thirty feet (30′), the east thirty feet (30′), the south forty feet (40′), and the west forty feet (40′), TOGETHER WITH a fifteen foot (15′) radius located at the northeast corner of said parcel concave to the southwest bounded on the north and east by thirty feet (30′), TOGETHER WITH a twenty foot (20′) radius located at the southeast corner of said parcel concave to the northwest, bounded on the east by thirty feet (30′) and bounded on the south by forty feet (40′), TOGETHER WITH a twenty five foot (25′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the south and west by forty feet (40′), TOGETHER WITH a twenty foot (20′) radius located at the northwest corner of said parcel concave to the southeast, bounded on the north by thirty feet (30′) and bounded on the west by forty feet (40′).

7. N–58870 The south thirty feet (30′) and the west thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the south and west by thirty feet (30′),

8. N–58872 The south thirty feet (30′), the east thirty feet (30′), and the north forty feet (40′), TOGETHER WITH a twenty foot (20′) radius located at the northeast corner of said parcel concave to the southwest, bounded on the north by forty feet (40′) and bounded on the east by thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southeast corner of said parcel concave to the northwest, bounded on the south and east by thirty feet (30′).

9. N–58873 The north thirty feet (30′) and the east thirty feet (30′) TOGETHER WITH a fifteen foot (15′) radius located at the northeast corner of said parcel concave to the southwest, bounded on the north and east by thirty feet (30′).

10. N–58874 The west thirty feet (30′), the south thirty feet (30′), and the east forty feet (40′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the west and south by thirty feet (30′), TOGETHER WITH a twenty foot (20′) radius located at the southeast corner of said parcel concave to the northwest, bounded on the east by forty feet (40′) and bounded on the south by thirty feet (30′).

11. N–58875 The west forty feet (40′) and the east thirty feet (30′) of the South Half (S½) and of the North Half (N½), TOGETHER WITH the south thirty feet (30′) of the North Half (N½) and the north thirty feet (30′) of the South Half (S½).

12. N–58876 The west thirty feet (30′) and the south thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the west and south by thirty feet (30′).

13. N–58877 The west thirty feet (30′) and the south thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the west and south by thirty feet (30′).

14. N–58878 The west thirty feet (30′) and the south thirty feet (30′), TOGETHER WITH a fifteen foot (15′) radius located at the southwest corner of said parcel concave to the northeast, bounded on the west and south by thirty feet (30′).

15. All valid and existing rights.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposal under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the District Manager, Las Vegas District, 4765 Vegas Drive, Las Vegas, Nevada 89108.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for the senior, middle, and elementary schools. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for school sites.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: February 4, 1998.

Mark R. Chatterton,

Assistant District Manager, Non-Renewable Resources, Las Vegas, Nevada.

[FR Doc. 98–3683 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–960–1990–00]

Resource Management Plan Amendment, Jefferson County, Whitetail/Pipestone Area, Montana

AGENCY: Butte District Office, Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a Resource Management Plan (RMP) Travel Plan Amendment in cooperation with the Forest Service and the Montana Department of Fish, Wildlife and Parks that establishes comprehensive program guidance for the use of motorized vehicles within the Whitetail/Pipestone Management Area.

SUMMARY: The Headwaters Resource Area is initiating an RMP Amendment/Environmental Assessment to evaluate the effects of alternative strategies for managing motorized vehicle uses on public lands in the Whitetail/Pipestone area. This area is bordered on the west by I–15, running from Butte to Boulder, on the east by the Whitetail road running from Boulder to Whitehall, and on the south by Highway 2 running from Whitehall to Butte. Issues that are anticipated are: numbers of motorized users (ATVs and motorcycles) and their effect on grazing, soils (water quality), wildlife, non-motorized recreation users, and cultural values. Range, wildlife, cultural, soils and recreation resources will be analyzed for impacts.

It is planned that changes to existing RMP direction will not have significant effects and therefore Category 1 amendment procedures will be utilized at the onset.

This area-specified plan will be jointly prepared and implemented with the Beaverhead/Deerlodge National Forest with input from the Montana Department of Fish, Wildlife and Parks. Its primary goal will be to provide quality motorized and non-motorized recreation opportunities that are compatible with established management objectives for the area. Issue development and alternative analysis is being coordinated with all interested/affected individuals, interest groups and government agencies.

DATES: Public scoping is underway and alternative development will continue into winter. Field trips have been held in the past. The existing condition and alternatives will be sent to interested participants this winter with a decision planned for the fall of 1998. The final travel plan amendment is scheduled for public review in November 1998.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Butte District Office, Darrell L. McDaniel, P.O. Box 3388, Butte, MT 59702, telephone (406) 494–5059.

Orval T. Hadley,

Associate District Manager.

[FR Doc. 98–3688 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–DN–P–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico; Notice of Leasing Systems, Sale 169

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the **Federal Register**:

1. Identifying the bidding systems to be used and the reasons for such use; and

2. Designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

1. *Bidding systems to be used.* In the Outer Continental Shelf (OCS) Sale 169, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)), as amended: (a) Bonus bidding with a fixed 16⅔ percent royalty on all unleased blocks in less than 200 meters of water; and (b)(i) bonus bidding with a fixed 16⅔-percent royalty on all unleased blocks in 200 to 400 meters of water with potential for a royalty suspension volume of up to 17.5 million barrels of oil equivalent; (ii) bonus bidding with a fixed 12½-percent royalty on all unleased blocks in 400 to 800 meters of water with potential for a royalty suspension volume of up to 52.5 million barrels of oil equivalent; and (iii) bonus bidding with a fixed 12½-percent royalty on all unleased blocks in water depths of 800 meters or more with potential for a royalty suspension volume of up to 87.5 million barrels of oil equivalent.

For bidding systems (b)(i), (ii), and (iii), the royalty suspension allocation rules are described in the Interim Rule (30 CFR Part 260) addressing royalty relief for new leases that was published in the **Federal Register** on March 25, 1996 (61 FR 12022).

a. *Bonus Bidding with a 16⅔-Percent Royalty.* This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and

imposes greater risks on the lessee than systems with higher contingency payments but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b.(i) *Bonus Bidding with a 16⅔-Percent Royalty and a Royalty Suspension Volume (17.5 million barrels of oil equivalent).* This system is authorized by section (8)(a)(1)(H) of the OCSLA, as amended. This system complies with Sec. 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (DWRRA). An incentive for development and production in water depths of 200 to 400 meters is provided through allocating royalty suspension volumes of 17.5 million barrels of oil equivalent to eligible fields.

b.(ii) *Bonus Bidding with a 12½-Percent Royalty and a Royalty Suspension Volume (52.5 million barrels of oil equivalent).* This system is authorized by section (8)(a)(1)(H) of the OCSLA, as amended. It has been chosen for blocks in water depths of 400 to 800 meters proposed for the Central Gulf of Mexico (Sale 169) to comply with Sec. 304 of the DWRRA. The 12½-percent royalty rate is used in deeper water because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow-water blocks. The use of a royalty suspension volume of 52.5 million barrels of oil equivalent for eligible fields provides an incentive for development and production appropriate for this water depth category.

b.(iii) *Bonus Bidding with a 12½-Percent Royalty and a Royalty Suspension Volume (87.5 million barrels of oil equivalent).* This system is authorized by section (8)(a)(1)(H) of the OCSLA, as amended. It has been chosen for blocks in water depths of 800 meters or more proposed for the Central Gulf of Mexico (Sale 169) to comply with Sec. 304 of the DWRRA. The use of a royalty suspension volume of 87.5 million barrels of oil equivalent for eligible fields provides an incentive for development and production appropriate for these deep-water depths.

2. *Designation of Blocks.* The selection of blocks to be offered under the four systems was based on the following factors:

a. Royalty rates on adjacent, previously leased tracts were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12½-percent royalty system based on the favorable performance of this system in these high-cost areas in past sales.

c. The royalty suspension volumes were based on the water depth specific volumes mandated by the DWRRA.

The specific blocks to be offered under each system are shown on the "Lease Terms, Bidding Systems, and Royalty Suspension Areas, Sale 169" map for Central Gulf of Mexico Lease Sale 169. This map is available from the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394.

Approved:

Thomas A. Readinger,

Acting Associate Director, Minerals Management Service.

Dated: February 6, 1998.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 98–3531 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 169

AGENCY: Minerals Management Service.

ACTION: Final notice of sale.

1. *Authority.* The Minerals Management Service (MMS) is issuing this Final Notice of Sale under the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331–1356, as amended) and the regulations issued thereunder (30 CFR Part 256).

A "Sale Notice Package," containing this Notice and several supporting and essential documents referenced in the Notice, is available from the MMS Gulf of Mexico Regional Office Public Information Unit (see paragraph 15 of this Notice).

2. *Filing of Bids.* Bidders must comply with the following requirements. Times specified hereafter are local New Orleans times unless otherwise indicated.

(a) *Filing of Bids.* Sealed bids must be received by the Regional Director (RD), Gulf of Mexico Region, MMS, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, during normal business hours (8 a.m. to 4 p.m.) until the Bid Submission Deadline at 10 a.m., Tuesday, March 17, 1998. If the RD receives bids later than the time and date specified above, he will return the bids unopened to bidders. Bidders may not modify or withdraw their bids unless the RD receives a written modification or written withdrawal request prior to 10 a.m., Tuesday, March 17, 1998.

(b) *Bid Opening Time.* Bid Opening Time will be 9 a.m., Wednesday, March 18, 1998, at the Hyatt Regency Hotel, 500 Poydras Plaza, New Orleans, Louisiana. The MMS published a list of restricted joint bidders, which applies to this sale, in the **Federal Register** at 62 FR 52771, on October 9, 1997.

(c) *Natural Disasters.* In the event of widespread flooding or other natural disaster, the MMS Gulf of Mexico Regional Office may extend the bid submission deadline. Bidders may call (504) 736–0537 for information about the possible extension of the bid submission deadline due to such an event.

3. *Method of Bidding.*

(a) *Submission of Bids.* For each tract bid upon, a bidder must submit a separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 169, not to be opened until 9 a.m., Wednesday, March 18, 1998." The total amount bid must be in a whole dollar amount, any cent amount above the whole dollar will be ignored by the MMS. Details of the information required on the bid(s) and the bid envelope(s) are specified in the document "Bid Form and Envelope" contained in the Sale Notice Package (see paragraph 15 of this Notice).

Bidders are advised that the MMS considers the signed bid to be a legally binding obligation on the part of the bidder(s) to comply with all applicable regulations, including paying the ⅕th bonus on all high bids. A statement to this effect will be included on each bid (see the document "Bid Form and Envelope" contained in the Sale Notice Package).

Bidders must execute all document in conformance with signatory authorizations on file in the MMS Gulf of Mexico Regional Office. Partnerships also must submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, e.g., 33.33333 percent. The MMS may require bidders to submit other documents in accordance with 30 CFR 256.46. The MMS warns bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

(b) *Submission of the ⅕th Bonus Payment.* Bidders must submit the ⅕th cash bonus using one of the following options:

(1) Bidders may submit with each bid ⅕th of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior—Minerals Management Service. For identification purposes, the following information must appear on the check or draft: Company name, GOM Company Number, and the area and block bid on (abbreviation acceptable); or

(2) Bidders may use electronic funds transfer (EFT) payment for ⅕th of the cash bonus, payable to the Minerals Management Service. Bidders who choose this method must contact the MMS Royalty Management (Mr. David Menard at (303) 231–3574) by the Bid Submission Deadline to inform the MMS of the bidder's intent to use EFT, to clarify EFT procedures to be used, and to designate an EFT Coordinator. Joint bidders must designate one bidder as EFT Coordinator. The EFT Coordinator refers to the bidder, i.e., the corporation, company, or partnership submitting the bid(s), or an individual citizen submitting bids on his or her own behalf (NOT an individual within a corporation/company/partnership) for an OCS Lease Sale. EFT Coordinators must submit the bids and ensure that the total of the ⅕th cash bonus for the high bids they submit is transferred to the MMS via EFT. The EFT payment shall be made by either the Fedwire Deposit System (same day payments) or the Automated Clearing House (overnight payments).

The Gulf of Mexico OCS Regional Office will advise bidders who submit high bids of the amount required for EFT payment. Promptly after notification, the EFT Coordinators must instruct their banks to send via EFT the sum of the ⅕th bonus for all high bids to the appropriate United States Treasury account. Instructions for making EFT ⅕th bonus payments are included in the Sale Notice Package. [These procedures/instructions are consistent with ⅘th bonus and first year rental payment procedures using EFT.]

Securing EFT payments. Bidders electing to use EFT procedures to pay the ⅕th bonus payments, EXCEPT for bidders who are current Federal OCS leaseholders AND are exempt from supplemental bonding requirements, must secure the EFT payments (see "Instructions for Making EFT ⅕th Bonus Payments" included with the Sale Notice Package).

A bidder opting to use EFT for the ⅕th bonus payment who does not meet the above criteria must secure the EFT payment by one of the three following methods:

(a) The bidder opting to use EFT for the ⅕th bonus payment may amend a $3 million areawide development bond by a Rider from the issuing surety to contain provisions that the bond may be used to cover pre-lease obligations. All other terms and conditions for the bond shall remain unchanged. The Rider must be notarized and must be in effect prior to submitting bids for OCS Lease Sale 169. If the $3 million areawide development coverage is through a U.S. Treasury Note then a notarized letter from the bidder agreeing to the terms that the Treasury Note may be used to cover pre-lease obligations must be approved by the MMS prior to bid submission for Sale 169. That provision must remain in effect until the EFT deposit is made. Details of using an updated areawide development bond to secure the EFT payment of the ⅕th bonus are included in the "Instructions for Making EFT ⅕th Bonus Payments" document included with the Sale Notice Package.

The EFT payment for ⅕th of the sum of the high bids on blocks must be received in the appropriate United States Treasury account no later than 2:00 p.m., Eastern Time, on March 19, 1998, the day after Bid Opening.

If the EFT payments are late or deficient in amount after 5:00 p.m., Eastern Time, on March 20, 1998, the MMS may call the bond/Treasury Note to cover the delinquent payment plus interest.

(b) The bidder opting to use EFT for the ⅕th bonus payment may submit in a separate sealed envelope accompanying the bids, a letter of credit (LOC) for at least ⅕th of the sum of all bids submitted by that bidder for Sale 169, including joint bids. A sample LOC is enclosed in the "Instructions for Making EFT ⅕th Bonus Payments" document included with the Sale Notice Package. The bidder must use that sample clean, stand-by, irrevocable LOC with no modifications.

The LOC must have a minimum coverage period of 120 days. The LOC must be from a bank that has a minimum Thomson BankWatch rating of: "C" for an LOC of less than $1 million; "B/C" for an LOC between $1 million to $10 million; or "B" for LOC over $10 million.

The LOC shall be submitted in a separate sealed envelope. Once the EFT payment in an amount sufficient to cover that bidder's high bids is credited to the appropriate United States Treasury account, the LOC accompanying those bids will be returned or may be picked up at the Gulf of Mexico Regional Office. Details of using an LOC to secure the EFT payment of the ⅕th bonus are included in the "Instructions for Making EFT ⅕th Bonus Payments" included with the Sale Notice Package. The envelope containing this LOC document should be in the following format:

LETTER OF CREDIT SECURING EFT PAYMENTS
Submitted by: Explorer LTD.
GOM Company No.: 20999

The EFT payment for ⅕th of the sum of the high bids on blocks must be received in the appropriate United States Treasury account no later than 2:00 p.m., Eastern Time, on March 19, 1998, the day after Bid Opening.

If the EFT payments are late or deficient in amount after 5:00 p.m., Eastern Time, on March 20, 1998, the MMS will draw on the LOC for the total amount due, including interest.

(c) Alternatively, the bidder opting to use EFT for depositing the ⅕th bonus payment may submit, in a separate sealed envelope accompanying the bids, a single payment for ⅕th of the sum of all bids submitted by that bidder for Sale 169, including joint bids. The lump sum payment(s) in the sealed envelope(s) must be by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior—Minerals Management Service. Once the EFT payment in an amount sufficient to cover that bidder's high bids is credited to the appropriate United States Treasury account, the lump sum payment accompanying those bids will be returned or may be picked up at the Gulf of Mexico Regional Office. Details of using lump sum check(s) to secure the EFT payment of the ⅕th bonus are included in the "Instructions for Making EFT ⅕th Bonus Payments" included with the Sale Notice Package. The envelope containing this payment should be in the following format:

LUMP SUM CHECK SECURING EFT PAYMENTS
Submitted by: Explorer LTD.
GOM Company No.: 20999

The EFT payment for ⅕th of the sum of the high bids on blocks must be received in the appropriate United States Treasury account no later than 2:00 p.m., Eastern Time, on March 19, 1998, the day after Bid Opening.

If the EFT payments are late or deficient in amount after 5:00 p.m., Eastern Time, on March 20, 1998, the MMS will deposit lump sum payments accompanying the bids into the appropriate United States Treasury account. Should these payments (which secure both high bids and unsuccessful bids) require a refund to the bidders, the MMS will refund the difference without

interest, through EFT as soon as practicable.

4. *Minimum Bid, Yearly Rental, and Bidding Systems.* The following minimum bid, yearly rental, and bidding systems apply to this sale:

(a) *Minimum Bid.* Bidders must submit a cash bonus in the amount of $25.00 or more per acre or fraction thereof with all bids submitted at this sale.

(b) *Yearly Rental.* All leases awarded on tracts in water depths of 200 meters and greater (i.e., tracts in any of the three royalty suspension areas), as depicted on the map "Lease Terms, Bidding Systems, and Royalty Suspension Areas, Sale 169," will require a yearly rental payment of $7.50 per acre or fraction thereof until initial production is obtained. This map is included in the Sale Notice Package.

All leases awarded on other tracts (i.e., those in water depths of less than 200 meters) will provide for a yearly rental payment of $5.00 per acre or fraction thereof until initial production is obtained.

(c) *Bidding Systems.* After initial production is obtained, leases will require a minimum royalty of the amount per acre or fraction thereof as specified as the yearly rental in paragraph 4(b) above, except during periods of royalty suspension as discussed in paragraph 4(c)(3) of this Notice. The following royalty systems will be used in this sale:

(1) *Leases with a 12½-Percent Royalty.* This royalty rate applies to tracts in water depths of 400 meters or greater; this area is shown on the Map "Lease Terms, Bidding Systems, and Royalty Suspension Areas, Sale 169" applicable to this Notice (see paragraph 13). Leases issued on the tracts offered in this area will have a fixed royalty rate of 12½ percent, except during periods of royalty suspension (see paragraph 4(c)(3) of this Notice).

(2) *Leases with a 16⅔-Percent Royalty.* This royalty rate applies to tracts in water depths of less than 400 meters (see aforementioned map). Leases issued on the tracts offered in this area will have a fixed rate of 16⅔ percent, except during periods of royalty suspension for leases in water depths 200 meters or greater (see paragraph 4(c)(3) of this Notice).

(3) *Royalty Suspension.* In accordance with Public Law 104–58, signed by the President on November 28, 1995, the MMS has developed procedures providing for the suspension of royalty payments on production from eligible leases issued as a result of this sale.

A map titled "Lease Terms, Bidding Systems, and Royalty Suspension Areas, Sale 169" depicting blocks in which such suspensions may apply is included in the Sale Notice Package.

The final rule specifying royalty suspension terms for lease sales in the Central and Western Gulf was published in the **Federal Register** on January 16, 1998 (63 FR 2626). Additional information pertaining to royalty suspension matters may be found in the document "Information to Lessees," contained in the Sale Notice Package.

5. *Equal Opportunity.* Bidders must have on file in the MMS Gulf of Mexico Regional Office, prior to lease award, the certification required by 41 CFR 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS–2033 (June 1985), and the Affirmative Action Representation Form, Form MMS–2032 (June 1985) (see the document "Information to Lessees for Sale 169" in the Sale Notice Package).

6. *Bid Opening.* Bid opening will begin at the bid opening time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time.

7. *Deposit of Payment.* Any payments made in accordance with paragraph 3(b) above will be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. *Acceptance, Rejection, or Return of Bids.* The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any tract will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice, including the documents contained in the associated Sale Notice Package (see paragraph 15 of this Notice) and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25.00 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the associated Sale Notice Package, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

To ensure that the Government receives a fair return for the conveyance of lease rights for this sale, tracts will be evaluated in accordance with established MMS bid adequacy procedures. A copy of the current procedures ("Summary of Procedures for Determining Bid Adequacy at Offshore Oil and Gas Lease Sales: Effective August 1997, with Sale 168") is available from the MMS Gulf of Mexico Regional Office Public Information Unit (see paragraph 15 of this Notice). This document incorporates changes announced in a **Federal Register** Notice at 62 FR 37589, dated July 14, 1997.

10. *Successful Bidders.* The following requirements apply to successful bidders in this sale:

(a) *Lease Issuance.* The MMS will require each person who has submitted a bid accepted by the authorized officer to execute copies of the lease (Form MMS–2005 (March 1986) as amended), pay the balance of the cash bonus bid along with the first year's annual rental for each lease issued by EFT in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I, as amended.

Additional information pertaining to this matter may be found in the document "Information to Lessees" contained in the Sale Notice Package.

(b) *Certification Regarding Nonprocurement Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.* Each person involved as a bidder in a successful high bid must have on file, in the MMS Gulf of Mexico Regional Office Adjudication Unit, a currently valid certification that the person is not excluded from participation in primary covered transactions under Federal nonprocurement programs and activities. A certification previously provided to that office remains currently valid until new or revised information applicable to that certification becomes available. In the event of new or revised applicable information, the MMS will require a subsequent certification before lease issuance can occur. Persons submitting such certifications should review the requirements of 43 CFR, Part 12, Subpart D, as amended in the **Federal Register** of June 26, 1995, at 60 FR 33035.

A copy of the certification form is contained in the Sale Notice Package.

11. *Leasing Maps and Official Protraction Diagrams.* The following Leasing Maps or Official Protraction Diagrams, which may be purchased from the MMS Gulf of Mexico Regional Office Public Information Unit (see the document "Information to Lessees" contained in the Sale Notice Package), depict the tracts offered for lease in this sale:

(a) Outer Continental Shelf (OCS) Leasing Maps—Louisiana Nos. 1 through 12. This is a set of 30 maps which sells for $32.

(b) Outer Continental Shelf Official Protraction Diagrams.

These diagrams sell for $2.00 each.

NH 15–12—Ewing Bank (rev. 12/02/76).
NH 16–4—Mobile (rev. 02/23/93).
NH 16–7—Viosca Knoll (rev. 12/02/76).
NH 16–10—Mississippi Canyon (rev. 05/01/96).
NG 15–3—Green Canyon (rev. 12/02/76).
NG 15–6—Walker Ridge (rev. 12/02/76).
NG 15–9—(No Name) (rev. 04/27/89).
NG 16–1—Atwater Valley (rev. 11/10/83).
NG 16–4—Lund (rev. 08/22/86).
NG 16–7—(No Name) (rev. 04/27/89).

12. *Description of the Areas Offered for Bids.*

(a) *Acreage Available for Leasing.* Acreage of blocks is shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. Information on the unleased portions of such blocks, including the exact acreage, is included in the document:

"Central Gulf of Mexico Lease Sale 169—Final. Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease."

The Sale Notice Package contains this document.

(b) *Tracts not available for leasing:* The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11(a) and (b), except for those blocks or partial blocks already under lease and those blocks or partial blocks listed below. A list of Central Gulf of Mexico tracts currently under lease, titled "Central Gulf of Mexico Leased Lands List dated February 6, 1998" is included in the Sale Notice Package.

Although currently unleased, no bids will be accepted in this Sale on the following blocks which are currently under appeal: Main Pass Area, South and East Addition, Blocks 253 and 254, and Viosca Knoll Blocks 213 and 256.

Although currently unleased, no bids will be accepted in this Sale on the following blocks which are beyond the United States Exclusive Economic Zone. The offering of these blocks, which were identified in the proposed Notice of Sale as the Northern portion of the Western and Eastern Gaps, has been temporarily deferred by the Department of the Interior in anticipation of the early commencement of negotiations with the Government of Mexico on the delimitation of the continental shelf in the Western Gap beyond the EEZ of both countries.

Area NG15–09

Blocks

133 through 135
177 through 184
221 through 238
265 through 281
309 through 320
358

Area NG16–07

Blocks

172, 173
213 through 217
252 through 261
296 through 305
349

13. *Lease Terms and Stipulations.*

(a) Leases resulting from this sale will have initial terms as shown on the map "Lease Terms, Bidding Systems, and Royalty Suspension Areas, Sale 169." Copies of the map are included in the Sale Notice Package. Copies of the lease form are available from the MMS Gulf of Mexico Regional Office Public Information Unit (see the document "Information to Lessees" contained in the Sale Notice Package).

(b) The map titled "Stipulations and Deferred Blocks, Sale 169" depicts the blocks to which the four lease stipulations (Topographic Features, Live Bottoms, Military Areas, and Blocks South of Baldwin County, Alabama) apply. The text of the lease stipulations is contained in the document "Lease Stipulations for Oil and Gas Lease Sale 169;" this map and document are contained in the Sale Notice Package. These stipulations will become a part of any leases on applicable blocks resulting from Sale 169. Three of the stipulations (Topographic Features, Live Bottoms, and Military Areas) are the same stipulations used in Sale 166, Central Gulf, held in March 1997. (See the Final Notice of Sale for Sale 166 in the **Federal Register** at 62 FR 4789, January 31, 1997.)

14. *Information to Lessees.* The Sale Notice Package contains a document titled "Information to Lessees." These Information to Lessees items provide information on various matters of interest to potential bidders.

15. *Sale Notice Package.* The Sale Notice Package, and individual documents contained therein, are available from the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, either in writing or by telephone at (504) 736–2519 or (800) 200 –GULF.

The documents referenced below and contained in the Sale Notice Package contain information essential for bidders, and bidders are charged with the knowledge contained therein. Included in the Package are:

Cover sheet

Final Notice of Sale for Sale 169

Information to Lessees for Sale 169

Central Gulf of Mexico Leased Lands List dated February 6, 1998

Central Gulf of Mexico Lease Sale 169—Final. Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots and Irregular Portions Under Lease

Lease Stipulations for Oil and Gas Lease Sale 169

Debarment Certification Form

Bid Form and Envelope

Phone Numbers/Addresses of Bidders Form

Instructions for Making EFT ⅕th Bonus Payment

Lease Terms, Bidding Systems, and Royalty Suspension Areas, Sale 169 Map

Stipulations and Deferred Blocks, Sale 169 Map

For additional information, contact the Regional Supervisor for Leasing and Environment, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, or by telephone at (504) 736–2759. In addition, certain documents may be viewed and downloaded from the MMS World Wide Web site at http://www.mms.gov. The MMS also maintains a 24-hour Fax-on-Demand Service at (202) 219–1703.

Dated: February 6, 1998.

Robert E. Brown,

Acting Director, Minerals Management Service.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 98–3532 Filed 2–12–98; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(BJA)–1156]

RIN 1121–ZA93

Motor Vehicle Theft Prevention Act Program

AGENCY: Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

ACTION: Fiscal Year 1998 Request for Proposals (RFP).

SUMMARY: The Bureau of Justice Assistance (BJA) is soliciting grant applications from State governments interested in participating in the national voluntary motor vehicle theft prevention program, Watch Your Car, as authorized under the Motor Vehicle Theft Prevention Act of 1994 (MVTPA).

DATES: All applications must be returned with a postmark, or dated receipt by a private carrier no later than March 31, 1998.

ADDRESSES: All proposals must be mailed or sent to: Bureau of Justice Assistance; Attention: Watch Your Car Program Office; Bureau of Justice Assistance; 810 Seventh Street NW, Room 4239, Washington, DC. 20531.

FOR FURTHER INFORMATION CONTACT: The Bureau of Justice Assistance will soon mail program guides and application kits to each State. The State's automobile theft prevention authority, where one exists, is designated as the recipient. For those States without an authority, the State agency that administers the Byrne Formula Grant Program will be the recipient. However, any State agency involved in preventing motor vehicle theft may apply. Only one award will be made per State. Copies of the fact sheet describing the Program are available by calling the U.S. Department of Justice Response Center at 1–800–421–6770. The metropolitan Washington, DC., area number is 202–307–1480. Interested parties with Internet browsers and installed Adobe Acrobat software may download and print a copy of this announcement by accessing BJA's National Auto Theft Prevention Program home page at http://www.ojp.usdoj.gov/BJA/html/wyc.htm. Adobe Acrobat software, an on-line fact sheet on the Watch Your Car Program, samples of the decals, the recipient of the program guide and application kit for each State, and other graphical images and statistics pertaining to auto theft are also available at this site.

SUPPLEMENTARY INFORMATION:

Authority

Section 220001 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 2074, codified at 42 U.S.C. 14171, contains the Motor Vehicle Theft Prevention Act (MVTPA). The MVTPA requires the Attorney General to establish a national voluntary motor vehicle theft prevention program. A proposed rule was published in the **Federal Register** on October 24, 1995. The final rule was subsequently published on August 6, 1996, and awards were made to the States of Arizona and New Mexico. An FY 1997 RFP was published in the **Federal Register** on April 14, 1997 and on September 30, 1997, grant awards were made to the States of Florida, Maryland, North Carolina, New Jersey, New York and Tennessee. The purpose of this announcement is to notify States, that have heretofore received no funding, of the availability of grant funds appropriated under the authority of Public Law 105–119, Making Appropriations for the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1998.

Grant Offering

BJA will be offering implementation grants for States that have no statewide motor vehicle theft prevention decal program in place and for States with existing programs that wish to make the transition to the Watch Your Car Program. Implementation grants will be awarded up to $150,000. BJA encourages innovative approaches to implementing comprehensive, unique anti-car-theft initiatives and will evaluate applications on the size and scope of the proposed project and how it can work in concert with other theft prevention measures. Other factors for consideration include the amount of public and private resources leveraged in the proposal.

Eligibility for Watch Your Car Funding

A State may apply on behalf of itself and/or its respective counties and municipalities. The application shall be submitted by the chief executive of the applicant State agency and in accordance with established BJA application guidelines. Any State that received funding under the Watch Your Car Program during fiscal years 1996 or 1997 is ineligible for funding during fiscal year 1998.

Background

The purpose of the Watch Your Car Program is to focus the attention of law enforcement on vehicles that are not routinely operated during the early morning hours or near international land borders or ports. The program enables proactive investigation of auto theft before a stolen vehicle report is filed.

Under this program, a motor vehicle owner must sign a consent form and obtain decals authorizing law enforcement officers to stop the motor vehicle if it is being driven under certain specified conditions, and take reasonable steps to determine whether the vehicle is being operated with the owner's consent. There are two conditions. Under the first condition, the owner may consent to have the car stopped if it is operated between the hours of 1 AM and 5 AM. Under the second condition, the owner may consent to have the car stopped if it crosses or is about to cross a United States land border or if it enters a port.

States elect to participate in the program solely at their option.

BJA is aware of similar types of theft prevention programs already in existence. The most common program is Combat Auto Theft (CAT), which is used on a statewide basis and by individual local jurisdictions in California, Louisiana, Minnesota, and Pennsylvania. Illinois has the Beat Auto Theft (BAT) Program and Texas originated the Help End Auto Theft (HEAT) Program.

Programs such as CAT, BAT and HEAT function on a statewide basis to insure a level of uniformity among participating municipalities and counties. These programs have worked successfully in their States of origin since police throughout the State could easily recognize their own decal. But if a thief drove a stolen vehicle across state lines, the police in the adjoining jurisdiction may not recognize the decal or if they did recognize it, lacked the authorization to stop the vehicle and check the identity of the driver. The dissimilarity of statewide programs has been further complicated by the proliferation of local anti-car theft programs in States with no statewide program. Numerous municipalities and counties have adopted a variety of programs utilizing differing emblems, icons, and symbols.

The main advantage of the national Watch Your Car Program is its use of a decal that will eventually become a recognizable icon by police nationwide. It features the capability of intra/interstate enforcement through the checking of vehicles with differing county and/or out-of-state license plates.

BJA's specifications call for the manufacture of tamper-resistant decals made from retro reflective sheeting to

make them easily discernible at night. The windshield decal(s) are to be applied on the outside of the glass directly above the inside rear-view mirror. The rear window decal is affixed on the exterior face along the lower left side.

The MVTPA Program compels a thief to remove tamper-resistant decals while alongside the vehicle, acting suspiciously and drawing attention to himself/herself. These impediments, in addition to other theft prevention devices such as steering wheel locks, increase the number of hurdles a thief must overcome and raises the level of theft deterrence.

The MVTPA requires, as a condition of participation, that each State agree to take reasonable steps to ensure that law enforcement officials throughout its jurisdiction are familiar with the program, and with the conditions under which motor vehicles may be stopped.

This program is a Federal program that operates separately from any existing State or local motor vehicle theft prevention program. It is not intended to preempt existing State or local laws or programs.

Application Requirements

Problem Statement

States wishing to apply shall provide an assessment of the auto theft problem in their jurisdiction and what efforts have been undertaken to address it. Applicants should contrast the severity of their auto theft problem to other States and discern the patterns and trends of auto theft. States should also identify what steps have been taken to decrease auto theft. For instance, does the State have an automobile theft prevention authority and what types of initiatives does it support to combat auto theft.

Goals and Objectives

The applicant must provide goals, objectives, and methods of implementation for the project that are consistent with the program announcement. Objectives should be clear, measurable, attainable, and focused on the methods used to conduct the project. Favorable consideration will be given to those applicants who merge their auto theft enforcement efforts and their prevention initiatives into a coherent strategy and establish goals and objectives based upon the anticipated collective outcome of both approaches.

Project Strategy or Design

The project strategy or design should describe the Watch Your Car program the State wishes to implement including its size and scope; outreach efforts to educate the public; statewide training programs to inform municipal, county and state law enforcement officers of the program; a description of the database if the State wishes to maintain a centralized computer registry; the production and dissemination of universal consent forms authorizing traffic stops by any local, State, or Federal law enforcement officer pursuant to the stipulated program condition(s); and efforts to be undertaken to enlist both public and private organizations such as auto dealers, auto insurance companies, and other major retail businesses willing to host registration programs and encourage employee participation.

Implementation Plan

Applicant should provide an implementation plan for the program outlined above. It should include a schedule to include milestones for significant tasks in a chart form.

Additional Resource Commitments

Applicants are encouraged to leverage other resources—State, local, or private—in support of this project.

Project Management Structure

The applicant should describe how the project will be structured, organized, and managed. It should identify and describe the qualifications and experience of the project director and project staff, how they will be selected, and their roles and responsibilities.

Organizational Capability

The applicant should describe the organizational experience, both programmatic and financial, that qualifies it to manage the project.

Program Evaluation

The program evaluation should indicate how the applicant will assess the success of project implementation and the extent to which the strategy achieved the project's goals and objectives.

Richard Ward,

Deputy Director, Bureau of Justice Assistance.

[FR Doc. 98–3632 Filed 2–12–98; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–017)]

NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Aviation Safety Reporting System Subcommittee (ASRS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Aviation Safety Reporting System Subcommittee meeting.

DATES: Wednesday, March 11, 1998, 9 a.m. to 5 p.m.

ADDRESSES: Helicopter Association International, 1635 Prince Street, Alexandria, VA 22314–2818.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Connell, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604–6654.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

- Update and Progress of Recommendations from November 1997 Meeting.
- Resolution of Outstanding Issues and Items from November 1997 Meeting.
- Report on Status of NASA Aviation Safety Program Progress in ASRS/Aviation Performance Measuring System.
- Report on status of ASRS and Aviation Safety Partnership Programs.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: February 9, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–3757 Filed 2–12–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98018)]

NASA Advisory Council (NAC), Aeronautics and Space Transportation Technology Advisory Committee (ASTTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee.

DATES: Thursday, March 12, 1998, 8:30 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 7H46, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Mary-Ellen McGrath, Office of Aeronautics and Space Transportation Technology, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–4729).

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:

- Aeronautics and Space Transportation Technology Overview
- Subcommittee Reports
- Scenario-Based Vehicle Study
- High-Speed Research—Phase ILA Planning
- University Strategy Ad Hoc Group Report
- Space Transportation Council Integrated Working Group

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: February 9, 1998.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–3758 Filed 2–12–98; 8:45 am]

BILLING CODE 7570–08–M

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in February 1998. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in March 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the "applicable percentage" (described in the statute and the regulation) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to change the applicable percentage to 85 percent, effective for plan years beginning on or after July 1, 1997. (The amendment also provides for a further increase in the applicable percentage—to 100 percent—when the Internal Revenue Service adopts new mortality tables for determining current liability.) The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in February 1998 is 4.94 percent (*i.e.*, 85 percent of the 5.81 percent yield figure for January 1998).

(Under section 774(c) of the RPA, the amendment to the applicable percentage was deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans has therefore remained 80 percent for plan years beginning before January 1, 1998. For "partial" RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's 1997 premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.)

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between March 1997 and February 1998. The rates for July through December 1997 in the table (which reflect an applicable percentage of 85 percent) apply only to non-RPU plans. However, the rates for months before July 1997 and after December 1997 apply to RPU (and "partial" RPU) plans as well as to non-RPU plans.

For premium payment years beginning in	The assumed interest rate is
March 1997	5.35
April 1997	5.54
May 1997	5.67
June 1997	5.55
July 1997	5.75
August 1997	5.53
September 1997	5.59
October 1997	5.53
November 1997	5.38
December 1997	5.19
January 1998	5.09
February 1998	4.94

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in March 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 4th day of February 1998.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–3364 Filed 2–12–98; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39622; File No. SR–PHLX–97–45]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Amend Its By-Law Article XII, Section 12–10, With Respect to the Eligibility of Persons To Serve as Inactive Nominees

February 4, 1998.

Purusant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 15, 1997, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx.[2] The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx hereby proposes to amend its By-Law Article XII, Section 12–10, with respect to the eligibility of persons to serve as Inactive Nominees.[3] The text of the proposed rule change to By-Law Article XII, Section 12–10, is set forth in full in Exhibit A.

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 Phlx 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 Phlx 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

Phlx By-Law Article XII, Section 12–10, sets forth the eligibility requirements with respect to persons designated to serve as Inactive Nominees. An Inactive Nominee must be a person affiliated with a member organization who has submitted a membership application and met all membership qualification requirements, including an examination administered by the Phlx's Market Surveillance Department. The proposed amendment will allow an approved Inactive Nominee to assume the legal title to a membership on an intra-firm and expedited basis in the event of an emergency due to illness or other factors. In Amendment No. 1, the Phlx stated that an Inactive Nominee would serve in the "event of an emergency due to illness or other factors," and "would allow a member organization to have a full complement of traders or specialists available to conduct business on the Exchange trading floors by transferring legal title intra-firm to the inactive nominee thereby making that person an Exchange member."

The proposed rule change would subject a person designated as an Inactive Nominee to the existing membership application process, including fees. Additionally, the member organization with whom an Inactive Nominee is affiliated will be subject to a fee for the privilege of maintaining an Inactive Nominee's status.

A member organization seeking to designate an affiliated person as an Inactive Nominee shall submit a membership application on behalf of a proposed Inactive Nominee, who would go through the existing membership application process. Upon meeting all membership requirements and after posting for a two-week period in the membership Bulletin, this person will be registered as an Inactive Nominee. Upon notice filed with the Phlx Office of the Secretary in writing prior to 9 a.m. on any business day the Exchange is open, under specified circumstances, an Inactive Nominee may assume the legal title to a membership on an intra-firm basis and be eligible to transact business on the Exchange that day or for such longer period consistent with the seat lease or membership title and use agreement (ABC agreement).

The proposed rule change is consistent with Section 6 of the Act in general, and in particular, with Section 6(b)(5) in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and national market system, as well as to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary,

[1] 15 U.S.C. § 78s(b)(1).

[2] On January 14, 1998, the Exchange submitted Amendment No. 1 to the filing, in which it proposed a new rule, Phlx Rule 21, defining "Inactive Nominee," and explaining the role of an Inactive Nominee on the Phlx. *See* Letter from Murray L. Ross, vice President and Secretary, Phlx, to Richard Strasser, Assistant Director, Division of Market Regulation, Commission, dated January 14, 1998. Amendment No. 1 is described further in note 3 and in the text, below.

[3] In Amendment No. 1, the PHlx proposed a new rule, to be designated as Rule 21, which would define an Inactive Nominee as follows:

The term "inactive naminee" sholl mean o notural persan associoted with ond designated by a member organizotion whom hos opplied for ond been approved by the Admissions Committee for such stotus and is registered os such with the Office of the Secretory. An inactive nominee sholl have no rights or privileges of membership unless ond until soid inoctive nominee becomes a member of the Exchonge pursuont to the By-Laws and Rules of the Exchange. An inoctive nominee merely stonds ready to assume legol title ta o membership upan notice by the member organization to the Office of the Secretory to be transferred intra-firm on on expedited basis.

Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–PHLX–97–45 and should be submitted by March 6, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

Exhibit A—Proposed Rule Change

The Philadelphia Stock Exchange, Inc.

By-Law Article XII, Section 12–10

Additions are in italics; deletions are bracketed

[Associate Memberships] *Inactive Nominees*

Ssection 12–10. *A member organization may designate an individual as an "Inactive Nominee." The member organization shall pay a fee for the privilege of maintaining the Inactive Nominee status.*

The following requirements shall apply to Inactive Nominees:

(a) To be eligible for Inactive Nominee status, an individual must be approved for membership in accordance with the Rules of the Exchange.

(b) An Inactive Nominee shall have no rights or privileges of membership unless and until said Inactive Nominee becomes an effective member and all applicable Exchange fees are paid.

(c) An Inactive Nominee's status will terminate after six months unless it has been reaffirmed in writing by the member organization or terminated prior thereto. Further, the Inactive Nominee's status must be reaffirmed in writing every six months thereafter to remain in effect.

[FR Doc. 98–3631 Filed 2–12–98; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 2731]

The Bureau of Oceans and International Environmental and Scientific Affairs (OES/S); 30-Day Notice of Information Collection

AGENCY: Department of State.

ACTION: 30-Day Notice of Information Collection; U.S.-Egypt Science and Technology Joint Fund Annual Grant Program.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Emergency extension of a currently approved collection.

Originating Office: The Bureau of Oceans and International Environmental and Scientific Affairs (OES/S).

Title of Information Collection: U.S.-Egypt Science and Technology Joint Fund Annual Grant Program.

Frequency: Annually.

Form Number: None.

Respondents: Researchers requesting funding for science and technology programs.

Estimated Number of Respondents: 250.

Average Hours Per Response: 2 hours.

Total Estimated Burden: 500 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting, Chief Information Officer.

[FR Doc. 98–3672 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF STATE

[Public Notice 2740]

Bureau of Diplomatic Security; 30-Day Notice of Information Collection; Request for Building Pass Identification Card (DS–1838)

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Existing collection in use without an OMB control number.

Originating Office: The Bureau of Diplomatic Security (DS).

Title of Information Collection: Request for Building Pass Identification Card.

Frequency: On occasion.

Form Number: DS–1838.

Respondents: USG employees, Contractors, Vendors, Press, Caterers, Family Members, Retired employees, and others as needed.

Estimated Number of Respondents: 10,250.

Average Hours Per Response: 15 minutes.

Total Estimated Burden: 2,550 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management

Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3663 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–43–M

DEPARTMENT OF STATE

[Public Notice No. 2739]

Bureau of Consular Affairs; 30-Day Notice of Information Collection; Application for Consular Report of the Death of an American Citizen abroad

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Originating Office: The Bureau of Consular Affairs (CA).

Title of Information Collection: Report of the Death of an American Citizen abroad.

Frequency: On occasion.

Form Number: OF–180.

Respondents: Survivors, relatives, and estates of deceased American citizens who have died abroad.

Estimated Number of Respondents: 5,500.

Average Hours Per Response: 60 minutes.

Total Estimated Burden: 5,500 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3664 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2738]

The Office of the Procurement Executive (A/OPR); 30-Day Notice of Information Collection; Department of State Acquisition Regulation (DOSAR)

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Extension of currently approved collection.

Originating Office: The Office of the Procurement Executive (A/OPR).

Title of Information Collection: Department of State Acquisition Regulation (DOSAR).

Frequency: On occasion.

Form Number: OMB #1405–0050.

Respondents: Prospective government contractors.

Estimated Number of Respondents: 2,000.

Average Hours Per Response: 128 hours.

Total Estimated Burden: 225,302.5 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3665 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–05–M

DEPARTMENT OF STATE

[Public Notice 2737]

The Office of Foreign Missions (OFM); 30-Day Notice of Information Collection; DSP–99, Application for Diplomatic Exemption From Taxes on Utilities, and DSP–99A, Application for Diplomatic Exemption From Taxes on Gasoline

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Extension of a currently approved collection.

Originating Office: The Office of Foreign Missions (OFM).

Title of Information Collection: Application for Diplomatic Exemption from Taxes on Utilities, and, Application for Diplomatic Exemption from Taxes on Gasoline

Frequency: On occasion.

Form Number: DSP–99 and DSP–99A.

Respondents: Foreign diplomatic missions and personnel.

Estimated Number of Respondents: 40,000.

Average Hours Per Response: 12 minutes.

Total Estimated Burden: 664 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for

the proper performance of the agency functions.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed from by name: and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glenn H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3666 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–44–M

DEPARTMENT OF STATE

[Public Notice 2736]

The Office of Foreign Missions (OFM); 30–Day Notice of Information Collection; DS–1972, Drivers License and Tax Exemption Card Application

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Extension of a currently approved collection.

Originating Office: The Office of Foreign Missions (OFM).

Title of Information Collection: Drivers License and Tax Exemption Card Application.

Frequency: On occasion.

Form Number: DS–1972.

Respondents: Foreign mission personnel and their dependents in the United States.

Estimated Number of Respondents: 12,500.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 6,250 hours.

Public comments are being solicited to permit the agency to—

• Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regrading this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3667 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–44–M

DEPARTMENT OF STATE

[Public Notice 2735]

The Office of Defense Trade Controls; 30-Day Notice of Information Collection; DTC Customer Service Survey

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: The Office of Defense Trade Controls (PM/DTC).

Title of Information Collection: DTC Customer Service Survey.

Frequency: Annually.

Form Number: None.

Respondents: U.S. Defense Industry Customers.

Estimated Number of Respondents: 4,500.

Average Hours Per Response: 10 minutes.

Total Estimated Burden: 150 hours.

Public comments are being solicited to permit the agency to—

• Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3668 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF STATE

[Public Notice 2734]

Office of Overseas Schools; 30-Day Notice of Information Collection; Approval of Funding to Support Educational Projects (JF–45)

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Orginating Office: Office of Overseas Schools (A/OS).

Title of Information Collection: Approval of Funding to Support Educational Projects.

Frequency: Annually.

Form Number: JF–45.

Respondents: The 190 Overseas American sponsored schools.

Estimated Number of Respondents: 190.

Average Hours Per Response: 25 minutes.

Total Estimated Burden: 47.50 hours.

Public comments are being solicited to permit the agency to—

• Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3669 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–05–M

DEPARTMENT OF STATE

[Public Notice 2733]

Bureau of Consular Affairs; 30-Day Notice of Information Collection

AGENCY: Department of State.

ACTION: 30-Day Notice of Information Collection; OF–230 I & II, Application for Immigrant Visa and Alien Registration.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Originating Office: The Bureau of Consular Affairs.

Title of Information Collection: Application for Immigrant Visa and Alien Registration.

Frequency: On occasion.

Form Number: OF–230 I & II.

Respondents: Aliens.

Estimated Number of Respondents: 750,000.

Average Hours Per Response: 24 hours.

Total Estimated Burden: 18,000,000 hours.

Public comments are being solicited to permit the agency to—

• Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3670 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2732]

Bureau of Consular Affairs; 30-Day Notice of Information Collection; Nonimmigrant Treaty Trader/Investor Visa Application (OF–156(E))

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB.

Type of Request: Reinstatement of a previously approved collection for which approval has expired.

Originating Office: The Bureau of Consular Affairs (CA).

Title of Information Collection: Nonimmigrant Treaty Trader/Investor Visa Application.

Frequency: On occasion.

Form Number: OF–156(E).

Respondents: Aliens and enterprises that qualify for E–1 and E–2 nonimmigrant visas for the purpose of carrying on their business enterprise in the United States.

Estimated Number of Respondents: 15,000.

Average Hours Per Response: 2 hours.

Total Estimated Burden: 30,000 hours.

Public comments are being solicited to permit the agency to—

• Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3671 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2730]

Bureau of Consular Affairs; 30-Day Notice of Information Collection; Application For Consular Report of Birth Abroad of a Citizen of the United States of America

SUMMARY: The Department of State has submitted the following information collectin request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Originating Office: The Bureau of Consular Affairs (CA).

Title of Information Collection: Application For Consular Report of Birth Abroad of a Citizen of the United States of America.

Frequency: On occasion.

Form Number: FS–579.

Respondents: American parent of persons born abroad.

Estimated Number of Respondents: 40,000.

Average Hours Per Response: 20 minutes.

Total Estimated Burden: 13,334 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3673 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2729]

Bureau of Consular Affairs; 30-Day Notice of Information Collection; Building Access Application

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the application of this notice.

The following summarizes the information collection proposal submitted to OMB.

Type of Request: Revision of a currently approved collection.

Originating Office: Bureau of Diplomatic Security.

Title of Information Collection: Building Access Application.

Frequency: On occasion.

Form Number: DSP–97.

Respondents: Press Corps, maintenance personnel, visitors, and others as needed.

Estimated Number of Respondents: 10,250.

Average Hours Per Response: 15 minutes.

Total Estimated Burden: 2,550 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION : Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 97–3674 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2727]

The Bureau of Consular Affairs; 30-Day Notice of Information Collection; Application to Determine Returning Resident Status

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Originating Office: The Bureau of Consular Affairs.

Title of Information Collection: Application to Determine Returning Resident Status.

Frequency: On occasion.

Form Number: DSP–117.

Respondents: Returning lawfully alien for permanent resident.

Estimated Number of Respondents: 1,500.

Average Hours Per Response: 1 hour.

Total Estimated Burden: 1,500 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from Charles S.

Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3676 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2726]

Bureau of Consular Affairs; 30-Day Notice of Information Collection; Affidavit of Identifying Witness

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Extension of a currently approved collection.

Originating Office: Bureau of Consular Affairs.

Title of Information Collection: Affidavit of Identifying Witness.

Frequency: On occasion.

Form Number: DSP–71.

Respondents: Citizens of the United States.

Estimated Number of Respondents: 88,000.

Average Hours Per Response: 5 minutes.

Total Estimated Burden: 7,333 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting Chief Information Officer.

[FR Doc. 98–3677 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2725]

Bureau of Consular Affairs; 30-Day Notice of Information Collection; Nonimmigrant Fiance (e) Visa Application (OF–156K)

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB on or before March 16, 1998.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Originating Office: The Bureau of Consular Affairs.

Title of Information Collection: Nonimmigrant Fiance(e) Visa Application.

Frequency: On occasion.

Form Number: OF–156(K).

Respondents: Aliens seeking to obtain nonimmigrant visas.

Estimated Number of Respondents: 12,000.

Average Hours Per Response: 2 hours.

Total Estimated Burden: 24,000 hours.

Public comments are being solicited to permit the agency to—

- Evaluate whether the proposed information collection is necessary for the proper performance of the agency functions.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from Charles S. Cunningham, Directives Management Branch, Department of State, Washington, DC 20520, (202) 647–0596. Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposed form by name and/or OMB Control Number and should be sent to: OMB, Ms. Victoria Wassmer, (202) 395–5871.

Dated: February 2, 1998.

Glen H. Johnson,

Acting, Chief Information Officer.

[FR Doc. 98–3678 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

[Public Notice 2724]

Bureau of Public Affairs; Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, March 5–6, 1998 in Conference Room 1205.

The Committee will meet in open session from 9:00 a.m. through 12:00 p.m. on the morning of Thursday, March 5, 1998. The remainder of the Committee's sessions from 1:45 p.m. on Thursday, March 5, until 5:00 p.m. on Friday, March 6, 1998 will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (P.L. 92–463). It has been determined that discussions during these portions of the meeting will involve consideration of matters not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663–1123, (e-mail pahistoff@panet.us-state.gov).

Dated: January 28, 1998.

William Z. Slany,

Executive Secretary.

[FR Doc. 98–3679 Filed 2–12–98; 8:45 am]

BILLING CODE 4710–11–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 98–3324]

Critical Ship Safety Systems Table and Components of a Supplement Under the Alternate Compliance Program

AGENCY: Coast Guard, DOT.

ACTION: Notice of policy concerning critical ship safety systems and U.S. Supplement review process; request for comments.

SUMMARY: The Coast Guard announces a policy concerning critical ship safety systems, the creation of the Critical Ship Safety Systems Table, and their application to U.S. Supplements developed by classification societies seeking authorization under the Alternate Compliance Program. The Coast Guard also announces a policy determination on the components of a U.S. Supplement.

DATES: Comments are requested by April 14, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility [USCG–98–3324], U.S. Department of Transportation, Room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Raymond Petow or LCDR Daniel Pippenger, Marine Safety and Environmental Protection (G–MSE–1), U.S. Coast Guard Headquarters, telephone: (202) 267–2997 for questions concerning the substance of this notice or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone: (202) 366–9329 for questions concerning the filing and reviewing of comments.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages submission of written data, views, or arguments on the Critical Ship Safety Systems Table. Persons submitting comments should include their name and address, identify this notice [USCG 98–3324], the specific section of the Table to which each comment applies, and the reason for the comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing, to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comment, enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received during the comment period and may change this policy in view of the comments.

Background and Purpose

Critical Ship Safety Systems

The Coast Guard, in continuing to improve its Alternate Compliance Program, and in response to changes in the 1996 Coast Guard Authorization Act (Pub. L. 104–324) that permit the Coast Guard to rely on reports from other persons and permit expanded use of vessel classification societies (46 U.S.C. 3103, 3316), reviewed Subchapters D, F, H, I, and J of Title 46 of the Code of Federal Regulations (CFR) to determine critical ship safety systems. The review did not include Subchapter I–A (mobile offshore drilling units) and Subchapter O (chemical and gas carriers) as review of these subchapters, using the same process described here, is ongoing. These results will be published when the review is completed. This review also did not include operational requirements for which vessel owners and operators are still responsible and for which the Coast Guard retains authority to ensure compliance.

Critical ship safety systems encompass those systems that are addressed by the applicable regulations in 46 CFR relating to ship design and construction and, based on subjective and objective risk assessments, are necessary for the safe operations of vessels. The list of critical ship safety systems did not include those required by U.S. Statute.

Subjective assessments were obtained from a wide range of experts associated with the maritime industry including licensed mariners, vessel owners and operators, pilots, environmental organizations, private marine surveyors, and Coast Guard inspectors and plan reviewers. The assessments rated a list of shipboard systems from regulatory requirements, proposed by the Coast Guard program managers with experience in areas of vessel design, operation and inspection. Examples of systems listed included propulsion, steering, life saving appliances, and fire protection systems. Respondents were asked to write in other systems as they saw fit. The experts rated each system's probability of failure (ranging from not probable to likely) and the consequence of failure (ranging from negligible to catastrophic). These two factors were quantified and multiplied together to obtain a relative risk of system failure. The systems were then rank ordered based on relative risk of failure as determined using expert opinion.

Objective data was obtained from historical data contained in the Coast Guard's Marine Safety Information System (MSIS) database. The data included 500,000 records documenting discrepancies found during marine inspections, vessel boardings, and marine casualty investigations conducted during the period of 1986 to May 1997. Relative risk of system failure was assessed using the underlying assumption that systems with an historically high number of discrepancies or casualties were high risk and should be considered critical. The systems were then rank ordered based on relative risk of failure as determined using historical data. The high risk items from each assessment method were then combined to yield a single list of critical ship safety systems.

U.S. Supplement to Class Rules

The Coast Guard applied this list of critical ship safety systems to the Alternate Compliance Program (ACP) for which a final rule was published in the **Federal Register** (62 FR 67525) on December 24, 1997. The ACP alleviates some of the cost burden on the U.S. maritime industry resulting from the Coast Guard inspection program by eliminating duplicate plan review and inspections currently performed by both the Coast Guard and the classification societies. The ACP improves international competitiveness of the U.S. merchant fleet by allowing recognized and authorized classification societies to perform those inspections necessary for the issuance of a Certificate of Inspection (COI). The final rule provided details on the recognition and authorization process for a classification society wishing to participate in the ACP. The final rule explained that such a classification society is required to develop and receive Coast Guard approval of a U.S. Supplement to its rules. The supplement would contain those regulations applicable for issuance of a COI, which are not adequately covered by either the class society's rules or

applicable international standards. A supplement would also contain U.S. statutory requirements, SOLAS interpretations, and other regulatory requirements applicable to all ships.

The only U.S. Supplement approved to date—the U.S. Supplement to American Bureau of Shipping (ABS) Rules—was partly developed based on the underlying principle that class rules plus international standards must achieve a level of safety equivalent to that of Coast Guard regulatory requirements. Lacking a process by which to develop the supplement, the comparison to the regulatory requirements of 46 CFR related to the design and construction of vessels eligible for the ACP was done using a resource intensive line-by-line approach. Any instance in which a Coast Guard regulation was found to be inadequately covered by the combination of ABS Rules and international conventions resulted in an entry in the supplement. This approach was applied to each and every Title 46 regulation in Subchapters D, F, H, I, J, N, and O without regard to the fact that a system required by ABS rules and international standards may have provided an equivalent level of safety. As a result, several entries not germane to the safe operation of ABS classed vessels inspected under the ACP, appeared in the first U.S. Supplement to ABS Rules.

The line-by-line approach was a time consuming process for both the classification society and the Coast Guard. Further, the resulting supplement was likely to include requirements that provided little, if any, additional safety when the dissimilar standards were combined. With requests to participate in ACP from Lloyd's Register of Shipping, Det Norske Veritas and Germanischer Lloyd, it became apparent that a more efficient process of preparing and reviewing U.S. Supplements had to be developed. As such, the Coast Guard is adopting the risk-based approach described here which focuses on critical ship safety systems. Differences between class rules plus international standards and Coast Guard regulations are acceptable provided each critical ship safety system attains an equivalent level of safety.

The Coast Guard used the list of critical ship safety systems to develop a table which may be used as a tool during development and review of U.S. Supplements. The table of critical ship safety systems was created by comparing the list of critical ship safety systems developed by subjective and objective risk assessments to international standards to determine if the standards provided a level of safety for each critical system equivalent to that of the Coast Guard regulations. Critical ship safety systems adequately covered by international conventions were not included in the table. For example, steering gear systems, 46 CFR 58.25, were deemed to be critical by both subjective and objective analysis. However, the International Convention for the Safety of Life at Sea, as amended (SOLAS), Chapter II–1, Regulation 29 provides a level of safety for steering gear systems equivalent to the requirements of 46 CFR 58.25. Consequently, steering gear was not included in the table.

Although hull structures and stability are identified in the table as a critical ship safety system, for the purpose of developing a U.S. Supplement, a different approach was taken to assess whether classification society structural rules provide an equivalent level of safety. The structural design of any ship is based on many factors, including size, service, owner requirements, operating environment, and cargo, as well as the ship's classification society's calculation methods and philosophies on the importance of these and other factors. Classification society rules take these factors into consideration when determining the minimum required scantlings; which are the dimensions of the various framework parts of the structure, such as the frames, beams, flooring, stringers, and hull plating.

Because of the numerous factors, philosophies, and calculation methods, no two societies have the same rules for determining structural scantlings. Even within the same classification society, there may be several different ways to determine scantlings. For instance, an ABS classed tanker or bulk carrier may be designed using the ABS Rule book or the Safehull program. The ABS Rule book contains formulas for scantlings that have been developed over years of experience, whereas the Safehull program, a computer program developed by ABS, approaches structural design by linking the scantlings to the structural loadings expected over the life of the vessel. Since the basis of classification is to determine that a vessel's structure is fit for its intended purpose, a society generally puts a great deal of discretion into their rules to handle new or novel designs.

While it is possible to identify a number of major components that we think should be comparable in scantlings, to dictate specific requirements for each structure (*e.g.*, plate thickness, longitudinals, transverse framing) does not take into account such ancillary, but important, considerations such as corrosion allowances, inspection intervals, operating areas, coatings, cathodic protection, material selection/strength, shipyard, operator, crew and all other factors that have a great deal of influence on the long-term performance of a vessel's structure. Because of the system's nature of hull design, that is a hull design must consider all of the structural aspects of a hull (shell plating, longitudinals, transverse framing, decks, etc.) as a whole system, and not individually; a comparison of individual components is difficult since any possible shortcomings of one component can be offset by another component. For example, thinner shell plating can be compensated with additional stiffeners.

Therefore, the Coast Guard proposes to determine the equivalence of classification society structural rules through an assessment of the service history (structural failures documented in reports from classification society surveyors) of the classed fleet and the approach taken by the class society towards rule review and updating as appropriate. The ideal classification society not only maintains an excellent service history, but also takes an aggressive approach to rule review and updating by systematically evaluating casualty statistics and surveyor reports to identify trends and implement corrective changes before casualties occur. In evaluating a classification society, the Coast Guard will also compare the society's rules on structures to the International Association of Classification Society (IACS) requirements, and where appropriate, review the class society's reasoning for not adopting the IACS standard.

The stability portion of the critical ship safety systems table references International Maritime Organization (IMO) Resolution A.479(18), Code of Intact Stability for All Types of Ships Covered by IMO Instruments. The U.S. was a key player in the development of this international resolution and, therefore, it is accepted by the Coast Guard as an equivalent to the intact stability requirements in Title 46 CFR. Because SOLAS recommends vessels voluntarily comply with this resolution, and because the Coast Guard desires to harmonize its regulations with international standards, IMO Resolution A.479(18) was chosen as the standard by which to evaluate each class society's stability requirements.

Critical Ship Safety Systems Table

The following table contains those critical ship safety systems not adequately covered by international standards. Class societies must demonstrate that their class rules provide an equivalent level of safety to the regulatory cite for each of the critical ship safety systems. For the structures and stability section, the previously discussed methods of determining equivalence are applicable. In cases where equivalence cannot be shown, requirements must be included in the U.S. Supplement to bridge the gaps.

Critical system	Regulation (46 CFR * * *)
SUBCHAPTER D—TANK VESSELS	
Lifesaving appliances and arrangements	31.36–1.
Guards in dangerous places	32.02–15.
Anchors, chains, and hawsers	32.15–15.
Pressure vacuum relief valves	32.20–5.
Pumps, piping and hose for cargo handling	32.50.
Bilge systems	32.52.
Inert gas system	32.53.
Ventilation and venting	32.55.
Fire-extinguishing systems	34.05–5(a)(5), (a)(6), & (a)(7).
Carbon dioxide extinguishing system controls	34.15–10(f), 34.15–10(g).
Carbon dioxide extinguishing system piping	34.15–15(c).
Carbon dioxide extinguishing system storage	34.15–20(i).
Carbon dioxide extinguishing system alarms	34.15–30(a).
Deck foam system controls	34.20–10(a), 34.20–10(e).
Deck foam system piping	34.20–15(b).
Water spray extinguishing system piping	34.25–15(b).
Water spray extinguishing system nozzles	34.25–20(a).
Portable and semiportable extinguishers	34.50.
Self-contained breathing apparatus	35.30–20(c)(1).
Vapor control system	Part 39.
SUBCHAPTER F—MARINE ENGINEERING	
Power boilers: Adoption of Section I of the ASME Code	52.01–2.
Power boilers: Automatic controls	52.01–10.
Power boilers: Fusible plugs	52.01–50.
Power boilers: Safety valves and safety relief valves	52.01–120.
Heating boilers: Adoption of Section IV of the ASME Code	53.01–3.
Heating boilers: Pressure relieving devices	53.05.
Pressure vessels: Adoption of Division 1, Section VIII of ASME Code	54.01–2.
Pressure vessels: Standard hydrostatic test	54.10–10.
Pressure vessels: Pneumatic test	54.10–15.
Pressure vessels: Pressure relief devices	54.15.
Piping components	56.10–1,
Fittings	56.15.
Valves employing resilient seals	56.20–15.
Bilge and ballast piping	56.50–50.
Bilge pumps	56.50–55.
Systems containing oil	56.50–60.
Burner fuel-oil service systems	56.50–65.
Gasoline fuel systems	56.50–70.
Diesel fuel systems	56.50–75.
Tank vent piping	56.50–85.
Materials	56.60.
Welding	56.70.
Pressure tests	56.97.
Main propulsion machinery	58.05.
Internal combustion engines	58.10.
Periodic tests and inspections	Part 61.
Vital system automation	Part 62.
SUBCHAPTER H—PASSENGER VESSELS	
Lifesaving appliances and arrangements	70.28–1.
Ventilation	72.15.
Storm rails	72.40–10.
Barriers on vehicular ferries	72.40–15.
Guards in dangerous places	72.40–20.
Fixed fire extinguishing equipment	76.05–20.
Carbon dioxide system controls	76.15–10(f), 76.15–10(g).
Carbon dioxide system piping	76.15–15(c).
Carbon dioxide system storage	76.15–20(i).
Carbon dioxide system alarms	76.15–30(a).
Manual sprinkling system piping	76.23–20(b).
Manual sprinkling system heads	76.23–25(a).
Automatic sprinkling systems	76.25–1, 76.25–35(e).

Critical system	Regulation (46 CFR * * *)
Electric fire detecting system	76.27–15(b), 76.27–15(e).
Smoke detecting system	76.33–20(e), 76.33–20(f).
Manual alarm system	76.35–15(b), 76.35–15(d).
Portable and semiportable extinguishers	76.50.
Anchors, chains and hawsers	77.07.
Emergency equipment	77.30.
Fireman's outfit	77.35–5(a) & (b).
SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS	
Lifesaving appliances and arrangements	90.27–1.
Structural fire protection	92.07–1(c).
Ventilation	92.15.
Storm rails	92.25–10.
Guards in dangerous places	92.25–15.
Fixed fire extinguishing systems	95.05–10(d), & (e).
Carbon dioxide extinguishing system controls	95.15–10(f), 95.15–10(g).
Carbon dioxide extinguishing system piping	95.15–15(c).
Carbon dioxide extinguishing system storage	95.15–20(i).
Carbon dioxide extinguishing system alarms	95.15–30(a).
Portable and semiportable extinguishers	95.50.
Anchors, chains and hawsers	96.07.
Fireman's outfit	96.35–5(a) & (b).
Anhydrous ammonia in bulk	98.25.
Vessels carrying marine portable tanks (MPTs)	98.30–3.
SUBCHAPTER J—ELECTRICAL ENGINEERING	
Generator construction and circuits	111.12.
Motors	111.25.
Overcurrent protection	111.50.
Circuit breakers	111.54.
Wiring materials and methods	111.60.
Motor circuits, controllers, and protection	111.70.
Lighting circuits and protection	111.75.
Electric power-operated boat winches	111.95.
Electric power-operated watertight door systems	111.97.
Hazardous locations	111.105.
Emergency power and lighting system	Part 112.
Fire and smoke detecting and alarm systems	113.10.
Automatic sprinkler alarm system	113.20.
General emergency alarm systems	113.25.
Internal communications	113.30.
Engine order telegraph	113.35.
Steering failure alarm systems	113.43.

Structures and Stability

Comment(s)

Structures:

Provide three examples from your classification society records of major structural failures in classed vessels over the last ten years along with the corrective action taken.

Provide three examples of major breaches in watertight integrity in the last ten years along with corrective action taken.

Provide three examples of major fractures in primary or secondary structural members in the last ten years along with corrective action taken.

List International Association of Classification Societies (IACS) requirements not incorporated into classification rules and discuss why they have not been included.

Demonstrate that Rules meet longitudinal strength requirements of IACS Uniform Requirements.

Rules should address structural materials requirements, including acceptable types, chemical and mechanical properties, certification, and manufacture procedures.

Rules should address structural welding procedures, including joint design, fitup, filler materials, acceptance standards, repair procedures, qualification procedures, NDT procedures.

Rules should include sections addressing requirements for primary and secondary structural members.

Stability: Rules should provide an equivalent level of safety to IMO Resolution A.479(18), Code of Intact Stability for All Types of Ships Covered by IMO Instruments.

Supplement Components

The Coast Guard sees the U.S. Supplement as being comprised of inputs from four distinct areas: critical ship safety systems, U.S. statutory requirements, interpretations of international conventions, and regulations applicable to all vessels sailing in U.S. waters. Statutory requirements are those contained in Titles 33 and 46 of the U.S.C. which are applicable to all U.S. flagged vessels which are eligible for participation in the ACP. International interpretations include those regulations in which the Coast Guard clarifies requirements of international conventions left to the satisfaction of the flag state. For example, SOLAS Chapter II–2, Regulation 4.7.2 states, "Ships shall be provided with fire hoses the number and diameter of which shall be to the satisfaction of the Administration." The Coast Guard provides clarification to this international requirement in 46 CFR 34.10–10, 76.10–10, 95.10–10, and 108.425 where fire hose specifications are spelled out for U.S. flagged vessels. The Coast Guard is working at the IMO to remove vague wording from international conventions such as

SOLAS by harmonizing interpretations with other countries. One of the Coast Guard's long-term goals is to eliminate the need for administration-specific interpretations to international conventions. Regulations applicable to all vessels include the navigation safety and pollution prevention regulations of Title 33 Code of Federal Regulations. The Coast Guard plans to develop and publish a Navigation and Vessel Inspection Circular (NVIC) listing statutory requirements, U.S. interpretations to international conventions, and regulations applicable to all vessels.

In summary, the Coast Guard will review U.S. Supplements submitted by class societies seeking authorization under the ACP against four lists of inputs: statutory requirements, international interpretations, regulations applicable to all vessels, and the critical ship safety systems table. Class societies can and should use these four lists to develop their U.S. Supplement. Anyone seeking information on the content of these lists can contact LCDR Petow or LCDR Pippenger at the number listed under **FOR FURTHER INFORMATION.** Any item on the lists relating to ship design or construction that is not adequately covered by class rules and applicable international conventions must be included in a U.S. Supplement. Classification societies are in no way prohibited from using the line-by-line approach (comparing class rules and international conventions to Title 46 regulations) in developing their U.S. Supplement. However, the Coast Guard believes the risk-based approach offers a more efficient means with which to develop a U.S. Supplement to classification Society Rules.

Dated: January 29, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–3628 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 187; Mode Select Beacon and Data Link System

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 187 meeting to be held on March 10, 1998, starting at 9 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: (1) Introductory Remarks; (2) Review and Approval of the Agenda; (3) Review and Approval of the Summary of the Previous Meeting; (4) Review and Approval of Change 3 to RTCA/DO–181A; (5) Review and Approval of Change 2 to RTCA/DO–218; (6) Other Business; (7) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. 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 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 9, 1998.

Jancie L. Peters,

Designated Official.

[FR Doc. 98–3727 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Wilmington International Airport, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Wilmington International Airport 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).

DATES: Comments must be received on or before March 16, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Campus Building, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia, 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Willard G. Plentl, P.E. Airport Director at the following address: Mr. Willard G. Plentl, P.E., Airport Director, Wilmington International Airport, 1740 Airport Boulevard, Wilmington, NC 28405.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the New Hanover County Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Southern Region, Atlanta Airports District Office, Mr. Terry R. Washington, Program Manager, 1701 Columbia Avenue, Suite 2–260, College Park, Georgia 30337–2747, (404) 305–7143.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Wilmington International Airport 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).

On February 6, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by New Hanover County Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 8, 1998. The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 1998.

Proposed charge expiration date: March 31, 2014.

Total estimated PFC revenue: $8,251,051.

Application number: 98–03–C–00–ILM.

Brief description of proposed project(s): (1) Land acquisition; (2) construction of new equipment building; (3) airfield drainage system rehabilitation; (4) develop daylight/limited use taxiway; (5) establish a 1,000 foot safety area.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: (1) Air Taxi/Commercial Operators (ATCO), and (2) Large Certified Route Air Carriers filing RTSPA Form T–100 having less than 1,000 annual enplanements at ILM.

Any person may inspect the application in person at the FAA office

listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the New Hanover County Airport Authority.

Issued in College Park, Georgia on February 4, 1998.

Dell T. Jernigan,

Manager, Atlanta Airports Division, Southern Region.

[FR Doc. 98–3726 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on Thursday, March 19, 1998. The meeting begins at 10:00 a.m. and will have an Administrative Business session at 1:00 p.m. (Voting Board Members and staff Only). The letter designations that follow each item mean the following: (I) is an "information item;" (A) is an action item; (D) is a discussion item. This meeting includes the following items: (1) Introductions and ITS America Antitrust Policy and Conflict of Interest Statements; (2) Review and Approval of Previous Meeting's Minutes (A); (3) Federal Reports (I/D); (4) ISTEA Reauthorization Principles (A); (5) Report of the Executive Committee (I/D); (6) Coordinating Council Report (I); (7) State Chapters Council Reports (I); (8) ITS America Association Report (I); (9) ITS Awareness Program Update (I); (10) Futures Group Report (I); (11) Report of the ITS World Congress and Other International ITS Activities (I/D); (12) 1998 ITS America Annual Meeting (A); (13) ITS America IVI Activities (I/D); (14) Other Program Business. *Business Session* (Begins at 1 p.m.) (15) President's Report (I); (16) Report of the Membership Committee (I); (17) Report of the Membership Committee (I); (18) Governance Policy Report (I/D); (19) Nominating Committee Report (A); (20) Other Business; (21) Adjournment until May 6, 1998, Board of Directors Meeting in Detroit, MI.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Board of Directors of ITS AMERICA will meet on Thursday, March 19, 1998, from 10:00 a.m.–2:00 p.m.

ADDRESSES: Hyatt Regency O'Hare Hotel, Rosemont, IL. *Phone*: (847) 696–1234; *Fax*: (847) 696–1418.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue SW, Suite 800, Washington, D.C. 20024. Persons needing further information or who request to speak at this meeting should contact Kenneth Faunteroy at ITS AMERICA by telephone at (202) 484–4130 or by FAX at (202) 484–3483. The DOT contact is Mary C. Pigott, FHWA, HVH–1, Washington, D.C. 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued: February 9, 1998.

Jeffrey Paniati,

Deputy Director, ITS Joint Program Office.

[FR Doc. 98–3652 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA), DOT

[Docket No. RSPA–97–3224; Notice 11]

Pipeline Safety: Environmental Assessment for Risk Management Demonstration Project—Shell Pipe Line Corporation

AGENCY: Research and Special Programs Administration, Office of Pipeline Safety, DOT.

ACTION: Environmental Assessment.

SUMMARY: As part of its Congressional mandate to conduct a Risk Management Demonstration Program, the Office of Pipeline Safety (OPS) has been authorized to conduct demonstration projects with pipeline operators to determine how risk management might be used to complement and improve the existing Federal pipeline safety regulatory process. This is an environmental assessment of Shell Pipe Line Corporation's (SPLC) demonstration project. Based on this environmental assessment, OPS has preliminarily concluded that this proposed project will not have significant environmental impacts.

ADDRESSES: OPS requests that comments about this environmental assessment be submitted on or before March 16, 1998, so they can be considered before project approval. Comments should be sent to the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001, or you can E-Mail your comments to ops.comments@rspa.dot.gov. Comments should identify the docket number RSPA–97–3224. Persons should submit the original comment document and one (1) copy. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard. The Dockets Facility is located on the plaza level of the Nassif Building in Room 401, 400 Seventh Street, SW, Washington, DC. The Dockets Facility is open from 10 a.m. to 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Elizabeth Callsen, OPS, (202) 366–4572, regarding the subject matter of this environmental assessment. Contact the Dockets Unit, (202) 366–9322, for docket material.

SUPPLEMENTARY INFORMATION:

A. Background and Purpose

A Presidential Directive to the Secretary of Transportation (October 16, 1996) stated that in implementing the Pipeline Risk Management Demonstration Program: "The Secretary shall require each project to achieve superior levels of public safety and environmental protection when compared with regulatory requirements that otherwise would apply." Thus, the process to select operators for this Demonstration Program involves a comprehensive review to ensure that the proposed project will provide the superior safety and environmental protection required by this Directive. This document summarizes the key points of this review for Shell Pipe Line Corporation's (SPLC) demonstration project, and evaluates the safety and environmental impacts of this proposed project.

This document was prepared in accordance with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4332), the Council on Environmental Quality regulations (40 CFR 1500–1508), and Department of

Transportation Order 5610.1c, Procedures for Considering Environmental Impacts.

B. Description of the Proposed Action

As a result of a comprehensive review of the risk management demonstration project SPLC proposed, the Office of Pipeline Safety (OPS) proposes to approve this project for participation in the Demonstration Program.

The SPLC project would involve two pipeline segments:

(1) Texas-Louisiana 12" Ethylene Pipeline System—205 miles of 250 mi. (Within the States of Texas and Louisiana); and

(2) Cortez 30" Carbon Dioxide (CO2) Pipeline System—260 miles of 502 mi. (Within the States of Colorado and New Mexico).

A full description of the scope of this project appears in 62 FR 67932.

The OPS Project Review Team that conducted this review has concluded the SPLC project will:

1. Provide superior safety and environmental protection for both of the pipeline segments proposed for the demonstration project; and

2. Offer a good opportunity to evaluate risk management as a component of the Federal pipeline safety regulatory program.

The Project Review Team evaluated the project according to review protocols and criteria. This evaluation is documented in "OPS Project Review Team Evaluation of Shell Demonstration Project."

As a candidate for the Pipeline Risk Management Demonstration Program, SPLC conducted a thorough and systematic risk assessment to identify hazards and risks associated with operating both demonstration segments. This risk assessment is described in "OPS Project Review Team Evaluation of Shell Demonstation Project". Teams of SPLC personnel representing each demonstration pipeline system, and possessing an average of over 25 years of expertise in pipeline design, construction, operations, and maintenance, performed the assessments. These assessments confirmed expectations that the greatest risk to both segments is damage by third party excavation activities near the pipelines.

To control this risk, the SPLC teams identified a number of new preventative measures, as well as the enhancement of several existing activities, to address both identifying the possibility of the existence of any past excavation-related damage and the prevention of any future damage of this type. These risk control activities include:

Right of Way Surveillance:

- Increasing the frequency of air patrols beyond 26 per year.
- Improving the timeliness and effectiveness of air patrol reporting.
- Improving line-riding procedures and plans.
- Defining and implementing improved patrol activities at critical locations.

Pipeline Locating:

- Evaluating the need for additional and/or improved style of line markers.
- Labeling line markers with locating information.
- Installing vehicle barriers where above-ground facilities are near roads (Texas—Louisiana line only—no such equipment exists on the Cortez system.).
- Installing warning mesh prior to backfilling when the line is exposed for construction.
- Conducting annual depth of cover surveys at road crossings on the Cortez system; evaluating the need for such surveys on the Texas—Louisiana line.
- Furthering company involvement in and sponsorship of One-Call programs.
- Improving procedures and resources for communicating requirements for and managing third party crossings of the lines.

Public Awareness and Education:

- Conducting dispersion modeling and utilizing the results in improving emergency response plans and drills, and targeting recipients of pipeline safety mailings.
- Providing improved maps and user-friendly information to emergency responders.
- Developing a "Good Neighbor Plan" to increase public awareness.
- Improving existing repair (emergency response) plans and procedures.
- Conducting simulated release drills with emergency responders, and updating the Facility Response Plan manual.
- Conducting a corporate-wide workshop on best practices.

Except as noted above, these activities will be performed on both demonstration segments. In addition, for the Texas—Louisiana line, SPLC will conduct an internal inspection using a geometry/smart pig and compare the results with recent Close Interval Survey results to determine if there are any instances of prior unknown third party damage. For the Cortez system, SPLC will conduct a Close Interval Survey over the entire demonstration segment with emphasis on determining if prior third party damage has occurred. All of the risk control activities proposed by SPLC exceed regulatory requirements.

The OPS Project Review Team has reviewed these risk control activities and believes that significant improvements in Right-of-Way surveillance, pipeline locating, public education and awareness, and identification of the possibility of unknown past third party damage will result from this project. In addition, emergency preparedness would be improved through increased communications with local emergency responders, including the conduct of drills and the sharing of information from release modeling.

SPLC has also identified performance measures to monitor the effectiveness of these risk control activities throughout the life of the demonstration project to ensure that the desired outcome of improved protection is achieved. Measures have also been established to evaluate the institutionalization of risk management within SPLC. The performance measures will form the basis for OPS audits of demonstration project effectiveness.

For the Texas-Louisiana 12" Ethylene Pipeline System, no regulatory exemptions are being sought. The company will still be required to comply with all of the applicable requirements of 49 CFR part 195. In addition, the new and enhanced risk control activities to address third party damage risks will be implemented as noted above.

For the Cortez 30" Carbon Dioxide Pipeline System, relief from the maximum operating pressure requirement of 49 CFR 195.406 (a)(1–3) over a 25-mile segment immediately downstream of the Cortez Station—all of which is located in a rural and sparsely populated area—is being sought under this program. This regulatory requirement remains in full force over the remainder of the Cortez system, and all other applicable Part 195 requirements remain in full force for the entire pipeline. SPLC conducted several technical evaluations to demonstrate the safety of operating the initial 25 miles at the higher pressure. Furthermore, the installation of redundant over pressure protection systems, risk control activities to ensure the existing integrity of line, and safety precautions taken prior to increasing pressure will further minimize the risk associated with the increased operating pressure.

In addition to the risk control activities implemented to minimize the risk associated with increasing the Cortez Station discharge pressure, SPLC will implement the previously mentioned risk control activities to address past and future third party damage over the entire 260 mile Cortez demonstration segment. In addition, over the initial 25 miles downstream of

the Cortez Station, a depth of cover survey will be conducted and correlated with the Close Interval Survey results to help identify if there is any past third party damage.

The SPLC demonstration project does not involve the construction of any new pump station or pipeline. The increased operating pressure will be accomplished by making modifications to the existing Cortez Pump Station. In fact, with the flexibility to raise pressure above regulatory limits, SPLC can increase throughput (the amount of commodity transported) without having to construct an intermediate pump station near Blanco, NM. Such a project would involve major new construction, including bringing utilities to a relatively remote site.

More detailed descriptions of all aspects of the SPLC proposal, risk assessment, and the OPS rationale for approving the project, are available in the following documents:

(1) 62 FR 67932, "Pipeline Safety: Intent To Approve Shell Pipe Line Corporation for the Pipeline Risk Management Demonstration Program", December 30, 1997.

(2) "Demonstration Project Prospectus: Shell Pipe Line Corporation", available by contacting Elizabeth M. Callsen at 202–366–4572. Includes maps of the demonstration segments.

(3) "Shell Pipe Line Corporation—Application for DOT–OPS Risk Management Demonstration Program", available in Docket No. RSPA–97–3224 at the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001, (202) 366–5046.

(4) "OPS Project Review Team Evaluation of Shell Demonstration Project".

These documents are incorporated by reference into this environmental assessment and are accessible to the public via the Pipeline Risk Management Information System (PRIMIS), at http://www.cycla.com/opsdemo.

C. Purpose and Need for Action

As authorized by Congress, OPS is conducting a structured Demonstration Program to evaluate the use of a comprehensive risk management approach in the operations and regulation of interstate pipeline facilities. This evaluation is being performed under strictly controlled conditions through a set of demonstration projects being conducted with interstate pipeline operators. Through the Demonstration Program, OPS will determine whether a risk management approach, properly implemented and monitored through a formal risk management regulatory framework, achieves:

(1) Superior safety and environmental protection; and

(2) Increased efficiency and service reliability of pipeline operations.

In May, 1997, SPLC submitted a Letter of Intent to OPS, asking to be considered as a Demonstration Program candidate. Using the consultative process described in Appendix A of the Requests for Application for the Pipeline Risk Management Demonstration Program (62 FR 14719), published on March 27, 1997, OPS is satisfied that SPLC's proposal will provide superior safety and environmental protection, and is prepared to finalize the agreement with SPLC on the provisions for the demonstration project.

D. Alternatives Considered

OPS has considered two alternatives; approval or denial of the SPLC demonstration project.

OPS's preferred alternative is approval of the SPLC demonstration project. OPS is satisfied that the proposal provides protection for both of the demonstration segments. For the Texas-Louisiana ethylene line, all of the proposed risk control activities go beyond the current regulatory requirements and thus provide a higher level of protection than exists today. OPS and SPLC will monitor and, if necessary, improve the effectiveness of the risk control activities throughout the demonstration period.

For the Cortez line, OPS is satisfied that the safety margin in the pipe can accommodate the proposed increase in pressure without adding significant additional risk to the public. Furthermore, SPLC has adequately demonstrated that the combination of third party damage and other risk control activities described earlier more than offset any increase in risk associated with the higher operating pressure in the first 25-miles of the line. If OPS does not approve the SPLC demonstration project, SPLC plans to construct a pump station near Blanco, NM, to achieve increased throughput on the Cortez line without raising pressure beyond regulatory limits. The construction site would be located in desert terrain, would cover approximately three acres, and would require a new right-of-way for the installation of nine to ten miles of electric transmission line.

E. Affected Environment and Environmental Consequences

The two pipelines proposed for this demonstration project transport distinctly different products that represent very different hazards. The Texas-Louisiana line transports chemical-grade ethylene, a flammable, highly volatile liquid that becomes a slightly lighter-than-air gas when released to the atmosphere. Under certain conditions, it could form an explosive vapor cloud until diluted or dispersed. The only potential environmental impact of an ethylene release would be the localized damage created by a fire or explosion in the vicinity of the release. Because of its volatile nature, ethylene is not considered a water pollutant. The Cortez system transports commercial grade carbon dioxide. Carbon dioxide is a naturally occurring component of air and presents no environmental hazard. However, at high concentrations in confined, low lying areas, it could represent an asphyxiation hazard until it is dispersed or diluted.

During the course of the consultation, SPLC presented the results of their risk control and decision support process that identified the risk control activities they propose to implement on the Cortez and Texas-Louisiana systems. The OPS Project Review Team carefully reviewed these activities and concluded that superior protection would be provided for both pipeline systems.

For the Texas-Louisiana Ethylene System, SPLC has not requested any exemptions or variances from the existing regulations. The risk assessment for the Texas-Louisiana system identified damage from third party excavation activities as the most significant contributor to potential pipeline ruptures and leaks. This conclusion is supported by the operating history of this system.

To address these third party damage risks, SPLC proposes to implement a number of risk control activities (mentioned previously). The OPS Project Review Team reviewed the Texas-Louisiana risk control activities during the consultation process and provided input that helped define the final set of activities. As stated previously, all of these risk control activities go beyond the existing regulations in providing additional assurance of safety. The OPS review included an examination for potentially negative, unintended outcomes from the proposed activities: No significant negative impacts were identified. OPS has concluded that the risk control activities listed above when combined

with the existing company practices (which comply with and in some cases exceed 49 CFR part 195 requirements) will reduce the likelihood of pipeline accidents and leaks on the Texas-Louisiana Ethylene System. The insights from the dispersion analysis and the improvements to the emergency response plans and drills should improve the responsiveness of the company and local officials to an event, should a leak or rupture occur. Thus, the consequences of a leak or rupture should be diminished. In summary, based on expected reductions in both the likelihood and consequences of leaks and ruptures, OPS has concluded that the proposed risk control activities will clearly reduce safety and environmental risks on the Texas-Louisiana system.

For the Cortez Carbon Dioxide system, the only activity SPLC proposes to take that would increase risk is increasing the operating pressure downstream of the Cortez pump station. For the initial 25 miles, the pressure might be increased by up to 11% above the limit currently established by the regulations. SPLC has conducted several technical evaluations to demonstrate that it could safely operate the pipeline at the higher pressure over the initial 25 mile segment. Furthermore, the installation of redundant over pressure protection systems, risk control activities to ensure the existing integrity of line, and safety precautions taken prior to and during the increase in pressure will minimize any risk associated with the increased operating pressure.

The risk assessment for the Cortez system identified damage from third party excavation activities as the most significant contributor to potential pipeline ruptures and leaks. To address these risks, SPLC proposes to implement a number of risk control activities (mentioned previously). The OPS Project Review Team reviewed the Cortez risk control activities during the consultation process and provided input that helped define the final set listed previously. This review included an examination for potentially negative, unintended outcomes from the proposed activities. No significant negative impacts were identified.

The PRT has concluded that the risk control activities listed above when combined with the existing company practices (which comply with and in some cases exceed 49 CFR part 195 requirements) will reduce the likelihood of third party damage related events on the Cortez system (the most significant risk to the system). The activities designed to identify instances of prior third party damage should increase the likelihood that prior unknown damage, if any, will be detected and remediated. These activities should minimize the likelihood that any such damage will result in leaks or ruptures at the higher operating pressure. OPS believes that this combination of risk control activities will reduce the likelihood of a Cortez system leak or rupture and more than offset the small increase in likelihood of line failure associated with higher operating pressure.

The insights from the dispersion analysis, the improvements to the emergency response plans and drills, and field personnel training should improve the responsiveness of the company and local officials to an event, should a leak or rupture occur. Thus, the consequences of a leak or rupture should be diminished. In summary, based on expected reductions in both the likelihood and consequences of leaks and ruptures, OPS concludes that the combination of risk control activities in conjunction with the increase in operating pressure by no more than 11% over the first 25 miles will result in superior protection of the public.

F. Environmental Justice Considerations

In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations), we have considered the effects of the demonstration project on minority and low-income populations. As explained above, OPS believes this project will provide superior safety and environmental protection along both demonstration project lines. The pipeline segments proposed for the project are routed through rural, sparsely populated, industrial and developing residential areas. A mixture of income levels resides along the segments. The risk control activities provide greater protection than mere compliance with existing regulations. Because risk management activities will be applied uniformly along both lines, residents and communities near each line will be afforded greater protection than they presently have, regardless of the residents' income level or minority status. Therefore, the proposed project does not have any dispropotionately high cr adverse health or environmental effects on any minority or low-income populations along the demonstration segments.

G. Information Made Available to States, Local Governments, Individuals

OPS has recently (in January and February 1998) made the following documents publicly available, and incorporates them by reference into this environmental assessment:

(1) 62 FR 67932, "Pipeline Safety: Intent To Approve Shell Pipe Line Corporation for the Pipeline Risk Management Demonstration Program", December 30, 1997.

(2) "Demonstration Project Prospectus: Shell Pipe Line Corporation", January 1998, available by contacting Elizabeth M. Callsen at 202–366–4572. Includes maps of the demonstration segments. Purpose is to reach the public, local officials, and other stakeholders, and to solicit their input about the proposed project. Mailed to over 500 individuals, including Local Emergency Planning Committees (LEPC) and other local safety officials, Regional Response Teams (RRT) representing other federal agencies, state pipeline safety officials, conference attendees, and members of public interest groups.

(3) "Shell Pipe Line Corporation—Application for DOT–OPS Risk Management Demonstration Program", available in Docket No. RSPA–97–3224 at the Dockets Facility, U.S. Department of Transportation, Plaza 401, 400 Seventh Street, SW, Washington, DC 20590–0001, (202)366–5046.

(4) "OPS Project Review Team Evaluation of Shell Demonstration Project'.

OPS has previously provided information to the public about the SPLC project, and has requested public comment, using many different sources. OPS aired three electronic broadcast (June 5, 1997; September 17, 1997; and December 4, 1997) reporting on demonstration project proposals (including SPLC's proposal). Two earlier **Federal Register** notices (62 FR 40135; July 25, 1997 and 62 FR 53052; October 10, 1997) informed the public that SPLC was interested in participating in the Demonstration Program, provided general information about technical issues and risk control alternatives to be explored, and identified the geographic areas the demonstration project would traverse.

Since August, OPS has used an Internet-accessible data system called the Pipeline Risk Management Information System (PRIMIS) at http://www.cycla.com/opsdemo to collect, update, and exchange information about all demonstration candidates, including SPLC.

At a November 19, 1997, public meeting OPS hosted in Houston, TX, SPLC officials presented a summary of the proposed demonstration project and answered questions from meeting attendees. (Portions of this meeting were broadcast on December 4, 1997. This

broadcast is available on demand via our OPS website ops.dot.gov/tmvid.htm.)

H. Listing of the Agencies and Persons Consulted, Including Any Consultants

Persons/Agencies Directly Involved in Project Evaluation

Stacey Gerard, OPS/U.S. Department of Transportation

James C. Thomas (retired), OPS/U.S. Department of Transportation

Linda Daugherty, OPS/U.S. Department of Transportation

Elizabeth Callsen, OPS/U.S. Department of Transportation

Richard Lopez, OPS/U.S. Department of Transportation

Dana Arabie, Office of Conservation, Louisiana Department of Natural Resources

Mary McDaniel, Gas Services Division, Railroad Commission of Texas

Anthony Karahalios, Colorado Public Utilities Commission

Jim vonHerrmann, Cycla Corporation (consultant)

Robert Brown, Cycla Corporation (consultant).

Persons/Agencies Receiving Briefings/Project Prospectus/Requests for Comment

Regional Response Team (RRT), Regions 6 & 8, representing the Environmental Protection Agency; the Coast Guard; the U.S. Departments of Interior, Commerce, Justice, Transportation, Agriculture, Defense, State, Energy, Labor; Health and Human Services; the Nuclear Regulatory Commission; the General Services Administration; and the Federal Emergency Management Agency (RRT Co-Chairs: Jim Knoy, EPA Region 8 and Cdr. Ed Stanton, Coast Guard 8th District).

I. Conclusion

Based on the above-described analysis of the proposed demonstration project, OPS has determined that there are no significant impacts associated with this action.

Issued in Washington, DC on February 9, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98–3630 Filed 2–12–98; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–12: OTS No. 1150]

Gloversville Federal Savings and Loan Association, Gloversville, NY; Approval of Conversion Application

Notice is hereby given that on February 5, 1998, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Gloversville Federal Savings and Loan Association, Gloversville, New York, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: February 10, 1998.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 98–3702 Filed 2–12–98; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–11: OTS Nos. H–2471 and 12559]

Peoples Bancorp, M.H.C., Lawrenceville, NJ; Approval of Conversion Application

Notice is hereby given that on February 5, 1998, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Peoples Bancorp, M.H.C., Lawrenceville, New Jersey, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: February 10, 1998.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 98–3701 Filed 2–12–98; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–10: OTS Nos. H–3032 and 03401]

Pocahontas Federal Mutual Holding Company, Pocahontas, AR; Approval of Conversion Application

Notice is hereby given that on February 3, 1998, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Pocahontas Federal Mutual Holding Company, Pocahontas, Arkansas, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039–2010.

Dated: February 10, 1998.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 98–3700 Filed 2–12–98; 8:45 am]

BILLING CODE 6720–01–M

UNITED STATES INFORMATION AGENCY

Advisory Commission on Public Diplomacy; Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The U.S. Advisory Commission on Public Diplomacy will meet on February 18 in Room 600, 301 4th Street, SW., Washington, DC, from 10 a.m. to 12 noon. At 10 a.m. the Commission will hold a panel discussion on training issues. The panelists are Colonel David Tretler, Dean of Faculty, National War College, and Dan Gillison, Chief of Staff and Manager, Human Resources and Quality, Xerox Corporation. At 11 a.m. the Commissioner will meet with Ms. Ruth Whiteside, Deputy Director, Foreign Service Institute, and Ms. Pamela Corey-Archer, Director of Career Development and Training, USIA, to discuss management's long-term training goals after reorganization and how agencies can adapt to the information technologies that are changing organizations.

FOR FURTHER INFORMATION CONTACT: Please call Betty Hayes, (202) 619–4468, if you are interested in attending the

meeting. Space is limited and entrance to the building is controlled.

Dated: February 9, 1998.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 98–3771 Filed 2–12–98; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 63, No. 30
Friday, February 13, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Civil Penalties

Correction

In notice document 98–2193, beginning on page 5401, in the issue of Monday, February 2, 1998, make the following corrections:

On page 5402, in the table, in the third column, in the third line, "(10/" should be moved to the next line.

On the same page, in the same column, in the fourth line, "440,500" should read "40,500."

BILLING CODE 1505-01-D

federal register

Friday
February 13, 1998

Part II

Federal Trade Commission

16 CFR Parts 1, 300, 301, and 303
Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Fur Products Labeling Act; Final Rule

FEDERAL TRADE COMMISSION

16 CFR Parts 1, 300, 301, and 303

Rules and Regulations Under the Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Fur Products Labeling Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (Commission or FTC) amends the Rules and Regulations Under the Textile Fiber Products Identification Act (Textile Rules); the Rules and Regulations under the Wool Products Labeling Act (Wool Rules); the Rules and Regulations under the Fur Products Labeling Act (Fur Rules); and General Procedures, Subpart D, Administration of the Wool Products Labeling Act of 1939, Fur Products Labeling Act, and Textile Fiber Products Identification Act.

The Commission amends the Textile and Wool Rules to: Allow the listing of generic fiber names for fibers that have a functional significance and constitute less than 5% of the total fiber weight of covered products, without requiring disclosure of the functional significance of such fibers; eliminate the requirement that the front side of a label bear the words "Fiber Content on Reverse Side" when the fiber content disclosure is on the back of the label; streamline and simplify the requirements for placing information on labels; incorporate by reference the generic fiber names and definitions for manufactured fibers in International Organization for Standardization (ISO) Standard 2076: 1989, "Textiles—Man-made fibres—Generic names"; and modify the definitions of terms such as "mail order catalog," "mail order promotional material," and "invoice," to include those generated and disseminated electronically through the Internet or E-mail.

The Wool Rules have been modified to add examples of fiber labeling for articles made from the hair of certain cross-bred, wool-bearing animals. In addition, the Commission amends the Textile, Wool, and Fur Rules to specify that a Commission registered identification number (RN) will be subject to cancellation if, after a change in the material information contained on the RN application, a new application that reflects current business information is not promptly received by the Commission. The Commission amends the Fur Rules to increase the cost figure for exemption from the Rules from $20 to $150. Finally, the Commission removes Subpart D from its General Procedures.

DATES: The amended Rules are effective on March 16, 1998. The incorporation by reference of the ISO standard is approved by the Director of the Federal Register as of March 16, 1998.

ADDRESS: Requests for copies of the amended Rules should be sent to the Public Reference Branch, Room 130, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Edwin Rodriguez, Attorney, Division of Enforcement, Federal Trade Commission, Sixth St. & Pennsylvania Ave., NW, Washington, DC 20580 (202) 326–3147, or Bret S. Smart, Program Advisor, Los Angeles Regional Office, Federal Trade Commission, 10877 Wilshire Blvd., Suite 700, Los Angeles, CA 90024 (310) 824–4314.

SUPPLEMENTARY INFORMATION:

I. Background

The Textile Fiber Products Identification Act (Textile Act), 15 U.S.C. 70, and the Wool Products Labeling Act (Wool Act), 15 U.S.C. 68, require marketers of covered textile and wool products to mark each product with: (1) The generic names and percentages by weight of the constituent fibers present in the product, in the order of predominance by weight; (2) the name under which the manufacturer or other responsible company does business or, in lieu thereof, the RN issued to the company by the Commission; and (3) the name of the country where the product was processed or manufactured. The Fur Products Labeling Act (Fur Act), 15 U.S.C. 69, requires marketers of covered fur products to mark each product to show: (1) the name of the animal that produced the fur; (2) that the fur product contains or is composed of used fur, when such is the fact; (3) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (4) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (5) the name under which the manufacturer or other responsible company does business or, in lieu thereof, the RN issued to the company by the Commission; and (6) the name of the country of origin of any imported furs used in the fur product. The Textile, Wool, and Fur Acts also contain advertising and recordkeeping provisions. Pursuant to section 7(c) of the Textile Act, 15 U.S.C. 70e(c); section 6(a) of the Wool Act, 15 U.S.C. 68d(a); and section 8(b) of the Fur Act, 15 U.S.C. 69f(b), the Commission has issued implementing regulations, the Textile Rules, 16 CFR Part 303; the Wool Rules, 16 CFR Part 300; and the Fur Rules, 16 CFR Part 301, respectively.

On February 12, 1996, the Commission published a Notice of Proposed Rulemaking requesting public comment on various possible amendments to the Textile Rules (Textile NPR) (61 FR 5340). On December 24, 1996, the Commission published two Notices of Proposed Rulemaking, requesting public comment on various possible amendments to the Wool Rules (Wool NPR) (61 FR 67739) and the Fur Rules (Fur NPR) (61 FR 67748). The 1996 NPRs followed a May 6, 1994 request for comments issued as part of the FTC's ongoing regulatory review program (59 FR 23645–46). In this notice, the Commission announces several amendments to the Textile, Wool, and Fur Rules, adopted as a result of those prior proceedings. The comments, described below, are on the public record and available for inspection during business hours in the Public Reference Branch, Room 130, Federal Trade Commission, Sixth St. and Pennsylvania Ave., N.W., Washington, DC 20580. The comments are cited in this notice by number and a shortened form of the name of the commenting party.

In response to the Textile NPR, 24 comments were filed by 23 parties, including manufacturers, trade associations, and governmental entities.[1] In response to the Wool NPR, nine comments were filed by eight trade associations and governmental entities, six of which had also responded to the

[1] The parties commenting on the Textile NPR are listed below, with the number assigned to each comment by the Office of the Secretary and a shortened form of the name used to cite to the comment hereafter: (1) The Polyester Council of America (PCA); (2) Association of Specialists in Cleaning and Restoration (ASCR); (3) American Fiber Manufacturers Association (AFMA); (4) Monsanto Company (Monsanto); (5) American Polyolefin Association, Inc. (APA); (6) National Association of Hosiery Manufacturers (NAHM); (7) J.C. Penney; (8) Ross & Hardies; (9) United States Association of Importers of Textiles and Apparel (USA–ITA); (10) Wrangler, Inc. (Wrangler); (11) Acrylic Council (Acrylic); (12) American Textile Manufacturers Institute (ATMI); (13) Fruit of the Loom; (14) Department of the Treasury, U.S. Customs Service (Customs); (15) Courtaulds Fibers, Inc. (Courtaulds); (16) Cotton Incorporated (Cotton); (17) American Apparel Manufacturers Association (AAMA); (18) Mexico, Subsecretaria de Negociaciones Comerciales Internacionales (Mexico); (19) Pillowtex Corporation (Pillowtex); (20) National Cotton Council of America (NCCA); (21) Courtaulds Fibers, Inc. (Courtaulds 2); (22) Pittsfield Weaving Company, Inc. (Pittsfield); (23) Industry Canada Consumer Products Directorate (Industry Canada); (24) Senator Strom Thurmond (Sen. Thurmond).

Textile NPR.[2] One comment was filed in response to the Fur NPR.[3]

II. Fiber Content Identification Labeling

A. Fibers Present in Amounts of Less Than 5%

Under the Textile and Wool Acts, a covered product is misbranded if it does not show on a stamp, tag, label or by other means the generic name and percentage of each fiber or combination of fibers present in the amount of 5% or more of the total fiber weight of the product.[4] The Textile Act permits the use of a generic fiber name for a fiber present in an amount less than 5% only when the fiber has a clearly established and definite functional significance when present in the amount contained in the textile product.[5] When such a fiber or combination of fibers does not have a functional significance, it must be identified as "other fiber" or "other fibers."[6] Section 3 of the Textile Rules, 16 CFR 303.3, implements this provision of the Textile Act, also stating, in subsection (b), that when manufacturers or other parties wish to disclose the presence of such a fiber by generic or fiber trademark name, the fiber content disclosure must include the functional significance of the fiber (for example, "4% spandex, for elasticity"). Section 3(b) of the Wool Rules, 16 CFR 300.3(b), contains a similar provision for non-wool fibers in a wool product. The Commission proposed amending both Rules to permit the use of generic fiber names for fibers that have a functional significance and are present in amounts less than 5%, without requiring disclosure of the functional significance.

Many comments supported the Commission's proposed amendment,[7] stating that it would benefit both consumers and businesses by making labels shorter.[8] Two comments in response to the Wool NPR opposed the amendment,[9] asserting that it could result in consumer confusion and even deception as to the value of small amounts of certain fibers in a garment.[10]

The Commission has decided to amend the Textile and Wool Rules by deleting the requirement to disclose functional significance. Eliminating the requirement will benefit industry by shortening and simplifying labels. It will also eliminate the problem of imported products often being delayed at borders for relabeling because labels fail to disclose the functional significance of fibers present in amounts of less than 5%.[11] The amendment will not harm consumers, who often know the functional significance of fibers used in small amounts, such as spandex. Manufacturers may, of course, voluntarily disclose the functional significance of such fibers when the information would be beneficial to consumers.

A few comments also recommended that the Commission amend the Rules to allow the listing of names of non-wool fibers with no functional significance and present in amounts less than 5%.[12] Because the prohibition on naming these fibers is statutory, however, the Commission cannot adopt the suggested amendment. The Commission will consider whether to recommend that Congress amend the Textile and Wool Acts in this manner.[13]

The Wool Rules also have been amended to add a definition of the term "trimmings." Section 300.24 of the Rules (redesignated herein as § 300.23) refers to "trimmings," which, if they do not contain wool, are generally exempt from the fiber content disclosure requirement. Unlike the Textile Rules, however, the Wool Rules do not define the term. The lack of a definition has sometimes resulted in problems, such as the retention of imports at the border by Customs officials or the refusal of delivery of goods by retailers, pending a resolution of the meaning of the term "trimmings" with respect to products covered by the Wool Rules. This problem has been remedied by adding a definition to the Wool Rules (§ 300.1(k)) that is cross-referenced to the definition of "trimmings" contained in the Textile Rules. This cross-reference does not constitute a change in § 300.24 (redesignated as § 300.23); it merely codifies the advice that has consistently been given to industry by Commission staff.

B. "Fiber Content on Reverse Side" Disclosure Requirement

The Textile and Wool Rules require that, with certain exceptions, all three disclosures—fiber content, company name or RN, and country of origin—be

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[2] The parties commenting on the Wool NPR are listed below, with the number assigned to the comment by the Office of the Secretary and a shortened form of the name used to cite to the comment hereafter: (1) American Fiber Manufacturers Association (AFMA); (2) The Wool Bureau, Inc. (Wool Bureau); (3) United States Association of Importers of Textiles and Apparel (USA–ITA); (4) and (4A) Northern Textile Association and Cashmere & Camel Hair Manufacturers Institute (NTA–CCMI); (5) American Textile Manufacturers Institute (ATMI); (6) Department of the Treasury, U.S. Customs Service (Customs); (7) American Apparel Manufacturers Association (AAMA); (8) Industry Canada Consumer Products Directorate (Industry Canada). (To distinguish between the Textile comments and the Wool comments, the term "wool" will be used with the comment number whenever the Wool comments are referenced.)

[3] (1) Fur Information Council of America (FICA).

[4] 15 U.S.C. 70b(b)(1) & (2); 15 U.S.C. 68b(a)(2). The Textile Act exempts certain textile products, including the "outer coverings of furniture." 15 U.S.C. 70j(a)(2). The Wool Act exempts carpets and upholsteries. 15 U.S.C. 68j. ASCR (2), pp.1–3, recommended that the Textile Act be amended to require fiber content identification labeling for the cover fabric of textile upholstered furniture, in order to harmonize with Canada and to provide information to consumers and upholstery cleaners relevant to the selection, use, and care of such furniture. Because the exemption for furniture upholstery is statutory, the Commission cannot require fiber content labeling for upholstery. Of course, manufacturers and sellers that wish to provide fiber content information can do so voluntarily.

[5] The Wool Act requires disclosure of any amount of wool even if under 5%. It does not, however, allow fiber names for other textile fibers present in amounts of less than 5%.

[6] 15 U.S.C. 70b(b)(1) & (2).

[7] J.C. Penney (7) p.1; USA–ITA (9) p.2 and (3-wool) p.2; Wrangler (10) p.1; ATMI (12) p.1 and (5-wool) p.1; Fruit of the Loom (13) p.1; AAMA (17) p.1 and (7-wool) p.1; Mexico (18) p.1; NCC (20) p.1.

[8] J.C. Penney (7) p.3; AAMA (17) p.1.

[9] Wool Bureau (2-wool) pp.1–2; NTA–CCMI (4-wool) p.2.

[10] NTA–CCMI (4), p.2, provided an example of a garment labeled "78% wool, 20% nylon, 2% cashmere," also bearing a prominent sleeve tag stating only "Cashmere Blend." Such labeling, however, would appear to be a violation of § 300.8(d) which provides that "[w]here a generic name * * * is used on any label, whether required or nonrequired, a full and complete fiber content disclosure with percentages shall be made on such label * * *." It may also violate § 300.8(f) which states that "[n]o * * * generic name or word * * * shall be used on any label or elsewhere on the product in such a manner as to be false, deceptive, or misleading as to fiber content * * *." NTA–CCMI (4A), at p.2, advocates prohibition of the naming of specialty fibers, such as "cashmere" or "camel hair," when they are present in quantities of less than 5%. The Commission believes that this proposal would be contrary to the intent of the Wool Act, which requires disclosure of any amount of wool in a product.

[11] Mexico (18) recommended at p.2 that the term "functional significance" be defined to avoid import/export access problems. A functionally significant fiber is a fiber that has an established quality or trait—such as strength or elasticity—when the presence of the fiber in a textile product imparts that same quality or trait to the product.

[12] NAHM (6) p.1; J.C. Penney (7) p.1; Fruit of the Loom (13) p.1. NAHM stated that because of technological advances, such as the production of "microfibers," fibers present in small amounts sometimes impart a "'hand' or feel to a product that are significant to the consumer." The Commission notes that fibers present in amounts less than 5% that impart special characteristics to a textile product may, in fact, have a functional significance enabling them to be listed on the label.

[13] Canada permits naming fibers that do not have a functional significance and are present in small amounts. Industry Canada (23) suggested, at p.2, that the proposed amendment to this section of the Rules would not harmonize with Canadian textile labeling regulations which state that "a fibre present in an amount less than 5% by mass must be stated by generic name or as 'other fibre'." The Commission notes that although the requirements of the two countries are not identical, manufacturers can easily comply with both by listing a fiber that is not functionally significant and present in an amount less than 5% as "other fiber."

made on the front of the label.[14] A proviso to this requirement, however, states that the fiber content disclosure may be placed on the back of a cloth label—sewn to the product at one end so that both sides of the label are readily accessible to the prospective purchaser—"if the front side of such label clearly and conspicuously shows the wording 'Fiber Content on Reverse Side.'" In the 1996 NPRs, the Commission proposed eliminating the "Fiber Content on Reverse Side" disclosure requirement.

Many comments supported the Commission's proposal, noting that consumers are accustomed to looking on both sides of a double-sided label for information about a textile product, and that consumers would be protected as long as the fiber identification information is "conspicuous and accessible." [15] Some asserted that because the amendment would decrease the amount of information required on labels, it would reduce the size of labels and perhaps reduce the cost of labeling for manufacturers and the cost of textile products to consumers.[16] In addition, the amendment would increase NAFTA harmonization by eliminating words that must be translated into French and Spanish to meet the requirements of Canada and Mexico.[17] Industry Canada stated that "[t]he flexibility provided by the amendment would more closely align the US requirements with those of Canada." [18]

The Commission has decided to amend the Textile and Wool Rules to eliminate the requirement that the front side of the label state "Fiber Content on Reverse Side" and to allow fiber content information to appear on the reverse side of any kind of label, not just cloth labels. The Rules further clarify that the required information may appear on the care label, required by the Commission's Trade Regulation Rule on the Care Labeling of Textile Wearing Apparel and Certain Piece Goods, 16 CFR Part 423, a practice already common in the industry. The Commission believes that the amendment will allow manufacturers greater flexibility, without diminishing the value of fiber information to consumers. Other streamlining amendments regarding the arrangement of information on the label will give added flexibility. Because all of the required disclosures must be conspicuous and accessible, there is little likelihood that the amendment will result in harm to consumers.[19]

C. Recognition of ISO Standard for Generic Fiber Names

Section 7(c) of the Textile Act, 15 U.S.C. 70e(c), authorizes and directs the Commission "to make such rules and regulations, including the establishment of generic names of manufactured fibers * * * as may be necessary and proper for administration and enforcement." Section 7 of the Textile Rules, 16 CFR 303.7, sets out the generic names and definitions for manufactured fibers currently recognized by the Commission. (The Wool Rules, 16 CFR 300.8(b), cross reference § 7 of the Textile Rules for purposes of fiber identification.) If a company develops a new fiber and wishes to use a new generic name, the manufacturer or producer of the fiber must file a written application with the Commission, under procedures set forth in 16 CFR 303.8, requesting the establishment of a new generic name for the fiber. The Commission proposed amending the Textile Rules to allow the use of a generic name for a manufactured fiber, if the name and fiber were recognized by an appropriate international standards-setting organization, such as the ISO.

The comments supported the Commission's proposed amendment, asserting that it could expedite the use of new fiber names on packaging and labeling, to the benefit of both manufacturers and consumers.[20] The comments also stated that the proposed amendment would continue to ensure that generic fiber names are used only for fibers that are in fact innovations in fiber technology.[21] Several comments supported Commission recognition of names recognized by the ISO for manufactured fibers.[22] The comments also advocated that the Commission retain its own petition procedure for new manufactured fiber names.[23]

The Commission has decided to amend the Textile Rules to incorporate by reference the generic fiber names and definitions for manufactured fibers in ISO Standard 2076: 1989, "Textiles—Man-made fibres—Generic names." [24] Incorporating the ISO standard will increase international harmonization and benefit manufacturers. A manufacturer or other marketer of a fiber not listed in § 7 of the Textile Rules but recognized in ISO's 1989 standard need not petition the Commission for recognition of the fiber name, but may simply use the ISO established name.[25] In addition, manufacturers may use ISO alternative fiber names for names currently recognized by the Commission. For example, "viscose," a name recognized by ISO, may be used as an alternative generic fiber name for some forms of "rayon." [26] "Elastane" may be used as an alternative to "spandex." [27] As a result, manufacturers will have more flexibility in labeling products for both domestic and international sale.

The Commission believes that consumers will not be harmed by its recognition of the ISO standard. Although the immediate result may be a few new and unfamiliar names on textile labels, consumers will learn these fiber names quickly, just as they have learned the names of new fibers recognized by the Commission through its own petition process.[28] Because most

[14] 16 CFR 303.16(b); 16 CFR 300.10(a).

[15] J.C. Penney (7) pp.2–3; USA–ITA (9) p.5 and (3-wool) p.2; Wrangler (10) p.1; ATMI (12) pp.1–2 and (5-wool) p.2; Fruit of the Loom (13) p.1; AAMA (17) p.1 and (7-wool) p.2; NCC (20) p.1; Pittsfield (22) p.1; Industry Canada (23) p.2 and (8-wool) p.2; Wool Bureau (2-wool) p.2. NTA–CCMI (4) opposed the proposal, stating, at p. 3, that a "conspicuous and accessible" standard may be inadequate to protect consumers from deception.

[16] J.C. Penney (7) p.2; Wrangler (10) p.1; ATMI (12) pp.1–2; Fruit of the Loom (13) p.1; AAMA (17) p.1 and (7-wool) p.2; Pittsfield (22) p.1.

[17] AAMA (17) p.1 and (7-wool) p.2.

[18] Industry Canada (23) p.2 and (8-wool) p.2.

[19] Mexico (18) stated, at p.2, that in order to accord with Annex 311 of NAFTA and to avoid problems with Customs, the Commission should make it clear that "conspicuous and accessible" means that the label is capable of being easily seen with normal handling of the good. The Commission believes that section 303.16(b) of the Textile Rules, as amended herein, which requires the disclosures to be "set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser," is sufficiently clear. Similar language is contained in section 300.10(a) of the Wool Rules. Disclosures that cannot be easily seen with normal handling are not "conspicuous and readily accessible."

[20] AFMA (3) p.5; NAHM (6) p.3; J.C. Penney (7) p.6; USA–ITA (9) p.8; ATMI (12) p.6; Fruit of the Loom (13) p.4; AAMA (17) p.2; NCC (20) p.1. Industry Canada (23) stated, at p.4, that the procedures in the proposed amendment "are consistent with those in Canada, and we would encourage their adoption."

[21] NAHM (6) p.3.

[22] AFMA (3) p.5; J.C. Penney (7) p.6; Fruit of the Loom (13) p.4.

[23] AFMA (3) p.5.

[24] A revision of ISO 2076 is under consideration at this time. The Commission understands that the revised standard will not become effective until sometime next year. When the revised standard is finalized, the Commission will amend the Textile Rules to incorporate the new standard by reference.

[25] Ten fiber names not previously recognized by the Commission are listed in the 1989 ISO Standard. Recognition of new fiber names added by ISO in the future will not be automatic. However, the Commission may accommodate future changes in the ISO Standard by amending the Textile Rules to incorporate the new Standard without going through the petition process.

[26] USA–ITA (9) recommended, at p.8, that the name "viscose" be allowed.

[27] AFMA (3) p. 5 and (1-wool), p.5, stated that the name "elastane" is commonly used worldwide for this fiber.

[28] For example, last year the Commission recognized "lyocell" as a new subclass of rayon. 61 FR 16385 (April 15, 1996). More recently, the Commission recognized "elastoester" as a new generic fiber. 62 FR 28342 (May 23, 1997).

of the fibers recognized by the ISO but not previously recognized by the Commission are not widely used in consumer textile products, the number of new names appearing on consumer labels probably will be small. Of course, it will be in the interests of any manufacturer or distributor marketing fibers or fiber names that are new and unfamiliar to American consumers to provide some kind of consumer education about the nature and properties of the fiber or the fact that the name is the equivalent of a name already familiar to consumers.

The Commission will retain its own list of manufactured fiber names. This will enable manufacturers that use generic names recognized by the Commission, but not recognized by ISO, to continue to use those fiber names. The Commission will also retain its petition procedure to allow manufacturers to apply to the Commission for the recognition of new generic fiber names not recognized by ISO. The American Fiber Manufacturers Association [29] requested that the Commission consider shortening or expediting its petition process. The Commission recognizes that the petition process can be lengthy because fiber name petitions often raise difficult, technical issues. The Commission does not believe that any changes to its procedural Rules are necessary, but will endeavor to shorten the time for review of fiber name petitions that may be filed in the future. Moreover, in the future, the Commission recommends that manufacturers seeking recognition of new fiber names first seek recognition from the ISO. While FTC recognition of new fibers recognized by ISO in the future will not be automatic, it can be accomplished easily by amending the Textile Rules to incorporate the most recent ISO standard.

D. New Specialty Wool Fibers

Wool Act Section 2(b) defines wool as "the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may also include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) * * *." The Wool Rules allow mohair or cashmere fiber to be identified as "wool" or by the terms "mohair" or "cashmere" respectively.[30]

In the Wool NPR, the Commission noted that it had been informed that animals are being bred for new specialty fibers. For example, breeders have crossed female cashmere goats with angora males to produce an animal called a "cashgora." [31] Apparently, products made with this fiber are already on the market. The Commission sought comment as to whether it should amend the Wool Rules to include other specialty fibers, such as "cashgora."

The Commission received only two comments on this question. The Northern Textile Association and the Cashmere & Camel Hair Manufacturers Institute, commenting jointly, opposed amendment of the Wool Rules to include specialty fibers other than "mohair" and "cashmere." They stated that the Institute has analyzed these animal hair fibers and concluded that the physical properties of "cashgora" have not been sufficiently described or delineated to warrant inclusion as a specialty fiber under the Wool Rules.[32] No comments were filed by industry members involved in the cross breeding of goats or the production and marketing of products made with the resultant fibers.

Canada noted that although its regulations do not recognize "cashgora" as a generic fiber name, it has issued administrative interpretations permitting the identification of fiber obtained from this cross-bred goat as "Cashgora hair," "Cashgora fibre," "fur fibre," or "wool". Similarly, Canada permits identification of fiber from the paco-vicuna (a cross-breed between the alpaca and the vicuna) as "Paco-vicuna hair," "Paco-vicuna fibre," "fur fibre," or "wool".[33] To further the goal of label harmonization, the Commission has decided to follow the Canadian approach. Section 300.8(g) of the Wool Rules states:

> The term *fur fiber* may be used to describe the hair or fur fiber or mixtures thereof of any animal or animals other than the sheep, lamb, Angora goat, Cashmere goat, camel, alpaca, llama and vicuna. If the name, symbol, or depiction of any animal producing the hair or fur fiber is used on the stamp, tag, label, or other means of identification applied or affixed to the wool product, the percentage by weight of such hair or fur fiber in the total fiber weight of the wool product shall be separately stated in the required fiber content disclosure.

The Commission believes that this section of the Wool Rules already permits the identification of hair or fiber obtained from animals that are the result of cross-breeding between two wool-producing animals. Relevant examples have been added to those already listed at the end of this section.

E. Abbreviations for Generic Fiber Names

In the 1996 Textile and Wool NPRs, the Commission sought comment on a proposal to allow abbreviations for some common fiber names. While a number of industry members supported the idea, others opposed it as potentially confusing to consumers. Moreover, there was a lack of consensus as to which fiber names should be abbreviated and what abbreviations would be clear and appropriate. Most importantly, however, neither Canada nor Mexico allow abbreviations of fiber names; [34] nor do these governments foresee that fiber abbreviations will be feasible in the near future. Because there would be little benefit to U.S. textile producers if abbreviations were not allowed by all of the NAFTA trading partners, the Commission is not amending the rules to allow fiber abbreviations at this time. The Commission will re-examine this issue if, in the future, the Subcommittee on Labelling of Textile and Apparel Goods of the NAFTA Committee on Standards-Related Measures determines that abbreviations are feasible in all of the NAFTA countries.

III. Identification Numbers of Manufacturers or Other Responsible Parties

A. Interchangeable Use of RNs among NAFTA Countries

The Textile, Wool, and Fur Acts require that covered products bear a stamp, tag, or label showing the name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to the Acts.[35] Pursuant to its Rules, the Commission issues registered numbers (RNs) to qualified applicants residing in the United States.[36] Canada has a similar system of "CA" numbers. Mexico does not at this time have a system of registered numbers for members of the textile industry. Mexico issues tax numbers to identify manufacturers and sellers of all products; however, this system was created for a different purpose and is not comparable to the RN and CA identification systems.

[29] AFMA (3) p.5 and (1-wool) p.6.

[30] Section 19(a) of the Wool Rules, 16 CFR 300.19(a), states: "In setting forth the required fiber content of a product containing hair of the Angora goat known as mohair or containing hair or fleece of the Cashmere goat known as cashmere, the term 'mohair' or 'cashmere,' respectively, may be used for such fiber in lieu of the word 'wool,' provided the respective percentage of each such fiber designated as 'mohair' or 'cashmere' is given."

[31] *See* P. Tortora, Understanding Textiles, Fourth Edition at 106–107 (1992).

[32] NTA–CCMI (4-wool) p.4.

[33] Industry Canada (8-wool) p.4.

[34] Industry Canada (23) p.3 and (8-wool) p. 3; Mexico (18) p.3.

[35] 15 U.S.C. 70b(b)(3); 15 U.S.C. 68b(a)(2)(C); 15 U.S.C. 69b(2)(E).

[36] 16 CFR 303.20; 16 CFR 300.4; 16 CFR 301.26.

In the 1996 NPRs, the Commission sought comment on the advantages, disadvantages, and feasibility of sharing registered number databases among the NAFTA countries, or simply recognizing numbers registered in another NAFTA country, so that manufacturers and importers who wish to use registered numbers, instead of their names, would not have to register in more than one country. The Commission did not propose specific amendments to its Rules because statutory amendments would be needed before it could do so.

Many of the comments supported sharing registered identification information among the NAFTA countries because it would reduce administrative burdens and costs,[37] possibly resulting in savings to consumers.[38] The comments also asserted that sharing information could result in smaller labels, by eliminating multiple numbers, and ease the tracking of responsible parties across borders.[39] Some noted that sharing information is feasible in light of communications technologies now available, such as the Internet.[40]

The Commission believes that an integrated identification information system or, alternatively, mutually recognized identification systems, is a desirable goal for the future. It will pursue discussion of this issue with the NAFTA trading partners through the Subcommittee on Labelling of Textile and Apparel Goods. If appropriate in the future, it will recommend to Congress that the Textile, Wool, and Fur Acts be amended to allow for implementation of such a system.

B. Require RN Holders to Update Registration Information

RNs are subject to cancellation whenever they are procured or used improperly or contrary to the requirements of the Acts and Rules, or when otherwise deemed necessary in the public interest. The RN application form states that RN holders are obligated to notify the Commission about changes in the material information contained on the application. Nonetheless, many RN holders have changed their business name, business address, and/or company type (e.g., from proprietorship to corporation) without notifying the FTC about the change(s). As a result, the RN database currently contains much outdated information, which diminishes its utility to the public. For this reason, the Commission proposed amending the three Rules to add a provision that would subject an RN to cancellation if, after a change in the material information contained on the RN application, a new application reflecting current business information is not promptly received by the Commission.

The comments generally supported the Commission's proposal,[41] and the Commission has determined to incorporate this provision in the three Rules. The Commission believes that this provision is necessary to ensure the continuing utility of the RN database. In addition to containing outdated addresses, the RN database contains numerous entries for firms that are no longer in business.

The RN database is now available at the FTC's web site on the Internet.[42] Firms are urged to look up this service to check whether the information concerning their RN is current, and, if necessary, submit an update. The form to apply for an RN or to update an existing RN also is available on the Internet. The revised form appears in the Textile Rules at § 303.20(d). It has been removed from the Wool and Fur Rules, with the relevant sections cross-referenced to the Textile Rules.

IV. Country of Origin Labeling

A. Consistency Between FTC and U.S. Customs Service Requirements

The Textile and Wool Acts require identification of the country where the product was processed or manufactured.[43] In the Textile NPR, the Commission noted a possible inconsistency between FTC requirements and U.S. Customs Service rulings, effective on July 1, 1996, implementing Section 334 of the Uruguay Round Agreements Act (URAA).[44] Section 33(a)(3) of the Textile Rules and § 25a(a)(3) of the Wool Rules state that a textile product "made in the United States, either in whole or part of imported materials shall contain a label disclosing these facts; for example: 'Made in USA of imported fabric.'" The URAA, on the other hand, provides that the country of origin for certain categories of textile products—flat goods, such as sheets, towels, comforters, handkerchiefs, scarves, and napkins—is the country in which the fabric is created, not the country where further processing of the fabric takes place.[45] Customs has incorporated this "fabric rule" into its rulings implementing the general labeling requirements of Section 304 of the Tariff Act.[46] For the affected products, a country of origin statement that identifies fabric as "imported," but does not name the country in which the fabric was created—such as, "Made in U.S.A. of imported fabric"—will not satisfy Customs' labeling requirements resulting from the new textile origin rules under the URAA.

Country of origin disclosures must comply with the requirements of both FTC and Customs laws and regulations. Since the Textile NPR was published, Commission staff has met with Customs staff, as well as industry representatives, and any apparent inconsistency has now been resolved. A U.S. manufacturer can comply with both requirements by identifying the country of origin of the imported fabric and the fact that the ultimate product was made in the U.S. For example, a scarf of Chinese silk that is cut, dyed, and hemmed in the U.S. could be labeled: "Scarf made in USA of fabric made in China." This label provides consumers with accurate information on the origin of the product, as required by the Textile Act. It also identifies the origin of the fabric, consistent with the new URAA origin rules.[47] Sections 33 of the Textile Rules

[37] NAHM (6) p.2; J.C. Penney (7) p.2, 4; USA–ITA (9) pp.6–7 and (3-wool), pp.3–4; Wrangler (10) p.1; ATMI (12) p.2 and (5-wool) pp.2–3; Fruit of the Loom (13) p.2; AAMA (17) p.2 and (7-wool) p.2; NCC (20) p.1; Pittsfield (22) p.2. On the other hand, the Fur Information Council (FICA) (1-fur), responding to the Fur Rules NPR, stated that it believes the current system is adequate and there is no need to develop an integrated system.

[38] Fruit of the Loom (13) p.2; Pittsfield (22) p.2.

[39] J.C. Penney (7) p.4; ATMI (12) p.2; Fruit of the Loom (13) p.2.

[40] J.C. Penney (7) p.2, 4.

[41] NAHM (6) p.2; J.C. Penney (7) p.2; USA–ITA (9) p.7 and (3-wool) p.4. One comment objected to the cancellation provision as too drastic. The Commission notes, however, that adverse consequences following a cancellation would be minimal. The canceled number would not be reassigned for some extended period of time, and could be reinstated when the firm furnishes the required updated information.

[42] The Commission's web site address is http://www.ftc.gov. Industry Canada has made CA numbers available on its web site at http://strategis.ic.gc.ca/cpd.

[43] 15 U.S.C. 70b(b)(4) & (5); 15 U.S.C. 68b(a)(2)(D). The Fur Act generally requires that country of origin be identified only for imported furs. 15 U.S.C. 69b(2)(F). Regulations implementing these requirements are found at 16 CFR 303.33; 16 CFR 300.25a; and 16 CFR 301.12.

[44] 19 U.S.C. 3592.

[45] Customs (14) p. 2–3. The textile product categories for which the country of origin is the country in which the fabric is created are listed at 19 U.S.C. 3592(b)(2)(A) and 19 CFR 102.21(c)(3)(ii). 19 CFR 102.21(e) sets out specific rules for each tariff classification.

[46] Customs (14) stated, at p.3, that "the origin rules set forth in section 334 * * * govern the origin determinations for purposes of the labeling requirements under 19 U.S.C. 1304 for textile and apparel products." The Tariff Act requires that every article of foreign origin imported into the United States must be marked to indicate to an ultimate purchaser the English name of the country of origin of the article.

[47] The labeling requirements under the Tariff Act, 19 U.S.C. 1304, apply only to imported articles of foreign origin; in this case, only the fabric (not the scarf itself) is imported and remains of foreign origin under the new URAA textile origin rules.

and 25a (now redesignated as section 25) of the Wool Rules have been amended to add clarifying examples.[48] Rulings issued by Customs regarding country of origin marking pursuant to the URAA indicate that Customs will permit disclosures that comply with the Textile Act, including the requirement to identify the processing and manufacturing of textiles that takes place in the United States.[49]

B. Use of Abbreviations and Symbols in Country of Origin Labeling

The Textile, Wool, and Fur Rules permit the use of abbreviations that "unmistakably indicate the name of a country," such as "Gt. Britain" for "Great Britain."[50] The abbreviation "USA" for "United States" is acceptable and used throughout the examples given for country of origin disclosures. In the 1996 NPRs, the Commission sought comment on the use of abbreviations for its NAFTA trading partners, such as "CAN" for "Canada" and "MEX" for "Mexico." The Commission also sought comment on the viability, benefits, and costs of allowing the use of symbols for the phrases "made in" or "product of" in country of origin disclosures.

Comments addressing this issue generally supported the use of abbreviations to identify the NAFTA countries.[51] Some specifically supported the use of "CAN" and "MEX,"[52] and no alternative abbreviations for these countries were suggested. The Commission believes that, as country of origin designations, "CAN" and "MEX" clearly indicate "Canada" and "Mexico." It notes, however, that at present U.S. Customs rulings do not permit these abbreviations.[53] If in the future, Customs regulations are changed to permit these abbreviations, the Commission will add "CAN" and "MEX" to its Textile, Wool, and Fur Rules as examples of acceptable country abbreviations.

A few comments supported allowing the use of symbols for the phrases "made in" or "product of" in country of origin labeling.[54] Others opposed the use of symbols,[55] or considered them unnecessary.[56] Customs noted that in general its regulations do not require "made in" or "product of" to appear before the name of the country of origin. The exception to this occurs when the name of a country or place other than the actual country of origin also appears on an imported article or its container. In this instance, the words "made in" or "product of," or other words of similar meaning, are required to prevent purchasers from being misled as to the origin of the product.[57] When that requirement is triggered, the use of a symbol to denote "made in" or "product of" would not satisfy Customs marking requirements.[58]

The Textile, Wool, and Fur Rules do not strictly require use of the words "made in" or "product of." In those instances where more than one country is mentioned on a label, as in the examples discussed in section IV.A. above, such words (or words describing more specifically the processing done in a particular country) are probably necessary to convey the required information to the consumer. Where only one country is named on the label, such words may not be needed. In that instance, the use of a symbol, such as a flag, next to the name of a country may be adequate to inform the consumer of the origin of the product.[59]

V. Placement of Label and Disclosures; Label Attachment

For a textile product with a neck, the Textile and Wool Acts,[60] as well as the Textile and Wool Rules, 16 CFR 303.15(b) and 300.5(b), require that a label be affixed to the inside center of the neck midway between the shoulder seams.[61] Both Rules allow for some flexibility by permitting a label containing the country of origin, fiber content, and RN or name of the company to appear in another conspicuous location on the inside or the outside of the garment, if the country of origin also is disclosed on a label affixed to the inside center of the neck or in close proximity. In this event, the country of origin would appear twice on the product. One comment recommended that the Rules be amended to eliminate this redundancy.[62]

The Commission has decided to adopt the suggested amendment and to streamline and simplify the label placement requirements. The three required disclosures may appear either on the same label or on separate labels. In a garment with a neck, the country of origin must continue to appear on the front side of a label in the neck, midway between the shoulder seams or in close proximity thereto. This requirement fulfills the Congressional intent of providing a standard and prominent location for the country of origin. If the fiber content and manufacturer identification appear on labels located somewhere other than the neck, however, the country of origin no longer has to be repeated on the additional label or labels. In addition, the fiber content and the name or RN of the responsible company may appear on the reverse side of a label. All disclosures must be clear, conspicuous and readily accessible to the consumer. Thus, the Commission is substituting a performance standard for the formerly somewhat rigid requirements about the placement of information on textile labels.

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[48] Sections 303.33(a)(3) and 300.25(a)(3) also have been amended to correct a misplaced comma that may have caused confusion by distorting the meaning of these provisions.

[49] Customs has approved the following country of origin markings that identify the processing or manufacturing in the United States in addition to the country of origin of the fabric: "Comforter Made in China Further Processed in U.S." and "Comforter Made in China Sewn in the U.S." (HQ 559625, Jan. 19, 1996); "Comforter Filled, Sewn and Finished in the U.S. With Shell Made in China" (HQ 559627, June 27, 1996); "Made in China Sewn and Stuffed in the U.S." and "Sewn and Stuffed in the U.S./Made in China" (HQ 559736, Apr. 11, 1996). For handkerchiefs and bandannas made in the United States from imported greige goods, Customs has ruled that "Fabric Made in [name of country]/Finished in USA" is an acceptable marking (HQ 559760, July 19, 1996). Customs stated in the same ruling that the use of additional references to U.S. processing, such as "Manufactured in USA from Fabric Made in [name of country]" is a matter within the jurisdiction of the FTC.

[50] 16 CFR 303.33(e); 16 CFR 300.25a(e); 16 CFR 301.12(e)(1).

[51] NAHM (6) p. 2; J.C. Penney (7) p. 2; USA–ITA (9) p. 7–8 and (3-wool) p. 5; Fruit of the Loom (13) p. 3; AAMA (17) p. 2 and (7-wool) p. 1; Pittsfield (22) p. 2–3. Abbreviations for country of origin were opposed by Wrangler (10) p. 2 and ATMI (12) p. 5 and (5-wool), p. 2. Mexico (18) stated, at p. 3, that "[t]he current Mexican Textile Standard, NOM 004–SCFI–1994, does not allow the use of abbreviations for country of origin names."

[52] Fruit of the Loom (13) p. 3; AAMA (17) pp. 2–3 and (7-wool) p. 1; USA–ITA (9) pp. 7–8 and (3-wool) p. 5.

[53] Customs (14) p. 5, citing C.S.D. 80–52 (July 23, 1979); C.S.D. 89–57 (Dec. 27, 1988); T.D. 56545 (4) (Oct. 21, 1965); and *Continental Mexican Rubber Co.* v. *United States*, Abstract No. 39882, 1 CCR 489 (Nov. 17, 1938). (The abbreviation "Mex" may be used to indicate Mexico as the country of origin only if it is used in conjunction with the name of the Mexican city and state in which the good originates.) Customs also noted that, pursuant to 19 U.S.C. 1625, any interested party may request reconsideration of these rulings.

[54] NAHM (6) p. 2–3; Fruit of the Loom (13) p. 3; Pittsfield (22) p. 2–3.

[55] Wrangler (10) p. 2; ATMI (12) p. 5 and (5-wool) p. 2; AAMA (17) p. 3 and (7-wool) p. 2.

[56] USA–ITA (9) p. 8 and (3-wool) p. 5.

[57] Customs (14) p. 6 and (6-wool) p. 3. The special requirements for such products are found at 19 CFR 134.46 (amended by TD–72) and 134.47.

[58] Customs (14) p. 7–8 and (6-wool) p. 3.

[59] Customs (14) p. 6 and (6-wool) p. 3 states that this disclosure would satisfy its marking requirements.

[60] 15 U.S.C. 70b(j); 15 U.S.C. 68b(f).

[61] ATMI (12) requested, at p. 4, that the Rules not require the label to be placed in the neckline because consumers often complain about irritation from labels. Because the requirement is statutory, the Commission cannot amend the Rules in this regard. The amendments to the Rules, however, clarify that the only disclosure required to be placed in the neck is the country of origin of the product.

[62] J.C. Penney (7) p. 2.

The Textile, Wool, and Fur Rules do not require permanent labels for the disclosures mandated by the Textile, Wool, and Fur Acts. They merely require that the label be sufficiently durable to remain affixed to the product until purchased by the consumer. The Textile and Wool NPRs sought comment on whether those Rules should be amended to require a permanent label.

Some comments supported requiring a permanent label for these disclosures because:

(1) Fiber content information is often necessary for post point-of-purchase reasons, such as determining the proper care method to be used, the recycling of textile products, and identifying fiber allergies; (2) a permanent country of origin label might make it more difficult to illegally relabel and trans-ship textile goods; and (3) permanent manufacturer identification information would help consumers in the event of a product defect or a product recall.[63] Other comments opposed amending the Rules to require a permanent label, stating that the Rules have worked well to date without such a requirement and that textile fiber product construction considerations may prevent the use of permanent labels for some products.[64]

The Commission has decided not to amend these Rules to require a permanent label for the disclosures required by the Textile, Wool and Fur Acts. Permanent labels are already widely used to make the required disclosures. U.S. Customs notes that its laws require country of origin labels to be permanently affixed to imported articles of wearing apparel.[65] Because of the Customs requirement, many manufacturers sew in labels with the information required by the Commission's Rules.[66] In addition, many manufacturers elect to place fiber information on the permanent care label that must be affixed to textile apparel products.[67] Because U.S. Customs requirements and voluntary industry practice often provide consumers with the benefits of a permanent label, the Commission has decided not to impose any additional requirement at this time. In considering proposed changes to its Care Labeling Rule, however, the Commission will consider requiring fiber identification on permanent labels for textile items with certain kinds of care instructions.[68] This could be accomplished easily by placing the fiber identification on the permanent care label, as many garment manufacturers already are doing.

VI. Internet Promotions and Electronic Transactions

Definitions of "mail order catalog" and "mail order promotional material" in the Textile and Wool Rules have been modified to recognize that such direct sales materials are now being disseminated on the Internet. Therefore, the statutory requirement that country of origin be disclosed in catalogs also applies to catalogs appearing on the Internet. Section 303.40 of the Textile Rules, addressing use of terms in written advertisements that imply the presence of a particular fiber, has been modified to include advertisements disseminated through the Internet or similar electronic media. Finally, definition of the term "invoice," used throughout the Textile and Wool Rules, has been revised to recognize that these documents may now be generated and disseminated electronically.

VII. Increase in Cost Figure for Exemption Under the Fur Rules

The Fur Rules, 16 CFR 301.39, provide for an exemption from some of the requirements of the Fur Act and Rules for fur trim or other fur items for which the cost to the manufacturer, or the manufacturer's selling price, does not exceed $20. Because this amount was last adjusted for inflation in 1969, the Fur NPR sought comment on an appropriate increase to this amount. The Fur Information Council of America, the only party to comment on the Fur Rules, urged that the amount be raised to $145, to account both for inflation and for the increasing cost of fur due to increase in demand.[69]

The Commission has determined to raise the exemption figure to $150. Given the increases in fur prices since 1969, as pointed out by the Fur Information Council, it appears that this amount would ensure that only items substantially made of fur would be subject to the Fur Rules.

VIII. Administration of the Textile, Wool, and Fur Rules

Subpart D of the Commission's procedural rules, 16 CFR 1, sets forth procedures with respect to requesting RNs and filing continuing guaranties[70] with the Commission. Because these provisions merely duplicate information already contained in the Textile, Wool, and Fur Rules, the Commission is removing Subpart D from the CFR.

IX. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–12, requires that the agency conduct an analysis of the anticipated economic impact of the proposed amendments on small businesses.[71] The purpose of a regulatory flexibility analysis is to ensure that the agency considers impact on small entities and examines alternatives that could achieve the regulatory purpose while minimizing burdens on small entities. Section 605 of the RFA, 5 U.S.C. 605, provides, however, that such an analysis is not required if the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities.

Because the Textile, Wool, and Fur Acts, and the three sets of regulations issued thereunder, cover the manufacture, sale, offering for sale, and distribution of textile, wool, and fur products, respectively, the Commission believes that any amendments to the Textile, Wool, and Fur Rules may affect a substantial number of small businesses. Unpublished data prepared by the U.S. Census Bureau under contract to the Small Business Administration (SBA) show that there are many apparel manufacturers, covered by the Wool and/or Textile Rules, that are considered to be small businesses under applicable SBA size standards.[72] For example, there are 288 manufacturers of men's and boys' suits and coats (SIC Code 2311), more than 75% of which are small businesses. There are 488 manufacturers of men's and boys' shirts (SIC Code 2321), 75% of which are small businesses. More than 1,000 establishments manufacture women's, misses", and juniors' suits, skirts, and coats (SIC Code 2337), most

[63] ATMI (12) p. 2, 4 and (5-wool) p. 4; Fruit of the Loom (13) p. 3–4; Pittsfield (22) p. 1–2; NTA–CCMI (4) p. 3.

[64] USA–ITA (9) p. 5 and (3-wool) pp. 2–3; AAMA (17) p. 2 and (7-wool) p. 3; Industry Canada (23) p. 3 and (8-wool) p. 4.

[65] Customs (14) p. 2 and (6-wool) pp. 1–2.

[66] USA-ITA (9) p. 5 and (3-wool) pp. 2–3.

[67] Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods, 16 CFR 423.1(a).

[68] An Advance Notice of Proposed Rulemaking on the Care Labeling Rule was published in 60 FR 67102 (Dec. 28, 1995).

[69] FICA (1-fur) p. 2.

[70] A continuing guaranty is a guaranty from a seller to a buyer that textile, wool, or fur products that it sells are labeled in compliance with the relevant statute and regulations. 16 CFR 303.37–303.38; 16 CFR 300.33; and 16 CFR 301.48. A continuing guaranty can be filed with the FTC in the form that appears in the Textile Rules, § 303.38(b); the form has been removed from the Wool and Fur Rules, which are simply cross-referenced to the Textile Rules.

[71] The RFA addresses the impact of rules on "small entities," defined as "small businesses," "small governmental entities," and "small [not-for-profit] organizations." 5 U.S.C. 601. The Textile, Wool, and Fur Rules do not apply to the latter two types of entities.

[72] SBA's revised small business size standards are published at 13 CFR Part 121 (1997).

of which are small businesses. More than 1,400 establishments manufacture women's shirts and blouses (SIC Code 2331), about 95% of which are small businesses. There are 181 establishments manufacturing fur goods (SIC Code 2371), all of which are small businesses. Other small businesses are involved in the distribution and sale of products subject to one or more of these rules.

In the 1996 NPRs, the Commission stated its preliminary conclusion that the proposed amendments would not have a significant economic impact upon such entities. Comments received during the 1994 regulatory review of the Textile, Wool, and Fur Rules indicated that the current costs of complying with the Rules and their enabling statutes are minimal. Comments received in response to the 1996 NPRs indicated that the proposed amendments would not increase costs and might result in some small savings to the industry.

Elimination of required disclosures of: (1) Functional significance of named fibers present in less than 5% of product weight and (2) "Fiber Content on Reverse Side," in the Textile and Wool Rules, do not place any additional burdens or costs on manufacturers or sellers. By reducing the size of labels and enabling more efficient labeling of products traded within NAFTA countries, these amendments likely will result in slight cost reduction. Similarly, eliminating the repetition of country of origin and the streamlining of label placement requirements also may reduce the size of labels and simplify labeling requirements, resulting in slight cost savings. The incorporation into the Textile Rules of ISO Standard 2076: 1989, "Textiles—Man-made fibres—Generic names" will benefit manufacturers and sellers by increasing international harmonization. It will obviate the need for some petitions to the Commission to recognize additional generic fiber names, resulting in some cost savings to both government and industry.

Amending the Textile, Wool, and Fur Rules to clarify that an RN is subject to cancellation if, after a change in the material information contained on the RN application, a new application reflecting current business information is not promptly received by the Commission, is a clarifying provision that does not impose new obligations on businesses. Furthermore, while Commission cancellation of an identification number would require a business to re-apply, this may be done simply by submitting the identifying information already called for in the Rules. Therefore, the amendments will not impose any significant economic costs on industry members.

The addition to the Textile and Wool Rules of clarifying examples of country of origin disclosures that comply with both Commission and Customs law is not a substantive amendment to the Rules. It merely provides guidance as to how firms affected by both sets of regulations, including recent Customs regulations adopted pursuant to section 334 of the URAA, can easily craft disclosures to comply with both.

The increase from $20 to $150 of the cost figure exempting certain fur products from some requirements of the Fur Rules constitutes an inflationary and market adjustment that will slightly reduce compliance costs and burdens for members of this industry. The change, while likely important to some firms, is not expected to have a significant impact on the fur industry.

Finally, amendment of the Textile and Wool Rules to recognize that promotions and transactions can take place by means of computers does not impose significant economic costs on the industry. It merely updates the Rules to reflect the fact that printed materials, such as catalogs and invoices, can now be generated and transmitted electronically.

On the basis of available information, the Commission certifies that the amendments to the Textile, Wool, and Fur Rules, announced herein, will not have a significant economic impact on a substantial number of small businesses. Therefore, a final regulatory flexibility analysis is not necessary or appropriate.

X. Paperwork Reduction Act

The Textile, Wool, and Fur Rules contain various collection of information requirements for which the Commission has obtained clearance under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, Office of Management and Budget (OMB) Control Numbers 3084–1010, 3084–0100, 3084–0099. These requirements relate to the accurate disclosure of material information about textile, wool, and fur products, including fiber or fur content and country of origin. The Rules also require manufacturers and other marketers of covered products to maintain records that support claims on labels. Most of the disclosure requirements and all of the recordkeeping requirements are specifically mandated by the Textile, Wool, and Fur Acts. *See* 15 U.S.C. 70b, 70d; 15 U.S.C. 68b, 68d; 15 U.S.C. 69b, 69f, respectively.

The Commission has also obtained OMB clearance for: (1) Petitions under the Textile Rules requesting the establishment of generic names for textile fibers; (2) petitions under the Wool Rules concerning whether or not representations of the fiber content of a class of articles are commonly made, or whether or not the textile content of certain products is insignificant or inconsequential; and (3) petitions for an exemption under the Fur Act. A Notice soliciting public comments on extending these clearances through December 31, 1999, was published in the **Federal Register** last year. 61 FR 43764, 43766–67 (Aug. 26, 1996).

The amendments adopted herein will lower the paperwork burden associated with the current Rules. Eliminating certain disclosures (the functional significance of named fibers present in small amounts; the words "Fiber Content on Reverse Side;" and the repetition of the country of origin on certain kinds of labels) from the Textile and Wool Rules will allow for greater flexibility in labeling and will reduce labeling burdens. The incorporation into the Textile Rules of ISO Standard 2076: 1989, "Textiles—Man-made fibres—Generic names" will reduce labeling burdens by increasing international harmonization. In addition, it will obviate the need for some petitions to the Commission to recognize additional generic fiber names, thus lowering paperwork burdens.

The amendments to the Textile, Wool, and Fur Rules regarding the cancellation of RN numbers does not impose a paperwork burden on holders of RNs. The Rules, at 16 CFR 303.20, 16 CFR 300.4, and 16 CFR 301.26, already require companies to notify the FTC about changes in business names, addresses, company type, etc. The current proposal merely adds the element of cancellation by the Commission if these requirements are not met. Neither the initial filing procedures nor the requirement to update the information are new and therefore, no "burden" is imposed.

More importantly, the underlying certification itself does not meet the definition of "information" contained in the PRA. In implementing the Paperwork Reduction Act of 1995, OMB attempted to clarify the exemption for "certifications" in both the Notice of Proposed Rulemaking, 60 FR 30438, 30439 (June 8, 1995), and the Final Rule, 61 FR 44978, 44979 (Aug. 9, 1995) ("the exemption applies when the certification is used to identify an individual in a 'routine, non-intrusive, non-burdensome way'.") This language reflects current guidance in OMB/OIRA's Information Collection Review Handbook (1989), which discusses

exempt categories of inquiry (5 CFR 1320.3(h)(1)–(10)) that are not deemed to constitute "information." Certifications, as well as other forms of acknowledgments, comprise one of these categories.[73] Such inquiries are considered to be routine because response to the requests rarely requires examination of records, usually does not require consideration about the correct answer, and usually is provided on a form supplied by the government. See OMB/OIRA Handbook, p. 29. Accordingly, OMB's regulations exempt certifications from the clearance requirement, provided that no information need be reported beyond certain basic identifying information.[74]

List of Subjects in 16 CFR Parts 1, 300, 301, and 303

Furs, Incorporation by reference, Labeling, Textile fiber products identification, Trade practices, Wool products.

For the reasons set forth above, the Commission amends 16 CFR Part 1, 16 CFR Part 300, 16 CFR Part 301, and 16 CFR Part 303, as follows:

PART 1—GENERAL PROCEDURES

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

Authority: Sec. 6, 38 Stat. 721 (15 U.S.C. 46), unless otherwise noted.

Subpart D (§§ 1.31–1.34) [Removed]

2. Subpart D—Administration of the Wool Products Labeling Act of 1939, Fur Products Labeling Act, and Textile Fiber Products Identification Act, containing §§ 1.31, 1.32, 1.33, and 1.34, is removed.

PART 300—RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

1. The authority citation for Part 300 continues to read as follows:

Authority: 15 U.S.C. 68 *et seq.* and 15 U.S.C. 70 *et seq.*

2. Section 300.1 is amended by revising paragraph (h) and adding paragraphs (j) and (k) to read as follows:

§ 300.1 Terms defined.

* * * * *

(h) The terms *mail order catalog* and *mail order promotional material* mean any materials, used in the direct sale or direct offering for sale of wool products, that are disseminated to ultimate consumers in print or by electronic means, other than by broadcast, and that solicit ultimate consumers to purchase such wool products by mail, telephone, electronic mail, or some other method without examining the actual product purchased.

* * * * *

(j) The terms *invoice* and *invoice or other paper* have the meaning set forth in § 303.1(h) of this chapter.

(k) The term *trimmings* has the meaning set forth in § 303.12 of this chapter.

3. Section 300.3(b) is revised to read as follows:

§ 300.3 Required label information.

* * * * *

(b) In disclosing the constituent fibers in information required by the Act and regulations in this part or in any non-required information, no fiber present in the amount of less than 5 percent shall be designated by its generic name or fiber trademark but shall be designated as "other fiber," except that the percentage of wool or recycled wool shall always be stated, in accordance with section 4(a)(2)(A) of the Act. When more than one of such fibers, other than wool or recycled wool, are present in amounts of less than 5 percent, they shall be designated in the aggregate as "other fibers." Provided, however, that nothing in this section shall prevent the disclosure of any fiber present in the product which has a clearly established and definite functional significance when present in the amount stated, as for example:

"98% wool
2% nylon."

4. In § 300.4, the section heading and paragraphs (c) and (e) are revised to read as follows, and the form following paragraph (e) is removed:

§ 300.4 Registered identification numbers.

* * * * *

(c) Registered identification numbers shall be used only by the person or firm to whom they are issued, and such numbers are not transferable or assignable. Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the Acts administered by the Federal Trade Commission, and regulations in this part, or when otherwise deemed necessary in the public interest. Registered identification numbers shall be subject to cancellation if the Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed in the form set out in paragraph (e) of this section, reflecting the current name, business address, and legal business status of the person or firm.

* * * * *

(e) The form to apply for a registered identification number or to update information pertaining to an existing number is found in § 303.20(d) of this Chapter. The form is available upon request from the Commission's Los Angeles Regional Office, 10877 Wilshire Blvd., Suite 700, Los Angeles, CA 90024, or on the Internet at http://www.ftc.gov.

5. Section 300.5(b) is revised to read as follows:

§ 300.5 Required label and method of affixing.

* * * * *

(b) Each wool product with a neck must have a label disclosing the country of origin affixed to the inside center of the neck midway between the shoulder seams or in close proximity to another label affixed to the inside center of the neck. The fiber content and RN or name of the company may be disclosed on the same label as the country of origin or on another conspicuous and readily accessible label or labels on the inside or outside of the garment. On all other wool products, the required information shall be disclosed on a conspicuous and readily accessible label or labels on the inside or outside of the product. The country of origin disclosure must always appear on the front side of the label. Other required information may appear either on the front side or the reverse side of a label, provided that the information is conspicuous and readily accessible.

* * * * *

6. The last sentence of section 300.8(g) is revised to read as follows:

§ 300.8 Use of fiber trademark and generic names.

* * * * *

(g) * * * The following are examples of fiber content disclosures under this paragraph:

60% Wool
40% Fur Fiber
or
60% Wool

[73] Specifically, the first category consists of: "affidavits, oaths, affirmations, certifications, receipts, changes of address, consents, or acknowledgments." 5 CFR 1320(h)(1).

[74] The information required on an RN application includes only the following: name of applicant firm, address of applicant, type of company, type of business, products, certification that the listed products are subject to the Textile, Wool, or Fur Acts, the name and title of the person completing the application, and the date. The form also includes spaces to enter, at the option of the applicant, telephone and fax numbers, web site address, and E-mail address.

30% Fur Fiber
10% Angora Rabbit
or
100% Cashgora Hair
or
100% Paco-Vicuna Hair

7. Section 300.10 is revised to read as follows:

§ 300.10 Disclosure of information on labels.

(a) Subject to the provisions of § 300.5(b), the required information may appear on any label or labels attached to the product, including the care label required by 16 CFR Part 423, provided all the pertinent requirements of the Act and regulations in this part are met and so long as the combination of required information and non-required information is not misleading. All parts of the required information shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser. All parts of the required fiber content information shall appear in type or lettering of equal size and conspicuousness.

(b) Subject to the provisions of § 300.8, any non-required information or representations placed on the product shall not minimize, detract from, or conflict with required information and shall not be false, deceptive, or misleading.

§ 300.21 [Removed]

§§ 300.22 through 300.25b [Redesignated as §§ 300.21 through 300.25a]

8. Section 300.21 is removed, and §§ 300.22, 300.23, 300.24, 300.25, 300.25a, and 300.25b are redesignated as 300.21, 300.22, 300.23, 300.24, 300.25, and 300.25a, respectively.

9. Newly redesignated § 300.25 is amended by revising paragraphs (a)(3), (a)(4) introductory text, and (a)(4)(i) to read as follows:

§ 300.25 Country where wool products are processed or manufactured.

(a) * * *

(3) Each wool product made in the United States, either in whole or in part of imported materials, shall contain a label disclosing these facts; for example:

"Made in USA of imported fabric"
or
"Knitted in USA of imported yarn" and

(4) Each wool product partially manufactured in a foreign country and partially manufactured in the United States shall contain on a label the following information:

(i) The manufacturing process in the foreign country and in the USA; for example:

"Imported cloth, finished in USA"
or
"Sewn in USA of imported components"
or
"Made in (foreign country), finished in USA"
or
"Scarf made in USA of fabric made in China"
or
"Comforter Filled, Sewn and Finished in the U.S. With Shell Made in China"

* * * * *

10. Section 300.33(b) is revised to read as follows, and the form following paragraph (b) is removed:

§ 300.33 Continuing guaranty filed with Federal Trade Commission.

* * * * *

(b) The prescribed form for a continuing guaranty is found in § 303.38(b) of this chapter. The form is available on request from the Federal Trade Commission's Los Angeles Regional Office, 10877 Wilshire Blvd., Suite 700, Los Angeles, CA 90024.

* * * * *

PART 301—RULES AND REGULATIONS UNDER THE FUR PRODUCTS LABELING ACT

1. The authority citation for Part 301 continues to read as follows:

Authority: 15 U.S.C. 69 *et seq.*

2. In § 301.26, the section heading and paragraphs (b)(2) and (d) are revised to read as follows, and the form following paragraph (d) is removed:

§ 301.26 Registered identification numbers.

* * * * *

(b)(1) * * *

(2) Registered identification numbers shall be subject to cancellation if the Federal Trade Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed in the form set out in paragraph (d) of this section, reflecting the current name, business address, and legal business status of the person or firm.

* * * * *

(d) The form to apply for a registered identification number or to update information pertaining to an existing number is found in § 303.20(d) of this chapter. The form is available upon request from the Commission's Los Angeles Regional Office, 10877 Wilshire Blvd., Suite 700, Los Angeles, CA 90024, or on the Internet at http://www.ftc.gov.

3. In § 301.39, the first sentence of paragraph (a) and paragraph (c) are revised to read as follows:

§ 301.39 Exempted fur products.

(a) If the cost of any fur trim or other manufactured fur or furs contained in a fur product, exclusive of any costs incident to its incorporation therein, does not exceed one hundred fifty dollars ($150) to the manufacturer of the finished fur product, or if a manufacturer's selling price of a fur product does not exceed one hundred fifty dollars ($150), and the provisions of paragraphs (b) and (c) of this section are met, the fur product shall be exempted from the requirements of the Act and regulations in this part; provided, however, that if the fur product is made of or contains any used fur, or if the fur product itself is or purports to be the whole skin of an animal with the head, ears, paws and tail, such as a choker or scarf, the fur product is to be labeled, invoiced and advertised in accordance with the requirements of the Act and regulations in this part, regardless of the cost of the fur used in the fur product or the manufacturer's selling price. * * *

* * * * *

(c) If a fur product is exempt under this section and the manufacturer's selling price exceeds one hundred fifty dollars ($150), the manufacturer's or wholesaler's invoice shall carry information indicating such fur product is exempt from the provisions of the Act and regulations in this part; as for example: "FPL EXEMPT."

4. The heading of § 301.48 and paragraph (a)(3) are revised to read as follows, and the form following paragraph (a)(3) is removed:

§ 301.48 Continuing guaranty filed with Federal Trade Commission.

* * * * *

(a)(3) The prescribed form for a continuing guaranty is found in § 303.38(b) of this chapter. The form is available on request from the Federal Trade Commission's Los Angeles Regional Office, 10877 Wilshire Blvd., Suite 700, Los Angeles, CA 90024.

* * * * *

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

1. The authority citation for Part 303 continues to read as follows:

Authority: 15 U.S.C. 70 *et seq.*

2. Footnote 1 of Part 303 is removed.

3. In § 303.1, paragraphs (h) and (u) are revised to read as follows:

§ 303.1 Terms defined.

* * * * *

(h) The terms *invoice* and *invoice or other paper* mean an account, order, memorandum, list, or catalog, which is issued to a purchaser, consignee, bailee, correspondent, agent, or any other person, in writing or in some other form capable of being read and preserved in a tangible form, in connection with the marketing or handling of any textile fiber product transported or delivered to such person.

* * * * *

(u) The terms *mail order catalog* and *mail order promotional material* mean any materials, used in the direct sale or direct offering for sale of textile products, that are disseminated to ultimate consumers in print or by electronic means, other than by broadcast, and that solicit ultimate consumers to purchase such textile products by mail, telephone, electronic mail, or some other method without examining the actual product purchased.

4. Section 303.3 is revised to read as follows:

§ 303.3 Fibers present in amounts of less than 5 percent.

(a) Except as permitted in sections 4(b)(1) and 4(b)(2) of the Act, as amended, no fiber present in the amount of less than 5 percent of the total fiber weight shall be designated by its generic name or fiber trademark in disclosing the constituent fibers in required information, but shall be designated as "other fiber." When more than one of such fibers are present in a product, they shall be designated in the aggregate as "other fibers." Provided, however, that nothing in this section shall be construed as prohibiting the disclosure of any fiber present in a textile fiber product which has a clearly established and definite functional significance when present in the amount contained in such product, as for example:

96 percent Acetate
4 percent Spandex.

(b) In making such disclosure, all of the provisions of the Act and regulations in this part setting forth the manner and form of disclosure of fiber content information, including the provisions of §§ 303.17 and 303.41 of this part relating to the use of generic names and fiber trademarks, shall be applicable.

5. Section 303.7 is amended by revising the introductory text to read as follows:

§ 303.7 Generic names and definitions for manufactured fibers.

Pursuant to the provisions of section 7(c) of the Act, the Commission hereby establishes the generic names for manufactured fibers, together with their respective definitions, set forth in this section and the generic names for manufactured fibers, together with their respective definitions, set forth in International Organization for Standardization (ISO) Standard 2076: 1989, "Textiles—Man-made fibres—Generic names." This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, 11 West 42nd St., 13th floor, New York, N.Y. 10036. Copies may be inspected at the Federal Trade Commission, room 130, 6th St. & Pennsylvania Ave., NW, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St., NW, Suite 700, Washington, DC.

* * * * *

6. Section 303.8(a) introductory text is revised to read as follows:

§ 303.8 Procedure for establishing generic names for manufactured fibers.

(a) Prior to the marketing or handling of a manufactured fiber for which no generic name has been established or otherwise recognized by the Commission, the manufacturer or producer thereof shall file a written application with the Commission, requesting the establishment of a generic name for such fiber, stating therein:

* * * * *

7. Section 303.15(b) is revised to read as follows:

§ 303.15 Required label and method of affixing.

* * * * *

(b) Each textile fiber product with a neck must have a label disclosing the country of origin affixed to the inside center of the neck midway between the shoulder seams or in close proximity to another label affixed to the inside center of the neck. The fiber content and RN or name of the company may be disclosed on the same label as the country of origin or on another conspicuous and readily accessible label or labels on the inside or outside of the garment. On all other textile products, the required information shall be disclosed on a conspicuous and readily accessible label or labels on the inside or outside of the product. The country of origin disclosure must always appear on the front side of the label. Other required information may appear either on the front side or the reverse side of a label, provided that the information is conspicuous and readily accessible.

* * * * *

8. In § 303.16, paragraphs (a) introductory text, (a)(1), (b), and (c) are revised to read as follows:

§ 303.16 Arrangement and disclosure of information on labels.

(a) Subject to the provisions of § 303.15(b), information required by the Act and regulations in this Part may appear on any label or labels attached to the textile fiber product, including the care label required by 16 CFR Part 423, provided all the pertinent requirements of the Act and regulations in this Part are met and so long as the combination of required information and non-required information is not misleading. The required information shall include the following:

(1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product, excluding permissive ornamentation, in amounts of 5 percent or more and any fibers disclosed in accordance with § 303.3(a) shall appear in order of predominance by weight with any percentage of fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last.

* * * * *

(b) All parts of the required information shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser. All parts of the fiber content information shall appear in type or lettering of equal size and conspicuousness.

(c) Subject to the provisions of § 303.17, any non-required information or representations placed on the product shall not minimize, detract from, or conflict with required information and shall not be false, deceptive, or misleading.

* * * * *

9. Section 303.20 is amended by adding paragraph (b)(3) and revising paragraph (d) to read as follows:

§ 303.20 Registered identification numbers.

* * * * *

(b)(1) * * *

(3) Registered identification numbers shall be subject to cancellation if the Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed in the form set out in paragraph (d) of this section, reflecting the current name, business address, and legal business status of the person or firm.

* * * * *

(d) Form to apply for a registered identification number or to update information pertaining to an existing number (the form is available upon request from the Commission's Los Angeles Regional Office, 10877 Wilshire Blvd., Suite 700, Los Angeles, CA 90024, or on the Internet at http://www.ftc.gov):

BILLING CODE 6750–01–P

APPLICATION FOR A REGISTERED IDENTIFICATION NUMBER ("RN")

DO NOT WRITE IN THIS SPACE

RN: _____

DATE ISSUED: _____ UPDATED: _____ BY: _____

1. PURPOSE OF APPLICATION. *(Both new applicants and update applicants must complete all entries on this form.)*

☐ APPLY FOR NEW RN

☐ UPDATE INFORMATION ON AN EXISTING RN. ENTER EXISTING RN NUMBER _____

2. LEGAL NAME OF APPLICANT FIRM

3. NAME UNDER WHICH APPLICANT DOES BUSINESS, IF DIFFERENT FROM LEGAL NAME

4. TYPE OF COMPANY. *(If "OTHER" is checked, please state the type of company.)*

☐ PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION ☐ OTHER _____

5. ADDRESS OF PRINCIPAL OFFICE OR PLACE OF BUSINESS *(Include zip code. Address must be the actual location where business is conducted in the US. An additional mailing address or PO box address may also be listed, if desired.)*

OPTIONAL INFORMATION

TELEPHONE NUMBER:

FAX NUMBER:

E-MAIL ADDRESS:

INTERNET URL ADDRESS:

6. TYPE OF BUSINESS *(Put an 'X' in all the boxes that apply)*

☐ MANUFACTURING ☐ IMPORTING ☐ WHOLESALING

☐ OTHER *(Please specify)* _____

7. LIST PRODUCTS *(To qualify for an RN, a company must be engaged in the importation, manufacturing, selling or other marketing of at least one product line subject to the Textile, Wool, or Fur Act.)*

8. CERTIFICATION

The products listed in item seven (7) above are subject to one or more of the following Acts: The Textile Fiber Products identification Act (15 U.S.C. §§ 70-70k), The Wool Products Labeling Act (15 U.S.C. §§ 68-68j), or the Fur Products Labeling Act (15 U.S.C. §§ 69-69k). By filing this form with the Federal Trade Commission, the company named above applies for a registered identification number to use on labels required by these Acts.

Under penalty of perjury, I certify that the information supplied on this form is true and correct.

SIGNATURE OF PROPRIETOR, PARTNER, OR CORPORATE OFFICIAL

9. NAME *(Please print or type)*	10. TITLE	11. DATE

INSTRUCTIONS

Regulations under the Textile Fiber Products Identification Act, the Wool Products Labeling Act, and the Fur Products Labeling Act provide that any USA company that is a manufacturer or marketer of fiber or fur products may, in lieu of the name under which it does business, be identified by its RN on labels required by these statutes.

In completing this application, please observe the following:

(a) All blanks must be filled in (except for optional information). Type or legibly print the required information.

(b) Item 8 must contain the original signature of a responsible company official.

(c) Send or fax one completed, signed copy to:
Federal Trade Commission
Los Angeles Regional Office
10877 Wilshire Blvd., Suite 700
Los Angeles, CA 90024-4341

Fax Number: (310) 824-4380

RNs are subject to cancellation if the holder fails to promptly submit an updated FTC Form 31 upon any change(s) in its legal name (box #2), type of company information (box #4), or business address (box #5).

FTC Form 31 (rev. 11/97)

BILLING CODE 6750-01-C

10. In § 303.33, the section heading and paragraphs (a)(3), (a)(4) introductory text, and (a)(4)(i) are revised to read as follows:

§ 303.33 Country where textile fiber products are processed or manufactured.

(a) * * *

(3) Each textile fiber product made in the United States, either in whole or in part of imported materials, shall contain a label disclosing these facts; for example:

Made in USA of imported fabric
or
Knitted in USA of imported yarn

and

(4) Each textile fiber product partially manufactured in a foreign country and partially manufactured in the United States shall contain on a label the following information:

(i) The manufacturing process in the foreign country and in the USA; for example:

Imported cloth, finished in USA
or
Sewn in USA of imported components
or
Made in (foreign country), finished in USA
or
Scarf made in USA of fabric made in China
or
Comforter Filled, Sewn and Finished in the U.S. With Shell Made in China'

* * * * *

11. Section 303.38(b) is revised to read as follows:

§ 303.38 Continuing guaranty filed with Federal Trade Commission.

* * * * *

(b) Prescribed form for a continuing guaranty:

BILLING CODE 6750–01–P

CONTINUING GUARANTY

1. LEGAL NAME OF GUARANTOR FIRM

2. NAME UNDER WHICH GUARANTOR FIRM DOES BUSINESS, IF DIFFERENT FROM LEGAL NAME

3. TYPE OF COMPANY

☐ PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION

4. ADDRESS OF PRINCIPAL OFFICE OR PLACE OF BUSINESS *(Include Zip Code)*

OPTIONAL INFORMATION

TELEPHONE NUMBER:

FAX NUMBER:

INTERNET ADDRESS:

5. LAW UNDER WHICH THE CONTINUING GUARANTY IS TO BE FILED *(Put an 'X' in the appropriate boxes)*

☐ Under the **Textile Fiber Products Identification Act** (15 U.S.C. §§ 70-70k): The company named above, which manufactures, markets, or handles textile fiber products, guaranties that when it ships or delivers any textile fiber product, the product will not be misbranded, falsely or deceptively invoiced, or falsely or deceptively advertised, within the meaning of the Textile Fiber Products Identification Act and the rules and regulations under that Act.

☐ Under the **Wool Products Labeling Act** (15 U.S.C. §§ 68-68j): The company named above, which manufactures, markets, or handles wool products, guaranties that when it ships or delivers any wool product, the product will not be misbranded within the meaning of the Wool Products Labeling Act and the rules and regulations under that Act.

☐ Under the **Fur Products Labeling Act** (15 U.S.C. §§ 69-69k): The company named above, which manufactures, markets, or handles fur products, guaranties that when it ships or delivers any fur product, the product will not be misbranded, falsely or deceptively invoiced, or falsely or deceptively advertised, within the meaning of the Fur Products Labeling Act and the rules and regulations under that Act.

6. CERTIFICATION

Under penalty of perjury, I certify that the information supplied on this form is true and correct.

SIGNATURE OF PROPRIETOR, PRINCIPAL PARTNER, OR CORPORATE OFFICIAL

7. NAME *(Please print or type)*

8. TITLE

9. CITY AND STATE WHERE SIGNED

10. DATE

INSTRUCTIONS

The Textile Fiber Products Identification Act, The Wool Products Labeling Act, or the Fur Products Labeling Act provide that any marketer or manufacturer of fibrous or fur products covered by those Acts may file a continuing guaranty with the Federal Trade Commission. A continuing guaranty on file assures customer firms that the guarantor's products are in conformance with the Act(s) under which the guarantor has filed. Customer firms rely on the continuing guaranties for protection from liability if violations occur.

In completing this form, please observe the following:

(a) All appropriate blanks on the form should be filled in. Include your Zip Code in Item 4.

(b) In Item 6, signature of proprietor, partner, or corporate official of guarantor firm.

(c) Send two completed, signed original copies to:
Federal Trade Commission
Los Angeles Regional Office
10877 Wilshire Blvd., Suite 700
Los Angeles, CA 90024

(d) Do not fax application - mail signed originals only.

Continuing guaranties filed with the Commission continue in effect until revoked. The guarantor must immediately notify the Los Angeles Regional Office in writing of any change in business status. Any change in the address of the guarantor's principal office and place of business must also be promptly reported.

DO NOT USE THIS SPACE

Filed _____ 19 ____

FEDERAL TRADE COMMISSION

FTC Form 31-A (rev. 10/97))

BILLING CODE 6750–01–C

* * * * *

12. Section 303.40 is revised to read as follows:

§ 303.40 Use of terms in written advertisements that imply presence of a fiber.

The use of terms in written advertisements, including advertisements disseminated through the Internet and similar electronic media, that are descriptive of a method of manufacture, construction, or weave, and that by custom and usage are also indicative of a textile fiber or fibers, or the use of terms in such advertisements that constitute or connote the name or presence of a fiber or fibers, shall be deemed to be an implication of fiber content under section 4(c) of the Act, except that the provisions of this section shall not be applicable to non-deceptive shelf or display signs in retail stores indicating the location of textile fiber products and not intended as advertisements.

13. In § 303.42, the second sentence of paragraph (a) is revised to read as follows:

§ 303.42 Arrangement of information in advertising textile fiber products.

(a) * * * In making the required disclosure of the fiber content of the product, the generic names of fibers present in an amount 5 percent or more of the total fiber weight of the product, together with any fibers disclosed in accordance with § 303.3(a), shall appear in order of predominance by weight, to be followed by the designation "other fiber" or "other fibers" if a fiber or fibers required to be so designated are present.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–3495 Filed 2–12–98; 8:45 am]

BILLING CODE 6750–01–P

federal register

Friday
February 13, 1998

Part III

Federal Trade Commission

16 CFR Part 3
Rules of Practice; Final Rule

FEDERAL TRADE COMMISSION

16 CFR Part 3

Rules of Practice

AGENCY: Federal Trade Commission (FTC).

ACTION: Final rule, with request for public comment.

SUMMARY: This document amends Commission Rule 3.11A (16 CFR 3.11A), which establishes "fast-track" procedures applicable in certain FTC adjudicatory proceedings. Under the amended rule, a respondent will have the option of electing these procedures in certain cases where the procedures have not previously been available. Amendments have also been made to improve and clarify notice procedures and other technical provisions of the Rule.

EFFECTIVE DATE: February 13, 1998. Public comments will be received until March 16, 1998.

ADDRESSES: Send comments to the Office of the Secretary, Federal Trade Commission, Room 159–H, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Cynthia Hogue Levy, (202) 326–2158, or Alex Tang, (202) 326–2447, Attorneys, Office of General Counsel, FTC, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On September 26, 1996, the Commission published and sought public comment on interim amendments to the rules governing the Commission's adjudicatory proceedings, 61 FR 50640. The interim amendments included a new Rule 3.11A, which makes expedited ("fast-track") procedures available to respondents in certain Commission adjudicatory proceedings challenging conduct that has been preliminarily enjoined by a federal court. The public comment period on the interim rule amendments ended November 25, 1996. The amendments became fully applicable to all proceedings commenced on or after January 1, 1997. The one public comment received by the Commission did not discuss Rule 3.11A.[1]

The Commission has determined that the Rule should make the fast-track option expressly available in certain circumstances even where no preliminary injunction of the challenged conduct has been issued. As the Commission observed in its statement accompanying the Rule, the Administrative Law Judge presiding over an adjudicatory proceeding may, in his or her discretion, treat discovery from the preliminary injunction hearing and transcripts of testimony in the preliminary injunction proceeding as if the material had been discovered and presented in the administrative proceeding. 61 FR at 50641. The Commission concludes that, where no preliminary injunction has been issued, implementation of an expedited schedule in the administrative proceeding nonetheless may be appropriate where the evidentiary record from the federal court injunctive proceeding is likely materially to facilitate prompt resolution of the adjudicatory proceeding. Accordingly, the Commission is amending the Rule to expand the availability of the fast-track procedures to cases in which the Commission determines that such circumstances exist. The Commission believes that this expansion of the Rule is in the public interest because it would foster expeditious resolution of allegations of possible law violations and reduce uncertainty for the affected respondent.

To accomplish expansion of the Rule, paragraph (b) has been bifurcated to address separately the conditions under which the fast-track option will be available and the mechanics of electing the procedure. Amended paragraph (b)(1) provides that a respondent may elect fast-track procedures either (i) if a federal court enters preliminary injunctive relief against some or all of the conduct alleged in the Commission's administrative complaint, or (ii) where no such injunction is issued, if the Commission determines that the evidentiary record resulting from the court proceeding is likely materially to facilitate the resolution of the administrative adjudication in accordance with the expedited schedule set forth in the Rule. In making the latter determination, the Commission will consider, *inter alia*, whether significant discovery has occurred in the federal court proceeding.

A conforming change has been made in paragraph (a) of the Rule by deleting language that preserved the Commission's discretion to take "appropriate action" in cases where "the preliminary injunction" is vacated. A preliminary injunction will not necessarily have been issued in every case where fast-track procedures may now apply. Further, even in cases where such an injunction is vacated after fast-track proceedings have been initiated, the Commission concludes that such proceedings should ordinarily continue to be conducted on an expedited basis. The Commission, however, retains its discretion under the Rule to extend the 13-month deadline specified for issuance of a final order and opinion where, *inter alia*, adherence to the deadline would result in a miscarriage of justice due to circumstances unforeseen at the time that the respondent elected fast-track procedures. § 3.11A(c)(3).

Amended paragraph (b)(2), dealing with timing of the respondent's fast-track election, has also been conformed to include a reference to the evidentiary record determination made by the Commission under paragraph (b)(1)(ii) of the Rule. Further, language in former paragraph (b) providing that the fast-track election could be made "after service of the administrative complaint challenging the merger or acquisition" has been modified in paragraph (b)(2) to refer simply to service of the "administrative complaint." This amendment makes fast-track procedures available in any appropriate administrative case, including cases under the Commission's authority respecting unfair or deceptive acts and cases involving anticompetitive practices other than mergers, provided that the Commission has filed a collateral action seeking preliminary injunctive relief against conduct alleged in the administrative complaint. Thus, Rule 3.11A is not restricted to cases involving mergers or acquisitions. As the Commission has previously indicated, however, 61 FR at 50641 n.2, fast-track procedures are likely as a practical matter to be available most often to respondents in cases involving mergers.

The Commission also notes that respondents may make a fast-track election under paragraph (b)(2) of the Rule before the necessary conditions specified in paragraph (b)(1) for fast-track treatment have been fulfilled. In such cases, the election will become effective only if a federal court thereafter issues a preliminary injunction, as required by paragraph (b)(1)(i), or the Commission determines that the evidentiary record from the federal court injunctive proceeding is likely materially to facilitate the expedited resolution of the administrative adjudication, as required by paragraph (b)(1)(ii).

The Rule provisions specifying the procedural deadlines for administrative cases in which fast-track scheduling applies are now consolidated in paragraph (c). Amended paragraph (c)(1) sets out the "triggering events," formerly found in paragraph (a), that

[1] The Commission will address that comment when it completes its full review of the rules' impact.

specify the dates upon which the fast-track deadlines are based. The triggering events have been expanded to include evidentiary record determinations made by the Commission under paragraph (b)(1)(ii). Amended paragraph (c)(2), which is the list of deadlines applicable to fast-track proceedings before the Administrative Law Judge, formerly comprised paragraph (c). Amended paragraph (c)(3) contains the 13-month deadline for issuance of a final order and opinion by the Commission that previously appeared in paragraph (a). Paragraph (c)(3) also contains new language explaining the effect on the 13-month deadline if an automatic stay of the adjudicatory proceeding is triggered by a motion to dismiss under Rule 3.26. As amended, the Rule explicitly provides that the 13-month deadline will be tolled for as long as the Rule 3.26 stay remains in effect.

Several clarifying changes have been made in the Rule. Amended paragraph (a) provides that, when the Commission designates a case as appropriate for election of fast-track procedures by a respondent (subject to the conditions set forth in paragraph (b)(1)), written notice of the Commission's designation will be provided. The notice will be given to the respondent (or to the potential respondent, if the administrative complaint has not yet been issued) at the time that it is served with the Commission's complaint for injunctive relief. These requirements are designed to forestall questions concerning whether and when the agency provided the notice specified in the Rule. The Commission continues to believe that certain cases may appear too complex at the outset to be designated as appropriate for the fast-track schedule. 61 FR at 50641. In such instances, the Commission will not notify the respondent of an option to elect fast-track procedures. This aspect of the Rule remains unchanged.

The revised Rule also clarifies that a respondent may elect fast-track procedures in cases where a preliminary injunction has been issued in a collateral federal court proceeding even if the injunction addresses only part of the conduct alleged in the Commission's administrative complaint. The Commission also intends that, under the revised Rule, a respondent will have an opportunity to elect fast-track procedures if injunctive relief is initially denied by the district court but later ordered as the result of judicial review. The amended Rule's reference to the court's entry of preliminary injunctive relief is intended to be consistent with the usage of the term "entry" in the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 58, 79. Finally, paragraph (d) of the Rule, dealing with discovery procedures in fast-track cases, has been deleted, and the text incorporated into paragraph (a). Various typographical and stylistic changes have been made throughout the Rule.

Because these amendments relate solely to agency practice, they are not subject to the notice-and-comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), or to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2). The amendments do not impose information collection requirements under the Paperwork Reduction Act. 44 U.S.C. 3501–3520.

List of Subjects in 16 CFR Part 3

Administrative practice and procedure, Claims, Equal access to justice, Lawyers

For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter I, Subchapter A of the Code of Federal Regulations, as follows:

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

1. The authority for Part 3 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721 (15 U.S.C. 46), unless otherwise noted.

2. Section 3.11A is revised to read as follows:

§ 3.11A Fast-track proceedings.

(a) *Scope and applicability.* This section governs the availability of fast-track procedures in administrative cases where the Commission files a collateral federal district court complaint that seeks preliminary injunctive relief against some or all of the conduct alleged in the Commission's administrative complaint. The Commission will afford the respondent the opportunity to elect such fast-track procedures, subject to the conditions set forth in paragraph (b)(1) of this section, in cases that the Commission designates as appropriate. In cases so designated, the Commission will provide written notice to each respondent at the time that it is served with the Commission's federal district court complaint for preliminary injunctive relief. Except as modified by this section, the rules contained in subparts A through I of part 3 of this chapter will govern fast-track procedures in adjudicative proceedings. Discovery will be governed by subpart D of this part, and the Administrative Law Judge may exercise his plenary authority under § 3.42(c)(6) to establish limitations on the number of depositions, witnesses, or any document production.

(b)(1) *Conditions.* In cases designated as appropriate by the Commission pursuant to paragraph (a) of this section, a respondent may elect fast-track procedures:

(i) if a federal court enters a preliminary injunction against some or all of the conduct alleged in the Commission's administrative complaint; or,

(ii) where no such injunction is entered, if the Commission determines that the Federal court proceeding has resulted in an evidentiary record that is likely materially to facilitate resolution of the administrative proceeding in accordance with the expedited schedule set forth in this section. The Commission will provide each respondent with written notice of any such determination.

(2) *Election.* A respondent that determines to elect fast-track procedures shall file a notice of such election with the Secretary by the latest of: three days after entry of a preliminary injunction as described in paragraph (b)(1)(i) of this section; three days after the respondent is served with notice of the Commission's determination under paragraph (b)(1)(ii) of this section; or three days after the respondent is served with the Commission's administrative complaint in the adjudicative proceeding. In proceedings involving multiple respondents, the fast-track procedures set forth in this section will not apply unless the procedures are elected by all respondents.

(c) *Deadlines in fast-track proceedings.*

(1) For purposes of this paragraph, "triggering event" means the latest of: entry of a preliminary injunction as described in paragraph (b)(1)(i) of this section; service on the last respondent of notice of the Commission's determination under paragraph (b)(1)(ii) of this section; service on the last respondent of the Commission's administrative complaint in the adjudicative proceeding; or filing with the Secretary by the last respondent of a notice electing fast-track procedures.

(2) *Proceedings before the Administrative Law Judge.* In fast-track proceedings covered by this section:

(i) The scheduling conference required by § 3.21(b) shall be held not later than three days after the triggering event.

(ii) Respondent's answer shall be filed within 14 days after the triggering event.

(iii) The Administrative Law Judge shall file an initial decision within 56 days following the conclusion of the evidentiary hearing. The initial decision

shall be filed no later than 195 days after the triggering event.

(iv) Any party wishing to appeal an initial decision to the Commission shall file a notice of appeal with the Secretary within three days after service of the initial decision. The notice shall comply with § 3.52(a) in all other respects.

(v) The appeal shall be in the form of a brief, filed within 21 days after service of the initial decision, and shall comply with § 3.52(b) in all other respects. All issues raised on appeal shall be presented in the party's appeal brief.

(vi) Within 14 days after service of the appeal brief, the appellee may file an answering brief, which shall comply with § 3.52(c). Cross-appeals, as permitted in § 3.52(c), may not be raised in an appellee's answering brief.

(vii) Within five days after service of the appellee's answering brief, the appellant may file a reply brief, in accordance with § 3.52(d) in all other respects.

(3) *Proceedings before the Commission.* In fast-track proceedings covered by this section, the Commission will issue a final order and opinion within 13 months after the triggering event. If the adjudicative proceeding is stayed pursuant to a motion filed under § 3.26, the 13-month deadline will be tolled for as long as the proceeding is stayed. The Commission may extend the date for issuance of the Commission's final order and opinion in the following circumstances: if necessary to permit the Commission to provide submitters of *in camera* material or information with advance notice of the Commission's intention to disclose all or portions of such material or information in the Commission's final order or opinion; or if the Commission determines that adherence to the 13-month deadline would result in a miscarriage of justice due to circumstances unforeseen at the time of respondent's election of fast-track procedures.

By direction of the Commission, Commissioner Azcuenaga not participating.

Donald S. Clark,

Secretary.

[FR Doc. 98–3506 Filed 2–12–98; 8:45 am]

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Friday
February 13, 1998

Part IV

Department of Housing and Urban Development

Regulatory Waiver Requests Granted; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4250–N–02]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers from April 1, 1997 through June 30, 1997.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-sixth in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of Section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989, the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the Act (Section 7(q)(3)) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q)(3), provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to *issue* the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of today's document.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD (56 FR 16337, April 22, 1991). This is the twenty-sixth notice of its kind to be published under Section 106. This notice updates HUD's waiver-grant activity from April 1, 1997 through June 30, 1997. It also contains a waiver for 24 CFR 882.605(c), granted on January 16, 1997, and two waivers for 24 CFR 901.120(a) and (b), granted on February 28, 1997 and March 31, 1997, respectively.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 58.73 (involving the waiver of a provision in 24 CFR part 58) would come early in the sequence, while waivers of 24 CFR part 990 would be among the last matters listed. Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occur between July 1, 1997 through September 30, 1997.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: February 3, 1998.

Andrew Cuomo,

Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development April 1, 1997 Through June 30, 1997

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

For Item 1, Waiver Granted for Section 281(g) of the National Affordable Housing Act, Contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, S.W., Washington, D.C. 20410–7000, Telephone: (202) 708–2565, Fax: (202) 401–9681. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

1. Regulation: Section 281(g) of the National Affordable Housing Act.

Project/Activity: The City of Homestead, Florida, requested a waiver of the HOME funds obligations deadline to finish two disaster projects.

Nature of Requirement: Section 281(g) of the National Affordable Housing Act, requires that HOME funds be committed, with legally binding written agreements, to affordable housing projects within 24 months of funds award.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: June 19, 1997.

Reasons Waived: Deobligation of the City's remaining unspent disaster HOME funds would create a hardship to residents by removing housing opportunities. The waiver will permit the City to retain, for an additional 90 days, uncommitted funds for the purpose of obligating funds to two projects.

For Item 2, Waiver Granted for Part 5, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public Housing Real Estate Performance, Funding, and Customer Service, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410, Telephone (202) 708–1380. (This is not a toll-free number.) Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

2. Regulation: 24 CFR 5.613(a).

Project/Activity: City of Scottsdale Housing Authority, Arizona; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides that the Total Tenant Payment for

families whose initial lease is effective on or after August 1, 1982, shall be the highest of: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; or (3) the Welfare Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 27, 1997.

Reasons Waived: The assisted family was forced to move when their unit failed Housing Quality Standards inspection, and the landlord would not make required repairs. Approval of the waiver permitted the single parent family to lease a unit in the same neighborhood, permitting the child to remain in the same school.

For Items 3 Through 8, Waivers Granted for 24 CFR Parts 58, 91, 92, 570, 576, and 582, Contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, S.W., Washington, D.C. 20410–7000, Telephone: (202) 708–2565, Fax: (202) 401–9681. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

3. Regulation: 24 CFR 58.73; 24 CFR 91.115; 24 CFR 92.207; 24 CFR 92.209; 24 CFR 92.214(a)(7); 24 CFR 92.222(b); 24 CFR 92.250; 24 CFR 92.251; 24 CFR 92.300(a)(1); 24 CFR 92.303; 24 CFR 92.352; Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Project/Activity: The State of Minnesota, requested a waiver of the HOME Program and Consolidated Plan requirements to facilitate its efforts on behalf of victims of the recent flooding in the Red River Valley.

Nature of Requirement: Pursuant to 24 CFR 5.110, which grants the authority to suspend certain statutory requirements of Section 290 of the Cranston-Gonzalez National Affordable Housing Act, the following HOME regulations were waived:

24 CFR 58.73, environmental requirements;

24 CFR 91.115, citizen participation plan;

24 CFR 92.207, eligible administrative and planning costs;

24 CFR 92.209, tenant-based rental assistance;

24 CFR 92.214(a)(7), prohibited activities;

24 CFR 92.222(b), match reduction;

24 CFR 92.250, maximum per-unit subsidy limit;

24 CFR 92.251, property standards;

24 CFR 92.300(a)(1), Community Housing Development Organizations (CHDOs);

24 CFR 92.303, CHDO tenant participation plan;

24 CFR 92.352, environmental requirements; and

Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: May 28, 1997.

Reasons Waived: Because of the severity of flooding, the Assistant Secretary determined that there was good cause to grant the waivers and suspend certain statutory requirements, pursuant to Section 290 of the Cranston-Gonzalez National Affordable Housing Act.

4. Regulation: 24 CFR 92.214(a)(7).

Project/Activity: The City of Chicago, Illinois, requested a waiver, on behalf of Carlton Apartments, to reimburse the Lakefront SRO Development Corporation for out-of-pocket costs for the installation of fire safety enhancements.

Nature of Requirement: 24 CFR 92.214(a)(7), of the HOME Program regulations, states that HOME funds may not be used to provide additional assistance to a project previously assisted with HOME funds, during the period of affordability or after the project has been completed for more than a year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: June 9, 1997.

Reasons Waived: A waiver of 24 CFR 92.214(a)(7) was granted for good cause to reimburse the Lakefront SRO Development Corporation for the installation of fire safety enhancements.

5. Regulation: 24 CFR 570.201(e)(1).

Project/Activity: Delaware County, PA, requested a waiver of the method used for calculation of the public service cap.

Nature of Requirement: 24 CFR 570.201(e)(1), states that the amount of program income to be used in calculating the 15 percent public service cap, is the amount of program income received in the preceding program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: April 3, 1997.

Reasons Waived: The County requested a waiver because it received a substantial amount of program income, from a property sale, in its current program year as opposed to the proceeding year which is the year used in the public service cap calculation. The waiver will allow the County to use funds, available under the increased public service cap, for activities to provide services to the homeless at an emergency shelter, and to purchase equipment to provide training services for handicapped persons.

6. Regulation: 24 CFR 576.21.

Project/Activity: The State of Wisconsin, requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement; HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: April 15, 1997.

Reasons Waived; Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The State provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

7. Regulation: 24 CFR 576.21.

Project/Activity: Hennepin County, Minnesota, requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement; HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: May 19, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources". The County provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

8. Regulation: 24 CFR 576.21.

Project/Activity: The State of Minnesota, requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: May 23, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources". The State provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

9. Regulation: 24 CFR 582.305(a).

Project/Activity: The Los Angeles County Housing Authority, requested a waiver for one of its homeless projects to allow two persons to reside in a Single Room Occupancy (SRO) type unit.

Nature of Requirements: 24 CFR 582.305(a) states that assistance will not be provided for units that fail to meet Housing Quality Standards (HQS) unless the owner corrects any deficiencies within 30 days from the date of the lease agreement, and the recipient verifies that all deficiencies have been corrected. This section of the regulations also cross references the HQS standards at 24 CFR 882.109(p)(2), which states that each SRO unit should not be occupied by more than one person.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: June 30, 1997.

Reasons Waived: The waiver was granted because the Secretary agreed with the housing authority's position that allowing two persons to share a room was a crucial part of the program to help chronic abusers build relationships and reconnect with society, which ultimately furthered purposes of the Act.

For Items 10 and 11, Waivers Granted for 24 CFR Parts 811 and 883, Contact: James B. Mitchell, Acting Director, Special Projects Division, Office of Asset Management and Disposition, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410–7000, Telephone: (202) 708–1220. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

10. Regulation: 24 CFR 811.108(a)(2).

Project/Activity: Defeasance and redemption of bonds, which financed a Section 8 assisted project in Campbell County, Wyoming, Parkside Apartments, FHA No. 109–35039.

Nature of Requirement: The regulation provides that upon full redemption of bond principal and interest, any remaining balance in the debt service reserve shall be remitted to HUD.

Granted by: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 27, 1997.

Reasons Waived: Banc One Capital Corporation wishes to purchase the mortgage note from the bond trustee for a price which, when added to Series 1979 Bond reserves of $342,838, will permit full discharge of outstanding bond principal. The Board of Campbell County Commissioners, has requested use of $79,600, of such reserves, to complete construction of the County Homeless Shelter. HUD consents to this request.

11. Regulation: 24 CFR 883.606(b).

Project/Activity: Refunding of bonds, which financed Section 8 FAF-assisted projects, for which Housing Assistance Payments Contracts are administered by the Oregon Housing and Community Services Department, which issued bonds to provide mortgage loans for the projects.

Nature of Requirement: The Regulation provides that a State Housing Finance Agency (the "HFA") may not collect a contract administration fee and loan override for the same Section 8 project.

Granted by: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: June 18, 1997.

Reasons Waived: HUD's criteria, for review and approval of FAF bond refundings, stated that a reduction in financing costs achieved by the refunding would not trigger a reduction of the dollar amount of HAP contract administration fees. HUD's case-by-case approvals of refunding proposals, in 1990 through 1993, allowed HFAs to take arbitrage spreads (override of up to 1.5 percent above the bond yield), as certified by bond counsel to be permissible under the Internal Revenue Code, without requiring the HFAs to reduce the contract administration fee. The Oregon HFA received HUD approval of refunding proposals which included both overrides and contract administration fees. HUD omitted to waive 24 CFR 883.606(b) for these refundings, which closed in September, 1991, and June, 1992, and hereby corrects that oversight by issuing this waiver.

For Item 12, Waiver Granted for Part 882, Contact: Office of the Deputy Assistant Secretary for Public and Assisted Housing Operations, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4226, Washington, DC 20410, Telephone, (202) 708–1842. (This is not a toll-free number.) Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

12. Regulation: 24 CFR 882.605(c).

Project/Activity: Central Oregon Regional Housing Authority; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation caps the amount of rent that can be paid for a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: January 16, 1997.

Reasons Waived: The waiver which authorized approval of a higher contract rent protected the elderly certificate holder from the threat of displacement and possible homelessness.

For Items 13 Through 21, Waivers Granted for 24 CFR Part 901, Contact: William C. Thorson, Director, Administration and Maintenance Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4214, Washington, DC 20410, (202) 708–4703. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

13. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Atlanta Housing Authority (AHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days of its fiscal year end (FYE).

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: February 28, 1997.

Reasons Waived: There were concerns raised because of special circumstances affecting AHA's performance due to the Olympic Legacy Program. The waiver provided an extension until March 31, 1997.

14. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Oklahoma State Office—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant for Public and Indian Housing.

Date Granted: April 28, 1997.

Reasons Waived: Additional time was needed because the Oklahoma State Office is in the process of transferring its financial files to its partnership office in Denver, for data entry into the PHMAP module in SMIRPH. The waiver provided an additional 30 days.

15. Regulation: 24 CFR 901.100(b).

Project Activity: Public Housing Management Assessment Program (PHMAP) for Public Housing Agencies (PHAs) with Fiscal Year End (FYE) March 31, 1997.

Nature of Requirement: The regulations require public housing agencies to submit their PHMAP certifications within 60 days after the end of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 1, 1997.

Reasons Waived: Due to delays in the printing and mailing of these two essential and informative documents, most PHAs did not receive the revised PHMAP Certification Form (form HUD–50072) and the Guidebook on time. The memorandum provides an extension of 30 calendar days for PHAs with FYE March 31, 1997, to submit their form HUD–50072 to local State/Area Office of Public Housing.

16. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Biloxi Housing Authority (BHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: March 31, 1997.

Reasons Waived: Due to the time necessary to complete the review reports for confirmatory reviews, a time extension was granted until April 30, 1997.

17. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Housing Authority of New Orleans (HANO)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 2, 1997.

Reasons Waived: Due to the scheduling, the Headquarters Confirmatory Review (HCR) report waiver was granted to provide an extension of the deadline until June 30, 1997, for completing the PHMAP assessment, and notifying HANO of its PHMAP score for the FYE September 30, 1996.

18. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Yazoo City Housing Authority (YCHA) and Richton Housing Authority (RHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 4, 1997.

Reasons Waived: Extra time was necessary to complete the confirmatory reviews and subsequent reports. The waiver provided an extension until August 30, 1997.

19. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Gonzales Housing Authority (GHA) and Waelder Housing Authority (WHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 26, 1997.

Reasons Waived: The waiver of 24 CFR 901.120(a) and (b) was concurrently granted to the San Antonio Office, to provide for time extension needed for HUD processing delayed by the above waiver to GHA and WHA. The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year. The waiver of 24 CFR 901.120(a) and (b) provided an additional 30 days for GHA and WHA to submit their PHMAP certifications.

20. Regulation: 24 CFR 901.120(a) and (b).

Project Activity: Gonzales Housing Authority (GHA) and Waelder Housing Authority (WHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulations require public housing agencies to submit their PHMAP certifications within 60 days after the end of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 26, 1997.

Reasons Waived: Because of the unusual circumstance of the Executive Director being unable to carry out her duties at both authorities, due to illness, the waiver provided an additional 30 days for GHA and WHA to submit their PHMAP certifications.

Comments: A waiver of 24 CFR 901.120(a) and (b) was concurrently granted to the San Antonio Office, to provide for the time extension needed for HUD processing that was delayed by the above waiver, to GHA and WHA. The regulation requires Field Offices to assess, and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

21. Regulation: 24 CFR 901.130(e).

Project Activity: Biloxi Housing Authority—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulations require the PHA to appeal by the 15th calendar day after the date the Field Office mailed the notification letter.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 15, 1997.

Reasons Waived: Due to the results of the confirmatory review being provided to the BHA at a closeout meeting, a 7 day extension was granted.

22. Regulation: 24 CFR 901.130(f).

Project Activity: Housing Authority of New Haven (HANH)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulations require the Department to respond to the PHA's appeal within 30 days. An additional 30 day extension was granted. (See the June 2 Waiver).

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 1, 1997 and June 2, 1997.

Reasons Waived: Due to the scheduling of the Headquarters Confirmatory Review (HCR) report, a waiver was granted to provide an extension of the deadline, until June 30, 1997, for completing the PHMAP assessment and notifying HANH of its PHMAP score for the FYE September 30, 1996.

For Items 23 Through 35, Waivers Granted for Parts 5, 913, and 982, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public Housing Real Estate Performance, Funding, and Customer Service, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410, Telephone (202) 708–1380. (This is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

23. Regulation: 24 CFR 913.107(a).

Project/Activity: A request was made by the Deshler Housing Authority (DHA), of Deshler, NE, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment charged by a public housing agency (PHA) is usually 30 percent of Monthly Adjusted Income, except that a PHA can request and HUD can authorize a system of maximum rents or ceiling rents for a project or a class of units. Ceiling rents, defined in statute to reflect fair market value of the units, were authorized in the Housing and Community Development Act of 1987 and implemented in a series of Notices, but have never been codified in regulations. Therefore, a PHA's use of ceiling rents requires waiver of the cited regulations, in which tenant rent is defined as a function of tenant income.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for the Office of Public and Indian Housing.

Date Granted: April 24, 1997.

Reasons Waived: The establishment of ceiling rents will permit the Deshler Housing Authority to serve greater numbers of low-income wage-earning applicants, and will help reduce the current vacancy rate.

24. Regulation: 24 CFR 982.303(b).

Project/Activity: Newton Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 4, 1997.

Reasons Waived: The waiver which provides extra search time was approved to prevent hardship to a large family with five disabled members.

25. Regulation: 24 CFR 982.303(b).

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 7, 1997.

Reasons Waived: The waiver was granted to provide extra search time to a wheelchair bound certificate holder who had to move because the lift, which had made his unit accessible, could not be satisfactorily repaired.

26. Regulation: 24 CFR 982.303(b).

Project/Activity: Department of Housing and Community Development, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 14, 1997.

Reasons Waived: Approval of the waiver will help protect the large, intact family from becoming homeless. The additional time provided by this waiver will contribute to the stability of the family by giving them the opportunity to remain in the same community.

27. Regulation: 24 CFR 982.303(b).

Project/Activity: Klamath Housing Authority, Oregon; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 22, 1997.

Reasons Waived: The waiver, which provides additional search time, was granted to give this single parent family the opportunity to establish a stable living

environment, and allow the family to obtain training and services to break a cycle of domestic violence and homelessness.

28. Regulation: 24 CFR 982.303(b).

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: April 28, 1997.

Reasons Waived: The certificate holder was unable to seek housing during nearly half of the term of her certificate because of an injury. Without the waiver, which grants the family additional search time, it is likely that the family, a single mother and three children, including an infant, would become homeless.

29. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of Santa Clara County, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 5, 1997.

Reasons Waived: Approval of the waiver, which provides additional search time, will prevent hardship to a certificate holder who suffers from cerebral palsy. His housing search has been slowed by a number of serious obstacles, including lack of transportation and the difficulty of finding an eligible unit that meets his special requirements, in an extremely tight housing market.

30. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of Santa Clara County, California; Section 8 Certificate Program.

Nature of Requirement: The regulation provides for a maximum term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 27, 1997.

Reasons Waived: The waiver provides additional housing search time to a disabled certificate holder, whose ability to seek housing in an extremely tight housing market was severely restricted by her illness and by lack of adequate transportation.

31. Regulation: 24 CFR 982.303(b).

Project/Activity: Benicia Housing Authority, California; Section 8 Rental Voucher Program.

Nature of Requirement: The requirement provides for a maximum rental voucher term of 120 days during which a voucher holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 30, 1997.

Reasons Waived: The waiver provides extra search time for a disabled voucher holder whose medical condition has made it extremely difficult to find a suitable unit.

32. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 30, 1997.

Reasons Waived: The waiver provides extra search time for a disabled certificate holder who was hospitalized during the time her certificate was in effect.

33. Regulation: 24 CFR 982.303(b).

Project/Activity: Vermont State Housing Authority; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 18, 1997.

Reasons Waived: Approval of the waiver allowed extra search time for a certificate holder with multiple disabilities, whose housing search was hampered by illness and severe winter weather during the time his certificate was in effect.

34. Regulation: 24 CFR 982.303(b).

Project/Activity: Montgomery County Housing Authority, Pennsylvania; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 19, 1997.

Reasons Waived: Approval of the waiver allows extra search time for a severely disabled certificate holder, who suffers from Multiple Sclerosis and complex environmental allergies. Her disabilities have made it difficult to seek housing and also greatly reduce the number of units suitable for her occupancy.

35. Regulation: 24 CFR 982.605(c).

Project/Activity: Central Oregon Regional Housing Authority; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation caps the amount of the rent that can be paid for a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 8, 1997.

Reasons Waived: The waiver which permits approval of a higher contract rent for the rental of the manufactured home pad will prevent displacement of a disabled couple from their manufactured home.

For Items 36 Through 38, Waivers Granted for Part 990, Contact: Joan DeWitt, Director, Finance and Budget Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4210, Washington, D.C. 20410. Telephone (202) 708–1872. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391.

36. Regulation: 24 CFR 990.107(b)(1) and 990.110(c)(2)(ii).

Project/Activity: Cambridge, MA Housing Authority. A request was made for a waiver of the PFS with regard to the execution of an energy performance contract.

Nature of Requirement: The regulation requires that current utility rates be used in the calculation of savings under an energy performance contract.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 6, 1997.

Reasons Waived: The PFS provides incentives for housing agencies to leverage private financing for the installation of energy conservation measures under the energy performance contracting program. The waiver will assist the CHA to enter into an energy performance contract, by allowing the use of a "floor rate", in the event that there are not sufficient funds to pay the debt service on the private financing because of a drop in rates, even if the contractor achieves the savings specified in the contract.

37. Regulation: 24 CFR 990.107(b)(1), 990.107(c), and 990.107(c)(2)(ii).

Project/Activity: Burlington, VT, Housing Authority (BHA). A request was made for two waivers of the PFS with regard to the execution of an energy performance contract between the BHA and the Vermont Energy Investment Corp.

Nature of Requirement: The regulation requires that current utility rates be used in calculation of savings under an energy performance contract. The regulation also requires that the Allowable Utilities Consumption Level be based on actual consumption during the rolling base period.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: May 13, 1997.

Reasons Waived: The PFS provides incentives for housing agencies to leverage private financing for the installation of energy conversation measures, under the energy performance contracting program. The first waiver will assist the BHA to enter into an energy performance contract by allowing the use of a "floor rate" in the event that there are not sufficient funds to pay the debt service on the private financing because of a drop in rates, even if the contractor achieves the savings specified in the contract.

The BHA was also granted a waiver to permit an adjustment to its Allowable Utilities Consumption Level (AUCL) for purposes of the energy performance contract

to take into account increased lighting necessary to bring the building involved in the contract into compliance with current national codes and standards.

38. Regulation: 24 CFR 990.109.

Project Activity: Chicago Housing Authority (CHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: PFS regulations regarding the computation of dwelling rental income.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

Date Granted: June 19, 1997.

Reasons Waived: CHA needed relief to enter into an energy performance contract.

[FR Doc. 98–3682 Filed 2–12–98; 8:45 am]

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federal register

Friday
February 13, 1998

Part V

Railroad Retirement Board

20 CFR Part 220
Determining Disability; Final Rule

RAILROAD RETIREMENT BOARD

20 CFR Part 220

RIN 3220–AB18

Determining Disability

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board hereby amends its regulations with respect to determining when an employee is disabled for his or her regular railroad occupation. This final rule gives effect to an agreement between railroad labor and railroad management consistent with section 2(a)(2) of the Railroad Retirement Act which provides that labor and management shall cooperate with the Board in developing standards for determining when an employee's physical or mental condition disables him or her for work in his or her regular railroad occupation and thus there exists good cause not to delay its effectiveness beyond date of publication.

DATES: *Effective date:* This rule is effective February 13, 1998.

Applicability date: This rule shall be applicable February 13, 1998, but only with respect to applications for a disability annuity filed on or after January 1, 1998.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751–4513, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 2(a)(2) of the Railroad Retirement Act (45 U.S.C. 231a(a)(2)) provides that the Board, with the cooperation of employers and employees, shall secure the establishment of standards determining the physical and mental conditions which permanently disqualify employees from performing their regular occupation in the railroad industry. The Board has never formally adopted such standards. The agency, in the past, has used provisional standards which were adopted in 1946 but which are now outdated. In 1991 the Board adopted Subpart C of Part 220 which provides for determining disability for work in an employee's regular railroad occupation. Under this regulation if an employee's physical or mental condition does not meet a listing found in Appendix 1 of Part 220 (which determines if an individual is able to engage in any employment both within and outside the railroad industry), the Board determines the employee's residual functional capacity and compares that to the demands of his or her regular railroad occupation to determine if the employee can continue to perform that job. However, Subpart C contains no specific standards which relate to specific railroad occupations. The Board amends Subpart C to add such standards with respect to certain railroad occupations.

Section 220.10 provides for the establishment of an Occupational Disability Advisory Committee made up of two physicians, one from recommendations from rail labor, one from recommendations of rail management. This committee shall review, from time to time, the disability standards developed by this regulation and the Occupational Disability Claims Manual (Manual) which supplements this regulation. The Board shall confer with this Committee before it amends this regulation or the Manual. It should be noted that the Board is not an agency subject to the Federal Advisory Committee Act. Accordingly, the Occupational Disability Advisory Committee will not be subject to that Act.

Section 220.11 contains the definitions of "regular railroad occupation", "permanent physical and mental impairment", and "residual functional capacity" as presently found in Part 220. In addition, it adds the definitions of "independent case evaluation" and "functional capacity test".

The current § 220.12 is removed, and the current § 220.14 "Evidence Considered" is redesignated § 220.12.

The introductory language and paragraph (a) of section 220.13 follow the present regulation and describe the sequential evaluation process for determining disability for an employee's regular railroad occupation. Initially, if an employee has been medically disqualified by his employer, the Board will presume that the employee is disabled for his regular railroad occupation if there is any objective medical evidence to support that determination. If the employee has not been so disqualified, the Board will determine if the employee's impairment(s) meet or equal a listing found in Appendix 1.

Section 220.13(b)(1) provides that if an employee has not been found disabled in the first two steps described above, the Board will then determine the employee's regular railroad occupation, based upon the employee's description of his or her job.

Section 220.13(b)(2)(i) provides that next the Board will determine if an employee's regular railroad occupation and impairment(s) are covered under the standards contained in a new Appendix 3 to Part 220. If both the occupation and impairment(s) are covered, the Board will confirm the existence of the impairment(s) by using the tests listed in Appendix 3 or by other valid diagnostic tests which could be used to establish an impairment as provided for in § 220.27 of this part. (Section 220.13(b)(2)(ii) of the proposed rule has been revised to clarify how an impairment is confirmed and that if an employee's impairment(s) cannot be confirmed, as provided for in this section, the employee will be found not disabled.) Once the impairment(s) is confirmed, Appendix 3 is applied to determine if the employee is disabled. (Section 220.13(b)(2)(iii).)

If the employee's regular railroad occupation and impairment(s) are not covered by Appendix 3, or if the medical evidence contains significant differences in interpretation of objective test findings which cannot be readily resolved, then the Board will not use Appendix 3, but will determine if the employee is disabled using an independent case evaluation (ICE) as set forth in § 220.13(b)(2)(iv). Likewise, if Appendix 3 does not yield a "disabled" finding, ICE will apply.

Section 220.13(b)(2)(iv), which describes ICE, is essentially a more detailed description of the process, which is described in § 220.13(b)(3) of the present regulation. Under this process the Board initially determines whether the evidence is complete (Step 1). The Board next confirms any impairment which has not been confirmed under § 220.13(b)(2)(ii) (Step 2). Next, the Board will determine whether there is a concordance of medical findings among physicians. If there is not, the Board will request additional medical evidence from the employee's treating physician(s) or procure additional consulting exams (Step 3). Once the Board establishes a concordance of medical findings, to the extent that it is possible, it will then assess the quality of the medical evidence under the factors set forth in § 220.14. This section sets forth factors which either support or call into question the validity of the medical findings. Thus, for example, the opinion of a treating physician, which is fully supported by medically acceptable clinical and diagnostic techniques, is given greater weight than one that is not so supported or is inconsistent with findings of other medical sources. Likewise, the claimant's description of

his or her own condition, if consistent with objective medical findings, is given more weight than one that is not consistent (Step 4). If, after assessment, the Board determines that there is no substantial objective evidence of an impairment, the Board will determine that the employee is not disabled.

If through the assessment in Step 4 it is determined that there is substantial objective evidence of an impairment, then in Step 5 the Board will determine the demands of the employee's regular railroad occupation. At this point, the Board will not only consider the employee's own description of his or her job, but also the employer's description as well as other sources such as the Dictionary of Occupational Titles and generic descriptions found in the Occupational Disability Claims Manual.

Next, the Board will determine the employee's residual functional capacity based upon the assessment performed in Step 4 and compare it to the job demands determined in Step 5. If the demands of the employee's regular railroad occupation exceed the employee's residual functional capacity, then the Board will find the employee disabled. If the demands do not exceed the residual functional capacity, then the Board will find the employee not disabled (Step 6).

The Board published this regulation as a proposed rule on September 24, 1997 (62 FR 50056), and invited comments by October 24, 1997. Two comments were received. One commentator suggested that the Board adopt the vision and hearing acuity requirements found in 49 CFR 240.121, which have been adopted by the Federal Railroad Administration for certification of locomotive engineers. However, the Board does not feel such a change is needed since an engineer who is disqualified by his employer for failure to meet the requirements of 49 CFR 240.121 would ordinarily be presumed disabled under the first paragraph of § 220.13. Another commentator expressed support for the regulation because it was in accord with an agreement reached in July 1997 between representatives of rail labor and rail management concerning occupational disability.

The final rule contains an Introduction to Appendix 3 which explains how to use the Appendix. In addition, the Board has corrected typographical errors in Appendix 3, and made the following substantive changes in Appendix 3 based upon advice from physicians representing rail labor and rail management:

A. Cancer

• 62 FR 50064—Under Assessment, second paragraph, second line, the phrase "in the Tables" was inserted after "All railroad occupations."

• 62 FR 50065—Footnote 3, Functional Impacts, the reference to "(MS) Minimally Significant" was deleted.

• 62 FR 50066—Footnote 5 was deleted and footnote 6 was redesignated footnote 5.

C. Cardiac

• 62 FR 50066—The confirmatory test for coronary artery disease, angiography,"Definite significant (>60%) of one vessel," was changed to "Definite occlusion (>60%) of one vessel."

• 62 FR 50067 through 50075—The disability tests, test results and disability classifications for "Echocardiogram" and "Cardiac catheterization" with results of "Decreased ejection fraction 40–55%" were deleted for all job titles. These tests were found in the proposed rule under the listings Angina, Aortic valve disease, Cardiomyopathy, Mitral valve disease, and Pericardial disease.

• 62 FR 50067 through 50075—The disability tests for "Echocardiogram" and "Cardiac catheterization" with results of "Poor ejection fraction <35%" were revised to read "Poor ejection fraction ≤35%" for all job titles. These tests were found in the proposed rule under the listings Angina, Aortic valve disease, Cardiomyopathy, Mitral valve disease, and Pericardial disease.

• 62 FR 50067, 50071 and 50072—In the proposed rule one of the disability tests for "Mitral valve disease" for trainman, signalman and trackman was "Cardiac catheterization" with a test result of "Mitral valve gradient >10mm Hg." This disability test, and its test result and disability classification was deleted. Another test result under "Mitral valve disease" for "Cardiac catheterization" was "Mitral valve gradient 5–10mm Hg." This test result was changed to "Mitral valve gradient ≥5mm Hg."

• 62 FR 50068, 50069, 50070, 50073, 50074, 50075—One of the disability tests for "Mitral valve disease" for engineer, dispatcher, carman, machinist, shop laborer, sales representative, and general office clerk was "Cardiac catheterization" with a test result of "Mitral valve gradient 5–10mm Hg." This disability test, and its test result and disability classification was deleted. Another test result under "Mitral valve disease" for "Cardiac catheterization" was "Mitral valve gradient >10mm Hg." This result was changed to "Mitral valve gradient ≥10mm Hg."

• 62 FR 50067, 50070, 50071, 50072—For job titles trainman, signalman, and trackman the disability tests were revised as follows:

Angina

—Stress test with a result of "Peak exercise 5–7 METS" the disability test, test result, and disability classification were deleted.
—Stress test with a result of "Peak exercise <5 METS" was revised to read "Stress test—Peak exercise ≤7 METS."
—Stress test with a result of "Definite ischemia <7 METS" was revised to read "Stress test: Significant ST changes—Definite ischemia ≤7 METS."
—Stress test with a result of "Definite ischemia >7 METS": the disability test, test result, and disability classification were deleted.

Aortic Valve Disease

—Stress test with a result of "Peak exercise 5-7 METS": the disability test, test result, and disability classification were deleted.
—Stress test with a result of "Peak exercise <5 METS" was revised to read: "Peak exercise ≤7 METS."

Coronary Artery Disease

—Stress test with a result of "Peak exercise 5–7 METS": the disability test, test result, and disability classification were deleted.
—Stress test with a result of "Peak exercise <5 METS" was revised to read: "Stress test —Peak exercise ≤7 METS."
—Stress test with a result of "Definite ischemia < or >7 METS" was revised to read: "Stress test—Definite ischemia ≤7 METS."
—Isotope, e.g., thallium study with a result of "Definite ischemia < or >7 METS" was revised to read: "Isotope, e.g., thallium study—definite ischemia ≤7 METS."

Cardiomyopathy

—Stress test with a result of "Peak exercise 5–7 METS" was revised to read: "Stress test—Peak exercise ≤7 METS."

Mitral Valve Disease

—Stress test with a result of "Peak exercise 5–7 METS" was revised to read: to "Peak exercise ≤7 METS."

• 62 FR 50067, 50068, 50069, 50070, 50072, 50073, 50074, 50075—For job titles engineer, dispatcher, carman, machinist, shop laborer, sales representative, and general office clerk

the disability tests were revised as follows:

Angina

—Stress test with a result of "Peak exercise 5–7 METS" the disability test, test result and disability classification were deleted.
—Stress test with a result of "Peak exercise <5 METS" was revised to read: "Stress test—Peak exercise ≤5 METS."
—Stress test: significant ST changes with a result of "Definite ischemia <7 METS" was revised to read: "Stress test—Definite ischemia ≤5 METS."
—Stress test: significant ST changes with a result of "Definite ischemia >7 METS": the disability test, test result, and disability classification were deleted.

Aortic Valve Disease

—Stress test with a result of "Peak exercise 5–7 METS": the disability test, test result, and disability classification were deleted.
—Stress test with a result of "Peak exercise <5 METS" was revised to read: "Stress test—Peak exercise ≤5 METS."

Coronary Artery Disease

—Stress test with a result of "Peak exercise 5–7 METS": the disability test, test result, and disability classification were deleted.
—Stress test with a result of "Peak exercise <5 METS" was revised to read: "Stress test—Peak exercise ≤5 METS."
—Stress test with a result of "Definite ischemia < or >7 METS" was revised to read: "Stress test—Definite ischemia ≤5 METS."
—Isotope, e.g., thallium study with a result of "Definite ischemia < or >7 METS" was revised to read: "Isotope, e.g., thallium study—Definite ischemia ≤5 METS."

Cardiomyopathy

—Stress test with a result of "Peak exercise 5–7 METS" was revised to read: "Stress test—Peak exercise ≤5 METS."

Mitral Valve Disease

—Stress test with a result of "Peak exercise 5–7 METS" was revised to read: "Stress test—Peak exercise ≤5 METS."

• 62 FR 50067 through 50074—For job titles trainman, engineer, dispatcher, carman, signalman, trackman, machinist, and shop laborer, under the listing of "Hypertension," the disability test of "Medical record review" with a result of "Diastolic >120 and systolic >160, 50% of the time"; the disability test, test result, and disability classification were deleted. For sales representative, under the listing "Hypertension," the disability test of "Medical record review" with a result of "Diastolic >120 and systolic >160, 50% of the time": the following was added: "and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia)."

• 62 FR 50067 through 50075—For all job titles, under "Ventricular ectopy," the disability test of "Medical record review" with a result of "Surgical rhythm procedure" and the disability classification were deleted.

D. Respiratory

• 62 FR 50076 through 50080—The listing "Asbestosis" was removed and, consequently, the designated confirmatory tests for this condition were also removed.

• 62 FR 50076 through 50080—The listing "Sleep Apnea" was removed and, consequently, the designated confirmatory tests for this condition were also removed.

• 62 FR 50076—The confirmatory tests for "Silicosis," "Chest X-ray (ILO interpreted)" with a minimum result of "At least 1/0 by NIOSH B reader," was removed.

• 62 FR 50076—The confirmatory test for "Restrictive lung disease" designated "Diffusing capacity" was changed to read: "DLCO."

• 62 FR 50076—The parenthetical "(race adjusted)" in the confirmatory test "Spirometry" for "Restrictive lung disease" was removed.

• 62 FR 50077 through 50080—The disability test for "Pulmonary fibrosis" and "Restrictive lung disease" for trainman, carman, signalman, trackman, machinist, and shop laborer designated "Diffusing capacity for CO" was changed to read: "DLCO."

• 62 FR 50076 through 50080—The disability test for "Asthma" and "Chronic bronchitis" for trainman, carman, signalman, trackman, machinist, and shop laborer designated "Spirometry" has an accompanying test result of "FEV1 with adequate treatment <40% predicted." The test result was changed to: "Repeated spirometry FEV1 <40% over a 12-month period."

• 62 FR 50077 through 50080—Under the listing Bronchiectasis, Chronic Bronchitis, Chronic Obstructive Pulmonary Disease (COPD), Pulmonary Fibrosis, and Silicosis for the job titles trainman, carman, signalman, trackman, machinist, and shop laborer the disability test "PCO2 arterial" was changed to read: "Resting ABG," and its accompanying test result was revised to read: "PCO2 arterial >50mm Hg if stable."

• 62 FR 50077 through 50080—Under the listings Bronchiectasis, Chronic Bronchitis, Chronic Obstructive Pulmonary Disease (COPD), and Pulmonary Fibrosis for the job titles trainman, carman, signalman, trackman, machinist, and shop laborer the disability test "Pulmonary exercise test" with a test result of "PO2 drop >5 torr at maximum exercise" was changed to read "Pulmonary exercise test or exercise ABG."

F. CE Spine

• 62 FR 50093—Under the listing "Rheumatoid arthritis: cervical" the minimum result under the confirmatory test of "Rheumatoid factor (blood test)" was changed from "High titer" to "Titer of rheumatoid factor."

• 62 FR 50094 through 50097—The disability test for "Spondylogenic compression of spinal cord:" for trainman, engineer, carman, signalman, trackman, machinist, and shop laborer designated "Physical examination: lower limb" has an accompanying test result of "Lower extremity weakness or spasticity." The test result was changed to: "Lower extremity weakness or significant spasticity."

• 62 FR 50094 through 50097—The disability test for trainman, engineer, carman, signalman, trackman, machinist, and shop laborer designated "Physical examination: cervical" was changed to read "Physical examination." This disability test can be found under the listings Cervical disc disease with myelopathy, Chronic herniated disc, Cervical spondylolysis, Cervical intervertebral disc degeneration, Fracture: posterior element with spinal canal displacement, Post-laminectomy syndrome, Cervical radiculopathy, and Spondylogenic compression of spinal cord.

G. Shoulder

• 62 FR 50097—The confirmatory test "Permanent functional limitation, elbow:" was changed to "Medical diagnosis leading to a permanent functional limitation of the elbow."

• 62 FR 50098 through 50099—The disability test for trainman, engineer, carman, signalman, trackman, machinist, and shop laborer under the listing "Permanent functional limitation, elbow:" was "Physical examination—range of motion." Its accompanying test result "Flexion limit to 60 degrees (30 degrees from 90)" was changed to "Flexion limited to 60 degrees."

H. Hand and Arm

• 62 FR 50099—The confirmatory tests for "Carpal tunnel syndrome" designated "Physical examination" with a minimum result of "Tinel's or Phalen's sign suggestive but not confirming" was removed.

• 62 FR 50099—One of the confirmatory tests for "Rheumatoid arthritis: hand" is "Rheumatoid factor." The minimum result for this test was changed from "High titer" to "Titer of rheumatoid factor."

• 62 FR 50100 through 50104—A disability test for trainman, carman, signalman, trackman, machinist, and shop laborer was "Strength (jamar)" with a test result for dominant and non-dominant hands for female and male. All references to these tests, their results and disability classifications were deleted. These disability tests were found in the proposed rule under the listings: Carpal tunnel syndrome, Fracture wrist, Hand permanent functional limitation, and Wrist permanent functional limitation.

• 62 FR 50100 through 50104—Two of the disability tests for the listing "Thumb: permanent functional limitation" were "Adduction of thumb" and "Opposition" with a result of "Loss <=7 cm." These disability tests, test results, and disability classifications were removed for all job titles.

I. Hip

• 62 FR 50105—One of the confirmatory tests for "Paget's disease" is "X-ray: hip." The minimum result for this test was changed from "Osteolytic and blastic lesions" to "Osteolytic or blastic lesions."

J. Knee

• 62 FR 50108—The confirmatory test for "Patellar-7 subluxation-recurrent" is a "Medical record review." The minimum result for this testing in the proposed rule was "History of recurrent subluxation with associated signs." The phrase "with associated signs" was removed.

K. Ankle and Foot

• 62 FR 50116 through 50120—One of the disability tests for the listing "Rheumatoid arthritis, foot:" is a "Medical record review." Its accompanying test result in the proposed rule was "Frequent flare-up with treatment." This test result was changed to "Chronic flare-up with treatment."

The Board has determined that this is a significant rule under Executive Order 12866. The Office of Management and Budget has approved the information collection (Job Information Report, RRB Forms G–251a and G–251b found in Appendix 3 of this part) associated with this rule and assigned it OMB control number 3220–0193.

List of Subjects in 20 CFR Part 220

Disability benefits, Railroad employees, Railroad retirement, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, part 220 of title 20 of the Code of Federal Regulations is amended as follows:

PART 220—DETERMINING DISABILITY

1. The authority citation for part 220 continues to read as follows:

Authority: 45 U.S.C. 231a; 45 U.S.C. 231f.

2. The heading of subpart C is revised to read as follows:

Subpart C—Disability Under the Railroad Retirement Act for Work in an Employee's Regular Railroad Occupation

3. Section 220.10 is revised to read as follows:

§ 220.10 Disability for work in an employee's regular railroad occupation.

(a) In order to receive an occupational disability annuity an eligible employee must be found by the Board to be disabled for work in his or her regular railroad occupation because of a permanent physical or mental impairment. In this subpart the Board describes in general terms how it evaluates a claim for an occupational disability annuity. In accordance with section 2(a)(2) of the Railroad Retirement Act this subpart was developed with the cooperation of employers and employees. This subpart is supplemented by an Occupational Disability Claims Manual (Manual) [1] which was also developed with the cooperation of employers and employees.

(b) In accordance with section 2(a)(2) of the Railroad Retirement Act, the Board shall select two physicians, one from recommendations made by representatives of employers and one from recommendations made by representatives of employees. These individuals shall comprise the Occupational Disability Advisory Committee (Committee). This Committee shall periodically review, as necessary, this subpart and the Manual and make recommendations to the Board with respect to amendments to this subpart or to the Manual. The Board shall confer with the Committee before it amends either this subpart or the Manual.

4. Section 220.11 is revised to read as follows:

§ 220.11 Definitions as used in this subpart.

Functional capacity test means one of a number of tests which provide objective measures of a claimant's maximal work ability and includes functional capacity evaluations which provide a systematic comprehensive assessment of a claimant's overall strength, mobility, endurance and capacity to perform physically demanding tasks, such as standing, walking, lifting, crouching, stooping or bending, climbing or kneeling.

Independent Case Evaluation (ICE) means the process for evaluating claims not covered by Appendix 3 of this part.

Permanent physical or mental impairment means a physical or mental impairment or combination of impairments that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.

Regular railroad occupation means an employee's railroad occupation in which he or she has engaged in service for hire in more calendar months than the calendar months in which he or she has been engaged in service for hire in any other occupation during the last preceding five calendar years, whether or not consecutive; or has engaged in service for hire in not less than one-half of all of the months in which he or she has been engaged in service for hire during the last preceding 15 consecutive calendar years. If an employee last worked as an officer or employee of a railway labor organization and if continuance in such employment is no longer available to him or her, the "regular occupation" shall be the position to which the employee holds seniority rights or the position which he or she left to work for a railway labor organization.

Residual functional capacity has the same meaning as found in § 220.120.

§ 220.12 [Removed]

§ 220.14 [Redesignated as § 220.12]

5. The current § 220.12 "Permanent physical or mental impairment, defined." is removed, and § 220.14 "Evidence considered." is redesignated as § 220.12.

6. Section 220.13 is amended by revising the section heading, the introductory text, and paragraph (b) to read as follows:

[1] The Manual may be obtained from the Board's headquarters at 844 North Rush Street, Chicago, IL 60611.

§ 220.13 Establishment of permanent disability for work in regular railroad occupation.

The Board will presume that a claimant who is not allowed to continue working for medical reasons by his employer has been found, under standards contained in this subpart, disabled unless the Board finds that no person could reasonably conclude on the basis of evidence presented that the claimant can no longer perform his or her regular railroad occupation for medical reasons. (See § 220.21 if the claimant is not currently disabled, but was previously occupationally disabled for a specified period of time in the past). The Board uses the following evaluation process in determining disability for work in the regular occupation:

* * * * *

(b) If the Board finds that the claimant does not have an impairment described in paragraph (a) of this section, it will—

(1) Determine the employee's regular railroad occupation, as defined in § 220.11, based upon the employee's own description of his or her job;

(2) Evaluate whether the claimant is disabled as follows:

(i) The Board first determines whether the employee's regular railroad occupation is an occupation covered under Appendix 3 of this part. Second, the Board will determine whether the employee's claimed impairment(s) is covered under Appendix 3 of this part. If claimant's regular railroad occupation or impairment(s) is not covered under Appendix 3 of this part, then the Board will determine if the employee is disabled under ICE as set forth in paragraph (b)(2)(iv) of this section.

(ii)(A) If the Board determines that, in accordance with paragraph (b)(2)(i) of this section, Appendix 3 of this part applies, then the Board will confirm the existence of the employee's impairment(s) using—

(*1*) The "highly recommended" and "recommended" tests set forth in Appendix 3 of this part that relate to the body part affected by the claimant's impairment(s); or

(*2*) By using valid diagnostic tests accepted by the medical community as described in § 220.27.

(B) If the employee's impairment(s) cannot be confirmed because there are significant differences in objective tests such as imaging study, electrocardiograms or other test results, and these differences cannot be readily resolved, the Board will determine if the employee is disabled under ICE as set forth in paragraph (b)(2)(iv) of this section. However, if the employee's impairment(s) cannot be confirmed, and there are no significant differences in objective medical tests which cannot be readily resolved, then the employee will be found not disabled.

(iii) Once the impairment(s) is confirmed, as provided for in paragraph (b)(2)(ii) of this section, the Board will apply Appendix 3 of this part. If Appendix 3 of this part dictates a "D" (disabled) finding, the Board will find the claimant disabled.

(iv) If the Board does not find the employee disabled using the standards in Appendix 3 of this part, then the Board will determine if the employee is disabled using ICE. To evaluate a claim under ICE the Board will use the following steps:

(A) *Step 1.* The Board will determine if the medical evidence is complete. Under this step the Board may request the claimant to take additional medical tests such as a functional capacity test or other consultative examinations;

(B) *Step 2.* If the employee's impairment(s) has not been confirmed, as provided for in paragraph (b)(2)(ii)(A)(*2*) of this section, the Board will next confirm the employee's impairment(s), as described in paragraph (b)(2)(ii)(A)(*2*) of this section;

(C) *Step 3.* The Board will determine whether the opinions among the physicians regarding medical findings are consistent, by reviewing the employee's medical history, physical and mental examination findings, laboratory or other test results, and other information provided by the employee or obtained by the Board. If such records reveal that there are significant differences in the medical findings, significant differences in opinions concerning the residual functional capacity evaluations among treating physicians, or significant differences between the results of functional capacity evaluations and residual functional capacity examinations, then the Board may request additional evidence from treating physicians, additional consultative examinations and/or residual functional capacity tests to resolve the inconsistencies;

(D) *Step 4.* When the Board determines that there is concordance of medical findings, then the Board will assess the quality of the evidence in accordance with § 220.112, which describes the weight to be given to the opinions of various physicians, and § 220.114, which describes how the Board evaluates symptoms such as pain. The Board will also assess the weight of evidence by utilizing § 220.14, which outlines factors to be used in determining the weight to be attributed to certain types of evidence. If, after assessment, the Board determines that there is no substantial objective evidence of an impairment, the Board will determine that the employee is not disabled;

(E) *Step 5.* Next, the Board determines the physical and mental demands of the employee's regular railroad occupation. In determining the job demands of the employee's regular railroad occupation, the Board will not only consider the employee's own description of his or her regular railroad occupation, but shall also consider the employer's description of the physical requirements and environmental factors relating to the employee's regular railroad occupation, as provided by the employer on the appropriate form set forth in Appendix 3 of this part, and consult other sources such as the Dictionary of Occupational Titles and the job descriptions of occupations found in the Occupational Disability Claims Manual, as provided for in § 220.10;

(F) *Step 6.* Based upon the assessment of the evidence in paragraph (b)(2)(iv)(D) of this section, the Board shall determine the employee's residual functional capacity. The Board will then compare the job demands of the employee's regular railroad occupation, as determined in paragraph (b)(2)(iv)(E) of this section. If the demands of the employee's regular railroad occupation exceed the employee's residual functional capacity, then the Board will find the employee disabled. If the demands do not exceed the employee's residual functional capacity, then the Board will find the employee not disabled.

7. A new section 220.14 is added to read as follows:

§ 220.14 Weighing of evidence.

(a) *Factors which support greater weight.* Evidence will generally be given more weight if it meets one or more of the following criteria:

(1) The residual functional capacity evaluation is based upon functional objective tests with high validity and reliability;

(2) The medical evidence shows multiple impairments which have a cumulative effect on the employee's residual functional capacity;

(3) Symptoms associated with limitations are consistent with objective findings;

(4) There exists an adequate trial of therapies with good compliance, but poor outcome;

(5) There exists consistent history of conditions between treating physicians and other health care providers.

(b) *Factors which support lesser weight.* Evidence will generally be given lesser weight if it meets one or more of the following criteria:

(1) There is an inconsistency between the diagnoses of the treating physicians;

(2) There is inconsistency between reports of pain and functional impact;

(3) There is inconsistency between subjective symptoms and physical examination findings;

(4) There is evidence of poor compliance with treatment regimen, keeping appointments, or cooperating with treatment;

(5) There is evidence of exam findings which is indicative of exaggerated or potential malingering response;

(6) The evidence consists of objective findings of exams that have poor reliability or validity;

(7) The evidence consists of imaging findings which are nonspecific and largely present in the general population;

(8) The evidence consists of a residual functional capacity evaluation which is supported by limited objective data without consideration for functional capacity testing.

8. Appendix 3—Railroad Retirement Board Occupational Disability Standards is added to part 220 to read as follows:

Appendix 3—Railroad Retirement Board Occupational Disability Standards

1. Introduction

1.01 The Board uses this appendix to adjudicate the occupational disability claims of employees with medical conditions and job titles covered by the Tables in this appendix. The Tables are divided into "Body Parts", with each Body Part further divided by job title. Under each job title there is a list of impairments and tests with accompanying test results which establish a finding of "D" (disabled). The use of these Tables is a three-step process. In the first step we determine whether the employee's regular railroad occupation is covered by the Tables; next we establish the existence of an impairment covered by the Tables; finally, we reach a disability determination. If we do not find an employee disabled under these Tables, the employee may still be found disabled using Independent Case Evaluation (ICE), as explained in subpart C of this part.

1.02 The Cancer Tables are treated in a different way than other body systems. Different types of cancer and their treatments have different functional impacts. In the Cancer Tables the impact of the impairment is seen as being significant or not significant. Therefore, these tables contain an "S" (significant) which is equivalent to a "D" rating. A detailed explanation of how to use those tables is in that section. The steps to use the remaining Tables are explained below:

2. Confirming the Impairment

2.01 Once we determine that the employee's regular railroad occupation is covered by the Job Titles in the Tables, we must determine the existence of an impairment covered by the Tables. This is done through the use of Confirmatory Tests. These tests can include information from medical records, surgical or operative reports, or specific diagnostic test results. Confirmatory Tests are listed in the initial section regarding each Body Part covered in the Tables. If an impairment cannot be confirmed because of inconsistent medical information, ICE may be required.

2.02 There are two types of Confirmatory Tests as follows.

2.03 "Highly Recommended" Tests—The designation of a confirmatory test as being "highly recommended" means that the test is almost always performed to confirm the existence of the impairment. For many conditions, only one "highly recommended" test finding is suggested to confirm the impairment. However, there may be times when that test is not available or is negative, but other more detailed testing confirms the impairment.

2.04 *Example A:* To confirm the condition of pulmonary hypertension, the Tables under Body Part C., Cardiac, designate as "highly recommended": an electrocardiogram which indicates definite right ventricular hypertrophy. However, the impairment may also be confirmed by insertion of a Swan-Ganz catheter into the pulmonary artery and the pulmonary artery pressure measured directly.

2.05 There may be some conditions for which several "highly recommended" tests are suggested to confirm an impairment. In these circumstances, we will use all "highly recommended" tests to establish the existence of the impairment.

2.06 *Example B:* Under Body Part E., Lumbar Sacral Spine, three highly recommended medical findings are identified for the diagnosis of chronic back pain, not otherwise specified. These findings include:

A. A history of back pain under medical treatment for at least one year, and

B. A history of back pain unresponsive to therapy for at least one year, and

C. A history of back pain with functional limitations for at least one year.

2.07 All three of these criteria must be satisfied to confirm the existence of chronic back pain.

2.08 Sometimes the employee may have undergone detailed testing which is as reliable as one of the "highly recommended" tests listed in the Tables. In cases where an impairment has not been confirmed by one of the designated "highly recommended" tests, the impairment may still be confirmed by "recommended" tests (see below) or by evidence acceptable under section 220.27 of this part.

2.09 Recommended Tests—The designation of a confirmatory test as "recommended" means that the test need not be performed, or be positive, to confirm the impairment. However, a positive test provides significant support for confirming the impairment. If there are no "highly recommended" tests for confirming the impairment, at least one of the "recommended" tests should be positive.

2.10 There are two categories of recommended tests which are described below.

A. *Imaging studies*—These studies can include MRI, CAT scan, myelogram, or plain film x-rays. For conditions where several of these imaging studies are identified as "recommended" tests, at least one of the test results should be positive and meet the confirmatory test criteria. For some conditions, such as degenerative disc condition, there are several equivalent imaging methods to confirm a diagnosis.

B. *Other tests*—This category of tests refers to non-imaging studies.

2.11 If there are no "highly recommended" confirmatory tests designated to confirm an impairment and the "recommended" confirmatory tests only include non-imaging procedures, at least one of these tests should be positive to confirm the impairment. The greater the number of tests that are positive, the greater the confidence that the correct diagnosis has been established.

2.12 *Example:* Under Body Part C., Cardiac, the diagnostic confirmatory tests for ventricular ectopy, a cardiac arrhythmia, include the following "recommended" tests:

A. Medical record review, i.e., a review of the claimant's medical records, or

B. Holter monitoring, or

C. Provocative testing producing a definite arrhythmia.

2.13 In this situation, only one of the "recommended" confirmatory tests need be positive to confirm the impairment. However, the more tests that are positive, the stronger the support for the diagnosis.

2.14 In no circumstance will the Board require that an invasive test be performed to confirm an impairment. Several of the Confirmatory Tests which are described in the Tables are invasive and it is not the intention of the Board to suggest that these be performed. The inclusion of invasive tests in the Tables Confirmatory Tests section is intended to help the Board evaluate the significance of findings from such tests that may have already been performed and which are part of the submitted medical record.

2.15 If an employee's impairment(s) cannot be confirmed by use of the confirmatory tests listed in the Tables, it still may be confirmed by medical evidence described in section 220.27 of this part. However, if a claimant's impairment(s) cannot be confirmed through use of the Tables or under section 220.27, and the medical evidence is complete and in concordance, the claimant will be found not disabled.

3. Disability Determination

3.01 Once the Board determines that the employee's regular railroad occupation is covered by one of the Job Titles in the Tables and that his or her alleged impairment fits into a Body Part covered by the Tables and can be confirmed, we examine the results of any of the disability tests listed under the impairment. If the results from any of these tests indicate a "D" finding, the employee is found disabled. If none of the test results

indicate a "D" finding, then the employee's claim is evaluated using ICE.

3.02 *Example:* A trainman has angina as confirmed by the recommended tests under Body Part A: Cardiac—Angina. An echocardiogram shows that he has poor ejection fraction ≤35%. The employee is rated disabled. If none of the results of the listed disability tests match the results required for a "D" finding, then the employee's claim is evaluated under ICE.

Tables

A. Cancer
B. Endocrine
C. Cardiac
D. Respiratory
E. Lumbar Sacral Spine
F. Cervical Spine
G. Shoulder and Elbow
H. Hand and Arm
I. Hip
J. Knee
K. Ankle and Foot

A. Cancer

Cancer

Cancer conditions can be viewed as belonging to one of three categories.

Category 1: Significant impact on functional capacity or anticipated life span.

Category 2: Intermediate impact on functional capacity; large individual variability.

Category 3: No significant impact on functional capacity or expected life span.

The factors that are considered in developing these categories include the following:

Type of Cancer

The functional impact of different malignancies varies tremendously and each malignancy has to be considered on an individual basis.

Magnitude of Disease

The disability standards are based upon the magnitude or extent of disease. The extent of disease affects both anticipated life span and the functional capacity or work ability of the individual. Localized cancer including cancer "in situ" can frequently be completely cured and not have an impact on functional capacity or life span. In contrast, many cancers that have distant or significant regional spread generally have a poor prognosis. The magnitude or extent of disease is classified into three categories: local, regional and distant.

The criteria which are used to classify a cancer into one of the three categories are based upon the distillation of several staging methods into a single system [Miller, et al. (1992). Cancer Statistics Review, 1973 - 1989; NIH Publication No. 92 - 2789].

Effects of Treatment

Although some types of cancer may be potentially curable with radical surgery and/or radiation therapy, the treatment regimen may result in a significant impairment that could affect functional capacity and ability to work. For example, a person with a laryngeal tumor which had spread regionally could be cured by a complete laryngectomy and radiotherapy. However, this treatment could result in a loss of speech and significantly impair the individual's communicative skills or ability to use certain types of respiratory protective equipment.

Prognosis

Some cancers may have minimal impact on a person's functional capacity, but have a very poor prognosis with respect to life expectancy. For example, an individual with early stage brain cancer may be minimally impaired, but have a poor prognosis and minimal potential for surviving longer than two years. Five and two year survival data are presented in the Cancer Disability Guideline Table which follows.

The Cancer Disability Guideline Table provides information concerning the probability of survival for five years for local, regional, and distant disease for each type of malignancy. In addition, two-year survival data are also presented for all disease stages. The five-year survival data are based upon data collected from population-based registries in Connecticut, New Mexico, Utah, Hawaii, Atlanta, Detroit, Seattle and the San Francisco and East Bay area between 1983 and 1987 (Miller, 1992). The two-year data are from a cohort study initially diagnosed in 1988.

Assessment

The malignancies are classified as disabling (Category 1), potentially disabling (Category 2) and non-disabling (Category 3). Category 2 conditions must be evaluated with respect to how the worker's tumor affects the worker's ability to perform the job and an assessment of his life span.

Information concerning the potential impact of the malignancy on a worker's ability to perform a job is identified in the Functional Impact column in the table. All railroad occupations in the Tables are considered together. Functional impacts are classified as significant if the treatment or sequelae from treatment including radiotherapy, chemotherapy and/or surgery is likely to impair the worker from performing the job. If the treatment results in a significant impairment of another organ system, the individual should be evaluated for disability associated with impairment of that body part. For example, a person undergoing an amputation for a bone malignancy would have to be evaluated for an amputation of that body part. For many cancers, it is difficult to make generalizations regarding the level of impairment that will occur after the person has initiated or completed treatment. Nonsignificant impacts include those that are unlikely to have any effect on the individual's work capacity.

Cancer type	2-year[1]	5-year[1]	Disability status[2]	Functional impact[3]
Brain:				
Local		26	1	S
Regional		27.9	1	S
Distant		23.6	1	S
Female Breast:				
Regional		71.1	2	S
Distant		17.8	1	S
Colon:				
Local		91	2	S
Regional		60.1	2	S
Distant		6	1	S
Rectal:				
Local		84.5	2	S
Regional		50.7	2	S

Cancer type	2-year[1]	5-year[1]	Disability status[2]	Functional impact[3]
Distant		5.3	1	S
Esophagus:				
Local		18.5	1	S
Regional		5.2	1	S
Distant		1.8	1	S
Hodgkin's Disease:[4]				
Stage 1		90 - 95	3	S
Stage 2		86	2	S
Stage 3		<80	2	S
Stage 4		<80	1	S
Kidney/Renal Pelvis:				
Local		85.4	3	S
Regional		56.3	2	S
Distant		9	1	S
Larynx:				
Local		84.2	2	S
Regional		52.5	2	S
Distant		24	1	S
Acute Lymphocytic Leukemia:				
All		51.1	2	S
Chronic Lymphocytic Leukemia:				
All		66.2	2	S
Acute Myelogenous Leukemia:				
All		9.7	1	S
Chronic Myelogenous Leukemia:				
All		21.7	1	S
Liver/Intrahepatic Bile Duct:				
Local		15.1	1	S
Regional		5.8	1	S
Distant		1.9	1	S
Lung/Bronchus:[5]				
Local		45.6	2	S
Regional		13.1	1	S
Distant		1.3	1	S
Melanomas of Skin:				
Regional		53.6	2	S
Distant		12.8	1	S
Oral Cavity/Pharyngeal:				
Local		76.2	2	S
Regional		40.9	2	S
Distant		18.7	1	S
Pancreas:				
Local		6.1	1	S
Regional		3.7	1	S
Distant		1.4	1	S
Prostate:				
Local		91	3	S
Regional		80.4	2	S
Distant		28	1	S
Stomach:				
Local		55.4	1	S
Regional		17.3	1	S
Distant		2.1	1	S
Testicular:				
Distant		65.5	1	S
Thyroid:				
Regional		93.1	3	S
Distant		47.2	1	S
Bladder:				
Regional		46	2	S
Distant		9.1	1	S

[1]Source of 2 and 5 year survival data: Miller BA et al. Cancer Statistics Review 1973 - 1989. NIH Publication No. 92 - 2789.
[2]Disability Status:
Category 1: Significant impact on functional capacity or life span.
Category 2: Intermediate impact.
Category 3: No significant impact on functional capacity or life span.
[3]Functional Impacts:
(S) Significant -- significant potential for the effects of treatment (radiotheraphy, chemotherapy. surgery) to affect functional capacity.
[4]Hodgkin's disease data presented for each stage derived from American Cancer Society. American Cancer Society Textbook reference for unstaged cancer is derived from Cancer Statistics Review (See 3). In addition to other data, see: American Cancer Society Textbook of Clinical Oncology. Eds: Holleb AI, Fink DJ, Murphy GP, Atlanta: American Cancer Society, Inc. 1991.)
[5]Small cell carcinoma is classified as a 1.

B. Endocrine

Confirmatory test	Minimum result	Requirements
BODY PART: ENDOCRINE CONFIRMATORY TESTS		
Diabetes, requiring insulin (IDDM):		
Medical record review	Confirmation of condition and need for insulin use	Highly recommended.

Disability test	Test result	Disability classification
BODY PART: ENDOCRINE JOB TITLE: ENGINEER		
Diabetes, requiring insulin (IDDM):		
Medical record review	Confirmation of condition and need for insulin use	D

C. Cardiac

Confirmatory test	Minimum result	Requirements
BODY PART: CARDIAC CONFIRMATORY TESTS		
Angina:		
Medical record review	Confirmed history of ischemia including copies of electrocardiogram.	Recommended.
Stress test	Definite ischemia on exercise test	Recommended.
Thallium study	Definite ischemia with exercise	Recommended.
Aortic valve disease:		
Cardiac catheterization	Proven and significant	Recommended.
Echocardiogram	Significant valve disease	Recommended.
Coronary artery disease:		
Medical record review	Documented ischemia with electrocardiogram confirmation.	Recommended.
Medical record review	Documented myocardial infarction	Recommended.
Stress test	Positive	Recommended.
Thallium study	Definite ischemia with exercise	Recommended.
Angiography	Definite occlusion (>60%) of one vessel	Recommended.
Cardiomyopathy:		
Echocardiogram	Proven ejection fraction ≤35%	Recommended.
Catheterization	Poor global function and not coronary artery disease	Recommended.
Hypertension:		
Medical record review	Documentation of hypertension for one year	Highly recommended.
Medical record review	Definite diagnosis by cardiologist or internist	Highly recommended.
Medical record review	Confirmation of medication use	Highly recommended.
Arrhythmia: heart block:		
Medical record review	Proven episode with electrocardiogram confirmation	Recommended.
Electrocardiogram	Documentation of arrhythmia	Recommended.
Mitral valve disease:		
Cardiac catheterization	Significant valve disease	Recommended.
Echocardiogram	Significant valve disease	Recommended.
Pericardial disease:		
Medical record review	Confirmed by cardiologist or internist	Highly recommended.
Pulmonary hypertension:		
Physical examination	Increased pulmonic sound or pulmonary ejection murmur by cardiologist or internist.	Recommended.
Electrocardiogram	Definite right ventricular hypertension	Highly recommended.
Ventricular ectopy:		
Medical record review	Definite episode within one year	Recommended.
Holter monitoring	Definite arrhythmia	Recommended.
Provocative testing	Positive response	Recommended.
Arrhythmia: supraventricular tachycardia:		
Medical record review	Definite episode within one year	Recommended.
Holter monitoring	Definite arrhythmia	Recommended.
Post heart transplant:		
Medical record review	Documented	Highly recommended.

Disability test	Test result	Disability classification
BODY PART: CARDIAC JOB TITLE: TRAINMAN		
Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤7 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG.	
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Medical record review	Unstable as diagnosed by a Cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤ 7 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤ 7 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥5 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D
BODY PART: CARDIAC JOB TITLE: ENGINEER		
Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by a Cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤5 METS	D

Disability test	Test result	Disability classification
Isotope, e.g., thallium study	Definite ischemia ≤5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D

BODY PART: CARDIAC
JOB TITLE: DISPATCHER

Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤5 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D

Disability test	Test result	Disability classification
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D
BODY PART: CARDIAC JOB TITLE: CARMAN		
Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG.	
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by a Cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤ 5 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤ 5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D
BODY PART: CARDIAC JOB TITLE: SIGNALMAN		
Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤7 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infractions	D

Disability test	Test result	Disability classification
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤7 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤7 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥5 mm Hg	D
Cardiac catherization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D

BODY PART: CARDIAC
JOB TITLE: TRACKMAN

Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤7 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Medical record review	Unstable as diagnosed by a cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤7 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤7 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥5 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D

Disability test	Test result	Disability classification
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤7 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D
BODY PART: CARDIAC JOB TITLE: MACHINIST		
Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG.	
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by a cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤5 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D
BODY PART: CARDIAC JOB TITLE: SHOP LABORER		
Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D

Disability test	Test result	Disability classification
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG.	
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg.	
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by a Cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤5 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D

BODY PART: CARDIAC
JOB TITLE: SALES REPRESENTATIVE

Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by a cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤5 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D

Disability test	Test result	Disability classification
Hypertension:		
Medical record review	Diastolic >120 and systolic >160, 50% of the time and evidence of end organ damage (blood creatinine >2; urinary protein >½ gm; or EKG evidence of ischemia).	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D

BODY PART: CARDIAC
JOB TITLE: GENERAL OFFICE CLERK

Angina:		
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by cardiologist	D
Stress test	Documented hypotensive response	D
Stress test: significant ST changes	Definite ischemia ≤5 METS	D
Aortic valve disease:		
Cardiac catheterization	Aortic gradient 25 - 50 mm HG	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Coronary artery disease:		
Myocardial infarction	Multiple infarctions	D
Echocardiogram	Confirmed ventricular aneurysm	D
Cardiac catheterization	Aortic gradient 25 - 50 mm Hg	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Medical record review	Unstable as diagnosed by a Cardiologist	D
Stress test	Documented hypotensive response	D
Stress test	Definite ischemia ≤5 METS	D
Isotope, e.g., thallium study	Definite ischemia ≤5 METS	D
Cardiomyopathy:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Arrhythmia: heart block:		
Holter	Documented asystole length >1.5 - 2 seconds	D
Medical record review	Documented syncope with proven arrhythmia	D
Mitral valve disease:		
Cardiac catheterization	Mitral valve gradient ≥10 mm Hg	D
Cardiac catheterization	Mitral regurgitation severe	D
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Stress test	Peak exercise ≤5 METS	D
Pericardial disease:		
Cardiac catheterization	Poor ejection fraction ≤35%	D
Echocardiogram	Poor ejection fraction ≤35%	D
Ventricular ectopy:		
Medical record review	Documented life threatening arrhythmia	D
Holter	Uncontrolled ventricular rhythm	D
Medical record review	Documented related syncope	D
Arrhythmia: supraventricular tachycardia:		
Medical record review	Documented related syncope	D
Post heart transplant:		
Medical record review	Post heart transplant	D

D. Respiratory

Confirmatory test	Minimum result	Requirements
BODY PART: RESPIRATORY CONFIRMATORY TESTS		
Asthma:		
Spirometry	FEV1/FVC ratio diminished	Recommended.
Spirometry	>15% change with administration of bronchodilator	Recommended.
Methacholine challenge test	Positive: FEV1 decrease >20% at (PC <=8 mg/mi)	Recommended
Bronchiectasis:		
Medical record review	Chronic cough and sputum	Recommended.
Chest X-ray	Bronchiectasis demonstrated	Recommended.
Chest CAT scan	Bronchiectasis demonstrated	Recommended.
Chronic bronchitis:		
Medical record review	Frequent cough -- 2 years duration	Highly recommended.
Chronic obstructive pulmonary disease:		
Spirometry	FEV1/FVC ratio below 65% when stable	Highly recommended.
Spirometry	FEV1 below 75% of predicted when stable	Highly recommended.
Cor pulmonale:		
Electrocardiogram	Definite right ventricular hypertrophy	Recommended.
Echocardiogram	Definite right ventricular hypertrophy	Recommended.
Pulmonary fibrosis:		
Lung biopsy	Diffuse fibrosis	Recommended.
Chest CAT scan	More than minimal fibrosis	Recommended.
Lung resection:		
Medical record review	At least one lobe resected	Highly recommended.
Pneumothorax:		
Medical record review	Required hospitalization with chest tube drainage	Highly recommended.
Restrictive lung disease:		
Chest X-ray	Restrictive lung changes	Recommended.
DLCO	Abnormal	Highly recommended.
Chest CAT scan	Restrictive lung changes	Recommended.
Spirometry	FVC <75% predicted	Highly recommended.
Silicosis:		
Medical record review	Occupational exposure for at least 1 year	Highly recommended.
Tuberculosis:		
Chest X-ray	Evidence of changes consistent with tuberculosis infection.	Recommended.
Culture	Positive	Recommended.

Disability test	Test result	Disability classification
BODY PART: RESPIRATORY JOB TITLE: TRAINMAN		
Asthma:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	
Bronchiectasis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic bronchitis:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic obstructive pulmonary disease (COPD):		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Cor pulmonale:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Pulmonary fibrosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
DLCO	<45% predicted	D

Disability test	Test result	Disability classification
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Lung resection:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Restrictive lung disease:		
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Silicosis:		
Resting ABG	PCO2 arterial >50 mm Hg If stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
BODY PART: RESPIRATORY JOB TITLE: CARMAN		
Asthma:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Bronchiectasis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic bronchitis:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic obstructive pulmonary disease (COPD):		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Cor pulmonale:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Pulmonary fibrosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Lung resection:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Restrictive lung disease:		
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Silicosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
BODY PART: RESPIRATORY JOB TITLE: SIGNALMAN		
Asthma:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Bronchiectasis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic bronchitis:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D

Disability test	Test result	Disability classification
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic obstructive pulmonary disease (COPD):		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Cor pulmonale:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Pulmonary fibrosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Lung resection:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Restrictive lung disease:		
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Silicosis:		
Resting AGB	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D

BODY PART: RESPIRATORY
JOB TITLE: TRACKMAN

Asthma:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Bronchiectasis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic bronchitis:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic obstructive pulmonary disease (COPD):		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Cor pulmonale:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Pulmonary fibrosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Lung resection:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Restrictive lung disease:		
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Silicosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D

Disability test	Test result	Disability classification
Electrocardiogram	Definite positive right ventricular hypertrophy	D
BODY PART: RESPIRATORY JOB TITLE: MACHINIST		
Asthma:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Bronchiectasis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic bronchitis:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Resting AGB	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic obstructive pulmonary disease (COPD):		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Cor pulmonale:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Pulmonary fibrosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Lung resection:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Restrictive lung disease:		
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Silicosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
BODY PART: RESPIRATORY JOB TITLE: SHOP LABORER		
Asthma:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Bronchiectasis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic bronchitis:		
Spirometry	Repeated spirometry FEV1 <40% over a 12 month period.	D
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Chronic obstructive pulmonary disease (COPD):		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Cor pulmonale:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Pulmonary fibrosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D

Disability test	Test result	Disability classification
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Lung resection:		
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Restrictive lung disease:		
DLCO	<45% predicted	D
Pulmonary exercise test or exercise ABG	PO2 drop >5 torr at maximum exercise	D
Pulmonary exercise test	Maximum VO2 <15 ml/kg	D
Spirometry	FVC <50% predicted	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D
Silicosis:		
Resting ABG	PCO2 arterial >50 mm Hg if stable	D
Electrocardiogram	Definite positive right ventricular hypertrophy	D

E. Lumbar Sacral Spine

Confirmatory test	Minimum result	Requirements
BODY PART: LS SPINE CONFIRMATORY TESTS		
Ankylosing spondylitis:		
X-ray-lumbar sacral spine	Sacroilitis	Highly recommended.
HLA B27 (blood test)	Positive HLA B27 (90% case)	Recommended.
Backache, unspecified:		
Medical record review	History of back pain under medical treatment for at least 1 year.	Highly recommended.
Medical record review	History of back pain unresponsive to therapy for at least 1 year.	Highly recommended.
Medical record review	History of back pain with functional limitations for at least 1 year.	Highly recommended.
Chronic back pain, not otherwise specified:.		
Medical record review	History of back pain under medical treatment for at least 1 year.	Highly recommended.
Medical record review	History of back pain unresponsive to therapy for at least 1 year.	Highly recommended.
Medical record review	History of back pain with functional limitations for at least 1 year.	Highly recommended.
Cauda equina syndrome with bowel or bladder dysfunction:.		
Magnetic resonance imaging	Neural impingement of spinal nerves below L1	Recommended.
Computerized tomography	Neural impingement of spinal nerves below L1	Recommended.
Cystometrogram	Impaired bladder function	Recommended.
Rectal examination	Diminished rectal sphincter tone	Recommended.
Myelogram	Neural impingement of spinal nerves below L1	Recommended.
Degeneration of lumbar disc:		
X-ray lumbar sacral spine	Significant degenerative disc changes	Recommended.
Computerized tomography	Significant degenerative disc changes	Recommended.
Magnetic resonance imaging	Significant degenerative disc changes	Recommended.
Myelogram	Significant degenerative disc changes	Recommended.
Displacement of lumbar disc:.		
X-ray-lumbar sacral spine	Significant degenerative disc changes	Recommended.
Computerized tomography	Significant degenerative disc changes	Recommended.
Magnetic resonance imaging	Significant degenerative disc changes	Recommended.
Myelogram	Significant degenerative disc changes	Recommended.
Fracture: vertebral body:.		
Magnetic resonance imaging	Fracture vertebral body	Recommended.
Computerized tomography	Fracture vertebral body	Recommended.
X-ray-lumbar sacral spine	Fracture vertebral body	ommended.
Fracture: posterior element with spinal canal displacement:		
Magnetic resonance imaging	Fracture posterior spinal element with displacement of spinal canal.	Recommended.
Computerized tomography	Fracture posterior spinal element with displacement of spinal canal.	Recommended.
X-ray-lumbar sacral spine	Fracture posterior spinal element with displacement of spinal canal.	Recommended.

E. Lumbar Sacral Spine—Continued

Confirmatory test	Minimum result	Requirements
Fracture: posterior spinal element with no displacement:.		
X-ray-lumbar sacral spine	Fracture posterior spinal element	Recommended.
Magnetic resonance imaging	Fracture posterior spinal element	Recommended.
Computerized tomography	Fracture posterior spinal element	Recommended.
Fracture: spinous process:		
X-ray-lumbar sacral spine	Spinous process fracture	Recommended.
Magnetic resonance imaging	Spinous process fracture	Recommended.
Computerized tomography	Spinous process fracture	Recommended.
Fracture: Transverse process:		
Lumbar sacral spine	Transverse process fracture	Recommended.
Magnetic resonance imaging	Transverse process fracture	Recommended.
Computerized tomography	Transverse process fracture	Recommended.
Intervertebral disc disorder:		
X-ray-lumbar sacral spine	Significant disc degeneration	Recommended.
Magnetic resonance imaging	Significant disc degeneration	Recommended.
Computerized tomography	Significant disc degeneration	Recommended.
Myelogram	Significant disc degeneration	Recommended.
Lumbago:		
Medical record review: lumbar	History of back pain under medical treatment for at least 1 year.	Highly recommended.
Medical record review: lumbar	History of back pain unresponsive to therapy for at least 1 year.	Highly recommended.
Medical record review: lumbar	History of back pain with functional limitations for at least 1 year.	Highly recommended.
Lumbosacral neuritis:		
Magnetic resonance imaging	Evidence of neural compression	Recommended.
Electromyography	Definite denervation	Recommended.
Nerve conduction velocity	Definite slowing	Recommended.
Physical examination – atrophy	Atrophy in affected limb with 2 cm difference between limbs.	Recommended.
Physical examination: straight leg raise	Positive straight leg raise	Recommended.
Sensory examination	Loss of sensation in affected dermatomes	Recommended.
Medical history	History of radicular pain	Highly recommended.
Computerized tomography	Evidence of neural compression	Recommended.
Lumbar spinal stenosis:		
Computerized tomography	Significant narrowing: spinal cord canal or intervertebral foramen.	Recommended.
Magnetic resonance imaging	Significant narrowing: spinal cord canal or intervertebral foramen.	Recommended.
Myelogram	Significant narrowing: spinal cord canal or intervertebral foramen.	Recommended.
Mechanical complication of internal orthopedic device:		
Medical record review	Documentation of failure of implant following surgical procedure.	Highly recommended.
Osteomalacia:		
X-ray-lumbar sacral spine	Evidence of significant osteomalacia	Recommended.
Magnetic resonance imaging	Evidence of significant osteomalacia	Recommended.
Computerized tomography	Evidence of significant osteomalacia	Recommended.
Osteomyelitis, chronic-lumbar:		
X-ray-lumbar sacral spine	Evidence of chronic infection	Recommended.
Magnetic resonance imaging	Evidence of chronic infection	Recommended.
Computerized tomography	Evidence of chronic infection	Recommended.
Osteoporosis:		
Computerized tomography	Significant bone density loss	Recommended.
Dual photon absorptiometry	Significant bone density loss	Recommended.
X-ray-lumbar sacral spine	Significant bone density loss	Recommended.
Post laminectomy syndrome with radiculopathy:		
Medical record review: lumbar	Documented surgical history of laminectomy	Highly recommended.
Magnetic resonance imaging	Evidence of laminectomy	Recommended.
Electromyography	Definite denervation	Recommended.
Nerve conduction velocity	Definite slowing	Recommended.
Physical examination – atrophy	Atrophy in affected limb with 2 cm difference between limbs.	Recommended.
Physical examination: straight leg raise	Positive straight leg raise	Recommended.
Sensory examination	Loss of sensation in affected dermatomes	Recommended.
Medical record review: lumbar	History of radicular pain	Highly recommended.
Computerized tomography	Evidence of laminectomy	Recommended.
Myelogram	Evidence of laminectomy	Recommended.
Radiculopathy:		
Magnetic resonance imaging	Evidence of neural compression	Recommended.
Electromyography	Definite denervation	Recommended.

E. Lumbar Sacral Spine—Continued

Confirmatory test	Minimum result	Requirements
Nerve conduction velocity	Definite slowing	Recommended.
Physical examination – atrophy	Atrophy in affected limb with 2 cm difference between limbs.	Recommended.
Physical examination: straight leg raise	Positive straight leg raise	Recommended.
Sensory examination	Loss of sensation in affected dermatomes	Recommended.
Medical record review: lumbar	History of radicular pain	Highly recommended.
Computerized tomography	Evidence of neural compression	Recommended.
Myelogram	Evidence of neural compression	Recommended.
Sciatica:		
Magnetic resonance imaging	Evidence of neural compression	Recommended.
Electromyography	Definite denervation	Recommended.
Nerve conduction velocity	Definite slowing	Recommended.
Physical examination – atrophy	Atrophy in affected limb with 2 cm difference between limbs.	Recommended.
Physical examination: straight leg raise	Positive straight leg raise	Recommended.
Sensory examination	Loss of sensation in affected dermatomes	Recommended.
Medical history	History of radicular pain	Highly recommended.
Computerized tomography	Evidence of neural compression	Recommended.
Myelogram	Evidence of neural compression	Recommended.
Strains and sprains, unspecified:		
Medical record review	History of back pain under medical treatment for at least 1 year.	Highly recommended.
Medical record review	History of back pain unresponsive to therapy for at least 1 year.	Highly recommended.
Medical record review	History of back pain with functional limitations for at least 1 year.	Highly recommended.
Medical record review	Documented history of strain and/or sprain	Highly recommended.
Spondylolisthesis grade 1:		
X-ray-lumbar sacral spine	1 - 25% slippage	Recommended.
Computerized tomography	1 - 25% slippage	Recommended.
Magnetic resonance imaging	1 - 25% slippage	Recommended.
Spondylolisthesis grade 2:		
X-ray-lumbar sacral spine	26 - 50% slippage	Recommended.
Computerized tomography	26 - 50% slippage	Recommended.
Magnetic resonance imaging	26 - 50% slippage	Recommended.
Spondylolisthesis grade 3:		
X-ray-lumbar sacral spine	51 - 75% slippage	Recommended.
Computerized tomography	51 - 75% slippage	Recommended.
Magnetic resonance imaging	51 - 75% slippage	Recommended.
Spondylolisthesis grade 4:		
X-ray-lumbar sacral spine	Complete slippage	Recommended.
Computerized tomography	Complete slippage	Recommended.
Magnetic resonance imaging	Complete slippage	Recommended.
Spondylolisthesis-acquired:		
X-ray-lumbar sacral spine	Slippage	Recommended.
Computerized tomography	Slippage	Recommended.
Magnetic resonance imaging	Slippage	Recommended.
Spondylolsis:		
X-ray-lumbar sacral spine	Defect -- pars interarticularis	Recommended.
Computerized tomography	Defect -- pars interarticularis	Recommended.
Magnetic resonance imaging	Defect -- pars interarticularis	Recommended.
Sprains and strains, sacral:		
Medical record review: lumbar	History of back pain under medical treatment for at least 1 year.	Highly recommended.
Medical record review: lumbar	History of back pain unresponsive to therapy for at least 1 year.	Highly recommended.
Medical record review: lumbar	History of back with functional limitations for at least 1 year.	Highly recommended.
Medical record review: lumbar	Documented history of strain and/or sprain	Highly recommended.
Sprains and strains, sacroiliac:		
Medical record review: lumbar	History of back pain under medical treatment for at least 1 year.	Highly recommended.
Medical record review: lumbar	History of back pain unresponsive to therapy for at least 1 year.	Highly recommended.
Medical record review: lumbar	History of back pain with functional limitations for at least 1 year.	Highly recommended.
Medical record review: lumbar	Documented history of strain and/or sprain	Highly recommended.

Disability test	Test result	Disability classification
BODY PART: LS SPINE JOB TITLE: TRAINMAN		
Ankylosing spondylitis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Backache, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Chronic back pain, not otherwise specified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves < L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves < L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myelogram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Degeneration of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Displacement of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: vertebral body:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with no displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: spinous process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture transverse process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Intervertebral disc disorder:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Lumbago:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Lumbosacral neuritis:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Physical examination	Lower extremity weakness	D
Lumbar spinal stenosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Significant narrowing of the spinal canal	D
Magnetic resonance imaging	Significant narrowing of the spinal canal	D
Myelogram	Significant narrowing of the spinal canal	D
Physical examination	Significant lower extremity weakness	D
Mechanical complication of internal orthopedic device:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Osteomalacia:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Osteomyelitis, chronic-lumbar:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Medical record review	Frequent flare-ups with objective findings	D
Osteoporosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Post laminectomy syndrome with radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D

Disability test	Test result	Disability classification
Physical examination	Significant lower extremity weakness	D
Post laminectomy syndrome:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
X-ray flexion/extension	Segmental instability	D
Radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Sciatica:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Strains and sprains, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 1:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis grade 2:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 3:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 4:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis – acquired:		
X-ray flexion/extension	Segmental instability	D
Spondylolysis:		
X-ray flexion/extension	Segmental instability	D
Sprains and strains, sacral:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Sprains and strains, sacroiliac:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Vertebral body compression fracture:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
BODY PART: LS SPINE JOB TITLE: ENGINEER		
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves <L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves <L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myelogram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D
BODY PART: LS SPINE JOB TITLE: CARMAN		
Ankylosing spondylitis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Backache, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Chronic back pain, not otherwise specified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves <L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves <L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myeolgram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D

Disability test	Test result	Disability classification
Muscle strength assessment	Lifting capacity diminished by 50%	D
Degeneration of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Displacement of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: vertebral body:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with no displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: spinous process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture transverse process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Intervertebral disc disorder:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Lumbago:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Lumbosacral neuritis:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Physical examination	Lower extremity weakness	D
Lumbar spinal stenosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Significant narrowing of the spinal canal	D
Magnetic resonance imaging	Significant narrowing of the spinal canal	D
Myelogram	Significant narrowing of the spinal canal	D
Physical examination	Significant lower extremity weakness	D
Mechanical complication of internal orthopedic device:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Osteomalacia:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Osteomyelitis, chronic-lumbar:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Medical record review	Frequent flare-ups with objective findings	D
Osteoporosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Post laminectomy syndrome with radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Post laminectomy syndrome:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
X-ray flexion/extension	Segmental instability	D
Radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Sciatica:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D

Disability test	Test result	Disability classification
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Strains and sprains, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 1:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis grade 2:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 3:		
Muscle strength assessment	Lifting capacity diminshed by 50%	D
Spondylolisthesis grade 4:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis-acquired:		
X-ray flexion/extension	Segmental instability	D
Spondylolysis:		
X-ray flexion/extension	Segmental instability	D
Sprains and strains, sacral:		
Muscle strength assessment	Lifting capacity diminshed by 50%	D
Sprains and strains, sacroiliac:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Vertebral body compression fracture:		
Muscle strength assessment	Lifting capacity diminshed by 50%	D
BODY PART: LS SPINE JOB TITLE: SIGNALMAN		
Ankylosing spondylitis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Backache, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Chronic back pain, not otherwise specified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves <L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves <L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myelogram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Degeneration of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Displacement of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: vertebral body:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with no displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: spinous process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture transverse process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Intervertebral disc disorder:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Lumbago:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Lumbosacral neuritis:		
Computerized tomography	Disc extrusion with neural impingement	D

Disability test	Test result	Disability classification
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Physical examination	Lower extremity weakness	D
Lumbar spinal stenosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Significant narrowing of the spinal canal	D
Magnetic resonance imaging	Significant narrowing of the spinal canal	D
Myelogram	Significant narrowing of the spinal canal	D
Physical examination	Significant lower extremity weakness	D
Mechanical complication of internal orthopedic device:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Osteomalacia:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Osteomyelitis, chronic-lumbar:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Medical record review	Frequent flare-ups with objective findings	D
Osteoporosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Post laminectomy syndrome with radiculopathy:		
Muscle strength assessment	Lifing capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Post laminectomy syndrome:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
X-ray flexion/extension	Segmental instability	D
Radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Sciatica:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Strains and sprains, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 1:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis grade 2:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 3:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 4:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis-acquired:		
X-ray flexion/extension	Segmental instability	D
Spondylolysis:		
X-ray flexion/extension	Segmental instability	D
Sprains and strains, sacral:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Sprains and strains, sacroiliac:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Vertebral body compression fracture:		
Muscle strength assessment	Lifting capacity diminished by 50%	D

BODY PART: LS SPINE
JOB TITLE: TRACKMAN

Ankylosing spondylitis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D

Disability test	Test result	Disability classification
Backache, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Chronic back pain, not otherwise specified:		
Muscle strength assessment	Lifing capacity diminished by 50%	D
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves <L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves <L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myelogram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Degeneration of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Displacement of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: vertebral body:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with no displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: spinous process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture transverse process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Intervertebral disc disorder:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Lumbago:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Lumbosacral neuritis:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Physical examination	Lower extremity weakness	D
Lumbar spinal stenosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Significant narrowing of the spinal canal	D
Magnetic resonance imaging	Significant narrowing of the spinal canal	D
Myelogram	Significant narrowing of the spinal canal	D
Physcial examination	Significant lower extremity weakness	D
Mechanical complication of internal orthopedic device:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Osteomalacia:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Osteomyelitis, chronic-lumbar:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Medical record review	Frequent flare-ups with objective findings	D
Osteoporosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Post laminectomy syndrome with radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Post laminectomy syndrome:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D

Disability test	Test result	Disability classification
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
X-ray flexion/extension	Segmental instability	D
Radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Sciatica:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Strains and sprains, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 1:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis grade 2:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 3:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 4:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis-acquired:		
X-ray flexion/extension	Segmental instability	D
Spondylolysis:		
X-ray flexion/extension	Segmental instability	D
Sprains and strains, sacral:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Sprains and strains, sacroiliac:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Vetebral body compression fracture:		
Muscle strength assessment	Lifting capacity diminished by 50%	
BODY PART: LS SPINE JOB TITLE: MACHINIST		
Ankylosing spondylitis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Backache, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Chronic back pain, not otherwise specified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves <L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves <L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myelogram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Degeneration of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Displacement of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: vertebral body:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with no displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D

Disability test	Test result	Disability classification
Fracture: spinous process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture transverse process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Intervertebral disc disorder:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Lumbago:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Lumbosacral neuritis:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Physical examination	Lower extremity weakness	D
Lumbar spinal stenosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Significant narrowing of the spinal canal	D
Magnetic resonance imaging	Significant narrowing of the spinal canal	D
Myelogram	Significant narrowing of the spinal canal	D
Physical examination	Significant lower extremity weakness	D
Mechanical complication of internal orthopedic device:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Osteomalacia:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Osteomyelitis, chronic-lumbar:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Medical record review	Frequent flare-ups with objective findings	D
Osteoporosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Post laminectomy syndrome with radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Post laminectomy syndrome:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
X-ray flexion/extension	Segmental instability	D
Radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Sciatica:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Strains and sprains, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade I:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis grade 2:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 3:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 4:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis-acquired:		
X-ray flexion/extension	Segmental instability	D

Disability test	Test result	Disability classification
Spondylolysis:		
X-ray flexion/extension	Segmental instability	D
Sprains and strains, sacral:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Sprains and strains, sacroiliac:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Vertebral body compression fracture:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
BODY PART: LS SPINE JOB TITLE: SHOP LABORER		
Ankylosing spondylitis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Backache, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Chronic back pain, not otherwise specified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Cauda equina syndrome with bowel or bladder dysfunction:		
Computerized tomography	Disc extrusion with neural impingement, nerves <L1	D
Magnetic resonance imaging	Disc extrusion with neural impingement, nerves <L1	D
Physical examination	Lower extremity weakness	D
Cystometrogram	Impaired bladder function	D
Myelogram	Disc extrusion with neural impingement, nerves <L1	D
Physical examination: rectal	Impairment of sphincter tone	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Degeneration of lumbar disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Displacement of lumber disc:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: vertebral body:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: posterior spinal element with no displacement:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture: spinous process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Fracture transverse process:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Intervertebral disc disorder:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Lumbago:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Lumbosacral neuritis:		
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Muscle strength assessment	Lifting capacity diminished by 50%	D
Physical examination	Lower extremity weakness	D
Lumbar spinal stenosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Significant narrowing of the spinal canal	D
Magnetic resonance imaging	Significant narrowing of the spinal canal	D
Myelogram	Significant narrowing of the spinal canal	D
Physical examination	Significant lower extremity weakness	D
Mechanical complication of internal orthopedic device:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Osteomalacia:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Osteomyelitis, chronic-lumbar:		
Muscle strength assessment	Lifting capacity diminished by 50%	D

Disability test	Test result	Disability classification
Medical record review	Frequent flare-ups with objective findings	D
Osteoporosis:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Post laminectomy syndrome with radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Post laminectomy syndrome:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
X-ray flexion/extension	Segmental instability	D
Radiculopathy:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Sciatica:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Computerized tomography	Disc extrusion with neural impingement	D
Magnetic resonance imaging	Disc extrusion with neural impingement	D
Myelogram	Disc extrusion with neural impingement	D
Physical examination	Significant lower extremity weakness	D
Strains and sprains, unspecified:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 1:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis grade 2:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 3:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Spondylolisthesis grade 4:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
X-ray flexion/extension	Segmental instability	D
Spondylolisthesis-acquired:		
X-ray flexion/extension	Segmental instability	D
Spondylolysis:		
X-ray flexion/extension	Segmental instability	D
Sprains and strains, sacral:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Sprains and strains, sacroiliac:		
Muscle strength assessment	Lifting capacity diminished by 50%	D
Vertebral body compression fracture:		
Muscle strength assessment	Lifting capacity diminished by 50%	D

F. Cervical Spine

Confirmatory test	Minimum result	Requirements
BODY PART: CE SPINE CONFIRMATORY TESTS		
Cervical disc disease with myelopathy:		
Physical examination: cervical	Evidence of myelopathy	Highly recommended.
Myelogram	Evidence of neurogenic compression	Recommended.
Computerized axial tomography	Evidence of neurogenic compression	Recommended.
Magnetic resonance imaging	Evidence of neurogenic compression	Recommended.
Chronic herniated disc:		
X-ray: cervical spine	Evidence of significant disc degeneration	Recommended.
Myelogram	Evidence of significant disc degeneration	Recommended.
Computerized axial tomography	Evidence of significant disc degeneration	Recommended.
Magnetic resonance imaging	Evidence of significant disc degeneration	Recommended.
Cervical spondylolysis:		
X-ray: cervical spine	Evidence of significant disc degeneration	Recommended.
Computerized axial tomography	Evidence of significant disc degeneration	Recommended.

F. Cervical Spine—Continued

Confirmatory test	Minimum result	Requirements
Magnetic resonance imaging	Evidence of significant disc degeneration	Recommended.
Cervical intervertebral disc degeneration:		
X-ray: cervical spine	Evidence of significant disc degeneration	Recommended.
Myelogram	Evidence of significant disc degeneration	Recommended.
Magnetic resonance imaging	Evidence of significant disc degeneration	Recommended.
Fracture: posterior element with spinal canal displacement:		
X-ray: cervical spine	Fractured posterior element with canal displacement	Recommended.
Computerized axial tomography	Fractured posterior element with canal displacement	Recommended.
Magnetic resonance imaging	Fractured posterior element with canal displacement	Recommended.
Fracture: transverse, spinous or posterior process:		
X-ray: cervical spine	Fracture of relevant part	Recommended.
Computerized axial tomography	Fracture of relevant part	Recommended.
Magnetic resonance imaging	Fracture of relevant part	Recommended.
Osteoarthritis, cervical:		
X-ray: cervical spine	Evidence of extensive disc degeneration	Recommended.
Computerized axial tomography	Evidence of extensive disc degeneration	Recommended.
Magnetic resonance imaging	Evidence of extensive disc degeneration	Recommended.
Post laminectomy syndrome:		
Medical records: cervical	Confirmed surgical history	Highly recommended.
Medical records: cervical	Continued pain post-surgery	Highly recommended.
Radiculopathy:		
Medical records: cervical	History of radicular pain	Highly recommended.
Physical examination: arm	Loss of reflexes in affected dermatomes	Recommended.
Physical examination: arm	Evidence of atrophy >2 cm	Recommended.
Electromyography	Definite denervation in muscle of affected nerve root	Recommended.
Myelogram	Evidence of neurogenic compression	Recommended.
Magnetic resonance imaging	Compression of spinal nerves	Recommended.
Computerized axial tomography	Compression of spinal nerves	Recommended.
Rheumatoid arthritis, cervical:		
Rheumatoid factor (blood test)	Titer of rheumatoid factor	Recommended.
X-ray: cervical spine	Rheumatoid changes of spine	Highly recommended.
Medical records review: cervical	Confirmation by rheumatologist or internist	Highly recommended.
Spondylogenic compression of spinal cord:		
Physical examination: cervical	Evidence of myelopathy	Highly recommended.
Computerized axial tomography	Evidence of neurogenic compression	Recommended.
Magnetic resonance imaging	Evidence of neurogenic compression	Recommended.
Myelogram	Evidence of neurogenic compression	Recommended.

Disability test	Test result	Disability classification
BODY PART: CE SPINE JOB TITLE: TRAINMAN		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondylolysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination	Multi-level neurologic compromise	D
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D

Disability test	Test result	Disability classification
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
BODY PART: CE SPINE JOB TITLE: ENGINEER		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondylolysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination:	Multi-level neurologic compromise	D
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
BODY PART: CE SPINE JOB TITLE: DISPATCHER		
Cervical disc disease with myelopathy:		
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Spondylogenic compression of spinal cord:		
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
BODY PART: CE SPINE JOB TITLE: CARMAN		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondylolysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination	Multi-level neurologic compromise	D

Disability test	Test result	Disability classification
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
BODY PART; CE SPINE JOB TITLE: SIGNALMAN		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondylolysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination	Multi-level neurologic compromise	D
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
BODY PART: CE SPINE JOB TITLE: TRACKMAN		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondyloysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination	Multi-level neurologic compromise	D
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D

Disability test	Test result	Disability classification
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
BODY PART: CE SPINE JOB TITLE: MACHINIST		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondylolysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination	Multi-level neurologic compromise	D
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
BODY PART: CE SPINE JOB TITLE: SHOP LABORER		
Cervical disc disease with myelopathy:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Myelogram	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D
Physical examination	Multi-level neurologic compromise	D
Chronic herniated disc:		
Physical examination	Multi-level neurologic compromise	D
Cervical spondylolysis:		
Physical examination	Multi-level neurologic compromise	D
Cervical intervertebral disc degeneration:		
Physical examination	Multi-level neurologic compromise	D
Fracture: posterior element with spinal canal displacement:		
Physical examination	Multi-level neurologic compromise	D
Post laminectomy syndrome:		
Physical examination	Multi-level neurologic compromise	D
Cervical radiculopathy:		
Physical examination	Multi-level neurologic compromise	D
Spondylogenic compression of spinal cord:		
Computerized axial tomography	Significant spinal cord pressure	D
Magnetic resonance imaging	Significant spinal cord pressure	D
Cystometrogram	Impaired bladder function	D
Myelogram	Significant spinal cord pressure	D
Physical examination: rectal	Impairment of sphincter tone	D
Physical examination	Multi-level neurologic compromise	D
Physical examination: lower limb	Lower extremity weakness or significant spasticity	D

Disability test	Test result	Disability classification
BODY PART: CE SPINE JOB TITLE: SALES REPRESENTATIVE		
Cervical disc disease with myelopathy:		
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Spondylogenic compression of spinal cord:		
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
BODY PART: CE SPINE JOB TITLE: GENERAL OFFICE CLERK		
Cervical disc disease with myelopathy:		
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D
Spondylogenic compression of spinal cord:		
Cystometrogram	Impaired bladder function	D
Physical examination: rectal	Impairment of sphincter tone	D

G. Shoulder and Elbow

Confirmatory test	Minimum result	Requirements.
BODY PART: SHOULDER AND ELBOW CONFIRMATORY TESTS		
Arthritis, acromioclavicular:		
X-ray: shoulder	Significant degenerative changes of joint	Recommended.
Computerized tomography	Significant degenerative changes of joint	Recommended.
Magnetic resonance imaging	Significant degenerative changes of joint	Recommended.
Arthritis, glenohumeral:		
X-ray: shoulder	Significant degenerative changes of joint	Recommended.
Computerized tomography	Significant degenerative changes of joint	Recommended.
Magnetic resonance imaging	Significant degenerative changes of joint	Recommended.
Rotator cuff tear:		
Computerized tomography	Tear of rotator cuff	Recommended.
Magnetic resonance imaging	Tear of rotator cuff	Recommended.
Medical diagnosis leading to a permanent functional limitation of the elbow:		
Medical record review	Condition with permanent functional limitation	Highly recommended.
X-ray: elbow	Imaging confirmation of functional diagnosis	Recommended.
Magnetic resonance imaging	Imaging confirmation of functional diagnosis	Recommended.

Disability test	Test result	Disability classification
BODY PART: SHOULDER AND ELBOW JOB TITLE: TRAINMAN		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D
Physical examination – range of motion	Flexion limit to 60 degrees	D
BODY PART: SHOULDER AND ELBOW JOB TITLE: ENGINEER		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D

Disability test	Test result	Disability classification
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of moiton	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D
Physical examination – range of motion	Flexion limit to 60 degrees	D
BODY PART: SHOULDER AND ELBOW JOB TITLE: CARMAN		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D
Physical examination – range of motion	Flexion limit to 60 degrees	D
BODY PART: SHOULDER AND ELBOW JOB TITLE: SIGNALMAN		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D
Physical examination – range of motion	Flexion limit to 60 degrees	D
BODY PART: SHOULDER AND ELBOW JOB TITLE: TRACKMAN		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D
Physical examination – range of motion	Flexion limit to 60 degrees	D
BODY PART: SHOULDER AND ELBOW JOB TITLE: MACHINIST		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D

Disability test	Test result	Disability classification
Physical examination – range of motion	Flexion limit to 60 degrees	D
BODY PART: SHOULDER AND ELBOW JOB TITLE: SHOP LABORER		
Arthritis, acromioclavicular:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Arthritis, glenohumeral:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Rotator cuff tear:		
Physical examination – range of motion	<40 degrees flexion	D
Physical examination – range of motion	<40 degrees abduction	D
Permanent functional limitation, elbow:		
Physical examination	>40 degrees deviation	D
Physical examination – range of motion	Flexion limit to 60 degrees	D

H. Hand and Arm

Confirmatory test	Minimum result	Requirements
BODY PART: HAND AND ARM CONFIRMATORY TESTS		
Carpal tunnel syndrome:		
Medical record review	Pain, paresthesia and weakness in distribution median nerve.	Highly recommended.
Nerve conduction testing	Definite median nerve conduction slowing at wrist	Highly recommended.
Electromyography	Denervation in severe cases	Recommended.
Fracture: wrist:		
X-ray: wrist	Evidence of fracture	Highly recommended.
Hand: permanent functional limitation:		
Medical record review	Documentation of medical condition for permanent limitation.	Highly recommended.
Physical examination	Definite reproducible evidence of limitation	Highly recommended.
Imaging study (e.g. X-ray, CAT, MRI)	Positive confirmation of underlying condition	Highly recommended.
Rheumatoid arthritis: hand:		
Rheumatoid factor	Titer of rheumatoid factor	Recommended.
Medical record review	History of objective findings including serological studies	Highly recommended.
X-ray: hand	Characteristic rheumatoid changes	Highly recommended.
Tenosynovitis:		
Medical record review	History of chronic tenosynovitis and objective findings	Highly recommended.
Physical examination	Definite evidence of tenosynovitis	Highly recommended.
Thumb: Permanent functional limitation:		
Medical record review	Documentation of medical condition for permanent limitation.	Highly recommended.
Physical examination	Definite reproducible evidence of limitation	Highly recommended.
Imaging study (X-ray, CAT, MRI)	Positive confirmation of underlying condition	Highly recommended.
Wrist: Permanent functional limitation:		
Medical record review	Documentation of medical condition for permanent limitation.	Highly recommended.
Physical examination	Definite reproducible evidence of limitation	Highly recommended.
Imaging study (e.g. X-ray, CAT, MRI)	Positive confirmation of underlying condition	Highly recommended.

Disability test	Test result	Disability classification
BODY PART: HAND AND ARM JOB TITLE: TRAINMAN		
Fracture, wrist:		
Physical examination – range of motion	Extension – limit to 30 degrees	D
Physical examination – range of motion	Flexion – limit to 30 degrees	D
Physical examination – range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D

Disability test	Test result	Disability classification
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:.		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE ENGINEER		
Fracture, wrist:		
Physical examination -- range of motion	Extension-limit to 30 degrees	D
Physical examination -- range of motion	Flexion-limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: DISPATCHER		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: CARMAN		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D

Disability test	Test result	Disability classification
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb:	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP of PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: SIGNALMAN		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: TRACKMAN		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion --limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: MACHINIST		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D

Disability test	Test result	Disability classification
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: SHOP LABORER		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: SALES REPRESENTATIVE		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degrees extension	D
Ankylosis: degree from neutral	<40 degrees flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
BODY PART: HAND AND ARM JOB TITLE: GENERAL OFFICE CLERK		
Fracture, wrist:		
Physical examination -- range of motion	Extension -- limit to 30 degrees	D
Physical examination -- range of motion	Flexion -- limit to 30 degrees	D
Physical examination -- range of motion	Ankylosis: >20 degrees from neutral	D
Rheumatoid arthritis hand:		
Physical examination	Significant deformity	D
Medical record review	Significant flare-ups, under treatment with rheumatologist.	D

Disability test	Test result	Disability classification
Medical record review	Extensive medication use, under treatment with rheumatologist.	D
Thumb: permanent functional limitation:		
Adduction of thumb	Loss ≤4 cm	D
Ankylosis: degree from neutral	<20 degree extension	D
Ankylosis: degree from neutral	<40 degree flexion	D
Loss of extension or flexion	MCP or PIP: maximum flexion <40 degrees	D
Opposition	Loss ≤4 cm	D
Wrist: permanent functional limitation:		
Physical examination – range of motion	Extension – limit to 30 degrees	D
Physical examination – range of motion	Flexion – limit to 30 degrees	D
Physical examination – range of motion	Ankylosis: >20 degrees from neutral	D

I. Hip

Confirmatory test	Minimum result	Requirements
BODY PART: HIP CONFIRMATORY TESTS		
Ankylosis, hip:		
X-ray: hip	Extreme joint destruction	Highly Recommended.
Physical examination – range of motion	No mobility	Highly Recommended.
Osteoarthritis, hip:		
X-ray: hip	<4 mm joint space, or other positive evidence	Recommended.
Magnetic resonance imaging	<4 mm joint space, or other positive evidence	Recommended.
Computerized axial tomography	<4 mm joint space, or other positive evidence	Recommended.
Osteomyelitis, hip:		
X-ray: hip	Evidence of chronic infection	Recommended.
Computerized axial tomography	Evidence of chronic infection	Recommended.
Paget's disease:		
X-ray: hip	Osteolytic or blastic lesions	Highly Recommended.
Alkaline phosphatase	Increased up to 50 times	Highly Recommended.
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip	Recommended.
Medical record review	Documentation of prior hip replacement	Recommended.

Disability test	Test result	Disability classification
BODY PART: HIP JOB TITLE: TRAINMAN		
Ankylosis, hip:		
Physical examination – range of motion	Ankylosis 5 degrees or >flexion	D
Physical examination – range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination – range of motion	Ankylosis external rotation >10 degrees	D
Physical examination – range of motion	Ankylosis in abduction >5 degrees	D
Physical examination – range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray: hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D

Disability test	Test result	Disability classification
BODY PART: HIP JOB TITLE: ENGINEER		
Ankylosis, hip:		
Physical examination – range of motion	Ankylosis 5 degrees or >flexion	D
Physical examination – range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination – range of motion	Ankylosis external rotation >10 degrees	D
Physical examination – range of motion	Ankylosis in abduction >5 degrees	D
Physical examination – range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Signficant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray: hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D
BODY PART: HIP JOB TITLE: CARMAN		
Ankylosis, hip:		
Physical examination – range of motion	Ankylosis 5 degrees or >flexion	D
Physical examination – range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination – range of motion	Ankylosis external rotation >10 degrees	D
Physical examination – range of motion	Ankylosis in abduction >5 degrees	D
Physical examination – range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray: hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D
BODY PART: HIP JOB TITLE: SIGNALMAN		
Ankylosis, hip:		
Physical examination – range of motion	Ankylosis 5 degrees or >flexion	D
Physical examination – range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination – range of motion	Ankylosis external rotation >10 degrees	D
Physical examination – range of motion	Ankylosis in abduction >5 degrees	D
Physical examination – range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination – range of motion	30 degrees flexion contracture	D

Disability test	Test result	Disability classification
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Significant joint destruction	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray: hip	Significant joint destruction	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D
BODY PART: HIP JOB TITLE: TRACKMAN		
Ankylosis, hip:		
Physical examination -- range of motion	Ankylosis 5 degrees or >flexion	D
Physical examination -- range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination -- range of motion	Ankylosis external rotation >10 degrees	D
Physical examination -- range of motion	Ankylosis in abduction >5 degrees	D
Physical examination -- range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Significant joint destruction	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray: hip	Significant joint destruction	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D
BODY PART: HIP JOB TITLE: MACHINIST		
Ankylosis, hip:		
Physical examination -- range of motion	Ankylosis 5 degrees or >flexion	D
Physical examination -- range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination -- range of motion	Ankylosis external rotation >10 degrees	D
Physical examination -- range of motion	Ankylosis in abduction >5 degrees	D
Physical examination -- range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Significant joint destruction	D
Physical examination -- range of motion	30 degrees flexion contracture	D
Physical examination -- range of motion	<50 degrees flexion	D
Physical examination -- range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray: hip	Significant joint destruction	D
Physical examination -- range of motion	30 degrees flexion contracture	D

Disability test	Test result	Disability classification
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abudction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D
BODY PART: HIP JOB TITLE: SHOP LABORER		
Ankylosis, hip:		
Physical examination – range of motion	Ankylosis 5 degrees of >flexion	D
Physical examination – range of motion	Ankylosis internal rotation >5 degrees	D
Physical examination – range of motion	Ankylosis external rotation >10 degrees	D
Physical examination – range of motion	Ankylosis in abduction >5 degrees	D
Physical examination – range of motion	Ankylosis in adduction >5 degrees	D
Osteoarthritis, hip:		
X-ray: hip	0 mm cartilage interval	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Osteomyelitis, chronic hip:		
X-ray: hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Medical record review	Documented occurrence of recurring infections with treatment.	D
Paget's disease:		
X-ray; hip	Significant joint destruction	D
Physical examination – range of motion	30 degrees flexion contracture	D
Physical examination – range of motion	<50 degrees flexion	D
Physical examination – range of motion	<5 degrees abduction	D
Hip replacement surgery:		
X-ray: hip	Evidence of artificial hip joint	D
Medical record review	Documentation of prior hip replacement	D

J. Knee

Confirmatory test	Minimum result	Requirements
BODY PART: KNEE CONFIRMATORY TESTS		
Arthritis: knee:		
X-ray: knee	Evidence of significant degenerative changes	Recommended.
Collateral ligament tear with laxity:		
Physical examination: knee	Evidence of ligamentous laxity	Highly Recommended.
Magnetic resonance imaging	Evidence of ligamentous tear	Recommended.
Cruciate and collateral ligament tear with laxity:		
Magnetic resonance imaging	Tear of both ligaments	Recommended.
Physical examination	Evidence of ligamentous laxity	Highly Recommended.
Medical record review	Documentation of tear by arthroscopy	Recommended.
Cruciate ligament tear with laxity:		
Physical examination: knee	Evidence of ligamentous laxity	Highly Recommended.
Magnetic resonance imaging	Evidence of cruciate tear	Recommended.
Medical record review	Documentation of tear by arthroscopy	Recommended.
Intercondylar fracture:		
X-ray: knee	Evidence of fracture	Highly Recommended.
Osteomyelitis: knee:		
Medical record review	Documented history of osteomyelitis requiring treatment	Highly Recommended.
X-ray: knee	Evidence of chronic infection	Recommended.
Computerized tomography	Evidence of chronic infection	Recommended.
Magnetic resonance imaging	Evidence of chronic infection	Recommended.
Osteonecrosis:		
X-ray: knee	Necrosis of femoral condyle or tibial plateau	Recommended.
Computerized tomography	Necrosis of femoral condyle or tibial plateau	Recommended.
Magnetic resonance imaging	Necrosis of femoral condyle or tibial plateau	Recommended.
Patellofemoral arthritis:		
X-ray: knee	Evidence of arthritis	Recommended.
Magnetic resonance imaging	Evidence of arthritis	Recommended.
Physical examination	Crepitation with movement	Highly Recommended.

J. Knee—Continued

Confirmatory test	Minimum result	Requirements
Patellar fracture nonunion with displacement:		
X-ray: knee	Nonunion and displacement	Recommended.
Magnetic resonance imaging	Nonunion and displacement	Recommended.
Computerized tomography	Nonunion and displacement	Recommended.
Plateau fracture:		
X-ray: knee	Evidence of fracture	Recommended.
Computerized tomography	Evidence of fracture	Recommended.
Magnetic resonance imaging	Evidence of fracture	Recommended.
Meniscectomy – medial or lateral:		
Medical record review	History of surgery	Highly Recommended.
Patellectomy:		
Physical examination: knee	Absent patella	Highly Recommended.
Patellar – subluxation – recurrent:		
Medical record review	History of recurrent subluxation	Highly Recommended.
Supracondylar fracture:		
X-ray: knee	Evidence of fracture	Recommended.
Magnetic resonance imaging	Evidence of fracture	Recommended.
Computerized tomography	Evidence of fracture	Recommended.
Total knee replacement:		
X-ray: knee	Presence of replacement knee	Recommended.
Medical record review	Documented surgical history	Recommended.
Tibial shaft fracture:		
X-ray: leg	Fracture of shaft	Recommended.
Magnetic resonance imaging	Evidence of fracture	Recommended.
Computerized tomography	Evidence of fracture	Recommended.

Disability test	Test result	Disability classification
BODY PART: KNEE JOB TITLE: TRAINMAN		
Arthritis knee:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or >degrees)	D
Collateral ligament tear with laxity:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D

Disability test	Test result	Disability classification
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee: patello femoral joint	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Tibial shaft fracture:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D
BODY PART: KNEE JOB TITLE: ENGINEER		
Arthritis knee:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Collateral ligament tear with laxity:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee: patello femoral joint	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D

Disability test	Test result	Disability classification
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Tibial shaft fracture:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D
BODY PART: KNEE JOB TITLE: CARMAN		
Arthritis knee:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Collateral ligament tear with laxity:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:.		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee: patello femoral joint	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination – range of motion	Range of motion: flexion <60 degrees	D
Physical examination – range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination – range of motion	Range of motion: flexion <60 degrees	D

Disability test	Test result	Disability classification
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Tibial shaft fracture:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D
BODY PART: KNEE JOB TITLE: SIGNALMAN		
Arthritis knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Collateral ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee: patello femoral joint	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D

Disability test	Test result	Disability classification
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Tibial shaft fracture:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D
BODY PART: KNEE JOB TITLE: TRACKMAN		
Arthritis knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Collateral ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degree angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee: patello femoral joint	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D

Disability test	Test result	Disability classification
Tibial shaft fracture:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D
BODY PART: KNEE JOB TITLE: MACHINIST		
Arthritis knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Collateral ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Tibial shaft fracture:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D

Disability test	Test result	Disability classification
BODY PART: KNEE JOB TITLE: SHOP LABORER		
Arthritis knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Meniscectomy, medial or lateral:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Collateral ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate and collateral ligament tear:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Cruciate ligament tear with laxity:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Intercondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Osteomyelitis, chronic knee:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
Medical record review	Frequent episodes of infection requiring treatment	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Osteonecrosis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee	0 - 1 mm cartilage interval with degenerative change	D
Patellofemoral arthritis:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Physical examination	Valgus deformity, 16 - 20 degrees	D
Physical examination	Varus deformity, 8 - 12 degrees	D
X-ray knee: patellofemoral joint	0 mm cartilage interval with degenerative change	D
Patellar fracture nonunion with displacement:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
X-ray knee	Nonunion and >3 mm displacement	D
Plateau fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellectomy:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Patellar, subluxation, recurrent:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Supracondylar fracture:		
Post fracture angulation	>20 degrees angulation	D
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Tibial shaft fracture:		
Physical examination -- range of motion	Range of motion: flexion <60 degrees	D
Physical examination -- range of motion	Flexion contracture (20 or > degrees)	D
Post fracture angulation	>20 degrees malalignment	D

K. Ankle and Foot

Confirmatory test	Minimum result	Requirements
BODY PART: ANKLE AND FOOT CONFIRMATORY TESTS		
Ankle fracture:		
Medical record review	Documented history of ankle fracture	Recommended.
X-ray: ankle	Ankle fracture	Highly recommended.
Ankylosis, ankle:		
X-ray: ankle	Extensive joint destruction	Highly recommended.
Physical examination	No mobility	Highly recommended.
Arthritis, subtalar joint:		
X-ray: ankle	Evidence of significant arthritis: subtalar joint	Highly recommended.
Arthritis, talonavicular joint:		
X-ray: ankle	Significant arthritis: talonavicular joint	Highly recommended.
Achilles tendon rupture:		
Medical record review	Documentation of achilles tendon rupture	Highly recommended.
Physical examination	Rupture of achilles tendon	Highly recommended.
Arthritis, ankle:		
X-ray: ankle	Significant arthritis	Highly recommended.
Hindfoot fracture:		
X-ray: foot and ankle	Documentation of fracture	Highly recommended.
Rheumatoid arthritis, foot:		
Medical History	Documented history of condition	Highly recommended.
X-ray: foot	Significant arthritis	Highly recommended.

Disability test	Test result	Disability classification
BODY PART: ANKLE AND FOOT JOB TITLE: TRAINMAN		
Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination	Varus deformity >15 degrees	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination – range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination – range of motion	Ankylosis in 20 degree plantar flexion	D
Physical examination – range of motion	Ankylosis in int or ext malrotation >15 degrees	D
Physical examination – range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination – range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle – subtalar joint	Subtalar joint space 0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
X-ray: ankle – talonavicular joint	Talonavicular joint space 0 mm	D
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination – range of motion	Plantar flexion capability, <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture, 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination – range of motion	Plantar flexion capability, <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture, 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D

Disability test	Test result	Disability classification
BODY PART: ANKLE AND FOOT JOB TITLE: ENGINEER		
Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination	Varus deformity >15 degrees	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination – range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination – range of motion	Ankylosis in 20 degree plantar flexion	D
Physical examination – range of motion	Ankylosis in int or ext malrotation >15 degrees	D
Physical examination – range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination – range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle – subtalar joint	Subtalar joint space 0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
X-ray ankle – talonavicular joint	Talonavicular joint space 0 mm	D
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D
BODY PART: ANKLE AND FOOT JOB TITLE: DISPATCHER		
Achilles tendon rupture:		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D
BODY PART: ANKLE AND FOOT JOB TITLE: CARMAN		
Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination	Varus deformity >15 degrees	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination – range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination – range of motion	Ankylosis in 20 degree plantar flexion	D

Disability test	Test result	Disability classification
Physical examination -- range of motion	Ankylois in int or ext malrotation >15 degrees	D
Physical examination -- range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination -- range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle -- subtalar joint	Subtalar joint space 0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
X-ray: ankle -- talonavicular joint	Talonavicular joint space 0 mm	0
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare -- up with treatment	D

BODY PART: ANKLE AND FOOT
JOB TITLE: SIGNALMAN

Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination	Varus deformity >15 degrees	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination -- range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination -- range of motion	Ankylosis in 20 degree plantar flexion	D
Physical examination -- range of motion	Ankylosis in int or ext malrotation >15 degrees	D
Physical examination -- range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination -- range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle -- subtalar joint	Subtalar joint space 0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
X-ray: ankle -- talonavicular joint	Talonavicular joint space 0 mm	D
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D

Disability test	Test result	Disability classification
BODY PART: ANKLE AND FOOT JOB TITLE: TRACKMAN		
Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination -- range of motion	Varus deformity >15 degrees	D
Physical examinaton -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination -- range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination -- range of motion	Ankylosis in 20 degree plantar flexion	D
Physical examination -- range of motion	Ankylosis in int or ext malrotation >15 degrees	D
Physical examination -- range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination -- range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle -- subtalar joint	Subtalar joint space 0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
X-ray: angle -- talonavicular joint	Talonavicular joint space 0 mm	D
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D
BODY PART: ANKLE AND FOOT JOB TITLE: MACHINIST		
Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination	Varus deformity >15 degrees	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination -- range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination -- range of motion	Ankylosis in 20 degree plantar flexion	D
Physical examination -- range of motion	Ankylosis in int or ext malrotation >15 degrees	D
Physical examination -- range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination -- range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle -- subtalar joint	Subtalar joint space 0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
X-ray: ankle -- talonavicular joint	Talonavicular joint space 0 mm	D
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination -- range of motion	Plantar flexion capability <5 degrees	D
Physical examination -- range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D

Disability test	Test result	Disability classification
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D
BODY PART: ANKLE AND FOOT JOB TITLE: SHOP LABORER		
Ankle fracture:		
X-ray: ankle	Displaced intra-articular fracture	D
Physical examination	Varus deformity >15 degrees	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Ankylosis, ankle:		
Physical examination – range of motion	Ankylosis in 20 degree or > dorsiflexion	D
Physical examination – range of motion	Ankylosis in 20 degree plantar flexion	D
Physical examination – range of motion	Ankylosis in int or ext malrotation >15 degrees	D
Physical examination – range of motion	Ankylosis in varus 10 or more degrees	D
Physical examination – range of motion	Ankylosis in valgus 10 or more degrees	D
Arthritis, subtalar joint (hindfoot):		
X-ray: ankle – subtalar joint	Subtalar joint space 0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Arthritis, talonavicular joint (hindfoot):		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
X-ray: ankle – talonavicular joint	Talonavicular joint space 0 mm	D
Physical examination	Varus deformity >15 degrees	D
Achilles tendon rupture:		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D

Disability test	Test result	Disability classification
BODY PART: ANKLE AND FOOT JOB TITLE: SALES REPRESENTATIVES		
Achilles tendon rupture:		
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Arthritis, ankle:		
X-ray: ankle	0 mm	D
Physical examination – range of motion	Plantar flexion capability <5 degrees	D
Physical examination – range of motion	Plantar flexion contracture 20 degrees	D
Physical examination	Varus deformity >15 degrees	D
Hindfoot fracture:		
X-ray: foot	Calcaneal fracture with Boehler angle <95 degrees	D
X-ray: foot	Subtalar fracture with Boehler angle <95 degrees	D
Physical examination	Varus angulation >20 degrees (hindfoot)	D
Physical examination	Valgus angulation >20 degrees (hindfoot)	D
Rheumatoid arthritis, foot:		
X-ray: foot	Significant degeneration	D
Medical record review	Chronic flare-up with treatment	D

BILLING CODE 7905–01–P

Job Information Forms

Form Approved
OMB No. 3220-0193

JOB INFORMATION FORM

RRB Claim Number
Employee's Name
Date Released
Regular Railroad Occupation*
Location
Date Last Worked

* The regular railroad occupation is: 1) the occupation in which the employee has been engaged for more calendar months than any other occupation during the last preceding 5 calendar years, whether consecutive or not; or 2) the occupation which the employee has been in service for not less than one-half of all months in which the employee has been engaged in service during the last 15 consecutive calendar years; or 3) if an employee last worked as an officer or employee of a railway labor organization and if that employment is no longer available, the regular occupation shall be the position to which the employee holds seniority rights or the position left to work for the railway labor organization.

The above-named railroad employee has applied for an occupational disability benefit under section 2(a)(iv) of the Railroad Retirement Act. Railroad Retirement Board (RRB) regulation 20 CFR 220.13 (b)(2) provides that railroad employers may furnish pertinent information concerning the job duties the employee is required to perform. If you wish to provide job duty information on the above-named employee, it must be received by the RRB no later than _____.

EMPLOYER INFORMATION

The attached list of job duties indicate those duties generally performed by the employee.

Please provide any additional information on the duties the employee performed over the last 5 years, or 15 years if appropriate.

This information can be entered in the Remarks section or attached to this form.

G-251a(12-97)

Job information should be sent to:

U.S. RAILROAD RETIREMENT BOARD
844 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2092
ATTENTION: DISABILITY PROGRAMS SECTION

or a facsimile may be sent to (312)751-7167.

Employer Certification - The information contained in this report is correct to the best of my knowledge and belief.

NAME _____ SIGNATURE _____
(Please Print)

TITLE _____ DATE ____/____/____
(Please Print)

TELEPHONE NO (____) _____

Remarks:

Paperwork Reduction Act Notice

Section 7 (b)(6) of the Railroad Retirement Act (RRA) allows the Railroad Retirement Board (RRB) to collect this information. While you are not required to respond, the information you provide will be used by the RRB in determining an applicant's eligibility for an occupational disability under the RRA.

We estimate that this form takes an average of 20 minutes per response to complete, including the time for reviewing the instructions, getting the needed data, and reviewing the completed form. *Federal agencies may not conduct or sponsor, and respondents are not required to respond to, a collection of information unless it displays a valid OMB number.* If you wish, send comments regarding the accuracy of our estimate or any other aspects of this form, including suggestions for reducing the completion time to: Chief of Information Management, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092 and to the Office of Management and Budget, Paperwork Reduction Project (3220-0193), Washington DC 20503. Please do not return this form to either of these addresses.

G-251a (12-97)

Form Approved
OMB No. 3220-0193

JOB INFORMATION FORM

RRB Claim Number
Employee's Name
Date Released
Regular Railroad Occupation*
Location
Date Last Worked

* The regular railroad occupation is: 1) the occupation in which the employee has been engaged for more calendar months than any other occupation during the last preceding five calendar years, whether consecutive or not; or 2) the occupation which the employee has been in service for not less than one-half of all months in which the employee has been engaged in service during the last 15 consecutive calendar years; or 3) if an employee last worked as an officer or employee of a railway labor organization and if that employment is no longer available, the regular occupation shall be the position to which the employee holds seniority rights or the position left to work for the railway labor organization.

The above-named railroad employee has applied for an occupational disability benefit under section 2(a)(iv) of the Railroad Retirement Act. Railroad Retirement Board (RRB) regulation 20 CFR 220.13 (b)(2) provides that railroad employers may furnish pertinent information concerning the job duties the employee is required to perform. If you wish to provide job duty information on the above-named employee, it must be received by the RRB no later than _____.

EMPLOYER INFORMATION

You may wish to provide the RRB with job duty information. If so, the job information that is needed for a disability decision should include a full description of the basic duties to perform the occupation listed. For example, list the types of machinery, tools and/or equipment used, technical knowledge or skills involved, and number of people supervised. Also include the types of physical activities involved in a typical 8 hour work day, such as how many hours of walking, standing or sitting, what items are lifted and carried and how much these items weigh, and how often bending, crouching, kneeling, reaching and climbing are performed. If exposure to environmental hazards, such as working at heights or around dangerous machinery, in extreme temperatures or excessive noise are present, also list these.

G-251b(12-97)

This information can be entered in the Remarks section or attached to this form.

Job information should be sent to:

U.S. RAILROAD RETIREMENT BOARD
844 NORTH RUSH STREET
CHICAGO, ILLINOIS 60611-2092
ATTENTION: DISABILITY PROGRAMS SECTION

or a facsimile may be sent to (312)751-7167.

Employer Certification - The information contained in this report is correct to the best of my knowledge and belief.

NAME _____ SIGNATURE _____
(Please Print)

TITLE _____ DATE ____/____/____
(Please Print)

TELEPHONE NO (____) _____

Remarks:

Paperwork Reduction Act Notice

Section 7 (b)(6) of the Railroad Retirement Act (RRA) allows the Railroad Retirement Board (RRB) to collect this information. While you are not required to respond, the information you provide will be used by the RRB in determining an applicant's eligibility for an occupational disability under the RRA.

We estimate that this form takes an average of 20 minutes per response to complete, including the time for reviewing the instructions, getting the needed data, and reviewing the completed form. *Federal agencies may not conduct or sponsor, and respondents are not required to respond to, a collection of information unless it displays a valid OMB number.* If you wish, send comments regarding the accuracy of our estimate or any other aspects of this form, including suggestions for reducing the completion time to: Chief of Information Management, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092 and to the Office of Management and Budget, Paperwork Reduction Project (3220-0193), Washington DC 20503. Please do not return this form to either of these addresses.

G-251b (12-97)

Dated: January 14, 1998.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 98–2026 Filed 2–12–98; 8:45 am]

BILLING CODE 7905–01–C

federal register

Friday
February 13, 1998

Part VI

Department of Justice

Bureau of Prisons

28 CFR Part 524

Progress Reports: Triennial Preparation; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 524

[BOP–1067–F]

RIN 1120–AA63

Progress Reports: Triennial Preparation

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: The Bureau of Prisons is amending its regulations on progress reports to require that progress reports for designated inmates be prepared at least once every 36 months. The purpose of this change is to streamline operations at Bureau facilities while continuing to provide appropriate program services to inmates.

EFFECTIVE DATE: March 16, 1998.

ADDRESSES: Rules Unit, Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

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

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on progress reports (28 CFR part 524, subpart E). A proposed rule on this subject was published in the **Federal Register** on March 5, 1997 (62 FR 10164).

Progress reports are used to maintain current information on an inmate such as his/her institutional adjustment, program participation, and readiness for release. Paragraph (e) of § 524.41 had previously specified that a progress report shall be prepared on each federal inmate at least once every 24 months, if for no other reason than to update report information. This paragraph was amended in 1995 to allow for a triennial rather than biennial progress report for inmates at independent camps. This amendment allowed the Bureau to allocate staff resources at independent camps in a more efficient manner. In order to extend such streamlining of operations to its other facilities, the Bureau proposed to require that a progress report be prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by § 524.41. No comment was received on the proposed rule. The Bureau is therefore adopting the proposed rule as final without change.

Members of the public may submit further comments concerning this rule by writing to the previously cited address. These comments will be considered but will receive no response in the **Federal Register**.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), does not have a significant impact on a substantial number of small entities. Because this rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, its economic impact is limited to the Bureau's appropriated funds.

List of Subjects in 28 CFR Part 524

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), part 524 in subchapter B of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

PART 524—CLASSIFICATION OF INMATES

1. The authority citation for 28 CFR part 524 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. In § 524.41, paragraph (e) is revised to read as follows:

§ 524.41 Types of progress reports.

* * * * *

(e) *Triennial report*—prepared on each designated inmate at least once every 36 months if not previously generated for another reason required by this section.

* * * * *

[FR Doc. 98–3717 Filed 2–12–98; 8:45 am]

BILLING CODE 4410–05–P

federal register

Friday
February 13, 1998

Part VII

Environmental Protection Agency

40 CFR Parts 141 and 142
National Primary Drinking Water Regulations: Consumer Confidence; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

RIN 2040–AC 99

[FRL–5967–2]

National Primary Drinking Water Regulations: Consumer Confidence Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of alternative definition.

SUMMARY: EPA is proposing to require community water systems to prepare and provide to their customers annual reports on the quality of the water delivered by the systems. This action is mandated by the 1996 amendments to the Safe Drinking Water Act (SDWA). These reports would provide valuable information to consumers of tap water from community water systems and allow them to make personal health-based decisions regarding their drinking water consumption.

DATES: Written comments on this proposed rule must be received by EPA on or before March 30, 1998. EPA will hold a public meeting about the proposal in Washington, DC on March 3, 1998 beginning at 9 a.m. A second public meeting will take place in San Francisco, CA on March 10, 1998 beginning at 9 a.m.

ADDRESSES: Send written comments on this proposed rule to the Consumer Confidence Report Comment Clerk: Water Docket MC–4101 (docket #W–97–18), Environmental Protection Agency: 401 M Street, S.W., Washington DC 20460. Please submit an original and three copies of your comments and enclosures (including references).

Commenters who want EPA to acknowledge receipt of their comments must enclose a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted. Comments may also be submitted electronically to ow-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and forms of encryption. Electronic comments must be identified by Docket #W–97–18. Comments and data will also be accepted on disks in WordPerfect in 5.1 format or ASCII file format. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

The record for this rulemaking has been established under docket #W–97–18, and includes supporting documentation as well as printed paper versions of electronic comments. The record is available for review at EPA's Water Docket: 401 M Street, S.W., Washington DC 20460. For access to the Docket materials, call 202–260–3027 between 9:00 a.m. and 3:30 p.m. for an appointment and reference "Docket #W–97–18".

The public meetings will take place in the following locations: Washington, DC—EPA Auditorium, 401 M St, SW, Washington, DC. San Francisco—EPA, 1st floor conference rooms, 75 Hawthorne Street, San Francisco, CA.

FOR FURTHER INFORMATION CONTACT: the Safe Drinking Water Hotline, toll free 800–426–4791 for general information about, and copies of, this document. For technical inquiries, contact: Françoise M. Brasier 202–260–5668 or Rob Allison 202–260–9836.

SUPPLEMENTARY INFORMATION:

Table of Contents

Regulated persons

Potentially regulated persons are community water systems.

Category	Example of regulated entities
Publicly-owned CWSs	Municipalities; County Governments; Water districts; Water and Sewer Authorities.
Privately-owned CWSs	Private water utilities; homeowners associations.
Ancillary CWSs	Persons who deliver drinking water as an adjunct to their primary business (e.g. trailer parks, retirement homes).

The table is not intended to be exhaustive. It provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in this table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in § 141.151 of the rule. If you have questions regarding the applicability of this section to a particular entity, consult the persons listed in the **FOR FURTHER INFORMATION CONTACT** section.

Consumer Right-To-Know Provisions in the Safe Drinking Water Act

The 1996 amendments to the Safe Drinking Water Act contain extensive provisions for consumer involvement and right-to-know that herald a new era of public participation in drinking water protection. These provisions are founded on the principle that consumers have a right to know what is in their drinking water and where it comes from before they turn on the tap. With the information provided in these provisions, consumers will be better able to make health decisions for themselves and their families.

The Consumer Confidence Reports are the centerpiece of public right-to-know in SDWA. The information contained in these reports can raise consumers' awareness of where their water comes from, show them the process by which safe drinking water is delivered to their homes, educate them about the importance of prevention measures such as source water protection to a safe drinking water supply. The reports can be a tool that starts a dialogue between consumers and their drinking water utilities, and one that gets consumers more involved in decisions which may affect their health. The information can be a means for consumers, especially those with special health needs, to make informed decisions regarding their drinking water. And finally, the reports

are a key to unlock more drinking water information. They will provide access through references or telephone numbers to source water assessments, health effects data, and additional information about the water system. The Agency is considering demonstrating its support for the consumer confidence reports by establishing, in consultation with the states, an award program which would recognize innovative reports.

Other right-to-know provisions in SDWA include changes to the public notification requirements, which will give the consumers of public water supplies more accurate and timely information on violations. Persons served by a public water system must be given notice within 24 hours of any violation of a national drinking water standard "that has the potential to have serious adverse effects on human health as a result of short-term exposure." EPA's regulation making these changes is scheduled to be promulgated in August, 1999.

In addition, the public will have access to the completed source water assessments. States are required under the 1996 SDWA amendments to assess the condition of every public water supply within the State, including the boundaries of the source of that water supply and contamination threats within that source. The consumer confidence reports will provide information on the availability of the assessment for that water supply.

By August, 1999, EPA will develop a national contaminant occurrence data base, that will provide information on the occurrence of both regulated and unregulated contaminants in public water systems. This information will be made available to the public through the Internet.

Finally, the public will be provided with early information on state variance decisions involving their public water system. Public water systems serving fewer than 10,000 persons that cannot meet national primary drinking water regulations may apply for a variance to use an alternate technology to meet the regulation. Consumers served by that water supply have a right to object to the variance.

All of these public right-to-know provisions are based on the belief that accountability to the public and the understanding and support of the public will be vital to address and prevent threats to drinking water quality in the years ahead. The provisions provide unprecedented opportunities for the public to participate in decisions related to the protection of their water supplies. If the public uses the opportunities, they can ensure that the choices made—particularly by EPA and the states, but also by water suppliers—respond to the public's needs and concerns.

I. Statutory Authority

Section 114 of the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182), enacted August 6, 1996, amends Section 1414(c) of the Act (42 U.S.C. 300g–3(c)). A new section 1414(c)(4) provides for annual consumer confidence reports by community water systems to their customers. Section 1414(c)(4)(A) mandates a number of actions by the Administrator of the Environmental Protection Agency, who is required to develop and issue regulations within 24 months of the date of enactment (i.e. in August 1998). The regulations must be developed in consultation with public water systems, environmental groups, public interest groups, risk communication experts, the States, and other interested parties. The regulations must, at a minimum, require each community water system to mail to each customer of the system at least once annually a report on the level of contaminants in the drinking water purveyed by that system. The regulations are required by section 1414(c)(4)(A) to provide a "brief and plainly worded" definition of four terms: "maximum contaminant level goal," "maximum contaminant level," "variances," and "exemptions." In addition, section 1414(c)(4)(A) requires the regulations to contain brief statements in plain language regarding the health concerns that resulted in regulation of each regulated contaminant, and a brief and plainly worded explanation regarding contaminants that may reasonably be expected to be present in drinking water, including bottled water. Finally, section 1414(c)(4)(A) requires the regulations to provide for an EPA toll-free hotline that consumers can call for more information and explanation.

Section 1414 of SDWA, as amended, also provides, in a new section (c)(4)(B) of the Act, additional specific requirements for the contents of the consumer confidence reports. The reports are required to include, but need not be limited to, the following information:

- Information on the source of the water purveyed. (section 1414(c)(4)(B)(i))
- A brief and plainly worded definition of the terms "maximum contaminant level goal," "maximum contaminant level," "variances," and "exemptions," as provided in regulations by the Administrator. (section 1414(c)(4)(B)(ii))
- If any regulated contaminant is detected in the water purveyed by the community water system, a statement setting forth: (1) the maximum contaminant level goal, (2) the maximum contaminant level, (3) the level of such contaminant in the water system, and (4) for any regulated contaminant for which there has been a violation of the maximum contaminant level during the year covered by the report, the brief statement in plain language regarding the health concerns that resulted in regulation of that contaminant, as provided by the Administrator in regulations under section 1414(c)(4)(A). (section 1414(c)(4)(B)(iii))
- Information on compliance with national primary drinking water regulations, as required by the Administrator, and notice if the system is operating under a variance or exemption and the basis on which the variance or exemption was granted. (section 1414(c)(4)(B)(iv))
- Information on the levels of unregulated contaminants for which monitoring is required under section 1445(a)(2) (including levels of *Cryptosporidium* and radon where States determine they may be found.) (section 1414(c)(4)(B)(v))
- A statement that the presence of contaminants in drinking water does not necessarily indicate that the drinking water poses a health risk and that more information about contaminants and potential health effects can be obtained by calling the Safe Drinking Water hotline. (section 1414(c)(4)(B)(vi))

Section 1414(c)(4)(B) also provides that a community water system may include any additional information that it deems appropriate for public education. In addition, the Administrator may require, through regulation, a consumer confidence report to include for not more than three regulated contaminants, a brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant even if there has not been a violation of the maximum contaminant level during the year concerned.

Section 1414(c)(4)(C) authorizes the Governor of a State to determine not to apply the mailing requirement to community water systems serving fewer than 10,000 persons. Such systems then would be required to inform their customers that the system will not be mailing the report; make the report available on request to the public; and publish the report annually in one or more local newspapers serving the areas in which the systems' customers are located.

Section 1414(c)(4)(D) allows those community water systems that are not required to meet the mailing requirements, and which serve 500 persons or fewer, to meet their consumer confidence report obligation by preparing an annual report and providing notice at least once per year to each customer by mail, by door-to-door delivery, by posting, or by any other means authorized in the regulations, that the consumer confidence report is available upon request.

Section 1414(c)(4)(E) provides that a State exercising primary enforcement responsibility may establish by rule, after public notice and comment, alternative requirements with respect to the form and content of the consumer confidence reports.

This rule, when issued in final form, is intended to fulfill the rulemaking requirements outlined in amended section 1414(c)(4).

II. Consultation With Public Water Systems, State and Local Governments, Environmental Groups, Public Interest Groups, and Risk Communication Experts

As required under section 1414 of SDWA, as amended, the Agency has met extensively with a broad range of groups in the development of this proposed rule. Early in the regulatory development process, EPA held a series of meetings with community water system operators and customers located in California, to obtain information about California's annual Water Quality Reports requirement, which has been in effect since 1990, and to learn from the California program's experiences. In particular, EPA held meetings with operators of small rural public water systems at the California Rural Water Association Annual Meeting held in February 1997. Also in February 1997, EPA met with a focus group of water customers in California to obtain information about their reactions to receiving annual reports about drinking water quality and how such reports should be structured and used. Finally, EPA met with members of the Association of California Water Agencies, primarily including representatives from large public water systems, public utility commissions, cities, and metropolitan areas.

The Agency met four times between February and July 1997 with a special working group of the National Drinking Water Advisory Council (NDWAC). The Advisory Council has been established under Section 10(a)(2) of Public Law 92–423, "The Federal Advisory Committee Act" and SDWA. By law, NDWAC is empowered to provide advice to EPA on regulatory issues. The Consumer Confidence Report Working Group, in turn, was established by NDWAC to provide advice to it on the particular issues raised in the development of EPA's regulation on consumer confidence reports.

The NDWAC Consumer Confidence Report Working Group was composed of a designated Federal officer; three NDWAC members who served as liaison between the full NDWAC and the Working Group; and eighteen other members. The Working Group contained members from public health organizations; local, State, and Federal government agencies with responsibilities for supervising public drinking water providers; operators of large and small drinking water systems; consumer representatives; environmental organizations; and business and trade associations. The Working Group met in four two-day sessions, between February and July 1997, to discuss issues raised by the consumer confidence report requirements in the 1996 SDWA amendments and to analyze and debate initial proposals for the consumer confidence report regulatory requirements. At the end of the Working Group meetings, in July 1997, the group submitted a draft of the regulations highlighting unresolved issues to the full NDWAC for its review. NDWAC in turn presented its recommendations to EPA on the regulation being proposed today in a NDWAC report submitted in August 1997. These documents are available in the Docket for this rulemaking.

In June 1997, EPA convened a one-day meeting of a group of private, State, and Federal experts in public health and the communication of risk-related information to general audiences. The panel critiqued preliminary ideas for the consumer confidence report regulatory requirements and provided suggestions to EPA on effective methods of communicating risk information.

As it developed today's regulatory proposal, EPA continued to meet with water system operators and customers. In May 1997 the Agency obtained the views of system operators in Wyoming, a State chosen because EPA operates the drinking water program in that State. The Agency also held a town meeting in Casper, Wyoming to solicit the views of water system customers.

EPA also received the views of a number of organizations on the potential contents of consumer confidence reports. In particular, Agency staff attended a one-day workshop in May 1997 sponsored by the Environmental Law Institute in which water customers and citizens in the Washington, D.C. area discussed communication of drinking water information. EPA also was provided the results of a series of focus groups held in six locations across the country by the American Water Works Association to obtain information and viewpoints about drinking water risk communication issues.

EPA also discussed the proposal with, and received comments from, another EPA advisory group, the Local Government Advisory Committee. EPA discussed the statute and EPA's plans for developing the proposal at a meeting with the Committee in San Francisco in February 1997, and provided a draft of the rule to the Committee and discussed the draft at its meeting in New Orleans in May 1997.

The rule being proposed today is based on the NDWAC recommendations to EPA and has been developed in close consultation with public water systems, environmental groups, public interest groups, risk communication experts, the States, and other interested parties, as required by the 1996 Amendments.

III. Discussion of Proposed Rule

A. Purpose and Applicability

The rule being proposed today establishes the minimum requirements for the content of consumer confidence reports.

The rule would apply to existing and new community water systems. "Community water systems" are a subset of "public water systems." A "public water system," as defined by section 1401 of SDWA, is "a system for the provision of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals." "Community water systems" are public water systems which serve year-round residents. Thus, systems that do not have 15 or more service connections used by year-round residents or regularly supply at least 25 year-round residents are not subject to today's rule.

Out of the approximately 180 thousand water systems in the United States, only approximately 60 thousand are considered community water systems. They range from large municipal systems that serve millions of persons to small systems, which serve fewer than 100 persons. Community water systems can be further categorized as publicly-owned systems, including systems owned and operated by municipalities, townships, counties,

water districts, and water authorities; privately-owned systems, which may be owned and operated by groups ranging from investor owned water companies to homeowners associations; and ancillary systems, which are small systems that provide water as an ancillary function of their principal business or enterprise. Ancillary systems are primarily mobile home parks and a variety of institutional water providers. Public, private, and ancillary community water systems are all subject to today's rule.

The balance of the water systems in the United States, or approximately 130 thousand systems, are either so-called "transient non-community systems" which do not serve the same people on a day to day basis (for example, highway rest stops) or "non-transient non-community systems" which serve at least 25 of the same people at least 6 months of the year (for example, schools). Because today's rule applies only to community water systems, as provided by Congress in the 1996 Amendments to SDWA, transient and non-transient non-community systems are not covered.

EPA notes that water wholesalers are also considered community water systems. However, if such a system did not retail water to any customer, i.e. billing unit or drinking water hook-up, the system would not have to prepare a consumer confidence report. EPA notes that these systems already provide monitoring information to the States. They would have to provide that information to the purchaser so that the purchaser can prepare the consumer confidence report. In the case of consecutive systems, i.e. a chain of utilities which provide water to each other, the system delivering water to the customers would be the one preparing the consumer confidence report.

B. Effective Dates and Rationale

Today's rule would become effective 30 days after publication of the final rule in the **Federal Register** and community water systems would have to deliver the first report to their customers within 13 months of the effective date of the regulations. The Agency is anxious that these requirements become effective as soon as practicable because of the importance of this provision. The Agency also believes that the proposed dates are practicable since they would give systems a full 14 months to prepare their first report. Each consumer confidence report is required to describe monitoring results for the past twelve-month period. EPA believes that giving community water systems a period slightly longer than a year to prepare the first report ensures that they will have the time to assemble the necessary information, to develop the necessary report format, and to arrange for distribution of the consumer confidence reports. In addition, some States are already implementing or developing their own reporting requirements. EPA also believes that the 14 month period after enactment of the rule would ensure that systems that had recently prepared a State mandated report would not be required to immediately prepare another report required by today's rule.

New community water systems, that is, community water systems that begin delivering water to customers after the effective date of today's rule, must deliver their first report within 18 months of the date that they begin delivering water to customers. EPA concluded that the longer period of time before delivery of the first reports would allow new systems to initiate and carry out a broader range of monitoring activities (some required monitoring requires at least one year's collection of data; other required monitoring may occur over a period in excess of 12 months). In addition, the 18 month period will allow new systems to develop and implement procedures for preparing and distributing the reports.

Some stakeholders argued that the Agency should propose that all reports be due on a certain date. They believed that this would give the reports more impact by allowing for an orchestrated outreach campaign at the time of issuance. The Agency believes however, that there are merits to allowing some flexibility since different utilities will have different start-up needs. States can make different decisions when they promulgate their regulations and would be free to impose a specific date for issuance of the consumer reports under their jurisdiction.

C. Rationale for Content of the Reports

In developing today's rule on the contents of consumer confidence reports prepared by community water systems, EPA sought to provide community water systems with the maximum amount of flexibility to design their reports, consistent with the requirements of the 1996 Amendments. The Agency therefore generally limited the requirements for the content of reports, found in §§ 141.153 and 141.154 of the proposed rule, to a clarification and explanation of the requirements in section 114 of the 1996 Amendments. In addition to today's rule, EPA is planning to prepare and issue detailed guidance that will provide supplementary information and examples of ways in which systems can prepare and present the data in consumer confidence reports. The Agency also will develop, prior to the effective date of the rule computerized "fill-in-the-blank" templates that water systems will be able to use if they are unable or do not choose to develop their own consumer confidence report format. The Agency anticipates that very small systems, in particular, will be able to use these templates to minimize the burden of preparing the reports.

1. Information on the Source of the Water Purveyed

Consumer confidence reports are intended primarily to convey information to persons served by community water systems about the quality of the water they are consuming. Thus, the emphasis of the reports is on "finished" rather than "source" water. Congress did, however, require the reports to include information about the sources of the water delivered by the system. In addition, many of the participants in public meetings on the consumer confidence reports held by EPA, and the members of the expert panel on risk communication convened by EPA, argued that the reports will be substantially more interesting and useful to persons if the reports provide context for the information about finished water. Therefore, today's rule specifies that each report must identify the sources of the water delivered by the community water system by providing information on the type of water (that is, whether the source is ground water, surface water, a combination of the two, or water obtained from another system); and the commonly used name or names (if any) and location of the body or bodies of water. Several commenters on the report requirements suggested to EPA that maps of water sources are a particularly effective means of communicating this information. The Agency is encouraging systems to use maps in the consumer confidence reports whenever possible, although maps have not been included in the mandatory contents of the reports.

One issue raised during the development of the proposal was whether the rule should require information on sources of contamination that may have an impact on the quality of the source water used by a community water system. Some stakeholders argued that if particular sources of contamination are known for the sources of water delivered by the community water system, the consumer confidence reports should provide a concise description of them. The public frequently has a general knowledge of

the contamination sources that affect particular surface water bodies, according to the advocates of this provision, and failing to provide information about them can reduce the credibility of the reports generally. Other stakeholders noted that the consumer confidence reports deal primarily with the quality of the finished water as it is delivered to its consumers. They argued that a requirement to provide information on contaminants in source water without regard to their presence in the finished water may lead to unnecessary concerns. The Agency notes the difficulty of definitively linking contaminants to specific sources and the liability issues that may arise if the reports attempt to do so without adequate documentation.

The 1996 Amendments to the Safe Drinking Water Act created a new program of source water assessments under section 1453 of the Act. The Agency has issued guidance on State Source Water Assessment and Protection Programs, under which States with primary enforcement authority must: (1) delineate the boundaries of the areas providing source waters for public water systems and (2) identify, to the extent practical, the origins of regulated and certain unregulated contaminants in the delineated area to determine the susceptibility of public water systems to such contaminants. Assessments are to be completed for all public water systems within two years after EPA's approval of the State's program with possible 18 month extensions.

In an effort to balance competing concerns regarding the provisions of information on contaminant sources in the report, today's rule creates a linkage with this Source Water Assessment program by requiring that if a source water assessment has been completed for the community water system, that system's consumer confidence report must notify customers of the availability of this information and the means to obtain it. This will allow interested parties to get accurate and detailed information on the sources of contaminants.

However, as recommended by the NDWAC, today's rule does not include a requirement that consumer confidence reports contain specific information about sources of contamination which may affect the quality of the source water, although it does require that generic information be provided about the likely sources of detected regulated contaminants. The Agency is inviting comments on this issue.

2. Definitions

The rule contains definitions in § 141.153 (c)(1) and (2) of four terms that must be used in consumer confidence reports: "Maximum contaminant level goal or MCLG," "Maximum Contaminant Level or MCL," "Variances," and "Exemptions." These definitions differ from those found in 40 CFR 141.2. The definitions are designed to explain key components of the national primary drinking water regulations in brief, plainly worded terms. The draft definitions were examined closely by the NDWAC Consumer Confidence Reports Working Group, by the expert panel, and by EPA's own staff. All of these reviewers recognized that the definitions, particularly the definitions for maximum contaminant level goal (MCLG) and maximum contaminant level (MCL), represent dramatic simplifications of complicated processes. The expert panel, in particular, recommended that EPA test these definitions and, if necessary, revise them. The Agency therefore is specifically requesting comments on these proposed definitions.

Maximum Contaminant Level Goal or MCLG is defined by the proposed rule as "The level of a contaminant in drinking water below which there is no known or expected risk to health." This definition therefore highlights the requirement in the SDWA that EPA set MCLGs at a level at which "no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety." The definition does not attempt to describe the use of Reference Doses to determine the MCLG for non-carcinogenic contaminants and Class C carcinogens, nor does it specify that for Class A and B carcinogens the MCLG must be set at zero. The expert panel was particularly concerned by the lack of context in the proposed definition, noting that it contains no information about how drinking water is determined to be safe. At the same time, the Panel recognized the difficulty of developing a simple and accurate description of the process that would be suitable for inclusion in the reports. Some panel members suggested that EPA develop a one-page handout on the process of setting MCLs and MCLGs, which could either be included in the reports or made separately available to drinking water consumers. EPA is requesting comment on this issue.

Maximum Contaminant Level or MCL is defined by the proposed rule as "the highest level of a contaminant that is allowed in drinking water." This definition highlights the function of the MCL as an enforceable standard under the primary drinking water regulations. The agency is aware that this definition does not provide an explanation of how the MCLs are set. As provided by SDWA, EPA sets MCLs as close to the corresponding MCLGs as "feasible with the use of the best technology, treatment techniques, and other means, which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions are available (taking cost into consideration)."

The expert panel in particular noted that these definitions do not provide any content for interpreting the health significance of a contaminant concentration above the MCLG but below the MCL and recommended that EPA use a longer definition of MCL such as: "the level determined to provide the best protection to health, given cost and treatment feasibility". The working group, however, was not able to agree on any characterization of the MCL beyond a minimal description of its regulatory function. Some members wanted to stress the safety factors built into the MCL setting process while others believed strongly that whenever an MCL is set above an MCLG the best protection to health is not achieved. One alternative would be to paraphrase language from the SDWA to provide additional context for the definitions. For example, MCLG might be defined as "The level of a contaminant in drinking water below which there is no known or expected risk to health, allowing an adequate margin of safety." MCL could then be defined as "The highest level of a contaminant that is allowed in drinking water, which is set as close to the MCL as feasible using the best available treatment technology." The Agency requests comments on the proposed definitions of both MCL and MCLG. Commenters should bear in mind that brevity and plain language are required by the Statute for these definitions.

The NDWAC Working Group recommended combining the definitions of variances and exemptions into a single definition, since in its opinion the two terms described a single concept. "Variances and exemptions" therefore are defined in the rule as "State permission not to meet an MCL or a treatment technique under certain conditions." Some members of the Working Group suggested adding the phrase "provided there is no unreasonable risk to health" to the definition, in order to inform report recipients that this is one of the statutory conditions for receiving a

variance or exemption. EPA is requesting comment on this suggestion.

The definitions section of the proposed rule also includes two definitions not mandated by the 1996 Amendments but considered necessary by EPA to address situations likely to be encountered by many systems. When an MCL cannot be established, EPA may set a treatment technique or action level. Section 141.153(c)(3) of the proposed rule states that when a report contains data on a contaminant for which EPA has set a treatment technique or an action level, the report must define treatment technique as "A required process intended to reduce the level of a contaminant in drinking water;" and must define action level as "The concentration of a contaminant which triggers treatment or other requirement which a water system must follow."

EPA notes that the use of these definitions in the consumer confidence reports is not meant in any way to alter the legal and enforceable definition of these terms.

3. Level of Detected Contaminants

Sections 1414(c)(4)(B)(iii) and (v) of SDWA as amended establish reporting requirements for "regulated" and "unregulated contaminants" detected in the water purveyed by a community water system. The Agency believes that information on contaminants detected by the system is the lynchpin of the reports. This is the information which will allow water consumers to make educated health-related decisions based on their personal circumstances. Therefore it is important that the information be as complete and accurate as feasible without falling into the trap of information overload.

As far as accuracy is concerned, the Agency is aware that choosing one number to put in the report which gives a true representation of the water that customers may have consumed during the year will sometimes be difficult. The quality of the water is subject to spatial and temporal variability. This variability is magnified in large systems where blending of several sources may occur. It is not feasible for the Agency to lay down hard and fast rules to deal with all instances where the quality of the water may be variable; therefore, the Agency is proposing a performance standard in § 141.153(d)(1) which requires operators to provide customers with an accurate picture of the level of contaminant they may have been exposed to during the year. The quantitative information on levels of detected contaminants may, however, provide only part of the picture. The Agency expects that systems may need to provide qualititative explanations of water quality variations as well. These explanations could, for example, describe to customers the fact that warm temperatures facilitate microbial growth and may necessitate higher levels of disinfectant in the water. EPA requests comment on the usefulness of such information.

EPA recognizes that this rule will require water system operators to present information on contaminants detected at very low levels. The Agency does not intend that operators report levels beneath the Minimum Detection Limits, based upon the analytic requirements listed in 40 CFR 141 Subpart C, which are levels so low that they are analytically invalid.

EPA believes that, in order for the public to make well-informed health decisions, the reports should contain information available to the systems on any contaminant which may have an impact on the health of persons whether or not monitoring for these contaminants is currently required by regulations promulgated under the SDWA. While section 1414(c)(4) does not explicitly require that the reports contain all of this information, EPA believes that such reporting is authorized under both section 1414(c)(4)(B) (which states that the contents of the report must include, but not be limited to, certain items) and section 1445(a)(2) (which authorizes the Administrator to require regulated systems to report information to the public on unregulated contaminants). On the other hand, the Agency does not want inadvertently to stop systems from performing additional voluntary monitoring by requiring disclosure of information the significance of which they could not explain. Therefore the Agency is proposing to include a provision which strongly encourages systems to include in the reports any information indicating a possible health concern from contaminants for which EPA has proposed an NPDWR or issued a health advisory. If, for example, a contaminant is found at a level exceeding a proposed MCL or a health advisory level of concern, EPA believes that the system should disclose this result to its customers. On the other hand, if the system believes that its voluntary monitoring results are inconclusive or insignificant from a health standpoint, it need not report them.

EPA proposes that the reports address, in separate sections, (1) the results of monitoring mandated by regulation for both regulated and unregulated contaminants as mandated by section 1414(c)(4)(B)(iii)and (v), and (2) the results of voluntary monitoring performed by the system that has shown a detection of radon or Cryptosporidium or the presence of any additional contaminant which a system elects to include in the reports.

With respect to the manner in which data are presented, the proposed rule contains a number of provisions:

a. The initial report must identify the twelve-month period that it covers. Subsequent reports must identify and cover successive twelve month periods, to ensure that gaps do not exist between periods covered by the reports.

b. Data on detected contaminants for which monitoring is mandatory would be displayed in a table. These data include contaminants subject to an MCL, action level or treatment technique (regulated contaminants), contaminants for which monitoring is required by § 141.40 (unregulated contaminants), and disinfection byproducts and microbiological contaminants (except Cryptosporidium) for which monitoring is required by §§ 141.140 and 141.142 (the information collection rule). The Agency is not mandating a particular format for the table. EPA is seeking to leave the maximum possible amount of flexibility to drinking water systems to design effective methods of presenting the required data. However, the rule would contain a number of provisions pertaining to the manner in which the data is presented.

If a system is allowed to monitor for certain contaminants less often than once a year, the report must include the date and results of the most recent sampling and a brief explanation (e.g. in a footnote) for why the sample was not taken within the reporting period (e.g., "monitoring only required once every 3 years").

The MCL for detected regulated contaminants should be presented in whole units. EPA has recalculated the MCLs in such units, and has incorporated them into Appendix A of the regulation. The MCLG for each contaminant should be expressed in the same units as the MCL. Detections also should be expressed in the same units. The Agency notes that it will continue to rely on the numbers reported to the State to comply with the regulations to determine compliance and undertake enforcement action if necessary. In no case would the way in which data is presented in the consumer confidence reports affect an enforcement decision on compliance with MCLs or action levels.

The expert panel encouraged EPA to allow community water systems to use illustrative examples to clarify the meaning of the detected levels (e.g., "equivalent to one drop in a railroad tank car"); in contrast, the NDWAC working group believed that such illustrations could be subject to misinterpretation or misuse. The Agency concluded that it would allow systems the

flexibility to adopt such examples, but would not encourage their use.

For contaminants subject to an NPDWR, EPA concluded that community water systems should be required to report "the highest test result used to determine compliance with an NPDWR." Thus, whenever compliance with an MCL is based on a monthly or quarterly average, the highest average for the year should be included in the table. If compliance is determined by averaging the results for various sampling points, only the average should be reported in the table. Several members of the NDWAC working group and members of the expert panel urged, instead, that ranges of results or highest values should be reported. Thus, when compliance is based on an average, in addition to reporting the average, the system would also report the highest value detected. The advocates of this approach noted that for some contaminants, such as TTHMs, parts of the distribution system may be exposed to concentrations above the average. The Agency concluded, however, that presentation of ranges and highest values could be confusing. Instead the Agency is proposing that for these contaminants, the reports clearly indicate that the results are based on an average and explain what an average means. Further, based on the NDWAC recommendations, the Agency is proposing an exception to this single number reporting. For MCLs such as TTHMs for which reporting is based on a system-wide average, and for which substantial variation of contaminant levels may occur within the distribution system, the reports should disclose instances where a significant portion (10%) of the population is consistently exposed to a level higher than the MCL. In such instances the reports would have to identify the portions of the service areas where consumers are exposed to these higher levels and specify what these levels are. The Agency would like specific comments on this issue. The Agency notes that these circumstances should not arise if the sampling points for TTHMs have been chosen in accordance with the regulations and is requesting commenters to submit specific data if they have information to the contrary. The Agency also notes that, at this time, this requirement would have no impact on systems serving fewer than 10,000 persons since they are exempt from the TTHM requirements. The Agency is also requesting comment on whether it is necessary for the reports to note contaminant levels that are averages and explain what that means for chronic contaminants where the MCL is based on cumulative exposure over many years.

EPA notes that while in the case of some regulated contaminants, water systems would report averages rather than the single highest level, in the case of detected unregulated contaminants, it expects water systems to report the highest detected level. Some concern was raised that this single highest level might not be representative of the water quality, and that consumers might be better served by putting in place instead a performance standard for the unregulated contaminants similar to that for the regulated contaminants, requiring systems to provide customers with an accurate picture of the level of contaminants they may have been exposed to during the year. The Agency is requesting comment on this issue.

The proposed rule would require community water systems to include in the table the likely source of any detected regulated contaminant. In general EPA is expecting systems to describe these sources in generic terms such as "agricultural runoff", "petrochemical plants". In some cases, however the system may have information obtained though a source water assessment which would allow the report to be more specific. When the source is not definitely known the system should include in the table the generic description of major sources derived from Appendix A. The inclusion of this requirement was the subject of lengthy discussion among stakeholders. While some believe that it is important for the public to understand that contaminants in the finished water are often the result of activities which are not under the control of the water systems, others were concerned that requiring operators, particularly of small systems, to seek specific information would be too burdensome. The Agency believes that providing generic descriptions for use in cases where a specific source is not definitely known appropriately balances those concerns. The Agency is requesting comments on this requirement and particularly on the usefulness of the generic list and on its wording.

The proposed rule requires a community water source that distributes water to its customers from several raw sources which are not blended, to include a separate column in its table of results for each service area. The report should also identify the service area for each entry point into the distribution system.

Today's rule requires community water systems to include specific information in their consumer confidence reports for every regulated contaminant detected in violation of an MCL. This information, which must include a clear and readily understandable explanation of the violation, the potential health effects, and the actions taken by the system to address the violation, need not be included in the table of results (though it may be). Instead, the system may provide the required information in a separate section on violations and what they mean, although that section should be clearly labeled as addressing violations and situated close to the table of results. The description of potential adverse health effects included in this section would use the relevant language of Appendix B. A discussion of the linkages between this proposed requirement and the requirements for public notification is included in Section VI of this preamble.

c. Additionally today's rule would require water systems to provide information on detection of Cryptosporidium, radon and other currently unregulated contaminants.

Information on Cryptosporidium would be included whether it is detected in compliance with the ICR regulations or through voluntary monitoring performed by a system. Specifically, the reports must include a summary of the monitoring results, information on how the monitoring was performed, and an explanation of the significance of the results. When EPA promulgated the ICR, it explained that its intent in collecting these data was to gain information that it could use in aggregate to determine national occurrence of Cryptosporidium and evaluate the treatment cost implications of new regulations. The Agency emphasized that these data should not be used to make judgements about the compliance of any specific water system with drinking water standards. The Agency is not changing this policy and remains aware that Cryptosporidium presents difficult measurement challenges. EPA was clear in its preamble for the ICR (61 FR 24363, May 14, 1996) that laboratory approval criteria for the ICR were designed to conduct national regulatory impact analysis and that better method performance would be needed for individual systems to comply with future rules. Therefore, while EPA believes that it is appropriate for the systems to disclose these results to their customers it is not dictating how. The proposed rule requires water systems that detect Cryptosporidium to summarize the results of monitoring but is not requiring that these data be included in the table to give systems more flexibility regarding how they display the information and how they explain the significance of the results to consumers. The rule also would require systems to explain how the monitoring was performed. This provision is not meant to require systems to give detailed explanations about laboratory methods or sampling protocols; rather, EPA expects the systems to provide some indication whether raw water or finished water was sampled and the extent of sampling. EPA requests comments about the inclusion of these data in the consumer confidence reports and the appropriate format for doing so.

When a system detects radon, the Agency is proposing that the reports must include the results of the monitoring, information on how the monitoring was performed, and an explanation of the significance of the results. EPA will provide examples in guidance of what such an explanation might be. As with Cryptosporidium, EPA does not expect detailed explanations of the sampling or laboratory methods.

When a system detects any other unregulated contaminant, the proposed rule would strongly encourage systems to determine if there is a health advisory or a proposed NPDWR for that contaminant in order to determine whether there may be a health concern which warrants inclusion of the data in the consumer confidence reports.

Note that for Cryptosporidium, radon, and any other contaminants for which monitoring is not required, the proposed rule allows systems the flexibility to present results either in the table or in another section of the report.

4. Compliance With National Primary Drinking Water Regulations

Under section 1414(c)(4)(B)(iv) of SDWA as amended, consumer confidence reports must contain information on compliance with

national primary drinking water regulations, as required by the Administrator. The statute speaks in terms of "compliance," which might be interpreted to require only certification of compliance/noncompliance with the NPDWR. However, the Agency believes it is appropriate to require reporting of any violation of the standards in the regulations, with the exception of violations of MCLs, which are addressed elsewhere in the consumer confidence reports. The Agency requests comments on the need to include all NPDWR violations as listed in the 144.153(e). An alternative would be to select only these violations which could clearly result in a health risk. If this alternative is recommended by commenters, they should include a discussion of how EPA could differentiate such violations, and specific suggestions for types of violations (e.g., record-keeping) that wouldn't need to be reported.

The proposed rule further specifies that the report must contain a clear and readily understandable explanation of the violation and its health significance. EPA recognizes that for violations other than MCLs and treatment techniques, explanations of health significance will need to be fairly general (e.g., for violation of a monitoring requirement, the explanation might be "Failure to perform required monitoring may cause contaminants with potentially adverse health effects to go undetected"). Finally, the report must describe the steps the system has taken to correct the violation. A full discussion of the linkage between this proposed requirement and the public notification requirements is included in Section VI of this preamble.

5. Variances and Exemptions

Section 1414(c)(4)(B)(iv) also mandates that consumer confidence reports must include "notice if the system is operating under a variance or exemption and the basis on which the variance or exemption was granted." In order to ensure that the public has an opportunity to fully understand the basis for the variance or exemption and to participate in consideration of it, the proposed rule adds a requirement that two additional items of information be included in the report. First, the report must provide the dates when the variance or exemption was issued and when it is due for renewal. Second, the report must provide a status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules for the variance or exemption. While the Agency is mindful of the importance of keeping the consumer confidence reports brief and relatively simple, it also believes that in the case of a variance or exemption, the public is best served by a complete explanation of the situation. The Agency requests comment on an alternate requirement which would call for a "brief status report on compliance with the terms of the variance or exemption."

6. Additional Information

Section 1414(c)(4)(A) requires EPA's consumer confidence report regulations to include a "brief and plainly worded explanation regarding contaminants that may reasonably be expected to be present in drinking water, including bottled water." Although the statute does not specify explicitly that reports delivered to customers of community water systems include this explanation, the Agency concluded that otherwise there would have been no function served when Congress required it to be included in the regulation. Further, section 1414(c)(4)(B) gives the Administrator the authority to require that additional information be included in the reports. The Agency is proposing therefore that such an explanation must be included in the reports.

Today's proposed rule includes three paragraphs in response to this requirement. The first explains that surface water and ground water provide the source water for both tap water and bottled water, and that both surface and ground water dissolve naturally-occurring minerals and radioactive material and can pick up substances resulting from the presence of animals or from human activity. The second paragraph provides a short description of the types of contaminants that may be present in source water. The third paragraph explains that EPA and the Food and Drug Administration prescribe regulations that limit the amount of certain contaminants in water provided by community water systems and in bottled water, respectively. As required by section 1414(c)(4)(B)(ii), it further explains that the presence of contaminants does not necessarily indicate that the water poses a health risk, and indicates that the EPA Safe Drinking Water Hotline can provide additional information about contaminants and health effects.

The NDWAC Working Group and the expert panel both debated the material at length. Some members were concerned that the language shifted the focus of the report from finished water to source water. In addition, members noted that the reports should not suggest that water can ever be completely free of contaminants, because naturally occurring contaminants are always going to be present in some concentration. Some commenters on the language suggested that the description of potential contaminants could unnecessarily alarm customers whose water did not contain all of the described categories of contaminants. The NDWAC's recommendation was that this section of the report should be entirely optional.

EPA believes that the statute requires that the report include an explanation for the presence of contaminants and has included this requirement in § 141.153(g)(1). The Agency agrees with stakeholders that the systems should be given flexibility in the wording of the explanation. Therefore, EPA's proposal includes optional language in proposed § 141.153(g)(1)(i),(ii) and (iii) which systems may use to fulfill the requirement. Alternatively, subparagraph (iv) provides minimal language that a system may use to fulfill the requirement. Systems may also develop their own language. EPA is proposing to require that the language of subparagraph(v) be included in all reports since this language is mandated by the statute in section 1414(c)(4)(B)(vi).

D. Required Health Information and Rationale

All consumer confidence reports are required by today's proposed regulation to include a statement that some people may be more vulnerable to contaminants in drinking water than the general population. The statement goes on to identify several categories of persons who may be particularly at risk from infections, and encourages them to seek advice from their health providers. It further informs people that EPA/CDC Guidelines on appropriate means to lessen the risk of infection from Cryptosporidium may be obtained from the EPA Safe Drinking Water Hotline and provides the number, as required by the 1996 Amendments. EPA is requesting comments on the clarity and usefulness of this statement, particularly whether it is clear that only certain populations are particularly at-risk from infectious contaminants and whether the statement is appropriate for inclusion in all reports.

In addition to the health effects information that must be included in the report where there is a violation of an MCL discussed above, the rule also specifies language that must be included in the reports if the system has identified a violation of a treatment technique. This required health information for violation of the surface water treatment rule describes the

organisms that may be present in unfiltered or inadequately treated surface water, and presents information about the health effects that may result from consumption of such water. This section also addresses acrylamide and epichlorohydrin, which are impurities in chemicals used in drinking water treatment, and which are limited under treatment techniques specified by EPA. Required health effects language also must be provided in consumer confidence reports about these contaminants, if their specified treatment techniques are violated.

E. Report Delivery

The rule being proposed today tracks section 1414(c) of SDWA with respect to how the reports should be delivered to drinking water system customers. It requires one copy of the report to be mailed to each customer, unless the Governor of a State has waived the mailing requirement and the system serves fewer than 10,000 persons. Systems for whom the mailing requirements have been waived are required to publish the report in one or more local newspapers serving the area in which the system is located; inform their customers, either in the newspapers in which the reports are published or by other means approved by the state, that the report will not be mailed; and make the reports available to the public upon request. A further exception is carved out in the Statute for systems serving 500 or fewer persons for which the Governor has waived the mailing requirements. These systems may forego publication of the report in a local newspaper if they provide notice by mail, door-to-door delivery, or posting in an appropriate location that the report is available upon request.

The Agency has clarified the report delivery requirements with respect to community water systems that are in Indian Country. Under the proposed rule, Tribal Leaders can exercise the same authority as State Governors to waive the mailing requirement for systems serving fewer than 10,000 persons, if EPA finds that the tribe is eligible to be treated in the same manner as a state under section 1451 of SDWA for purposes of the authority to waive the mailing requirements for such systems contained in section 1414(c). Under section 1451 (codified at 42 U.S.C. 300j–11) the Administrator of EPA is authorized to treat Indian Tribes in the same manner as States. Under today's rule, a tribe may seek eligibility to be treated in the same manner as a state for purposes of waiving the mailing requirement either by applying as part of the Tribe's application for primacy over the Public Water System Program or by applying separately for waiver authority. EPA is not requiring tribes to have primacy over other aspects of the Public water system Program to receive waiver authority.

Under either option, a tribe must demonstrate, using the procedures outlined in 40 CFR section 142.76, that it meets the treatment in the same manner as a state eligibility requirements contained in SDWA section 1451 and 40 CFR section 142.72: (1) federal recognition; (2) a governing body exercising substantial governmental duties and powers; (3) jurisdiction; and (4) capability. Consistent with the Agency's 1994 "Simplification Rule" which simplified the tribal eligibility process, a tribe that has been treated in the same manner as a state for purposes of another EPA program will not need to reestablish the first two criteria when applying to waiver authority. Rather, such a tribe will only need to demonstrate that it meets the jurisdictional and capability requirements. For detailed guidance on demonstrating the eligibility requirements, see 53 FR 37396, 37398–402 and 59 FR 64339–341. EPA proposes to amend CFR sections 142.72 and 142.78 to include the authority to waive the mailing requirement as a provision for which EPA is authorized to treat tribes in the same manner as states. EPA anticipates that a number of community water systems in Indian Country may be subject to this provision, and it is important for EPA to provide a mechanism by which the mailing requirement may be waived.

In areas of Indian country where EPA has not found a tribe eligible to waive the mailing requirement and no state has been explicitly approved to implement the PWS program, EPA may waive the mailing requirement of 40 CFR § 144.155(a). EPA does not believe it is appropriate to require Indian tribes to seek the authority to waive the mailing requirement because the SDWA does not require tribes to seek such authority and, while EPA has streamlined the process, seeking approval to be treated in the same manner as a state may still be a significant effort that Tribes may not wish to undertake solely to obtain the authority to waive the mailing requirement for consumer confidence reports. Yet, as noted above, EPA believes that small community water systems in Indian Country are just as likely, if not more likely to need the relief from the mailing requirement. EPA is authorized under SDWA § 1451, where it is inappropriate or administratively infeasible to treat tribes as identical to states for a particular provision, to administer such provision in a manner that will achieve the purposes of the provision. EPA intends to exercise that authority to waive the mailing requirement for small systems in Indian Country in consultation with the Tribe to achieve the purposes of Section 1414(c) where the relevant tribe has not been approved to be treated in the same manner as a state and no state has been explicitly approved by EPA to implement the Public Water System program. EPA solicits comment on this issue.

EPA considers "Indian country" or "Indian lands" to be: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. See 40 CFR § 144.3; see also 18 U.S.C. § 1151. EPA has used the term "Indian lands" in the past under SDWA, but has defined it as "Indian country" as defined under 18 U.S.C. § 1151. See 40 CFR § 144.3. To avoid confusion, EPA will use the term "Indian country" in today's proposed rule.

In the course of its public meetings concerning the form and contents of the consumer confidence report requirements, EPA was urged by some members of the public to require the reports to be distributed to all consumers of water supplied by a particular community water system, rather than only to customers of the system which is the usage in section 1414(c). Advocates of the consumer-related approach argued that, for example, residents of apartment houses, condominiums, or other similar living accommodations might not be indicated in community water system billing records as customers, and thus would not receive personal copies of the reports. Rather than relying on their own customer lists, community water systems could obtain lists of postal patrons, utilize so-called criss-cross directories, use voter lists, or in some other way obtain lists of likely consumers of their supplied water. While the Agency recognizes that sending consumer confidence reports to water system customers may not reach every person who may have consumed water from the system, it believes that

alternative approaches may be more efficient than mandated mailings to all consumers. Therefore, today's rule calls for systems to make a "good faith" effort to reach consumers who do not receive water bills, using means recommended by the Director of the State Drinking Water Program. Such means may include posting the report on the Internet, publishing it in subdivision newsletters, or asking landlords or apartment managers to post the report in a conspicuous place in their building. The Agency specifically requests comments on this issue.

Under § 141.155(b) of the rule, a community water system must send one copy of its report to the Director of the State Drinking Water Program, in States with primary enforcement authority. This provision will help to ensure that reports are prepared and distributed annually, since the report submitted to the State Director must be accompanied by a written certification that the report has been distributed to the system's customers and that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the State. States will have the opportunity to set up State clearinghouses of consumer confidence reports, either as a State function or through a designated third party, so that interested persons could obtain copies of consumer confidence reports from those clearinghouses. At a minimum, states that do not set up a clearinghouse must maintain a list of the phone numbers of community water systems operators to assist interested persons in obtaining reports.

Section 141.155(c) of the rule requires community water systems to mail a copy of their consumer confidence report to any other agency in the State with jurisdiction over community water systems. This could include public utilities commissions, if they have jurisdiction over rate making; public health agencies, which may either have primary jurisdiction over water systems or share that jurisdiction with other agencies; State environmental agencies; and State agricultural or natural resource agencies, if they have jurisdiction over water rights, wells, or other aspects of the system's source water. This section also authorizes the State Director to designate any other agencies or clearinghouses to which he can direct copies of the report to be sent.

Section 141.155(e) specifies that all systems, regardless of size, are required to make their consumer confidence report available to the public upon request. The rule does not specify the means that systems must use, leaving them free to mail copies of reports, send them by telefax, or place copies on an Internet site. However, EPA believes that the means chosen must be practical from the standpoint of all potential persons requesting copies of the report. Thus, placing a copy of the report on the Internet but refusing to mail a copy to a person without Internet access would be contrary to the intent of this provision of the rule. The Agency is also interested in getting comments from States on their ability or interest in placing reports on the Internet to simplify access to the reports for the general public.

Today's rule does not require that the report be delivered in languages other than English. However, § 141.153, discussed above, does require systems in communities with a large proportion of non-English speaking residents to include information in the appropriate language in their reports regarding the importance of the report or to offer additional information in that language.

EPA has been encouraged to require posting of the consumer confidence reports on the Internet. However, the Agency is uncertain whether all community water systems possess the necessary means to set up and maintain an Internet site or, in some case, even to access the Internet; and whether community water system customers would find such posting to be useful. Therefore, the Agency is requesting comments on this subject, as described below.

F. Special State Implementation and Primacy Requirements, and Rationale

As discussed in Section III.B., EPA is proposing that existing systems must deliver an initial report to customers within 14 months of the publication of the final rule in the **Federal Register**. New systems must deliver an initial report within 18 months after beginning water delivery service. See proposed section 141.152. Since EPA considers implementation of this rule to be a requirement for a State to obtain or maintain primary enforcement responsibility under SDWA Section 1413, each State with primacy must adopt the requirements of this Subpart (40 CFR 141 Subpart O) no later than two years after the final rule is published in the **Federal Register**. See proposed section 142.16(f). As a result, within several years, all primacy States should have primary responsibility for implementation of this rule. During any time period that this rule is effective but that a State does not have either interim or final primary enforcement responsibility for this rule, EPA will implement this rule directly in that State.

EPA is proposing that primacy States may adopt alternative requirements concerning the form and content of these reports through notice and comment rulemaking. EPA is proposing that the alternative requirements provide the same type and amount of information as required by the Federal regulations. Under the SDWA, a State in order to maintain primacy must adopt requirements which are no less stringent than the Federal regulations. In the case of consumer confidence reports, EPA is proposing to interpret stringency as type and amount of information. State members of the Working Group were concerned that this interpretation would limit the authority given to the states by Congress to develop alternative requirements with respect to form and content of the reports. EPA notes that this proposal contains few requirements not specifically mandated by the Statute. However, the Statute provides that the content of the report as prescribed by EPA's regulations need not be limited to the statutory elements. EPA has exercised this discretion in a few instances. For example, the rule would require information on the source of detected contaminant, and a warning on infectious agents. The Agency's interpretation of stringency would require state regulations to include the provisions for information on contaminant sources and the health warning to susceptible populations. EPA is requesting comments on whether any information beyond that specifically required by the Statute should be mandatory for inclusion in state regulations. Under the proposed rule, States already would have flexibility in specifying how the required information is presented. For example, definitions of terms, choice of units for the MCLs, or health effect language could be altered by the states. These changes would have to be approved by EPA in the context of primacy revisions.

The proposed rule contains a requirement that each State with primary enforcement authority make consumer confidence reports submitted to it available to the public upon request or maintain a list of telephone numbers for operators of community water systems that could be used by the public to request copies of reports directly from the water systems. Representatives from States expressed concern over the lack of resources in some states to serve as a central distribution point for the reports, and asserted that neither requirement was necessary, since States already maintain telephone numbers for the systems in the State, and State

Freedom of Information procedures are available if necessary to obtain access to documents held by the State. The Agency is requesting comments on whether either requirement should be incorporated into the regulation.

G. Health Effect Language and Rationale

The SDWA Amendments require EPA to develop and include in the consumer confidence report regulations "brief statements in plain language regarding the health concerns that resulted in regulation of each regulated contaminant." These statements are provided for use by community water systems in their reports as language that EPA believes accurately describes those health concerns that customers of the water system might appropriately have if they consume water containing contaminants at concentrations above the MCL.

The Agency has placed the brief statements on health concerns in an appendix to the regulations, because most community systems are in compliance with the regulations and will not need to refer to this language. However, the Agency considers the language of the statements to be mandatory for use in the consumer confidence reports, unless individual states choose to alter the language for their own regulations.

EPA examined a number of sources that could be used as the basis for the brief statements on health concerns, and held extensive discussions with the NDWAC working group and with its expert panel on the topic. The two groups looked primarily at the language developed by EPA for public notification purposes, (§ 141.32) which emphasizes how the MCLs were developed, and EPA's contaminant-specific fact sheets, which EPA distributes through the SDWA Hotline. The fact sheets convey more information on expected health effects on humans. In general, the language in Appendix B being proposed today is a distillation of information contained in EPA fact sheets which are included in the docket for this rulemaking.

The expert panel urged EPA to avoid scientific jargon in preparing the brief statements. The panel also stressed the importance of communicating effectively that MCLs are set using a conservative approach. Some members of the expert panel also stated that exceedence of an MCL does not necessarily lead to health effects. EPA believes that the proposed language conveys appropriate risk information by indicating that chronic adverse health effects "could" result from exposures "in excess" or "well in excess" of the MCL "over many years." In cases where human or animal exposure to high doses have indicated that a contaminant is a possible carcinogen, the language indicates that people who drink water containing the contaminant at levels above the MCL over many years "may have an increased risk of getting cancer." EPA believes that the proposed health effects language accurately conveys what is known about the risk from these contaminants, but is sensitive to the concern that some water system customers may interpret the language as indicating a significantly higher level of incremental risk than would actually result from exposures at the levels that are likely to occur. EPA is thus seeking comment on whether there are other ways to communicate to water system customers the degree of health risk they may face as a result of MCL violations.

The expert panel further recommended that the statements indicate whether human or animal studies formed the basis for identifying adverse health effects. However, EPA is not sure whether this information is useful to most customers in evaluating the health significance of MCL violations, and is mindful of the need to keep the language brief and easy to understand. Thus, the proposed language does not indicate whether the potential health effects were identified through human or animal studies. EPA is requesting comment on this issue.

More generally, EPA is requesting comments on whether the proposed language accurately summarizes the health concerns associated with each contaminant, whether the proposed language accurately reflects the risk assessments and health analyses underlying the regulations of each contaminant and whether the language adequately informs consumers of relevant health effects. EPA requests commenters to provide alternative health effects language and the rationale for such alternative language. The Agency itself will continue to explore the adequacy of the proposed health effects language for accurately and appropriately communicating information about risk. EPA also requests comments on the fact sheets and their accuracy in summarizing the health effects of regulated contaminants and whether, as an alternative to the language of Appendix B, systems should be allowed to simply enclose an approved EPA fact sheet to provide health effects information.

EPA is particularly interested in the language proposed for contaminants which present a special risk to pregnant women or children. Several stakeholders have advocated requiring all consumer confidence reports to include language alerting consumers to the dangers posed to pregnant women and children by certain contaminants. For example, nitrate, lead, and certain non-specified pesticides have been identified as possibilities for general information on risk. The Agency believes that inclusion of such a warning in all reports may not be warranted but plans to reconsider this issue for the final rule and is requesting comments on appropriate courses of action. The Agency notes that the MCL for nitrates and the action level for lead have been established at levels protective of these at-risk populations. The health effects language included in Appendix B reflects the special risk that these contaminants may cause. Most importantly, EPA's public notification regulations require immediate notification and explanation of health effects for violations of these standards, including impacts on pregnant women and children. EPA does not believe that the consumer confidence reports are adequate for addressing these risks because they will not generally be received soon enough. Nevertheless, violations of these standards will also be included in the reports. EPA is specifically requesting comments on the language in Appendix B. With regard to pesticides and other contaminants EPA is interested in information and data that commenters may have on the need for a special warning for pregnant women and children. EPA requests that commenters submit such information and data to the agency. EPA is also requesting comments on health effect language to be included in the consumer confidence reports for 3 regulated contaminants detected below the MCL (see Section IV.1 of this preamble). Commenters are also invited to consider this issue within the context of their response to the comments requested in Section IV.1.

Issues regarding the linkage between the language of Appendix B and the public notification requirements are discussed in Section VI of this preamble.

IV. Additional Requests for Public Comments

Throughout the preceding exposition, EPA has requested comment on various issues. Following are two more issues which did not fit cleanly into the discussion above and on which EPA would appreciate specific suggestions and comments.

1. Health Information on Additional Contaminants

The 1996 Amendments authorize the Administrator to require language describing health concerns to be included in reports for "not more than 3 regulated contaminants" other than those detected at levels above the MCL. This provision was discussed at length during the working group meetings. Some members of the NDWAC working group strongly encouraged the Agency to require health effect information for total trihalomethanes (TTHMs), nitrate, and arsenic, even if they were not detected at levels above their respective MCLs, because of their question concerning the protectiveness of the MCLs. Other commenters argued that providing health effects descriptions for chemicals detected at concentrations below their MCLs would be confusing to report recipients. The NDWAC recommended that the Administrator not avail herself of this authority at this time.

The Agency believes that it is important to use the authority provided by the statute in a judicious manner. Therefore it is requesting comments on the following alternatives, any of which may be included in the final rule.

One option would be to require health effects language whenever a regulated contaminant, for which EPA has proposed to lower the MCL or promulgated a revised MCL for which the effective date has not yet occurred, is detected at a level above the lower level. The immediate impact of this option would be that systems which detect TTHMs above the proposed revised MCL of 80 mg/l would have to include the language of Appendix B describing the health effects of TTHMs in their reports. The Agency would then consider, as it proposes additional revised MCLS, whether health effect language for these contaminants should be included in the consumer confidence reports. These possible inclusions would be discussed in the preamble to these future rulemakings and, where appropriate, a direct final rule could be issued to require their inclusion in the reports prior to the promulgation of the new standard. A likely candidate for future requirements under this scheme would be arsenic.

Another option would be to select 3 carcinogens for which the MCL allows a risk level in the range of 10^{-4} to 10^{-5}. Candidates on this list include:

Contaminant	Risk level
Carbon tetrachloride	2×10^{-5}
1,2-Dichloroethane	1×10^{-5}
Vinyl chloride	1×10^{-4}
Chlordane	7×10^{-5}
1,2-Dichloropropane	1×10^{-5}
Ethylene dibromide	1.25×10^{-4}
PCBs	1×10^{-4}
Dichloromethane	1×10^{-5}
Dioxin	1.3×10^{-4}
Hexachlorobenzene	5×10^{-5}
PAHs	1×10^{-5}

The Agency is requesting comments on which of these contaminants would be the most significant from a health standpoint if detected in the finished water. The Agency could rank these contaminants and systems would have to report their top three detects or select 3 contaminants outright. The Agency is also requesting comments on whether it should select a threshold for these contaminants such as detection of 50% or greater of the MCL below which no health effect language would be necessary.

2. Linkage With the Public Notification Requirements

EPA is currently revising its requirements for public notification. A water supplier triggers these requirements when it fails to comply with a MCL, treatment technique, or other NPDWR (i.e., monitoring and treatment procedures), or is subject to a variance or exemption under section 1415. Current regulations [40 CFR 141.32] require public notification:

—by electronic media within 72 hours if the violation represents an acute health risk;

—by newspaper within two weeks and by mail within 45 days if the water system violates a MCL or treatment technique; and

—by mail and newspaper within 90 days if the water system violates a monitoring or testing standard.

Under the 1996 SDWA Amendments, EPA must revise these standards so that consumers receive quicker notification in the event of a possible acute health risk, and so that water suppliers have more time (up to one year) to notify customers of violations with less immediate effects. The statutory requirements for these revisions would allow water systems to incorporate their reporting on less serious violations: (I) in the first bill (if any) prepared after the date of the occurrence of the violation, (II) in an annual report issued not later than 1 year after the date of the occurrence of the violation, or (III) by mail or direct delivery as soon as practicable, but not later than 1 year after the occurrence of the violation [section 1414(c)(2)(D)(i)].

The option exists for a linkage between the rule proposed today and those that EPA will revise for public notification. EPA recognizes that the inclusion of some public notice elements in annual consumer confidence reports could mean a significant savings of time and resources for some water systems, and is mindful of its responsibility under the Paperwork Reduction Act to avoid unnecessarily duplicative reporting requirements. On the other hand, EPA does not want to minimize the seriousness of any violation, and believes that it is essential that consumers know if and when their water supplier has failed to comply with drinking water regulations.

In trying to balance the issues noted above, EPA requests public comment on the following issues.

Regarding violations of MCLs, action levels, and treatment techniques, the Agency realizes that today's rule would duplicate the current public notification requirements by requiring inclusion of essentially the same information as is currently required in § 141.32(d) with the exception of the health effect language. The proposed rule would require a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation. This could be helpful to consumers who might have overlooked or forgotten about the regular public notification. One issue on which EPA is specifically requesting comment is whether this health effect language would be appropriate for public notification requirements, since having a single set of health effects explanations would facilitate integration of the two rules. The Agency notes that when members of the working group discussed the health effect language they did not discuss it in that context. Under the current regulations any of these violations would have already been reported to the public and the consumer confidence reports were envisioned as a reminder of what customers had already been told. Further the working group was mindful of the limited amount of information which could be included in consumer confidence reports on any specific issue. However, EPA has started the process of revising the public notification requirements pursuant to the 1996 Amendments to the SDWA and this issue has been raised. Therefore, EPA requests comments on the following options:

As this rule is promulgated the Agency would replace the health effect language in § 141.32 with the language

proposed in Appendix B of today's proposal so that the same language would be included in consumer confidence reports and public notifications.

The Agency would not modify the public notification language until it promulgated revised regulations for public notification but the language proposed today would form the core of the public notification language and be expanded as seen fit for the purpose of public notification.

Today's proposal is similarly redundant with the current public notification requirements for violations of other NPDWRs (such as monitoring and reporting). A less redundant alternative would allow water systems to simply note a violation of an NPDWR and to attach to their consumer confidence report a copy of the notice issued at the time of the violation.

Finally, since SDWA allows public notice for less serious violations within one year, there might be some violations which systems would need to report exclusively in the consumer confidence report. These could even include MCL violations for some contaminants with strictly chronic health effects. This would allow community water systems to put out fewer mailings. Besides saving resources, a reduced number of mailings might encourage consumers to read those notices that they do receive. This option however would only be available to community water systems. Non-community water systems who are not subject to these requirements would have to issue a public notification for all violations.

If water suppliers were to report certain violations only in the consumer confidence report, EPA would add language along the following lines to the proposed regulation:

—[at § 141.153(d)(4)(ii)] If the report is used to satisfy the requirements of section 1414(c)(2)(D) of SDWA, the report must include information on [a subset to be determined of] violations which have occurred within the last 12 months.

—[at § 141.155(d)] Except when the report is used to satisfy the requirement of section 1414(c)(2)(D) of SDWA, the Governor of a State or the Tribal Leader can waive the mailing requirement of § 144.155(a) for community water systems serving fewer than 10,000 persons.

The Agency is requesting comments on this option. Particularly the Agency would welcome input on violations which systems could appropriately report exclusively in the consumer confidence reports. These comments will be used to inform both this rulemaking and the public notification revisions rulemaking.

V. Cost of Rule

EPA has estimated the costs of complying with the requirements of the proposed rule in terms of fixed costs and variable costs. Fixed costs include those costs that a community water system must incur to comply with the requirements regardless of how many copies of the report it must deliver. These costs include the costs associated with reviewing the regulations, collecting data regarding monitoring results and MCL violations, preparing the technical content of the consumer confidence report in a format suitable for distribution, identifying the recipients of the reports, and providing instructions about report production. Variable costs are costs that increase or decrease along with the number of consumer confidence reports to be delivered. These costs include costs of producing the reports (costs of paper, photocopying or printing, and labels), and inserting the reports in bills or otherwise delivering them. Based on its analysis, the Agency estimates the total fixed and variable annualized cost of delivering a report to every customer served by all community water systems nationally (except for California, which already requires notices similar to the consumer confidence reports required by the proposed rule) is $20,286,113. This includes $7,295,575 in fixed costs and $12,990,538 in variable costs. Table V.1 gives a breakdown of costs by system size and also shows state and federal costs.

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Table V.I

Summary Table (dollar figures rounded)	Number of Systems	Average Labor Hours Per System	Average Labor Cost Per System	Other Costs per System (e.g., postage)	Total Cost for Size Category
Systems serving ≤ 500	27,135	4.9	$49	$1	$1,366,247
Systems serving 501-1,000	6,294	13.5	$135	$160	$1,851,588
Systems serving 1,001-3,300	6,689	13.5	$135	$268	$2,692,990
Systems serving 3301-10,000	3,882	19.5	$468	$816	$4,985,822
Systems serving 10,001-50,000	2,319	24.6	$788	$2,301	$7,162,556
Systems serving >50,000	721	24.6	$788	$2,301	$2,226,909
Total System Cost					$20,286,113
Total State or Direct Implementation Primacy Agency Cost					$2,784,692
Total	47,040				$23,070,805

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For more information about the costs of the rule and how EPA estimated them, see the Regulatory Flexibility Screening Analysis and the Supporting Statement for the EPA Information Collection Request (ICR #1832.01) that EPA submitted for OMB approval under the Paperwork Reduction Act. EPA is requesting comment on its cost estimates and methodology.

VI. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of the recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is a "significant regulatory action" because it may raise novel legal or policy issues. The rule represents the first time that water systems will be required to submit important information to customers regarding the quality of their drinking water on a routine basis. Therefore, EPA submitted this action to OMB for review. Substantive changes made in response to OMB suggestions or recommendations will be documented in the public record.

B. Regulatory Flexibility Act

1. General

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), requires EPA to consider explicitly the effect of proposed regulations on small entities. The Agency assesses the impact of the proposed rule on small entities and considers regulatory alternatives if a rule has a significant economic impact on a substantial number of small entities. Under the RFA, 5 U.S.C. 601 *et seq.*, an agency must prepare an initial regulatory flexibility analysis (IRFA) describing the economic impact of a rule on small entities as part of rulemaking. However, under section 605(b) of the RFA, if EPA certifies that the rule will not have a significant economic impact on a substantial number of small entities, EPA is not required to prepare an IRFA.

EPA has determined that this proposed rule will affect small water utilities, since it is applicable to all community water systems, including small systems. However, EPA has estimated the impact of the proposed rule and concluded that the impact of the rule will not be significant. Therefore, the Administrator is today certifying, pursuant to section 605(b) of the RFA, that this proposed rule will not have a significant economic impact on a substantial number of small entities. The basis for this certification is as follows: the annualized compliance costs of the rule represent less than 1% of sales for small businesses and less than 1% of revenues for small governments. No small not-for-profit enterprises were identified as community water systems. For this analysis EPA selected systems serving 10,000 or fewer persons as the criterion for small water systems and therefore as the definition of small entity for the purposes of the RFA. This is the cut-off level specified by Congress in this provision for small system flexibility in delivery of the reports. Because this does not correspond to the definition established under the RFA, EPA has consulted with the Small Business Administration (SBA) on the use of this alternative definition (see next section). Further information supporting this certification is available in the public docket for this rule.

Since the Administrator is certifying this rule, the Agency did not prepare an IRFA. Nevertheless, the Agency has conducted outreach to address the small-entity impacts that do exist and to gather information. The Agency also has structured the rule to avoid significant impacts on a substantial number of small entities by providing flexibility to community water systems in the design of consumer confidence reports; offering them the choice to use a simplified format to prepare the reports; incorporating procedures by which small systems can make reports available to their customers by methods other than mailing; and by limiting the absolute requirement for distribution of reports to water system customers rather than consumers. Further the Agency notes that in general the regulations issued under SDWA place a lesser burden on small systems, for example, the TTHM and information collection rules do not apply to small systems. For most regulated contaminants, small systems have to collect fewer samples. Therefore the small systems operators will have significantly less information to report in consumer confidence reports.

2. Use of Alternative Definition

As explained above, for this assessment of impact on small entities, EPA has defined a small entity as a public water system (PWS) that serves 10,000 or fewer persons. PWSs affected by this proposal would include PWSs owned and operated by governmental jurisdictions as well as those that are privately owned. As indicated above, there are no PWSs owned by not-for-profit organizations.

EPA proposes to define "small entity" for purposes of its regulatory flexibility assessments under the RFA for all future drinking water regulations in the same way. By using this definition for the regulatory flexibility assessments, EPA will better reflect the realities of the drinking water industry. Furthermore, this definition is consistent with specific direction from Congress in several provisions of the 1996 amendments that provide relief from regulatory requirements for PWSs serving 10,000 or fewer people.

As previously described, the RFA requires an agency, whenever it publishes a notice of general rulemaking, to prepare a regulatory flexibility analysis that describes the impact of a rule on small entities unless the agency certifies that the rule will not have a significant impact on a substantial number of small entities. 5 U.S.C. §§ 603(a), 604(a) and 605(b). Under the RFA, the term "small entity" means "small business," "small governmental jurisdiction" and "small organization." These terms are further defined by the Act.

In the case of a "small business," the term has the same meaning as a "small business concern" under section 3 of the Small Business Act. "Small governmental jurisdiction" means the government of cities, counties, towns and villages, among others, with a population of less than 50,000. A "small organization" is any not-for-profit enterprise that is independently owned and operated. 5 U.S.C. § 601 (3), (4) & (5).

The RFA authorizes an agency to establish an alternative definition for these terms after an opportunity for

public comment. Additionally, in the case of an alternative definition of "small business," an agency must consult with the Office of Advocacy of the Small Business Administration (SBA) concerning such alternative definition.

EPA is today asking for public comment on its intention to define "small business," "small organization," and "small governmental jurisdiction" for purposes of the regulatory flexibility assessments for its drinking water regulations as a PWS serving 10,000 or fewer people. The Agency has consulted with the SBA Office of Advocacy. The Office of Advocacy agreed with the Agency's choice of systems serving less than 10,000 persons for an alternative small business definition for this rulemaking, and plans to revisit this issue with EPA in future rulemakings under SDWA.

The following provides additional explanation why the Agency proposes to use a different definition from that which would generally be applicable under the RFA.

The alternate definition will focus the Agency's regulatory flexibility analysis on those PWS most likely to experience an economic hardship associated with complying with new drinking water regulations to be proposed under the Safe Drinking Water Act (SDWA). There are several compelling factual, statutory and programmatic reasons to support the proposed definition.

SBA has by regulation defined small business concerns. SBA regulations typically define a small business in terms of either total revenues or total employees. Under SBA's definition, a "small," privately-owned water utility would be one with revenues of less than $5,000,000. Using this definition, "small" privately-owned water systems would include systems that serve up to approximately 40,000 people. Ninety-eight percent of PWSs serve populations of 10,000 or fewer. The average annual revenue for a system in this class size is less than $600,000.

The Agency has concluded that defining a "small entity" for RFA purposes as a PWS that serve 10,000 or fewer persons is both more reflective of the small water systems in the water supply industry and will provide a more meaningful analysis of those entities likely to have the most significant economic impacts as a result of drinking water regulations. It is the EPA's view that a population of 40,000 or fewer (or a private PWS with annual revenue of $5,000,000 or less) is not an appropriate criterion under the drinking water program for differentiating private small entities from larger ones. Using such a yardstick would not distinguish PWSs that have stronger technical expertise and revenue sources from those that do not. Using data from EPA's Community Water Supply Survey, a private community water system with revenues of $5 million would correspond to a system that serves more than 40,000 people. By contrast, community water systems that serve between 3,300 and 10,000 have a median revenue of $605,000. As a result, EPA believes it is reasonable to conclude that in virtually all circumstances, systems that serve 10,000 or fewer people have annual revenues well below $5 million. Given the economies of scale, the per family cost of system compliance with national drinking water regulations will be higher for systems serving populations of 10,000 or fewer because a smaller group of people will be paying for an inelastic set of regulatory requirements. Thus, the proposed definition will focus the Agency's resources on the needs and concerns of the systems that really need the assistance.

In addition to the fact that the proposed alternative definition of "small business" better reflects the reality of this industry, the definition is consistent both with Congressional direction for relief to small systems as well as EPA's historic regulatory practice. As part of the 1996 Safe Drinking Water Act Amendments, Congress expressly addressed the issue of small system size. Reflecting the same concerns that underlie the RFA, Congress recognized that PWSs below a certain size may have greater difficulty, for economic and technical reasons, in complying with the public health provisions of the SDWA than larger systems. Consequently, the 1996 amendments specifically provide that for systems serving under 10,000, the Administrator may allow alternative treatment technologies, modified monitoring schedules, and variances from maximum contaminant levels. Congress also provided that the Administrator may consider additional flexibility for systems that serve 3,300 people or fewer. Specifically, the Administrator may grant extensions of temporary exemptions from compliance with specific drinking water standards so long as the exemption does not result in an unreasonable risk to health. And, as discussed previously, the SDWA provisions on which this proposed rule are based provide still an additional level of flexibility in the report distribution requirements to systems serving 500 or fewer persons.

EPA has historically recognized that smaller systems have financial and technical difficulty in meeting Federal drinking water standards. As a result of this concern, the Agency's regulations have in some cases treated systems serving 10,000 or fewer customers differently. For example, in 1979, EPA issued regulations for one group of disinfection by-products (total trihalomethanes or TTHM) that exempted systems serving 10,000 or fewer persons. In 1994, EPA proposed the Stage 1 Disinfection/Disinfection By-Products rule, that provided systems serving 10,000 or fewer with at least 24 months longer than larger system to comply with the regulation depending on the system type. EPA routinely evaluates the economic impacts of a proposed drinking water regulation on public water systems (both publicly and privately owned) serving 10,000 or fewer people. EPA has specifically focused on this subgroup in the Disinfection Byproducts Stage 1, the Interim Enhanced Surface Water Treatment Rule and the Total Coliform Rule.

The Agency will be proposing a number of regulations over the next five years to meet its new SDWA obligations. The use of a single definition for purposes of the regulatory impact analysis for small business, small governmental jurisdiction, and small organization should decrease confusion for the regulated community and facilitate communication.

The Agency is interested in receiving comments on the use of this alternative definition of small entity.

C. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1832.01) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street SW, Washington, DC 20460 or by calling (202) 260–2740. The information collection requirements are not effective until OMB approves them.

This information is being collected in order to fulfill the statutory requirements of section 114(c)(4) of the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182) enacted August 6, 1996. Responses are mandatory.

The burden to the regulated community is based on the cost of the rule discussed under section V. The burden to community water systems is 459,505 hours at an annual cost of $20,286,113. The estimated number of

respondents is 47,040 community water systems. The frequency of responses is annual. The average burden per response is 9.5 hours. For additional information on burden to water systems by size category, see Table V.1 above. The annual burden to EPA and state primacy agencies over three years is based on 3 elements: preparing reports for some small community water systems, receiving and reviewing reports, and filing reports. EPA estimates the annual burden incurred by implementing agencies for activities associated with the proposed regulations to be approximately 98,230 hours at an annual cost of $2,784,692.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing way to comply with any previous applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street SW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, D.C. 20503, marked "Attention: Desk Officer for EPA." Include ICR number 1832.01 in any correspondence.

D. Enhancing the Intergovernmental Partnership

Executive Order 12875, "Enhancing Intergovernmental Partnerships," October 26, 1993, requires EPA to consult with State, tribal, and local entities in the development of rules that will affect them, and to document for OMB review the issues raised and how the issues were addressed. As described in Section II of the Supplementary Information above, EPA held extensive meetings with a wide variety of State, tribal, and local representatives, who provided meaningful and timely input in the development of the proposed rule. Summaries of the meetings have been included in the public docket for this rulemaking.

E. Unfunded Mandates Reform Act

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

Because this rule is not estimated to impose annual costs of $100 million or more on State, local, and tribal governments, or on the private sector, EPA is not required to prepare an unfunded mandate statement. This rule will establish requirements that affect small community water systems. EPA does not believe at this time that these requirements will significantly affect the systems or the governments that operate them. However, EPA is requesting comment on the issue. The Agency has already consulted with representatives of small governments that may be affected by the rule and will continue to do so prior to promulgation of the final rule. If EPA determines that the requirements may significantly or uniquely affect small governments, including tribal governments, the Agency will prepare a small government agency plan as required.

F. Environmental Justice

Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), The Agency has considered environmental justice related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities. The Agency believes that two of today's proposed requirements will be particularly beneficial to these communities. One is that community water systems must include information in language other than English if a significant number of the population does not speak English. The other is that systems must make a good faith effort to reach consumers who are not bill paying customers.

G. Risk to Children Analysis

Under the Executive Order entitled "Protection of Children from Environmental Risks and Safety Risks," dated April 21, 1997, EPA must ensure that its policies, programs, activities, and standards address environmental and safety risks to children. Every regulatory action submitted to OMB for review under Executive Order 12866 must include information that evaluates the environmental health and safety effects of the planned regulation on children and explains why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The proposed regulation on consumer confidence reports addresses risks to children from contaminants in drinking water. The health effects language provided in Appendix B of the proposed rule identifies risks to infants and children from drinking water containing lead, nitrate, or nitrite in excess of specified levels. EPA is specifically requesting comments on this language and solicits information that could lead to inclusion of similar language for

violations of other contaminants particularly pesticides.

H. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act, the Agency is required to use voluntary consensus standards in its regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) which are developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires the Agency to provide Congress, through the Office of Management and Budget, an explanation of the reasons for not using such standards. Because this proposal does not involve or require the use of any technical standards, EPA does not believe that this Act is applicable to this rule. Moreover, EPA is unaware of any voluntary consensus standards relevant to this rulemaking. Therefore, even if the Act were applicable to this kind of rulemaking, EPA does not believe that there are any "available or potentially applicable" voluntary consensus standards.

List of Subjects in 40 CFR Parts 141 and 142

Environmental protection, Administrative practice and procedure, Chemicals, Indian-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: February 10, 1998.

Carol W. Browner,

Administrator.

For the reasons set out in the preamble, the Environmental Protection Agency proposes to amend 40 CFR parts 141 and 142 as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

1. The authority citation for part 141 is revised to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

2. Subpart O is proposed to be added to read as follows:

Subpart O—Consumer Confidence Reports

Subpart O—Consumer Confidence Reports

§ 141.151 Purpose and applicability of this subpart.

(a) This subpart establishes the minimum requirements for the content of annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants in the drinking water in an accurate and understandable manner.

(b) Notwithstanding the provisions of § 141.3, this subpart applies only to community water systems.

(c) For the purpose of this subpart, customers are defined as billing units or hook-ups to which water is delivered by a community water system.

(d) A State that has primary enforcement responsibility may adopt by rule, after notice and comment, alternative requirements for the form and content of the reports. The alternative requirements must provide the same type and amount of information as required by §§ 141.153 and 141.154.

§ 141.152 Effective dates.

(a) The Regulations in this Subpart shall take effect on [date 30 days after publication of final rule in the **Federal Register**].

(b) Existing community water systems must deliver the first report by [date 14 months after publication of final rule in the **Federal Register**] and annually thereafter.

(c) New community water systems must deliver their first report within 18 months of the date they begin delivering water to customers and annually thereafter.

§ 141.153 Content of the reports.

(a) Each community water system must provide to its customers an annual report that contains the information specified in this section and § 141.154.

(b) *Information on the source of the water delivered.* (1) Each report must identify the source(s) of the water delivered by the community water system by providing information on:

(i) The type of the water: e.g. surface water, groundwater; and

(ii) The commonly used name (if any) and location of the body (or bodies) of water.

(2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it.

(c) *Definitions.* (1) Each report must include the following definitions:

(i) *Maximum Contaminant Level Goal or MCLG:* The level of a contaminant in drinking water below which there is no known or expected risk to health.

(ii) *Maximum Contaminant Level or MCL:* The highest level of a contaminant that is allowed in drinking water.

(2) A report for a community water system which has been granted a variance or an exemption must include the following definition:

Variances and Exemptions: State permission not to meet an MCL or a treatment technique under certain conditions.

(3) A report which contains data on a contaminant for which EPA has set a treatment technique or an action level must include the following definitions:

(i) *Treatment Technique:* A required process intended to reduce the level of a contaminant in drinking water.

(ii) *Action Level:* The concentration of a contaminant which triggers treatment or other requirement which a water system must follow.

(d) *Level of detected contaminants.* (1) Each report must contain relevant information to provide customers with an accurate picture of the level of contaminants they may have been exposed to during the year taking into account such factors as seasonal variations that produce changes in water quality.

(2) The first report must identify the 12-month period during which the data was collected. Each report thereafter must cover and identify a successive 12-month period.

(3) Each report must contain a discrete table depicting the data specified below. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

(i) The data must be derived from data collected to comply with EPA and State monitoring and analytical requirements for:

(A) contaminants subject to an MCL, action level or treatment technique (regulated contaminants);

(B) any other contaminant for which monitoring is required by § 141.40 (unregulated contaminants); and

(C) monitoring for disinfection by-products or microbiological

contaminants as required by §§ 141.140 and 141.142, except as provided under paragraph (d)(4) of this section.

(ii) Where a system is allowed to monitor for certain contaminants less often than once a year, the report must include the results and date of the most recent sampling and a brief explanation for why the sample was not taken within the 12-month period covered by the report.

(iii) For detected regulated contaminants (listed in Appendix A to this subpart), the table must contain:

(A) The MCL for that contaminant expressed in whole numbers (such as those in Appendix A to this subpart);

(B) The MCLG for that contaminant expressed in the same units;

(C) If there is no MCL for a detected contaminant, the table must note whether there is a treatment technique or specify the action level applicable to that contaminant, and the report must include the definitions for treatment technique and action level specified in paragraph (c)(3) of this section;

(D) The highest contaminant level used to determine compliance with an NPDWR. This may be either an individual reading or an average, depending on compliance monitoring requirements for the contaminant. The table must clearly identify MCLs for which compliance is based on an average and explain what that means. When an MCL is based on a system-wide average and more than 10 percent of the customers are exposed to a level of contaminant which is consistently higher than the MCL, the report must contain information regarding the magnitude of exposure and the location of the exposed population.

(E) The likely source(s) for the contaminant. If the operator is not certain of the specific source of a contaminant, the reports must include the typical sources for that contaminant listed in Appendix A to this subpart.

(F) If a community water system distributes water to its customers from several raw sources and the sources are not blended, the table should contain a separate column for each service area and the report should identify the service area for each entry point.

(iv) The table must clearly identify regulated contaminants detected in violation of a MCL or exceeding an action level, and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects the system must use the relevant language of Appendix B to this subpart.

(v) For detected unregulated contaminants for which monitoring is required, (except Cryptosporidium) the table must contain the highest level at which the contaminant was detected. The reports may include a brief explanation of the reasons for monitoring for unregulated contaminants.

(4) If the system has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of § 141.142, which indicates that Cryptosporidium may be present in the source water or the finished water, the report must include:

(i) A summary of the results of the monitoring;

(ii) Information on how the monitoring was performed; and

(iii) An explanation of the significance of the results.

(5) If the system has performed any monitoring for radon which indicates that radon may be present in the finished water, the report must include:

(i) the results of the monitoring;

(ii) information on how the monitoring was performed; and

(iii) an explanation of the significance of the results.

(6) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, EPA strongly encourages systems to report any results which may indicate a health concern. To determine if results may indicate a health concern, EPA recommends that systems find out if EPA has proposed an NPDWR or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline (800–426–4791). EPA considers detects above a proposed MCL or health advisory level to indicate possible health concerns. For such contaminants, EPA recommends that the report include:

(i) The results of the monitoring; and

(ii) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(e) *Compliance with NPDWR.* In addition to the requirements of § 141.153(d)(3)(iv), the report must:

(1) Note any violation of the following requirements:

(i) Monitoring and reporting;

(ii) Treatment techniques;

(A) Filtration and disinfection;

(B) Lead and copper control requirements;

(C) Treatment techniques for Acrylamide and Epichlorohydrin;

(iii) Record keeping;

(iv) Special monitoring requirements; and

(v) Violation of the terms of a variance, an exemption, or an administrative or judicial order; and

(2) Include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation. For a violation of a treatment technique, the report must include the relevant health effect language of § 141.154(c).

(f) *Variances and exemptions.* If a system has been granted a variance or an exemption, the report must contain:

(1) An explanation of the reasons for the variance or exemption;

(2) The date on which the variance or exemption was issued;

(3) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(4) A notice of any opportunity for public input in the review of the variance or exemption.

(g) *Additional information.* (1) The reports must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of paragraphs (g)(1)(i) through (iii) of this section. Paragraph (g)(1)(iv) of this section is provided as a minimal alternative to paragraphs (g)(1)(i) through (iii) of this section. Systems may also develop their own comparable language. The report also must include the language of paragraph (g)(1)(v) of this section.

(i) The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

(ii) Contaminants that may be present in source water include:

(A) *Biological contaminants,* such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(B) *Inorganic contaminants,* such as salts and metals, which can be naturally-occurring or result from urban storm run-off, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(C) *Pesticides and herbicides,* which may come from a variety of sources such as agriculture, storm water runoff, and residential uses.

(D) *Organic chemicals*, including synthetic and volatile organics, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban storm water run-off and septic systems.

(E) *Radioactive materials*, which can be naturally-occurring or be the result of oil and gas production and mining activities. (iii) In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water.

(iv) All drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants.

(v) The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800–426–4791).

(2) The report must include the telephone number of the owner, operator, or designee of the public water system as a source of additional information concerning the report.

(3) In communities with a large proportion of non-English speaking residents, the report must contain information in the appropriate language regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(4) The systems must include in the report information (e.g., time and place of regularly scheduled board meetings) about opportunities for public participation in decisions that may affect the quality of the water.

(5) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

§ 141.154 Required health information.

(a) All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from the Safe Drinking Water Hotline (800–426–4791).

(b) Reports which identify a violation of a treatment technique must include the relevant language listed in paragraph (c) of this section:

(1) *Surface Water Treatment Rule:* (i) For unfiltered systems required to filter: Unfiltered water may contain organisms such as viruses, bacteria, and Giardia. When they are present in sufficient number, these organisms can cause symptoms such as diarrhea, cramps, headaches, and fatigue. EPA has determined that these organisms can be controlled more effectively by requiring water systems to filter that water rather than by setting an MCL.

(ii) For filtered systems in violation of the SWTR: Inadequately treated water may contain organisms such as viruses, bacteria, Giardia, and Legionella. When they are present in sufficient number, these organisms can cause symptoms such as diarrhea, cramps, headaches and fatigue. EPA has determined that these organisms can be controlled more effectively by requiring water systems to filter and disinfect that water than by setting an MCL.

(2) *Acrylamide:* Acrylamide is an impurity found in some chemicals used in drinking water treatment. EPA has determined that requiring proper use of water treatment chemicals is more effective than setting an MCL for their impurities. People who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system including paralysis and may have an increased risk of getting cancer.

(3) *Epichlorohydrin:* Epichlorohydrin is an impurity found in some chemicals used in drinking water treatment. EPA has determined that requiring proper use of water treatment chemicals is more effective than setting an MCL for their impurities. People who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach, eye, or skin irritation, and may have an increased risk of getting cancer.

§ 141.155 Report delivery.

(a) Except as provided in paragraph (e) of this section, each community water system must mail one copy of the report to each customer. In addition, the system must make a good faith effort to reach consumers who do not get water bills, using means recommended by the State.

(b) Each community water system must mail a copy of the report to the State with a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the State.

(c) Each community water system must mail a copy of the report to:

(1) Any other Agency in the State with jurisdiction over community water systems, such as Public Utility Commissions;

(2) To State consumer advocate offices (if any); and

(3) To any other Agency or Clearinghouse identified by the Drinking Water Program Director.

(d) Each community water system must make its reports available to the public upon request.

(e) The Governor of a State, or the Tribal Leader where the Tribe has met the eligibility requirements contained in § 142.72 for the purposes of waiving the mailing requirement, can waive the mailing requirement of paragraph (a) of this section for community water systems serving fewer than 10,000 persons. In consultation with the tribal government, the regional Administrator may waive the mailing requirement of paragraph (a) of this section in areas in Indian country where no tribe has been deemed eligible.

(1) Such systems must:

(i) Publish the reports in one or more local newspapers serving the area in which the system is located;

(ii) Inform the customers that the reports will not be mailed, either in the newspapers in which the reports are published or by other means approved by the State; and

(iii) Make the reports available to the public upon request.

(2) Systems serving 500 or fewer persons may forego the requirements of paragraphs (e)(1) (i) and (ii) of this section if they provide notice at least once per year to their customers by mail, door-to-door delivery or by posting in an appropriate location that the report is available upon request.

BILLING CODE 6560–50–P

Appendix A to Subpart O to Part 141—Regulated Contaminants

Key

AL=Action Level
TT=Treatment Technique
MCL=Maximum Contaminant Level
MCLG=Maximum Contaminant Level Goal
mg/l=milligrams per liter, or parts per million
µg/l=micrograms per liter, or parts per billion
nanograms/liter, or parts per trillion
picograms/liter, or parts per quadrillion
mrem/year=millirems per year (a measure of radiation absorbed by the body)
pCi/l=picocuries per liter (a measure of radioactivity)
MFL=million fibers per liter

Contaminant (units)	MCLG	MCL	Major Sources
Total Coliform Bacteria (including fecal coliform and E. coli)	0	presence of coliform bacteria in ≤5% of monthly samples, or if a routine sample and a follow up repeat sample are total coliform positive and one is also fecal coliform or E. coli positive	Human and animal fecal waste
Viruses, *Giardia*	0	TT	Human and animal fecal waste
Legionella	0	TT	Found naturally in water, multiplies in heating systems
Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits
Alpha emitters (pCi/l)	0	15	Erosion of natural deposits
Combined radium (pCi/l)	0	5	Erosion of natural deposits
Antimony (µg/l)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder
Arsenic (µg/l)	50	50	Runoff from orchards; natural deposits; Runoff from glass and electronics production wastes
Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits

Barium (mg/l)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits
Beryllium (μg/l)	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries
Cadmium (μg/l)	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints
Chromium (μg/l)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits
Copper (mg/l)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives
Cyanide (μg/l)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories
Fluoride (mg/l)	4	4	Water additive which promotes strong teeth; Erosion of natural deposits; Discharge from fertilizer and aluminum factories
Lead (μg/l)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits
Mercury (μg/l)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland
Nitrate (mg/l)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits
Nitrite (mg/l)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits
Selenium (μg/l)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines
Thallium (μg/l)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories
Turbidity	n/a	TT	Soil runoff

2,4-D (μg/l)	70	70	Runoff from herbicide used on row crops
2,4,5-TP(Silvex) (μg/l)	50	50	Residue of banned herbicide
Acrylamide	0	TT	Added to water during sewage/wastewater treatment
Alachlor (μg/l)	0	2	Runoff from herbicide used on row crops
Atrazine (μg/l)	3	3	Runoff from herbicide used on row crops
Benzo(a)pyrene [PAHs] (nanograms/l)	0	200	Leaching from linings of water storage tanks and distribution lines
Carbofuran (μg/l)	40	40	Leaching of soil fumigant used on rice and alfalfa
Chlordane (μg/l)	0	2	Residue of banned termiticide
Dalapon (μg/l)	200	200	Runoff from herbicide used on rights of way
Di (2-ethylhexyl)adipate (μg/l)	400	400	Leaching from PVC plumbing systems; Discharge from chemical factories
Di (2-ethylhexyl) phthlates (μg/l)	0	6	Discharge from rubber and chemical factories
Dinoseb (μg/l)	7	7	Runoff from herbicide used on soybeans and vegetables
Diquat (μg/l)	20	20	Runoff from herbicide use
Dioxin [2,3,7,8-TCDD] (picograms/l)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories
Endothall (μg/l)	100	100	Runoff from herbicide use
Endrin (μg/l)	2	2	Residue of banned insecticide
Epichlorohydrin	0	TT	Discharge from industrial chemical factories; Added to water during treatment process
Glyphosate (μg/l)	700	700	Runoff from herbicide use
Heptachlor (nanograms/l)	0	400	Residue of banned termiticide
Heptachlor epoxide (nanograms/l)	0	200	Breakdown of heptachlor
Hexachlorobenzene (μg/l)	0	1	Discharge from metal refineries and agricultural chemical factories

Hexachlorocyclopentadiene (μg/l)	50	50	Discharge from chemical factories
Lindane (nanograms/l)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens
Methoxychlor (μg/l)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock
Oxamyl [Vydate] (μg/l)	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes
PCBs [Polychlorinated biphenyls] (nanograms/l)	0	500	Runoff from landfills; Discharge of waste chemicals
Pentachlorophenol (μg/l)	0	1	Discharge from wood preserving factories
Picloram (μg/l)	500	500	Herbicide runoff
Simazine (μg/l)	4	4	Herbicide runoff
Toxaphene (μg/l)	0	3	Runoff/leaching from insecticide used on cotton and cattle
Benzene (μg/l)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills
Carbon tetrachloride (μg/l)	0	5	Discharge from chemical plants and other industrial activities
Chlorobenzene (μg/l)	100	100	Discharge from chemical and agricultural chemical factories
Dibromochloropropane (nanograms/l)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards
o-Dichlorobenzene (μg/l)	600	600	Discharge from industrial chemical factories
p-Dichlorobenzene (μg/l)	75	75	Discharge from industrial chemical factories
1,2-Dichloroethane (μg/l)	0	5	Discharge from industrial chemical factories
1,1-Dichloroethylene (μg/l)	7	7	Discharge from industrial chemical factories
cis-1,2-Dichloroethylene (μg/l)	70	70	Discharge from industrial chemical factories
trans-1,2-Dichloroethylene (μg/l)	100	100	Discharge from industrial chemical factories
Dichloromethane (μg/l)	0	5	Discharge from pharmaceutical and chemical factories

1,2-Dichloropropane (μg/l)	0	5	Discharge from industrial chemical factories
Ethylbenzene (μg/l)	700	700	Discharge from petroleum refineries
Ethylene dibromide (nanograms/l)	0	50	Discharge from petroleum refineries
Styrene (μg/l)	100	100	Discharge from rubber and plastic factories; Leaching from landfills
Tetrachloroethylene (μg/l)	0	5	Leaching from PVC pipes; Discharge from factories and dry cleaners
1,2,4-Trichlorobenzene (μg/l)	70	70	Discharge from textile-finishing factories
1,1,1-Trichloroethane (μg/l)	200	200	Discharge from metal degreasing sites and other factories
1,1,2-Trichloroethane (μg/l)	3	5	Discharge from industrial chemical factories
Trichloroethylene (μg/l)	0	5	Discharge from petroleum refineries
TTHM [Total trihalomethanes] (μg/l)	0	100	By-product of drinking water chlorination
Toluene (mg/l)	1	1	Discharge from petroleum factories
Vinyl Chloride (μg/l)	0	2	Leaching from PVC piping; Discharge from plastics factories
Xylenes (mg/l)	10	10	Discharge from petroleum factories; Discharge from chemical factories

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Appendix B to Subpart O of Part 141—Health Effect Language

Biological Contaminants

(1) *Total Coliform.* Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

(2) *Fecal coliform/E.Coli.* Fecal coliform and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Germs in these wastes can cause diarrhea, cramps, nausea, headaches, or fatigue.

Radioactive Contaminants

(3) *Beta/photon emitters.* Certain minerals are radioactive; photons and beta radiation are types of radioactivity. People who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(4) *Alpha emitters.* Certain minerals are radioactive and emit a form of radiation known as alpha radiation. People who drink water containing these alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(5) *Combined Radium 226/228.* People who drink water containing Radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

Inorganic Contaminants

(6) *Antimony.* People who drink water containing antimony well in excess of the MCL over many years could experience changes in the cholesterol or glucose level in their blood.

(7) *Arsenic.* People who drink water containing arsenic well in excess of the MCL over many years could experience skin damage or problems with their nervous system.

(8) *Asbestos.* People who drink water containing asbestos in excess of the MCL over many years could get lung disease or may have an increased risk of getting cancer.

(9) *Barium.* People who drink water containing barium well in excess of the MCL over many years could experience high blood pressure.

(10) *Beryllium.* People who drink water containing beryllium in excess of the MCL over many years could experience bone or lung problems, or may have an increased risk of cancer.

(11) *Cadmium.* People who drink water containing cadmium well in excess of the MCL over many years could experience kidney problems.

(12) *Chromium.* People who drink water containing chromium well in excess of the MCL over many years could experience problems with their kidneys or circulation.

(13) *Copper.* Copper is an essential nutrient but people who drink water containing copper in excess of the action level over a relatively short amount of time could experience problems with their stomach or intestines. People who drink water containing copper well in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

(14) *Cyanide.* People who drink water containing cyanide well in excess of the MCL over many years could experience weight loss, nerve damage, or problems with their thyroid.

(15) *Fluoride.* People who drink water containing fluoride well in excess of the MCL over many years could get bone disease.

(16) *Lead.* Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems, high blood pressure, or may be at an increased risk of getting cancer.

(17) *Mercury.* People who drink water containing mercury well in excess of the MCL over many years could experience kidney damage.

(18) *Nitrate.* Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and die. Adults who drink water containing nitrates well in excess of the MCL over many years could experience kidney or spleen problems.

(19) *Nitrite.* Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and die. Adults who drink water containing nitrite well in excess of the MCL over many years could experience kidney or spleen problems.

(20) *Selenium.* Selenium is an essential nutrient. However, people who drink water containing selenium well in excess of the MCL over many years could experience hair or fingernail losses, or problems with their kidneys, liver, nervous system, or circulation.

(21) *Thallium.* People who drink water containing thallium well in excess of the MCL over many years could experience changes in their blood, problems with their kidney, intestine, or liver, or hair loss.

(22) *Turbidity.* There is no MCL for turbidity, and turbidity has no health effects. However, turbidity can provide a medium for bacterial growth.

Synthetic Organic Chemicals Including Pesticides and Herbicides

(23) *2,4-D.* People who drink water containing the weed-killer 2,4-D well in excess of the MCL over many years could experience problems with their nervous system, kidneys, or liver.

(24) *2,4,5-TP (Silvex).* People who drink water containing silvex well in excess of the MCL over many years could experience minor liver or kidney problems.

(25) *Alachlor.* People who drink water containing alachlor in excess of the MCL over many years could have problems with their liver, kidneys, or spleen, or may have an increased risk of getting cancer.

(26) *Atrazine.* People who drink water containing atrazine in excess of the MCL over many years could experience weight loss, problems with their heart or retinas, some muscle deterioration, or may have an increased risk of getting cancer.

(27) *Benzo(a)pyrene [PAHs].* People who drink water containing benzo(a)pyrene in excess of the MCL over many years may have an increased risk of getting cancer.

(28) *Carbofuran.* People who drink water containing carbofuran well in excess of the MCL over many years could experience problems with their nervous or reproductive systems.

(29) *Chlordane.* People who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver, kidneys, heart, lungs, spleen or adrenal glands, or may have an increased risk of getting cancer.

(30) *Dalapon.* People who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

(31) *Di (2-ethylhexyl) adipate.* People who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience reduced body weight or bone mass, problems with their liver or testicles, or may have an increased risk of getting cancer.

(32) *Di (2-ethylhexyl) phathalate.* People who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, testicles, or experience adverse reproductive effects, and may have an increased risk of getting cancer.

(33) *Dinoseb.* People who drink water containing dinoseb well in excess of the MCL over many years could experience changes in their thyroid or testicles.

(34) *Dioxin (2,3,7,8-TCDD).* People who drink water containing dioxin in excess of the MCL over many years could experience problems with their reproductive system and may have an increased risk of getting cancer.

(35) *Diquat.* People who drink water containing diquat well in excess of the MCL over many years could get cataracts.

(36) *Endothall.* People who drink water containing endothall well in excess of the MCL over many years could experience an increase in the size of their stomach or intestines.

(37) *Endrin.* People who drink water containing endrin well in excess of the MCL over many years could experience convulsions or liver problems.

(38) *Glyphosate.* People who drink water containing glyphosate well in excess of the MCL over many years could experience problems with their kidneys or adverse reproductive effects.

(39) *Heptachlor.* People who drink water containing heptachlor in excess of the MCL over many years could experience extensive liver damage and may have an increased risk of getting cancer.

(40) *Heptachlor epoxide.* People who drink water containing heptachlor epoxide in excess of the MCL over many years could experience extensive liver damage, and may have an increased risk of getting cancer.

(41) *Hexachlorobenzene.* People who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, adverse reproductive effects, benign tumor of endocrine glands, and may have an increased risk of getting cancer.

(42) *Hexachlorocyclopentadiene.* People who drink water containing hexachloro-

cyclopentadiene well in excess of the MCL over many years could experience problems with their stomach or kidneys.

(43) *Lindane*. People who drink water containing lindane well in excess of the MCL over many years could experience problems with their kidneys or liver.

(44) *Methoxychlor*. People who drink water containing methoxychlor well in excess of the MCL over many years could experience problems with their liver, heart, or kidneys.

(45) *Oxamyl [Vydate]*. People who drink water containing oxamyl well in excess of the MCL over many years could experience weight loss.

(46) *PCBs [Polychlorinated biphenyls]*. People who drink water containing PCBs in excess of the MCL over many years could experience irritation of the nose, throat, or gastrointestinal tract, and may have an increased risk of getting cancer.

(47) *Pentachlorophenol*. People who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

(48) *Picloram*. People who drink water containing picloram well in excess of the MCL over many years could experience problems with their liver.

(49) *Simazine*. People who drink water containing simazine in excess of the MCL over many years could experience tremors, have problems with their kidneys, liver, or thyroid, and have an increased risk of getting cancer.

(50) *Toxaphene*. People who drink water containing toxaphene in excess of the MCL over many years could suffer from kidney or liver degeneration, have problems with their nervous system, and may have an increased risk of getting cancer.

Volatile Organic Chemicals

(51) *Benzene*. People who drink water containing benzene in excess of the MCL over many years may have an increased risk of getting cancer.

(52) *Carbon Tetrachloride*. People who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(53) *Chlorobenzene*. People who drink water containing chlorobenzene well in excess of the MCL over many years could experience problems with their kidneys, liver, or nervous system.

(54) *Dibromochloropropane (DBCP)*. People who drink water containing DBCP in excess of the MCL over many years could experience some kidney damage and may have an increased risk of getting cancer.

(55) *o-Dichlorobenzene*. People who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, nervous systems, or damage to their blood cells.

(56) *para-Dichlorobenzene*. People who drink water containing p-dichlorobenzene well in excess of the MCL over many years could experience anemia, skin lesions, loss of appetite, damage to their liver, or changes in their blood.

(57) *1,2-Dichloroethane*. People who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

(58) *1,1-Dichloroethylene*. People who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver and kidneys and may have an increased risk of getting cancer.

(59) *cis-1,2-Dichloroethylene*. People who drink water containing cis-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver, their circulation, or their nervous system.

(60) *trans-1,2-Dicholoroethylene*. People who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver, their circulation, or their nervous system.

(61) *Dichloromethane*. People who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

(62) *1,2-Dichloropropane*. People who drink water containing 1,2-dichloropropane in excess of the MCL over many years could experience problems with their liver, kidneys, bladder, digestive or respiratory systems, and may have an increased risk of getting cancer.

(63) *Ethylbenzene*. People who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, central nervous system, or eyes.

(64) *Ethylene dibromide*. People who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their nervous system, liver, heart, or kidneys, and may have an increased risk of getting cancer.

(65) *Styrene*. People who drink water containing styrene in excess of the MCL over many years could have problems with their liver and may have an increased risk of getting cancer.

(66) *Tetrachloroethylene*. People who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, kidney or nervous system, and may have an increased risk of getting cancer.

(67) *1,2,4-Trichlorobenzene*. People who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

(68) *1,1,1,-Trichloroethane*. People who drink water containing 1,1,1-trichloroethane well in excess of the MCL over many years could experience problems with their liver, nervous system or circulation.

(69) *1,1,2-Trichloroethane*. People who drink water containing 1,1,2-trichloroethane in excess of the MCL over many years could have problems with their liver or kidneys, and may have an increased risk of getting cancer.

(70) *Trichloroethylene*. People who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(71) *THMs [Total Trihalomethanes]*. People who drink water containing trihalomethanes in excess of the MCL over many years may have an increased risk of getting cancer.

(72) *Toluene*. People who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

(73) *Vinyl Chloride*. People who drink water containing vinyl chloride in excess of the MCL over many years could have problems with their liver or nervous system, and may have an increased risk of getting cancer.

(74) *Xylenes*. People who drink water containing xylenes well in excess of the MCL over many years could experience damage to their nervous system or problems with their liver or kidneys.

PART 142—NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

1. The authority citation for part 142 is revised to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

2. Section 142.10 would be amended by adding a new paragraph (b)(6)(vii) to read as follows:

§ 142.10 Requirements for a determination of primary enforcement responsibility.

* * * * *

(b) * * *

(6) * * *

(vii) Authority to require community water systems to provide consumer confidence reports as required under 40 CFR part 141, subpart O.

* * * * *

3. Section 142.16 would be amended by adding paragraph (f) to read as follows:

§ 142.16 Special primacy requirements.

* * * * *

(f) Consumer confidence report requirements. (1) Each State that has primary enforcement responsibility must adopt the requirements of 40 CFR part 141, subpart O, no later than [date 2 years after date of publication of final rule in the **Federal Register**]. States must submit revised programs to EPA for approval using the procedures in § 142.12(b) through (d).

(2) Each State that has primary enforcement responsibility must make reports submitted to the States in compliance with 40 CFR 141.155(b) available to the public upon request or maintain a list of telephone numbers for operators of community water systems.

(3) Each State that has primary enforcement responsibility must maintain the certifications obtained pursuant to 40 CFR 141.155(b) for a period of 5 years.

4. Section 142.72 would be amended by revising the introductory text to read as follows:

§ 142.72 Requirements for tribal eligibility.

The Administrator is authorized to treat an Indian tribe as eligible to apply for primary enforcement for the Public Water System Program and the authority to waive the mailing requirements of 40 CFR 141.155(a) if it meets the following criteria:

* * * * *

5. Section 142.78 would be amended by revising paragraph (b) to read as follows:

§ 142.78 Procedure for processing an Indian tribe's application.

* * * * *

(b) A tribe that meets the requirements of 40 CFR 141.72 is eligible to apply for development grants and primacy enforcement responsibility for a Public Water System Program and associated funding under section 1443(a) of the Act and for primary enforcement responsibility for public water systems under section 1413 of the Act and for the authority to waive the mailing requirement of 40 CFR 141.155(a).

[FR Doc. 98–3752 Filed 2–12–98; 8:45 am]

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federal register

Friday
February 13, 1998

Part VIII

Department of Education

Office of Elementary and Secondary Education

Advanced Placement Fee Payment Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1998; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.330]

Office of Elementary and Secondary Education

Advanced Placement Fee Payment Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1998

Summary

The Secretary invites applications for new awards for FY 1998 under the Advanced Placement Fee Payment discretionary grant program and announces deadline dates for the transmittal of applications for funding under the program.

Purpose of Program

The primary purpose of the Advanced Placement Fee Payment Program is to enable States to reimburse part or all of the cost of advanced placement test fees for low-income individuals who (1) are enrolled in an advanced placement class; and (2) plan to take an advanced placement test. This program is authorized by section 1545 of the Higher Education Amendments of 1992, 20 U.S.C. 1070a–11, note.

Who May Apply

State educational agencies (SEAs) in any State, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the former Trust Territory of the Pacific Islands.

Deadline for Transmittal of Applications: March 20, 1998.

Deadline for Intergovernmental Review: April 10, 1998. The 60-day period for intergovernmental review has been waived.

Applications Available: February 13, 1998.

Available Funds: $3,000,000.

Estimated Range of Awards: $1,000 to $400,000.

Estimated Average Size of Awards: $50,000.

Estimated Number of Awards: 57.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period

Up to 15 months. States receiving grants under this program may use the funds to reimburse eligible individuals for advanced placement tests taken in FY 1998, FY 1999, or both.

Requirements for Approval of Applications

In order to receive funding under this program, an SEA must submit to the Department an application that contains the following:

(a) A description of the advanced placement test fees the State will pay on behalf of individual students, including the approximate number of students on whose behalf the State will pay these fees and the approximate date the State expects each student to take the advanced placement exam;

(b) A description of the method by which eligible low-income individuals will be identified, and the steps the State will take to ensure that any students receiving payments under this program are eligible for such payments;

(c) A description of the State's plan to disseminate information on the availability of test fee payments to eligible individuals through secondary school teachers and guidance counselors;

(d) A description of the State's plan to evaluate the effectiveness of the program;

(e) An assurance that any funds received under this program will only be used to pay advanced placement test fees for qualifying low-income individuals;

(f) An assurance that the State will document the eligibility of each individual on whose behalf the State pays part or all of an advanced placement test fee in accordance with section 402A(e) of the Higher Education Act of 1965; and

(g) An assurance that funds provided under this program will be used to supplement and not supplant other Federal, State, local, or private funds available to assist low-income individuals in paying for advanced placement testing.

Allowable Activities

States receiving grants under this program may use the grant funds only to pay advanced placement test fees. The Department encourages States to undertake activities to increase the participation of low-income students in advanced placement classes and testing, but grant funds may not be used for this purpose.

Allocation of Funds

The Department intends to fund all applications meeting the requirements for approval of applications previously described in this notice. In determining the amount of grant funds to be allocated to each State, the Department will rely on the U.S. Census Bureau count of poor children ages 5–17 that is used for allocations under Title I, Part A, of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 6311–6338. The Department will also consider the State's description of the advanced placement test fees it intends to pay, and whether those fees are reasonable and allowable. The application package will provide each State with an estimate of the approximate amount of grant funds it can expect to receive if all States participate in the program. In the event that all States do not participate in the program, the Department will reallocate the funds that would have been awarded to the non-participating States to States whose applications have been approved.

Waiver of Rulemaking

Because the Department intends to fund all applications meeting the requirements for approval of applications described in this notice, Department regulations governing the selection of new discretionary grant projects, codified at 34 CFR 75.200–75.222, will not apply to this program. While it is generally the practice of the Secretary to offer interested parties the opportunity to comment on such a regulation before it is implemented, section 437(d) of the General Education Provisions Act exempts from formal rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority (20 U.S.C. 1232(d)(1)). In order to make awards on a timely basis, the Secretary has decided to publish this regulation in final under the authority of section 437(d).

Applicable Statute and Regulations

Title XV, Part G, of the Higher Education Amendments of 1992, 20 U.S.C. 1070a–11, note. The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.200–75.222), 76, 77, 79, 80, 81, 82, 85, and 86.

The following definitions and other provisions are taken from the Advanced Placement Fee Payment Program statute, in Title XV, Part G, of the Higher Education Amendments of 1992. They are repeated in this application notice for the convenience of the applicant.

Definitions

As used in this section:

(a) The term *advanced placement test* includes only an advanced placement test approved by the Secretary of Education for the purposes of this section.

(b) The term "low-income individual" has the meaning given the term in

section 402A(g)(2) of the Higher Education Act of 1965.

*Note: Under section 402A(g)(2) of the Higher Education Act of 1965, the term *low-income individual* means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census (20 U.S.C. 1070a–11(g)(2)).

Information Dissemination

The SEA shall disseminate information on the availability of test fee payments under this program to eligible individuals through secondary school teachers and guidance counselors.

Supplementation of Funding

Funds provided under this program must be used to supplement and not supplant other Federal, State, and local or private funds available to assist low-income individuals in paying for advanced placement testing.

For Applications or Information Contact: Frank B. Robinson, U.S. Department of Education, School Improvement Programs, Portals Building, Room 4500, Washington, D.C. 20202–6140. Telephone (202) 260–2669. Internet address: frank_robinson@ed.gov. 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.

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Note: The official version of a document is the document published in the **Federal Register.**

Program Authority: 20 U.S.C. 1070a–11, note.

Dated: February 10, 1998.

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 98–3762 Filed 2–12–98; 8:45 am]

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FEDERAL REGISTER PAGES AND DATES, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 13, 1998

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Fruits, vegetables, and other products, fresh:

Destination market inspections; fees; comments due by 2-17-98; published 12-17-97

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Rinderpest and foot-and-mouth disease, etc.; disease status change—

Luxembourg; comments due by 2-17-98; published 12-17-97

AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

Grain standards:

Rye; comments due by 2-17-98; published 12-17-97

COMMERCE DEPARTMENT

Export Administration Bureau

Export licensing:

Commerce control list—

Wassenaar Arrangement List of Dual-Use Items; implementation; commerce control list revisions and reporting requirements; comments due by 2-17-98; published 1-15-98

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Atlantic green and hawksbill turtles—

Critical habitat designation; comments due by 2-17-98; published 12-19-97

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Shortraker/rougheye rockfish; comments due by 2-17-98; published 1-16-98

Magnuson Act provisions—

Essential fish habitat; comments due by 2-17-98; published 12-19-97

Pacific Halibut Commission, International:

Pacific halibut fisheries—

Catch sharing plans; comments due by 2-17-98; published 1-26-98

DEFENSE DEPARTMENT

Acquisition regulations:

Uniform procurement instrument identification; comments due by 2-17-98; published 12-16-97

DEFENSE DEPARTMENT

Navy Department

Acquisition regulations:

Shipbuilding capability preservation agreements; comments due by 2-20-98; published 12-22-97

ENVIRONMENTAL PROTECTION AGENCY

Air programs:

Outer Continental Shelf regulations—

California; consistency update; comments due by 2-17-98; published 1-16-98

Ozone areas attaining 1-hour standard; identification of areas where standard will cease to apply; comments due by 2-17-98; published 1-16-98

Air quality planning purposes; designation of areas:

California; comments due by 2-17-98; published 12-19-97

Hazardous waste program authorizations:

Florida; incorporation by reference; comments due by 2-19-98; published 1-20-98

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Ethalflualin; comments due by 2-17-98; published 12-17-97

Primisulfuron-methyl; comments due by 2-17-98; published 12-17-97

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 2-20-98; published 1-21-98

Water pollution; effluent guidelines for point source categories:

Industrial laundry; comments due by 2-17-98; published 12-17-97

FEDERAL COMMUNICATIONS COMMISSION

Radio services, special:

Fixed microwave services—

Transfer of license owned by small business to non-small business or small business eligible for smaller bidding credit; partitioning and disaggregation; comments due by 2-20-98; published 1-21-98

HEALTH AND HUMAN SERVICES DEPARTMENT

Children and Families Administration

Head Start Program:

Indian tribal grantees replacement; agency identification; procedural change; comments due by 2-17-98; published 12-16-97

Personal Responsibility and Work Opportunity Reconciliation Act of 1996; implementation:

Temporary assistance for needy families program; comments due by 2-18-98; published 11-20-97

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:

Medicare+Choice program; comment request; comments due by 2-19-98; published 1-20-98

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Catesbaea melanocarpa; comments due by 2-17-98; published 12-16-97

Flatwoods salamander; comments due by 2-17-98; published 12-16-97

Importation, exportation, and transportation of wildlife:

Humane and healthful transport of wild mammals, birds, reptiles, and amphibians to U.S.; comments due by 2-17-98; published 12-5-97

LABOR DEPARTMENT

Mine Safety and Health Administration

Coal and metal and nonmetal mine safety and health:

Occupational noise exposure

Miners and miners' representatives; right to observe required operator monitoring, etc.; comments due by 2-17-98; published 12-31-97

LABOR DEPARTMENT

Occupational Safety and Health Administration

Safety and health standards:

Tuberculosis; occupational exposure

Meetings; comments due by 2-17-98; published 2-5-98

MERIT SYSTEMS PROTECTION BOARD

Practices and procedures:

Uniformed Services Employment and Reemployment Rights Act; implementation—

Personnel actions involving noncompliance of agency employers or Personnel Management Office; comments due by 2-20-98; published 12-22-97

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:

North Carolina; comments due by 2-17-98; published 12-17-97

Merchant marine officers and seamen:

Federal pilotage for vessels in foreign trade; comments due by 2-19-98; published 1-20-98

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Agusta S.p.A.; comments due by 2-17-98; published 12-17-97

AlliedSignal Aerospace Bendix/King; comments due by 2-19-98; published 12-19-97

Boeing; comments due by 2-19-98; published 1-5-98

Eurocopter Deutschland GmbH; comments due by 2-17-98; published 12-16-97

Eurocopter France; comments due by 2-17-98; published 12-19-97

McDonnell Douglas; comments due by 2-19-98; published 1-5-98

Pilatus Aircraft Ltd.; comments due by 2-20-98; published 12-19-97

Class D and Class E airspace; comments due by 2-19-98; published 1-20-98

Class E airspace; comments due by 2-17-98; published 1-16-98

VETERANS AFFAIRS DEPARTMENT

Vocational rehabilitation and education:

Veterans education—

Educational assistance awards to veterans who were voluntarily discharged; effective dates; comments due by 2-17-98; published 12-18-97

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 "P L U S" (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/nara/fedreg/fedreg.html.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/.

Some laws may not yet be available.

H.R. 1271/P.L. 105–155

FAA Research, Engineering, and Development Authorization Act of 1998 (Feb. 11, 1998; 112 Stat. 5)

H.R. 3042/P.L. 105–156

Environmental Policy and Conflict Resolution Act of 1998 (Feb. 11, 1998; 112 Stat. 8)

S. 1349/P.L. 105–157

To authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA, and for other purposes. (Feb. 11, 1998; 112 Stat. 13)

Last List February 9, 1998

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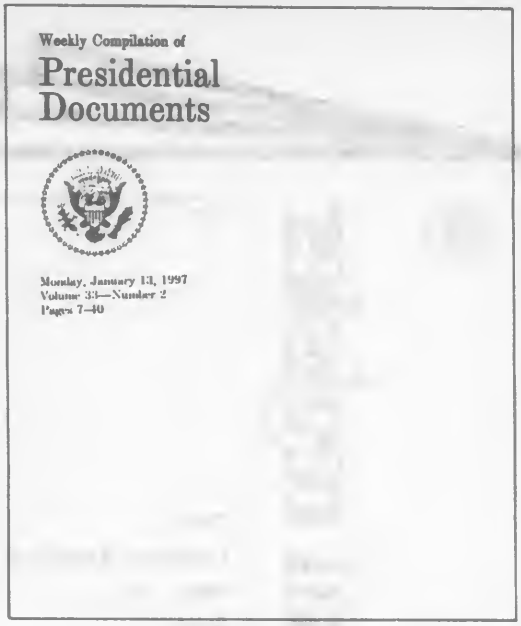

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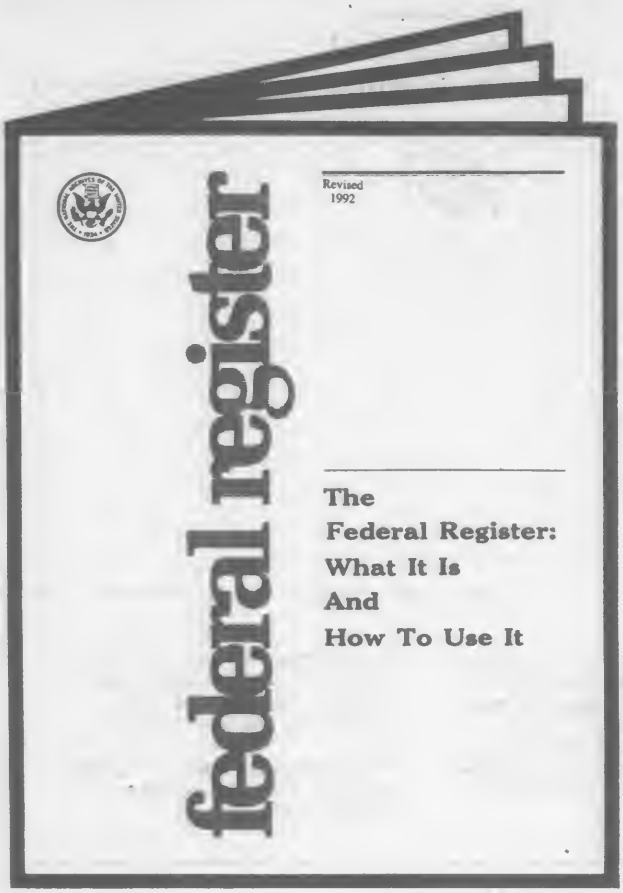

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