

SUPPLEMENTARY INFORMATION:**Background**

The final regulations that are subject to these corrections are under section 936 of the Internal Revenue Code.

Need for Correction

As published, the final regulations [TD 8669] contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8669) which is the subject of FR Doc. 96-11639, is corrected as follows:

1. On page 21366, column 3, in the preamble, following the paragraph heading "Discussion", the first full paragraph in the column, line 4, the language "forms under the profit-split method" is corrected to read "forms under the profit split method".

2. On page 21367, column 1, in the preamble, following the paragraph heading "Discussion", the second full paragraph in the column, lines 12 and 13, the language "regulation is effective for taxable years ending 30 days after May 10, 1996. If" is corrected to read "regulations apply to taxable years ending after June 9, 1996. If".

§ 1.936-6 [Corrected]

3. On page 21368, § 1.936-6, in paragraph (b)(1), in the table in A.12(iv), under the heading "Production costs (excluding costs of materials):", item 3, the language "3. P's costs for the CPU's (the possession product)" is corrected to read "3. P's costs for the CPUs (the possession product)".

4. On page 21369, column 3, § 1.936-6, in paragraph (b)(1), under A.12(vii), line 3, the language "ending 30 days after May 10, 1996. If" is corrected to read "ending after June 9, 1996. If".

Cynthia E. Grigsby,
Chief, Regulations Unit, Assistant Chief Counsel (Corporate).
[FR Doc. 96-19005 Filed 7-25-96; 8:45 am]
BILLING CODE 4830-01-U

26 CFR Part 1**[TD 8662]****RIN 1545-AQ64****Diversification of Common Trust Funds; Correction**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations [TD 8662]

which were published in the Federal Register on Thursday, May 2, 1996 (61 FR 19546). The final regulations relate to the diversification of common trust funds at the time of a combination or division.

EFFECTIVE DATE: May 2, 1996.

FOR FURTHER INFORMATION CONTACT: Steven Schneider, (202) 622-3060 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

The final regulations that are the subject of this correction are under section 584 of the Internal Revenue Code.

Need for Correction

As published, TD 8662 contains an error that is in need of correction.

Correction of Publication

Accordingly, the publication of final regulations which are the subject of FR Doc. 96-10393 is corrected as follows.

§ 1.584-4 [Corrected]

On page 19547, column 1, § 1.584-4(a), the fifteenth line from the bottom of the paragraph, the language "participant in substantially the same as" is corrected to read "participant is substantially the same as".

Cynthia E. Grigsby,
Chief, Regulations Unit, Assistant Chief Counsel (Corporate).
[FR Doc. 96-19004 Filed 7-25-96; 8:45 am]
BILLING CODE 4830-01-U

26 CFR Part 1**[TD 8663]****RIN 1545-AT43****Transfers to Investment Companies; Correction**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations [TD 8663] which were published in the Federal Register on Thursday, May 2, 1996 (61 FR 19544). The final regulations concern the treatment of certain transfers to a controlled corporation.

EFFECTIVE DATE: May 2, 1996.

FOR FURTHER INFORMATION CONTACT: Andrew M. Eisenberg, (202) 622-7790 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

The final regulations that are the subject of this correction are under

section 351 of the Internal Revenue Code.

Need for Correction

As published, TD 8663 contains an error that is in need of correction.

Correction of Publication

Accordingly, the publication of the final regulations which are the subject of FR Doc. 96-10394 is corrected as follows:

PART 1—[CORRECTED]

On page 19545, column 3, in amendatory instruction "Paragraph 1.", lines 1 and 2, the language "Paragraph 1. The authority citation for part 1 continues to read as follows:" is corrected to read "Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:".

Cynthia E. Grigsby,
Chief, Regulations Unit, Assistant Chief Counsel (Corporate).
[FR Doc. 96-19003 Filed 7-25-96; 8:45 am]
BILLING CODE 4830-01-U

DEPARTMENT OF DEFENSE**Department of the Army****32 CFR Part 630****Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies**

AGENCY: Office of the Army Staff Judge Advocate, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army announces a complete revision of its Military Absentee and Deserter Apprehension regulations to bring them in line with changes to Army Regulation 190-9, with the same title. This revision revises provost marshal procedures and responsibilities for military personnel who are in an absentee or deserter status and procedures and responsibilities for surrender of military personnel to civilian law enforcement authorities. These regulations support the approved parts of the Joint Service Plan for Deserter Apprehension Program July 1978 and Department of Defense Directive 1325.2.

DATE: Effective July 26, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Porter at 681-5078.

SUPPLEMENTARY INFORMATION:

a. This part applies to the Active Army and the U.S. Army Reserve and

the Army National Guard when in title 10, United States Code status. This part is not applicable to members of the Army National Guard serving on annual training or full-time training duty status under the provisions of title 32, United States Code.

b. Commanders in overseas areas may deviate from the Federal Bureau of Investigation National Crime Information Center requirements when prohibited by—

1. Local conditions.
2. International law including applicable treaties or agreements with foreign governments.

c. The provisions of subpart G of this part apply only to soldiers listed in paragraph a. above who are sought by Federal, State, or local law enforcement officials. The authority of U.S. military officials to apprehend, detain, and deliver U.S. personnel to the authorities of a host nation or other foreign country are governed by the provisions of applicable international agreements, United States, and host nation law, Army Regulation 27–50, Status of Forces Policies, Procedures and Information, and the directives of the overseas command.

Executive Order 12291

This rule is not a major rule pursuant to EO 12291, Federal Regulation, dated February 17, 1981.

Regulatory Flexibility Act

The Regulatory Flexibility Act has no bearing on this rule.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 32 CFR Part 630

Law enforcement officers, Military law, Military personnel, Prisons.

Accordingly, 32 CFR part 630 is revised to read as follows:

PART 630—ABSENTEE DESERTER APPREHENSION PROGRAM AND SURRENDER OF MILITARY PERSONNEL TO CIVILIAN LAW ENFORCEMENT AGENCIES

Sec.

Subpart A—Purpose

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- 630.27 Rewards.
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- 630.30 Overview.
- 630.31 CONUS.
- 630.32 Responsibilities.

Figure 630.1 of Part 630—Sample Military Detainer

Appendix A to Part 630—References.

Appendix B to Part 630—Glossary.

Authority: 10 U.S.C. 801 through 940; Manual for courts-martial, U.S. 1995 revised addition as amended; sec 709, Pub L. 96–154, Defense Appropriation Act. 93 Stat. 1153.

Subpart A—Purpose

§ 630.1 Purpose.

This part provides policies and procedures for—

- (a) Reporting absentees and deserters.
- (b) Reporting special category absentees.
- (c) Reporting political defectors.
- (d) Use of automated law enforcement telecommunications.
- (e) Apprehension and processing of absentees and deserters.
- (f) Surrender of military personnel to civilian law enforcement authorities.

§ 630.2 References.

Required and related publications and referenced forms are listed in appendix A to this part.

§ 630.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the glossary.

§ 630.4 Responsibilities.

(a) The Deputy Chief of Staff for Operations and Plans (DCSOPS) is responsible for establishing law enforcement policy and procedures for the military absentee and deserter apprehension programs. The DCSOPS will—

- (1) Exercise staff supervision over Army law enforcement activities.
- (2) Integrate operational control of the National Crime Information Center (NCIC) elements at the U.S. Army Deserter Information Point (USADIP).
- (3) Provide operational control of the NCIC elements at the USADIP.

(4) Be the Department of the Army point of contact for the Federal Bureau of Investigation (FBI) on absentee and deserter apprehension policy matters.

(b) The Deputy Chief of Staff for Personnel (DCSPER) is responsible for establishing personnel policy on absentees and deserters and will—

- (1) Exercise staff supervision over the USADIP.
- (2) Develop programs to assist commanders in deterring absenteeism.
- (3) Evaluate statistical profile data furnished by the Commanding General (CG), U.S. Total Army Personnel Command (PERSCOM) and CG, U.S. Army Personnel Information Systems Command (PERSINSCOM).

(c) Commanders of major Army commands (MACOMs) will—

- (1) Supervise reporting and coordinate Army programs for the return to military control (RMC) of absentees, deserters, defectors, and special category absentees.
- (2) Ensure deserters returned to military control are reported IAW this part to end apprehension actions.
- (3) Provide military police support for the return of special category absentees and deserters from foreign countries to the Continental United States (CONUS) when required.
- (4) Assist in the return of soldiers to overseas commands under status of forces agreement.
- (5) Assure that recommended changes to Army Regulation 5–9 are proposed and coordinated with other MACOMs.
- (d) Commanding General, U.S. Army Criminal Investigation Command (USACIDC) is responsible for—
 - (1) Entering and clearing subjects of USACIDC investigations and special category absentees reported by overseas commanders in the NCIC wanted person file.

(2) Coordinating retrieval of records through the Director, U.S. Army Crime Records Center (USACRC) from the Defense Investigative Service (DIS) for special category absentees.

(e) Commander, U.S. Army Enlisted Records and Evaluation Center (USAREC) will—

(1) Receive documentation and provide verification of reports of desertion and return to military control.

(2) Maintain a centralized deserter data base for deserter statistical reporting requirements from the Automated Personnel Accounting System.

(3) Maintain management data received on DD Form 616 (Report of Return of Absentee) to identify—

(i) The number of deserters returned to military control monthly.

(ii) The mode of return (surrender to or apprehended by military authorities, Department of Defense civilian police, civilian authorities, or FBI).

(iii) Cases administratively closed (death, discharge, erroneous entry, and so forth). Date should be recorded in the processing month to hasten report compilation.

(f) Chief, U.S. Army Deserter Information Point will—

(1) Verify and document reports of desertion and return to military control.

(2) Maintain a central deserter data base.

(3) Provide data to DCSOPS, DCSPER, CG, PERSCOM and CG, PERSINSCOM, as required.

(4) Complete cross checks against the Army Enlisted Master File (EMF), Joint Service Software, and other data systems to prevent false apprehension.

(5) Query other Army automated personnel files to prevent mistaken reports of desertion.

(6) Provide DD Form 553 (Deserter/Absentee Wanted by the Armed Forces) and DD Form 616 (Report of Return of Absentee) to military and civilian law enforcement authorities, to include the FBI when appropriate.

(7) Advise U.S. Department of State, Deputy Assistant Secretary for Passport Services, of U.S. Army alien deserters who are known or suspected to have entered a foreign country, return to military control, or are discharged in absentia.

(8) Enter wanted information into the NCIC.

(g) All Army installation commanders with active Army manpower assets have responsibilities for reporting and returning deserters to military control.

(1) Coordinating installation commanders return of deserters to military control within their designated areas of responsibility.

(2) Supporting installation commanders have responsibility for all locations within 50 miles of their respective installations. When efficiency and economy demand, these distances can be increased or diminished as determined between the coordinating installation and the supporting installation.

(h) Installation provost marshals will endeavor to resolve procedural arrangements at the lowest command level IAW AR 5–9.

Subpart B—Absent Without Leave

§ 630.5 Notification.

The unit commander notifies the local provost marshal within 24 hours after a soldier has been reported absent without leave (AWOL). Special category absentees are reported as deserters IAW § 630.10 of this part.

(b) On receipt of an AWOL report, the provost marshal initiates a DA Form 3975 (Military Police Report) and a corresponding blotter entry on DA Form 3997 (Military Police Desk Blotter).

§ 630.6 Surrender to unit commander.

If an AWOL soldier surrenders to the parent unit the following procedures apply:

(a) The unit commander immediately notifies the Provost Marshal that the soldier has returned.

(b) The provost marshal finalizes the DA Form 3975 and makes a reference blotter entry. The provost marshal forwards DA Form 3975 and 4833 (Commander's Report of Disciplinary or Administration Action) with an appropriate suspense date through the appropriate field grade commander to the unit commander for action.

(c) The unit commander reports action taken to the provost marshal on DA Form 4833 not later than the assigned suspense date.

§ 630.7 Surrender or apprehension at other installations.

(a) If an AWOL soldier surrenders to or is apprehended by a provost marshal other than the parent installation, the apprehending provost marshal

(1) Issues DD Form 460 (Provisional Pass) IAW AR 190–45, paragraph 5–2, and verbal orders to the soldier to return to their proper station. The DD Form 460 and transportation requests are used instead of an escort if there is a reasonable expectation that the soldier will comply. Express mail may be used to forward the DD Form 460 to the absentee. DD Form 460 will not be required if the provost marshal elects to return the soldier through different means.

(2) Prepares and forwards DA Forms 3975 and 4833, along with a copy of DD Form 460 to the parent installation provost marshal.

(b) The parent installation provost marshal—

(1) Completes a reference blotter entry reflecting the AWOL soldier's RMC.

(2) Forwards DA Form 3975 and DA Form 4833, with an appropriate suspense, through the field grade commander to the unit commander.

(3) On return of the completed DA Form 4833 from the unit commander, forwards the original and one copy of the form to the apprehending provost marshal. The parent installation Provost Marshal may retain a copy of DA Form 3975 and DA Form 4833 pertaining to the case.

Subpart C—Desertion

§ 630.8 Administrative Report.

(a) The unit commander administratively classifies an absentee as a deserter and completes DD Form 553 when one or more of the following applies:

(1) The facts and circumstances of the absence, without regard to the length of absence, indicates that the soldier may have committed the offense of desertion, as defined in articles 85 and 86 of the Uniform Code of Military Justice (UCMJ).

(2) The soldier has been AWOL for 30 consecutive days.

(3) The soldier, without authority, has gone to or remains in a foreign country and while in the foreign country has requested, applied for, or accepted any type of asylum or resident permit from the country, or any governmental agency.

(4) The soldier has returned to military control and departs absent prior to completion of any administrative or judicial action for a previous absence.

(5) The soldier escapes from confinement.

(6) The soldier is a special category absentee.

(b) The unit commander promptly reports deserters to the provost marshal via DD Form 553 per AR 630–10, chapter 3.

§ 630.9 Processing deserter reports.

(a) On receipt of reports of desertion or defectors, the Provost Marshal completes a blotter entry per AR 190–45, paragraph 4–6b. This is an initial blotter entry if a previous absentee entry had not been made.

(b) The Provost Marshal then—

(1) Ensures that the unit commander has accurately completed DD Form 553.

(2) Screens installation and state vehicle registration and completes

identification portions of the DD Form 553.

(3) In the remarks section of DD Form 553 adds other known information about the soldier such as:

- (i) Confirmed or suspected drug abuse.
- (ii) History of violence.
- (iii) History of escapes or attempted escapes from custody.
- (iv) Suicidal tendencies.
- (v) Suspicion of involvement in violent crimes for which there is a record of an active military police investigation being prepared and forwarded.

(vi) History of other unauthorized absence.

(vii) Any other information in the apprehension process or to protect the deserter or apprehending authorities.

(4) Initiates a DA Form 3975, if not previously completed as an AWOL report, and assigns a USACRC Crime Control Number to the case.

(5) Returns the completed DD Form 553 to the unit commander within 24 hours. The provost marshal retains a copy of the DD Form 553.

(6) Follows the procedures in section 630.8 of this part for special category absentees.

(c) Within 48 hours of the soldier being dropped from the rolls (DFR) of the unit, the unit commander forwards the DD Form 553, with associated documents, through the Personnel Service Battalion to Commander, U.S. Army Enlisted Records Center, ATTN: PCRE-RD, Indianapolis, Indiana 46249-5300.

§ 630.10 Special category absentees.

Commanders of absent soldiers assigned to special mission units and soldiers who have had access to top secret information during the 12 months preceding the absence immediately report the soldier as a deserter regardless of the length of absence. On receipt of a special category absentee the provost marshal—

(a) Immediately completes the procedures in § 630.6 of this part.

(b) Queries the NCIC missing person, interstate identification, and unidentified person files for a possible match using the absentee's identifying information (Social Security Number, date and place of birth, and physical description) to determine if he or she has been previously entered into the NCIC.

(c) Enters the soldier into the NCIC wanted file after determining the soldier has not been entered previously. Outside continental United States (OCONUS) Provost Marshal NCIC entries are completed by sending a copy

of the DD Form 553 to the USACRC facsimile machine Defense System Network (DSN) 656-0395 or commercial (301) 806-0395. OCONUS Provost Marshals who do not have facsimile equipment express mail the DD Form 553 to Director, USCRC, ATTN: CICR-ZA, 6010 6th Street, Fort Belvoir, VA 22060-5585.

(d) Requests the assistance of the Director, USACRC, in obtaining pertinent information from security records maintained by the DIS.

(e) Requests assistance of the U.S. State Department, in identifying and suspending existing passports and pending applications pertaining to the deserter. This includes transmitting a copy of the DD Form 553 by facsimile or express mail to the U.S. State Department, Deputy Assistant Secretary for Passport Services, ATTN: CA-PPT-C, McPherson Building, 1425 K Street NW., Washington DC 20524. A point of contact in the provost marshal office must be provided for the U.S. State Department. The facsimile commercial telephone number is (202) 326-6271.

(f) Notifies USACIDC, local FBI office, and local and State law enforcement agencies of the soldier's absence to establish an investigative task force. The task force acts as the focal point in collecting and disseminating information obtained through investigative activity.

(g) Requests assistance from the nearest Air Force Office of Special Investigation (OSI) to determine if the absentee has been granted passage on a Military Airlift Command (MAC) Flight. Notification is also made to Headquarters, MAC, to deny passage on a MAC, flight by calling Office of Special Investigations, Scott Air Force Base, Illinois, DSN 576-5413 or commercial 618-256-5413.

(h) Transmits an electronic alert through the National Law Enforcement Telecommunications Systems (NLETS) to broadcast within the State, a specific State, and or regional broadcast (contiguous five States). NLETS messages must include the deserter's complete name, social security number, date and place of birth, physical description, and a statement that an entry has been made into the NCIC.

(i) Coordinates with the Office of the Staff Judge Advocate to obtain search warrants, court orders, or subpoenas for searches of the deserter's residence, financial, credit card, postal, telephone, insurance, housing utilities, civilian medical records, and access to commercial land, air and sea transportation records.

(j) Cancels the NCIC entry when notified by Chief, USADIP that the

deserter packet has been received and the Chief, USADIP, is prepared to assume responsibility as the point of contact for verification of deserters.

§ 630.11 Escaped prisoner.

(a) An escaped prisoner whose discharge has not been executed is administratively classified as a deserter. The installation Provost Marshal—

(1) Requests assistance from civilian law enforcement agencies including the FBI.

(2) Forwards copies of DD Form 553 to Chief, USADIP, showing distribution with Item 10 marked "N/A."

(3) Enters a temporary warrant into the NCIC.

(b) An escaped military prisoner whose discharge has been executed and who is not under the custody of the U.S. Attorney General is reported as an escaped military prisoner, not a deserter. The custodian of an escaped military prisoner's personnel records prepares DD Form 553 clearly stating in items 12 and 19 that the individual is an escaped military prisoner. The DD Form 553 is sent to the installation provost marshal. A temporary warrant is entered into the NCIC by the installation provost marshal.

§ 630.12 USADIP procedures.

(a) The Chief, USADIP—

(1) Verifies information on the DD Form 553 with permanent personal records at the USAEREC.

(2) Enters the soldier's name into the NCIC.

(3) Forwards a copy of the DD Form 553 to all Federal, State and local law enforcement agencies who may be involved in the apprehension process.

(4) Forwards a copy of DD Form 553 to the provost marshal nearest the deserter's home of record.

(5) Forwards a copy of the DD Form 553 to the USACRC, ensuring the USACRC control number is legible.

(b) The Army entry into the NCIC wanted person file normally is generally sufficient to support civilian police apprehension assistance.

Subpart D—Return to Military Control

§ 630.13 AWOL/deserter apprehension efforts.

The return of absentees to military control is a command responsibility. Military police will generally not be committed to proactive efforts to apprehend AWOL soldiers or deserters except when the provost marshal determines that such efforts are warranted by specific circumstances. Examples of instances when such effort is warranted include when the AWOL soldier or deserter is wanted as the

subject of additional more serious charges or is a special category absentee as defined in § 630.8 of this part.

§ 630.14 Use of escorts.

(a) Commanders and provost marshals must ensure that the most economical and efficient means are used to return surrendered or captured absentees to their parent unit or personnel control facility as appropriate. For example, alternatives such as express mailing of DD Form 460 and a transportation request may be used instead of an escort if there is a reasonable expectation that the absentee will comply.

(b) The use of escorts should be considered if—

(1) There is not a reasonable expectation that the absentee will not comply.

(2) The absentee is a special category absentee IAW § 630.8 of this part.

(3) The absentee is pending serious criminal charges.

(4) The absentee is in the custody of a civilian law enforcement agency that is not willing to assist in processing the absentee by mail or similar means.

(c) When escorts are deemed necessary, consideration should be given to using noncommissioned officers from the parent unit before committing military police manpower.

§ 630.15 Verification of deserter status.

(a) When a person claims to be a deserter from the U.S. Army, the first receiving military authority must advise the person of his or her right per article 31 UCMJ and provide as much of the following data as possible to the provost marshal:

(1) Name.

(2) Social security number.

(3) Date and place of birth.

(4) Home of record.

(5) Date and place of enlistment, date of alleged absence, and unit of assignment.

(b) The provost marshal immediately completes a check of the NCIC and USADIP to confirm the deserter status. Deserter felon checks require:

(1) The full name of the person.

(2) Social security number.

(3) Date of birth.

(4) Place of birth.

(5) Military service number if different from the social security number.

(c) When necessary to establish identity at the request of the Chief, USADIP, the installation provost marshal forwards DD Form 369 (Police Record Check) with a complete set of fingerprints to the Commander, U.S. Army Enlisted Records Center, ATTN: PCRE-RD, Indianapolis, IN 46249-5301.

The fingerprints must also be accompanied by DD Form 616 in quadruplicate. In Item 9 of the DD Form 616 note: "For Information Only—Fingerprints attached." The Chief, USADIP forwards the fingerprint record to the FBI Identification Division, Washington, DC 20537-8700 for fingerprint comparison and identification.

(d) In the event the status of the individual can not be immediately determined, the individual will not be detained. The Provost Marshal obtains information on how to contact the person once their status has been determined. On verification of status as absent or desertion, Chief, USADIP, provides instructions to the provost marshal returning the individual to military control.

§ 630.16 Surrender or apprehension on parent installation.

(a) The parent installation provost marshal—

(1) Verifies the deserter's military status IAW § 630.13 of this part.

(2) Coordinate between appropriate levels of command on RMC (time, date, and location).

(3) Initiates a reference blotter entry changing the absentee's status from deserter to return to military control.

(4) Prepares and submits DD Form 616 to Chief, USADIP. The USACRC control number assigned to the DD Form 553 is included in the remarks section of DD Form 616.

(5) Prepares DA Form 3975, 2804 (Crime Records Data Reference) and 4833. The USACRC control number assigned to the DD Form 553 is also used on these forms.

(6) Forwards the original DA Form 3975 and 2804 to the Director, USACRC.

(7) Forwards three copies of DA Form 4833, with an appropriate suspense date, and one copy of DA Form 3975 to the PCF commander or installation commander processing the deserter.

(8) On receipt of the completed DA Form 4833 forwards the original to Director, USACRC.

(b) Should the deserter surrender to the original unit of assignment, the unit commander immediately notifies the provost marshal of the deserter's return. The provost marshal completes the processing in paragraph (a) of this section.

§ 630.17 Surrender or apprehension at another installation.

(a) The provost marshal follows the procedures in § 630.17 and obtains the USACRC control number from Chief, USADIP for use in completing the DD Form 616 and DA Form 2804, 3975, and 4833.

(b) The unit commander requesting return of the absentee completes arrangements for escorting the absentee, if required. Other absentees are sent to a PCF.

§ 630.18 Surrender or apprehension off an Army installation.

Commanders located off an Army installation—

(a) Notify the major Army command or coordinating installation provost marshal, within whose area of responsibility the activity is located.

(b) Furnish the coordinating installation provost marshal all available information on the absentee or deserter.

(c) Issue a DD Form 460 and direct the person to proceed to the nearest Army installation with facilities for processing deserters. If appropriate, express mailing of DD Form 460 and a transportation request may be used.

(d) Forward a copy of the DD Form 460 to Commander, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-RD, 8899 East 56th Street, Indianapolis, IN 46249.

(e) Follow up to ensure that all absentees and deserters are returned to military control.

§ 630.19 Deserters and defectors in foreign countries.

(a) Army deserters and defectors in foreign countries are apprehended only in accordance with applicable Status of Forces or other station agreements, AR 27-50, U.S. and host country law, and the directives of the overseas command.

(b) Direct coordination between all major overseas commanders, U.S. Air Force, U.S. Navy, U.S. Marine Corps and CONUS installations is conducted to coordinate information for return of deserters or defectors to military control. Defectors and special category absentees must be escorted from the time of their return to military control to the installation or PCF with area of responsibility for processing deserters. Deserters returned to military control are processed under procedures set by the major overseas commander.

(c) When a deserter or defector is reported to have been returned to military control at another service installation, the Army area provost marshal arranges for return of the deserter to U.S. Army custody. Maximum use of the DD Form 460 should be made.

(d) When absentees and deserters in foreign countries are scheduled to depart or are to be deported from foreign countries, the Military Assistance Advisory Group (MAAG) mission or attache notifies Chief, USADIP, and if

known the appropriate major commander, ATTN: Provost Marshal. Notification should be completed in advance for coordination of operational military police actions. The notice includes the—

- (1) Name, grade, and social security number of the absentee.
- (2) Date, time (local), and place of departure from the foreign country.
- (3) Mode of transportation and designation of the carrier.
- (4) Date, time and place of arrival in CONUS or where U.S. Authorities have jurisdiction to apprehend the absentee or deserter.
- (5) Unit in which the individual is or was last assigned.
- (6) Length of time in foreign country.
- (7) Physical and mental condition and attitude of the absentee or deserter.
- (8) Charges by military or civil authorities.
- (9) Intelligence interest.

§ 630.20 Escaped military prisoner.

(a) When an escaped military prisoner is returned to military control, the provost marshal—

- (1) Notifies the commander of the confinement or correctional facility from which the prisoner escaped.
- (2) Completes and forwards DD Form 616 to Chief, USADIP.

(b) Unless otherwise directed by HQDA (DAMO-ODL), or the Commander, U.S. Army Disciplinary Barracks (USDB), prisoners who escape from the USDB are returned to the USDB. The commander of the installation to which the prisoner is returned provides guards and transportation to the nearest supporting confinement facility to return the prisoner to the USDB.

(c) Escapees from other U.S. Army correctional activities are returned to the confinement or correctional facility from which the prisoner escaped unless otherwise directed by HQDA (DAMO-ODL).

(d) The chief, USADIP forwards DD Form 616 to recipients of DD Form 553.

§ 630.21 Other armed services deserters.

(a) Requests for status of alleged deserters from other Armed Services may be made through an inquiry in the NCIC. When the response from the NCIC is negative, the following appropriate Service may be contacted:

- (1) U.S. Air Force. Commander, U.S. Air Force Military Personnel Center, Randolph Air Force Base, TX 78150-6001, DSN 487-5118.
- (2) U.S. Navy. Commander, Naval Military Personnel Command, Code NMPC-843, Washington, DC. 20370-5643, DSN 224-2551 or commercial, toll free 1-800-336-4974.

(3) U.S. Marine Corps. Commandant of the Marine Corps, Corrections Branch (MHC), Headquarters, U.S. Marine Corps, Building 2008, MCCDC, Quantico, VA 22130-5000, DSN 278-3976.

(b) When Army absentees or deserters are received from civil authorities in CONUS, all military absentees, and deserters, regardless of the military service to which they belong, are transported at the same time.

(c) Unless there are specific arrangements among the military services, the following applies when Army personnel take custody of absentees or deserters from civil authorities in CONUS:

(1) Notify the other military authorities in advance that the individual will be taken into custody and delivered to the nearest military installation having facilities to process absentees or deserters.

(2) When custody cannot be affected, notify the nearest installation of the service concerned that the person will remain in civilian custody.

(d) Absentees and deserters from the other services and the Coast Guard may be received at any U.S. Army installation which has facilities for reception and custody. They are transferred immediately to the nearest appropriate installation of the Service. Commanders of troops on maneuvers or on the march are exempt from the responsibility for taking custody of absentees and deserters. They may, however, accept absentees or deserters if necessary and return them to the custody of their Service.

§ 630.22 Transportation.

(a) If commercial transportation is necessary:

(1) The responsible transportation office arranges for movement per AR 55-355.

(2) Cost and speed of transportation are considered.

(3) International and CONUS travel is arranged only on U.S. commercial air carriers flying regularly scheduled routes, certified route carriers, supplemental air carriers, or charter air taxi operations.

(4) Military personnel escorting absentees or deserters must comply with commercial air carrier rules and with AR 190-47.

(5) Expenses (transportation, reward payment, reimbursement to civilian law enforcement authorities) associated with the return of absentees or deserters to their proper station are chargeable to the Military Personnel, Army Appropriation. Commanders are authorized to make charges against

these accounts for the transportation of escorts and the deserter and for payment of required or reimbursement when the returnee is delivered to an installation or detained for military authorities.

(6) The approving authority reviews paid travel and per diem vouchers for efficiency, economy, and accuracy in statements of travel performed. When feasible, one-day return travel should be used to reduce costs.

(b) Transportation expenses for use of guards to return absentees or deserters to their proper station or to military authorities are charged to the budget activity account "Other Military Personnel Costs."

Subpart E—Civilian Correctional or Medical Facilities

§ 630.23 Military detainer.

(a) Military detainer (see sample detainer at Figure 630.1 of this part) must be placed when a soldier is being held by civilian authorities and release of the soldier is not imminent. The installation commander or provost marshal may initiate a detainer. The purposes for filing a detainer are to—

(1) Officially inform civilian authorities that any Army soldier is in their custody and military authorities want to assume custody at release.

(2) Request military authorities be kept advised on the status of actions taken by civilian authorities.

(3) Permit military authorities to monitor the person's military status while in civilian custody.

(b) A detainer is canceled when the person is released to military custody.

(c) If an AWOL or DFR individual is being detained by civilian authorities the military police

(1) Notify the proper installation commander or coordination authority at once that the individual—

(i) Is being detained by civilian authorities on civil or criminal charges.

(ii) Is committed to a civilian medical facility.

(2) Place a military detainer with the civilian law enforcement agency and inform the installation commander or coordinating authority of—

(i) Changes or medical problems concerning the absentee.

(ii) Probable length of detention by civilian authorities.

§ 630.24 Action on return to military control

(a) The military authority first receiving or apprehending the absentee or deserter, or receiving word of their detention by civilian authorities, immediately contacts the installation or area provost marshal and provides the following data.

(1) Name, grade, and social security number of the absentee.

(2) Date absence began and unit from which absent.

(3) Absentee, deserter, or escaped prisoner status.

(4) Date, place, and military unit or civilian agency where the person was apprehended, surrendered, or detained.

(5) Unit to which the absentee or deserter will be assigned or attached on return.

(b) When military law enforcement personnel are the first military authority receiving a report of an AWOL or DFR person's apprehension or surrender the following actions are also taken:

(1) Initiate an inquiry with the NCIC. When the NCIC inquiry shows the individual is wanted by civilian law authorities for a criminal offense, immediately contact the civilian agency. Advise the civilian agency of the individual's location and where the return to military control will be made. Place the results in item 9 of DD Form 616 and send it to the commander receiving the returnee. All Army returnees wanted for a criminal offense other than AWOL or desertion are reported to Commander, U.S. Army Criminal Investigation Command, ATTN: CICR-ZA, 6010 6th Street, Fort Belvoir, VA 22060-5585 to ensure that military law enforcement investigations or criminal charges are not pending.

(2) When the individual is not wanted for a criminal offense, coordinate RMC with the appropriate military personnel office and take action in paragraph (c) of this section.

(c) Absentees and deserters being held temporarily by civilian authorities are returned to military control as soon as possible. Military authorities should strive to return absentees or deserters to military control within 48 hours after being notified of their whereabouts and impending release.

§ 630.25 Civilian detention facilities.

(a) When necessary, civilian detention facilities may be used to temporarily detain absentees, deserters or escaped military prisoners. Contracts providing for payment of actual costs for detention may be made with state or county jails that have been approved by the Bureau of Prisons. U.S. Department of Justice information about approved facilities is available from the nearest U.S. Marshal's office.

(b) Contracts must contain standards of treatment of military prisoners per AR 190-47. The Federal Acquisition Regulation (FAR), The Federal Acquisition Supplement (FAS), and the Army Procurement Procedure

Supplement (APPS) govern these contracts.

§ 630.26 Costs of civilian detention facilities.

(a) Civilian authorities may be reimbursed according to contracts for temporary detention after military authorities have assumed custody. It does authorize payment from the date further detention was requested. This does not authorize payment for subsistence and detention for the same period for which a reward was authorized. This does not preclude payment of reward or reimbursement for reasonable expenses for periods before delivery to military custody. Detained officers receiving basic allowance for substance (BAS) are charged the cost of substance.

(b) Costs incurred by the Army for detention under an Army contract are paid to the civilian facility. Any payment to the Army by another Armed Service must be by prior agreement between the commanders concerned.

Subpart F—Payment of Rewards and Reimbursements

§ 630.27 Rewards

(a) Receipt of an authorized communication, oral or written (for example DD Form 553 and entry into the NCIC) from a military or Federal law enforcement official or agency, requesting cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Armed Forces constitutes the basis for a reward.

(b) A reward can be paid to an eligible person or agency who apprehends and detains an absentee or deserter until military authorities assume control. The finance and accounting officer designated by the MACOM commander pays the claimant. If two or more eligible persons or agencies are entitled to a reward, the payee may divide the payment among the participants. Payment for an apprehension effected jointly by an eligible and ineligible person or agency may be claimed by the eligible person or agency. Ineligible persons may not share in payments.

(c) Payment of a reward to persons or agencies is authorized as indicated below:

(1) A reward for apprehension and detention of an absentee or deserter until military authorities assume custody.

(2) A reward for apprehension of an absentee or deserter and subsequent delivery to a military installation with facilities to receive and process absentees and deserters.

(d) The reward may not exceed the amount specified in the current defense appropriation account for—

(1) The apprehension and detention of absentees or deserters until military authorities take custody.

(2) The apprehension and delivery to military authorities of absentees or deserters.

(e) A reward or reimbursement for expenses is not authorized for an Armed Service member. Federal government employees, a lawyer on whose advice an absentee or deserter surrenders, or when payment would violate public policy.

§ 630.28 Reimbursement payments.

(a) Reimbursement payments to official agencies is authorized when—

(1) A reward has been offered.

(2) Reimbursement is requested in place of a reward.

(b) Reimbursement for reasonable and actual expenses may be made to more than one eligible person or agency. However, total reimbursement for the return of an absentee or deserter may not exceed the amount authorized for reward.

(c) Dual payment (reward and reimbursement) relating to one absentee or deserter is prohibited.

(d) Official transportation and personal services payment are not made for—

(1) Transportation by official vehicle.

(2) Personal services of the claimant.

(3) Apprehension and detention not followed by return to military custody.

§ 630.29 Documentation.

(a) Payment of reward or reimbursement for expenses is documented by processing Standard Form 1034 (Public Voucher for Purchase and Services Other Than Personal). The following information must be provided on SF 1034 or supporting documents:

(1) Name, social security number, and last duty station (DD Form 553 or DD Form 616) of the absentee.

(2) Date, place of arrest, and place of return to military custody (DD Form 616).

(3) Signed statement by claimant that the agency qualifies for a reward under paragraph (a), (b), or (c) of this section.

(4) Statement signed by military representative documenting either of the following:

(i) Delivery to a military installation with facilities to receive and process absentees and deserters.

(ii) Military custody assumed at a site other than a military installation or facility.

(5) Army forms provided to claimants to support payment request.

(b) When required, military pay vouchers are prepared for absentees and

deserters per AR 37-104-3, paragraphs 80310, 80311, and 80313.

Subpart G—Surrender of Military Members to Civilian Law Enforcement Officials

§ 630.30 Overview.

(a) This chapter establishes provost marshal procedures and responsibilities for the surrender of soldiers to civilian law enforcement authorities. It is the policy of the Department of the Army to cooperate with civilian authorities unless the best interest of the Army will be prejudiced.

(b) Provost marshals assist in the delivery of a soldier to civilian authorities per this regulation and applicable personnel management regulations. AR 630-10, Chapter 7, provides personnel management policies and procedures on the surrender of soldiers to civilian authorities.

§ 630.31 CONUS.

(a) Generally, provost marshal activity is limited to ensuring that a military detainer is prepared and signed when surrendering a soldier to civilian law enforcement officials (see figure 630.1 of this part).

(b) There is no statutory authority for a commander to deliver a soldier to a bail bondsman or surety. The surety must coordinate with the installation Staff Judge Advocate and the Commander of the soldier prior to attempting to apprehend the soldier. To preserve peace and order on the installation, military police will accompany the surety to observe the surety taking custody of the soldier.

§ 630.32 Responsibilities.

(a) In foreign countries, the authority of U.S. military personnel to apprehend, detain and deliver U.S. personal to civil authorities of foreign countries is governed by the provisions of international agreements. AR 27-50, and the laws of the host nation. The extent of the authority in a particular country is determined from directives published by the OCONUS MACOM Commander.

(b) Chief, DAMO-ODL—

(1) Coordinates approved requests for surrender of the soldier with the civilian law enforcement agency or prosecuting attorney's office requesting surrender of the soldier. Transportation costs of the soldier from the point of debarkation are the responsibility of the requesting agency.

(2) Coordinates surrender of the soldier with the felony warrant or extradition division of the civilian law

enforcement agency or Federal law enforcement agency at the point of debarkation.

(3) Contacts the CONUS installation provost marshal with area of responsibility for assistance in the surrender of the soldier.

(c) MACOM Provost Marshal—

(1) If requested by the General Court-Martial convening authority or designee, arranges escort of the soldier to the point of embarkation or debarkation in CONUS.

(2) Notifies Chief, DAMO-ODL, of the departure date, time, flight number, and the name of the individual(s) who will escort the soldier, if applicable.

(d) CONUS Provost Marshal with area of responsibility—

(1) Prepares a military detainer for the soldier to be surrendered.

(2) Meets the aircraft, assists in the surrender of the soldier, and presents the military detainer.

(3) Provides a copy of the detainer and attachment order to the commander of the PCF or the unit to which the soldier will be attached.

Figure 630.1 of Part 630—Sample Military Detainer

I, (name of civilian representative) an official agent representing (name and address of civilian jurisdiction), accept custody and control of (grade, name, social security number), a U.S. Soldier, for trial on a charge (state offense(s)), I agree, on behalf of the jurisdiction named above, to inform the Commander, (installation address), of results of the judicial process and to return the soldier at no expense to the Army or the soldier to said Army installation unless a place nearer the civilian jurisdiction is designed by Department of the Army. The soldier will be returned immediately on dismissal or other disposition of charges facilitating return of the soldier. When disposition precludes immediate return of the soldier following litigation, I will furnish results of the judicial process and information concerning the earliest possible date the soldier might be returned to Army control. I will also advise the designated commander whenever the location of incarceration of the soldier changes or whether soldier is released on bail or bond. I understand the above commander will advise the civilian jurisdiction which I represent if the soldier's return to military custody is no longer desired. I was furnished a copy of this agreement on (date).

(signature)

(position)

(name of jurisdiction)

(Address of jurisdiction)

Appendix A to Part 630—References

Publications and forms referenced in this part may be viewed at the Office of Provost Marshal at any Army installation. Department of Defense publications are also available from the National Technical Information Service, U.S. Department of

Commerce, 5285 Port Royal Road, Springfield, VA 21161; telephone (703) 487-4684.

Required Publications

AR 5-9—Intraservice Support Installation Area Support Coordination (cited in § 630.4)
AR 27-50—Status of Forces Policies Procedures and Information (Cited in § 630.19 and § 630.30)
AR 190-45—Military Police Law Enforcement Reporting (Cited in § 630.7 and § 630.9)
AR 190-47—The United States Army Correctional System (Cited in § 630.22 and § 630.25)
AR 630-10—Absence Without Leave, Desertion, and Administration of Personnel involved in Civilian Court Proceedings (Cited in § 630.8 and § 630.30)
Manual for Court-martial, United States (Cited in § 630.8)

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 37-104-3—Military Pay and Allowance Procedures: Joint Uniform Military Pay System Army (JUMPS-A1RR)
AR 55-355—Defense Traffic Management Regulation

Prescribed Forms

DD Form 616—Report of Return of Absentee (Prescribed in § 630.4, § 630.14, § 630.15, § 630.16, § 630.20, § 630.24 and § 630.29)

Referenced Forms

DA Form 2804—Crime Records Data Reference
DA Form 3975—Military Police Report
DA Form 3997—Military Police Desk Reference
DA Form 4833—Commander's Report of Disciplinary or Administrative Action
DA Form 369—Police Record Check
DA Form 460—Provisional Pass
DD Form 553—Deserter/Absentee Wanted by the Armed Forces
SF 1034—Public Voucher for Purchases and Services Other than Personal

Appendix B to Part 630—Glossary

Abbreviations

AAPS—Army Procurement Procedure Supplement
ARNG—Army National Guard
AWOL—absent without leave
BAS—basic allowance for subsistence
CG—commanding general
CONUS—Continental United States
DCSPER—Deputy Chief of Staff for Personnel
DCSOPS—Deputy Chief of Staff for Operations and Plans
DFR—dropped from the rolls
DIS—Defense Investigative Service
DSN—Defense Systems Network
EMF—enlisted master file
FAR—Federal Acquisition Regulation
FAS—Federal Acquisition Supplement
FBI—Federal Bureau of Investigation
MAC—Military Airlift Command
MACOM—major Army command

NCIC—National Crime Information Center
 NLETS—National Law Enforcement
 Telecommunication System
 OCONUS—outside Continental United States
 PCF—Personnel Control Facility
 PERSCOM—U.S. Army Total Personnel
 Command
 PERSINSCOM—U.S. Army Personnel
 Information Systems Command
 RMC—return to military control
 ROTC—Reserve Officer Training Course
 TR—Transportation request
 UCMJ—Uniform Code of Military Justice
 USACIDC—U.S. Army Criminal Investigation
 Command
 USACRC—U.S. Army Crime Records Center
 USADIP—U.S. Army Deserter Information
 Point
 USAEREC—U.S. Army Enlisted Records and
 Evaluation Center
 USAR—U.S. Army Reserve

Terms

Coordinating agent.—A person within a staff agency of CONUS command or CONUS installation who is responsible for coordinating and monitoring the absentee and deserter program.

Desertion.—A violation of Article 85, UCMJ. It applies to any member of the Armed Forces who commits any of the following:

- (a) Not used.
- (1) Without authority goes or remains absent from his or her unit, organization, or place of duty with intent to remain away therefrom permanently.
- (2) Quits his or her unit, organization, or place of duty with intent to remain away therefrom permanently.
- (3) Without being regularly separated from one of the Armed Forces enlists or accepts an appointment in the same or another one of the Armed Forces without fully disclosing the fact that he or she has not been regularly separated, or enters any foreign Armed Service except when authorized by the United States. (This provision has been held not to state a separate offense by the United States Court of Military Appeals in *United States v. Huff*, 7 U.S.C.M.A. 247.22 C.M.R. 37 (1956).)
- (4) Any commissioned officer of the Armed Forces who, after tender of his or her resignation and before notice of its acceptance, quits his or her post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(b) Deserters are classified as defectors when they commit any of the following:

- (1) Have escaped to another country and are outside the jurisdiction and control of the United States.
- (2) Are unwilling to return to the United States.
- (3) Are of special value to another country.
- (4) Have repudiated the United States when beyond its jurisdiction or control.

Deserter control officer.—A commissioned officer (normally a battalion or unit adjutant) appointed in desertion cases to ensure that documentation on deserters dropped from the rolls is provided in a timely manner.

Detainer.—A written notice to civil authorities that a person in their custody is an absentee of the Army or serving on active

duty with the Army and that military authorities desire to take custody on release.

Dropped from the rolls of a unit.—An administrative action that drops an absentee from the strength accountability of a unit.

Dropped from strength.—A strength accounting procedure used to exclude personnel from the operating strength of the Army.

National Crime Information Center.—A computerized police information system established by the Federal Bureau of Investigation to serve participating law enforcement agencies.

Personal Assistance Point.—Agencies of the U.S. Army Total Personnel Command located at aerial ports of embarkation or debarkation to assist Army transient personnel enroute to or returning from overseas.

Personnel Control Facility.—An organization that processes absentees returned to military control from an unauthorized absence. These facilities ensure proper disposition of returnees.

Special category absentee.—A soldier reported AWOL who had access to top secret information during the last 12 months or is currently assigned to a special mission unit.

Special mission unit.—A unit assigned a mission of such extraordinary sensitivity as to require specific management, oversight, and employment consideration.

Unavoidable absence.—An unauthorized absence that happened through no fault of the absentee and no fault of the Government.

Unit.—An organization, agency, or activity.

Unit commander.—The commander of an absentee's or deserter's unit of assignment or attachment.

U.S. Army Deserter Information Point.—The focal point with the Army for controlling, verifying, accounting, and disseminating data on individuals administratively classified as deserters.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5541-2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Alaskan Battery Enterprises Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Alaskan Battery Enterprises Site, located in Fairbanks, Alaska from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which

is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Alaska Department of Environmental Conservation (ADEC) have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of public health, welfare, and the environment.

EFFECTIVE DATE: July 26, 1996.

FOR FURTHER INFORMATION CONTACT:

Keith Rose, Site Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, ECL-111, Seattle, WA 98101, (206) 553-7721.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is:

Alaskan Battery Enterprises, Fairbanks, Alaska

A Notice of Intent to Delete for this site was published May 13, 1996, (61 FR 22004). The closing date for comments on the Notice of Intent to Delete was June 12, 1996. EPA received one letter which supported the proposed delisting of the site.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 10, 1996.

Chuck Clarke,
Regional Administrator, Region 10.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows: