

nomination guidelines under Section 106 of the National Historic Preservation Act.

The project should be conducted with input from experts in the various professional disciplines involved in the development and operation of the SRS and led by historians whose area of expertise includes twentieth century military/industrial development in the United States.

Those who submitted an Expression of Interest (EOI) in response to the Department's August 1996 request for EOIs will automatically receive a copy of the solicitation. Requests for copies of the solicitation should be received in writing or be transmitted via facsimile to (803) 725-8573 no later than close of business (4:00 p.m. Eastern Standard Time) March 14, 1997. Requests or notifications should be sent to Ms. Angela M. Sistrunk, Contracts Management Division, U.S. Department of Energy, P.O. Box A, Aiken, SC 29802. Telephonic requests will not be accepted.

Issued in Aiken, SC, on March 4, 1997.

Ronald D. Simpson,
*Head of Contracting Activity Designee,
Contracts Management Division, Savannah
River Operations Office.*

[FR Doc. 97-6782 Filed 3-17-97; 8:45 am]

BILLING CODE 6450-01-P

Office of the Secretary

Privatization Working Group: Notice of Availability of the Report of the Privatization Working Group

AGENCY: Office of the Secretary, Department of Energy (DOE).

ACTION: Notice of availability.

SUMMARY: The Privatization Working Group, established by the Secretary of Energy to examine how privatization could help the Department utilize its resources more efficiently, has completed its work and provided its recommendations to the Secretary. This notice announces the availability of the Working Group's report entitled, "Harnessing the Market: The Opportunities and Challenges of Privatization" Report #DOE/S-0120. It also requests the views of the public on the policy, principles, and recommendations contained therein.

DATES: Comments should be submitted on or before May 19, 1997.

ADDRESSES: Written comments on Report # DOE/S-0120 should be sent to: The Office of the Executive Secretariat, U.S. Department of Energy, Forrestal Building, 1000 Independence Ave., SW, Room 7E-054, Washington, DC 20585.

Copies of this report, #DOE/S-0120 may be ordered from the Public Inquiries Office, U.S. Department of Energy, Forrestal Building, 1000 Independence Ave., SW, Room 1E-206 or by calling (202) 586-5575.

The report is also available on the Internet at: <http://www.doe.gov/privatization/report>.

Additionally, this report is available for inspection in the Public Reading Rooms at DOE Headquarters and in the Department's primary field offices. The locations and telephone numbers of these Reading Rooms are:

U.S. Department of Energy, Public Reading Room, 1000 Independence Ave., Room 1E-090, SW, Washington, DC 20585 (202) 586-5955

National Atomic Museum, Public Reading Room, 20358 Wyoming Boulevard SE, Kirtland Air Force Base, NM 87117, 505-845-4378, Attn: Diane Zepeda

Chicago Operations Office, Public Reading Room, 9800 South Cass Avenue, Argonne, IL 60439, 630-252-2010, Attn: Sandra Geib

Idaho Operations Office, Public Reading Room, 1776 Science Center Drive, Idaho Falls, ID 83415, 208-526-1144, Attn: Gail Wilmore

Nevada Operations Office, Public Reading Room, 2621 Losee Rd. Bldg. B-3 Mail Stop 548, Las Vegas, NV 89030, 702-295-1628, 702-295-1128, Attn: Janet Fogg

Oak Ridge Operations Office, Public Reading Room, Federal Building, 200 Administration Road, Oak Ridge, TN 37830, 423-576-1216, Attn: Jane Greenwalt

Oakland Operations Office, Public Reading Room-Room 1H/EIC, 1301 Clay Street, Oakland CA 94612, 510-637-1794, Attn: Lauren Noble

U.S. Department of Energy, Public Reading Room, University of South Carolina-Aiken, 171 University Parkway, Second Floor Library, Aiken, SC 29801, 803-725-1408, Attn: Pauline Conner

U.S. Department of Energy, Public Reading Room, Ohio Field Office, 1 Mound Road, Miamisburg, OH 45342, 513-865-3174, Attn: Cindy Franklin-1st Floor

U.S. Department of Energy, Public Reading Room, Richland Operations, 100 Sprout Road, Richland, WA 99352, 509-376-8583, Attn: Terri Traub

FOR FURTHER INFORMATION CONTACT: The Contract Reform Project Office, U.S. Department of Energy, room GA-155, Washington, DC 20585 (202) 586-0800, or the individual site offices as designated below:

Albuquerque Operations Office—Jim Hoyal (505) 845-5751

Chicago Operations Office—Jerry Zimmer (630) 252-2129

Federal Energy Technology Center—Carroll Labton (412) 892-6199

Golden Field Office—Jeff Baker (303) 275-4785

Idaho Operations Office—Jan Chavez (208) 526-5968

Nevada Operations Office—Rick Betteridge (702) 295-0520

Oak Ridge Operations Office—Steven Wyatt (423) 576-0885

Oakland Operations Office—Jim Hirahara (510) 637-1658

Ohio Field Office—Pete Greenwald (937) 865-3862

Richland Operations Office—Lief Erickson (509) 376-7272

Rocky Flats Field Office—Jeff Kerridge (303) 966-2866

Savannah River Operations Office—Chris Van Horn (803) 725-5313

SUPPLEMENTARY INFORMATION: Former Secretary of Energy, Hazel R. O'Leary, initiated a broad slate of strategic and managerial reform initiatives to transform the Department to better meet the challenges of the 21st Century. The reports that support these reforms consistently identified privatization as a potentially powerful management tool to enable institutional change. In recognition of this and in support of the Clinton Administration's commitment to a government that works better and costs less, the Secretary formed the Privatization Working Group to examine how privatization could help transform DOE.

The report of the Working Group, *Harnessing the Market: The Opportunities and Challenges of Privatization*, provides an analysis of the major issues that affect privatization within the Department of Energy. The report includes 13 case studies that explore actual DOE privatization efforts over the past two years. Additionally, it summarizes the key legal authorities that govern each of the three types of privatization opportunities discussed in the report. Finally, the report makes a series of recommendations and outlines accompanying actions that will help the Department seize the opportunities presented by privatization and confront its challenges. The report stresses that when wisely considered and carefully implemented, privatization is a powerful strategic management tool.

The Department is interested in the views of stakeholders on the report's recommendations and action items.

Issued in Washington, DC on March 12, 1997.

Dan W. Reicher,

Chief of Staff, Department of Energy.

[FR Doc. 97-6780 Filed 3-17-97; 8:45 am]

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Office of General Counsel

Unfunded Mandates Reform Act; Intergovernmental Consultation

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice of final statement of policy.

SUMMARY: The Department of Energy (DOE) today publishes a final statement of policy on intergovernmental consultation under the Unfunded Mandates Reform Act of 1995. The policy reflects the guidelines and instructions that the Director of the Office of Management and Budget (OMB) provided to each agency to develop, with input from State, local, and tribal officials, an intergovernmental consultation process with regard to significant intergovernmental mandates contained in a notice of proposed rulemaking.

EFFECTIVE DATE: This policy is effective March 18, 1997.

FOR FURTHER INFORMATION CONTACT: Steve Duarte, Office of the Assistant General Counsel for Regulatory Law, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: Section 203 of the Unfunded Mandates Reform Act of 1995 (the Act), 2 U.S.C. 1533, requires that, prior to establishing regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals. Section 204(a) of the Act requires each agency to develop, to the extent permitted by law, an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments in the development of a regulatory proposal containing a proposed "significant intergovernmental mandate" that is not a requirement specifically set forth in law. 2 U.S.C. 1531, 1534(a).

A "significant intergovernmental mandate" under the Act is any provision in a Federal agency regulation that: (1) Would impose an enforceable

duty upon State, local, or tribal governments (except as a condition of Federal assistance); and (2) may result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100 million (adjusted annually for inflation) in any one year. See 2 U.S.C. 658(5)(A)(i), 1532(a). The Act defines "small government" to mean any small governmental jurisdiction defined in the Regulatory Flexibility Act, 5 U.S.C. 601(5), and any tribal government. 2 U.S.C. 658(11).

In January 1996, DOE published a notice of a proposed policy to implement this portion of the Act and the OMB guidelines and instructions published on September 29, 1995 (60 FR 50651) that deal with the intergovernmental consultation process. DOE sought public comment on the proposed policy in order to give State, local and tribal officials, as well as members of the public, an opportunity to comment on the policy before it was finalized. DOE received comments from one commenter. The DOE reviewed the comments and has determined to finalize the proposed policy with the modifications as described below.

The commenter suggested that indirect notification to local elected officials (or their designees) through the National League of Cities, the National Association of Counties, and the U.S. Conference of Mayors may not provide notification to those local elected officials who are not members of these national organizations. The commenter suggested that DOE also notify the State Municipal Leagues. DOE has decided to implement this suggestion in the following manner. DOE understands that a number of the State Municipal Leagues are members of, and are represented by, one or another of the named national organizations. DOE will notify directly the State Municipal Leagues that are not otherwise represented by one of the named national organizations.

The commenter suggested that, in determining if an unfunded mandate triggers the \$100 million threshold, the DOE should not discount future costs to present value. After consulting with OMB, DOE has accepted this suggestion.

The commenter also suggested that DOE open the consultation process whenever a DOE rule would create an unfunded mandate, without regard for the cost of the mandate. DOE has not accepted this suggestion because the Act provides otherwise, and in any event, issues about a proposed mandate could be presented during the comment period provided in the notice of proposed rulemaking. The Act assigns to the agency the obligation to assess the

effects of Federal regulatory actions on State, local and tribal governments. 2 U.S.C. 1531. The Act requires that the agency permit State, local, and tribal governments to provide input in the development of regulatory proposals when the regulatory proposals contain significant Federal intergovernmental mandates. 2 U.S.C. 1534. If the agency finds that the unfunded mandate does not rise to the level of a "significant intergovernmental mandate" under the Act, then the consultation process is not required. However, such a finding would not preclude a State, local, or tribal government from commenting in a public hearing or in a meeting with agency officials on a proposed intergovernmental mandate that is below the threshold of a "significant intergovernmental mandate."

Finally, the commenter suggested that DOE create a review process whereby local government officials can petition to have DOE's threshold determination reviewed by a "neutral party." DOE has not accepted this suggestion because the Act specifically provides for judicial review. 2 U.S.C. 1571.

In accordance with section 801 of the Small Business Regulatory Enforcement Act of 1996, 5 U.S.C. 801, DOE will report to Congress the promulgation of this Statement of Policy prior to its effective date.

Issued in Washington, DC, on March 11, 1997.

Mary Anne Sullivan,
Acting General Counsel.

On the basis of the foregoing, DOE adopts the following Statement of Policy:

Statement of Policy on the Process for Intergovernmental Consultation Under the Unfunded Mandates Reform Act of 1995

I. Purpose

This Statement of Policy implements sections 203 and 204 of the Unfunded Mandates Reform Act of 1995 (Act), 2 U.S.C. 1533, 1534, consistent with the guidelines and instructions of the Director of the Office of Management and Budget (OMB).

II. Applicability

This Statement of Policy applies to the development of any regulation (other than a regulation for a financial assistance program) containing a significant intergovernmental mandate under the Act. A significant intergovernmental mandate is a mandate that: (1) Would impose an enforceable duty upon State, local, or tribal governments (except as a condition of Federal assistance); and (2)