

indicates that Lots 16, 17, 19, and 21 of the G. P. Foster Survey, Houston, Texas, as recorded in Volume 42-2, Page 133 in the office of the Clerk of Harris County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard area. Accordingly, Map No. H 480296 119 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 27, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11970 Filed 4-23-76; 8:45 am]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Texas

On January 28, 1975, in 40 F.R. 4133, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Dallas, Texas. Map No. H 480171 24 indicates that Block C/5217, Sundance Addition No. 2, Dallas, Texas, as recorded in Volume 75231, Pages 532 through 539 in the office of the Clerk of Dallas County, Texas, is partially within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480171 24 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 10, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11971 Filed 4-23-76; 8:45 am]

[Docket No. FI-450]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Deschutes, Oregon

On January 24, 1975, in 40 F.R. 3778, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Deschutes, Oregon. Map No. H 410055 15 indicates that property known as Skypark, Deschutes County, Oregon, as recorded on Plat No. 37, Pages 134-137, in the office of the Clerk of Deschutes County, Oregon, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 8 of Skypark are not within the Special Flood Hazard Area. Accordingly, Map No. H 410055 15 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on January 17, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11972 Filed 4-23-76; 8:45 am]

[Docket No. FI-199]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Cheektowaga, New York

On September 7, 1973, in 38 F.R. 24359, the Federal Insurance Administrator published a list of communities with special hazard areas which included the Town of Cheektowaga, New York. Map No. H 360231 06 indicates that the proposed Rowley Hollow South Subdivision, being Part of Lot 1, Township 11, Range 7, Cheektowaga, Erie County, New York, as recorded in Liber 8004 of Deeds, Pages 288 through 291 in the office of the Clerk of Erie County, New York, and further described as follows:

Being a part of the Tract or Parcel as recorded in Liber 8004 of Deeds, Pages 288 through 291 in the Erie County Clerk's Office: Commencing at the point of intersection of the northerly line of Como Park Boulevard, as a 100 foot wide highway, with the easterly line of lands conveyed to the Terminal Railway of Buffalo by secondly described parcel in deed recorded in the Erie County Clerk's Office in Liber 1236 of Deeds at Page 138; thence northwesterly along the northerly

line of Como Park Boulevard approximately 1150 feet to the actual point of beginning; thence continuing northwesterly along said northerly line of Como Park Boulevard 543 feet to a point; thence North 300.81 feet to a point on the southerly line of Rowley Road, as a 66 foot wide road; thence easterly along the southern line of Rowley Road 780 feet to a point; thence South 280.44 feet to a point on the northern line of the 50 foot wide Penn-Central Railroad easement; thence southwesterly along the northern line of said easement approximately 291 feet to the actual point of beginning.

is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 360231 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on September 7, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11973 Filed 4-23-76; 8:45 am]

[Docket No. FI-1,037]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Wayne, New Jersey

On February 20, 1973, in 38 F.R. 4669, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Wayne, New Jersey. Map No. H 345327 05 indicates that property at 2422 Hamburg Turnpike, Wayne, New Jersey, as recorded in Book Q-97, Page 308, in the office of the Register of Passaic County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 345327 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on February 20, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11974 Filed 4-23-76; 8:45 am]

[Docket No. FI-327]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Berkeley, New Jersey

On August 12, 1974, in 39 F.R. 28891, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Berkeley, New Jersey. Map No. H 340369 11 indicates that Lot 8, Block 1301, Berkeley Township, New Jersey, as shown on a Plot Plan prepared by Horn, Tyson, & Associates dated August 15, 1962, as recorded in Deed Book 2246, Pages 195 through 198, in the office of the County Clerk of Ocean County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 340369 11 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on August 2, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc.76-11975 Filed 4-23-76; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

ANNUAL INCOME

On pages 9396 and 9397 of the FEDERAL REGISTER of March 4, 1976, there was published a notice of proposed regulatory development to change provisions in Part 3 of Title 38, Code of Federal Regulations, relating to the computation of

income in claims for benefits. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Two written comments on the proposed change were received. These comments were in favor of the proposed changes. The proposed amendments are hereby adopted without change as set forth below.

§ 3.261 Character of income; exclusions and estates.

Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows, and children)	Pension; Public Law 98-211 (veterans, widows, and children)	See—
(a) Income:				
(33) The following programs administered by the ACTION Agency:				
Foster Grandparent Program and Older Americans Community Service Programs payments (Public Law 93-29; 87 Stat. 55).	Excluded...	Excluded...	Excluded...	Sec. 3.262(q)(1).
Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP), and Older American Community Service Programs, Retired Senior Volunteer Program (RSVP), Senior Companion Program (Public Law 93-113; 87 Stat. 394).	do.....	do.....	do.....	Sec. 3.262(q)(2).

2. In § 3.262, paragraphs (o) introduction, (p) and (q) (2) are revised to read as follows:

§ 3.262 Evaluation of income.

(o) *Final expenses of veteran or parent's spouse; dependency and indemnity compensation.* In claims for dependency and indemnity compensation there will be excluded from the income of a parent, as provided in paragraph (p) of this section, amounts equal to amounts paid by the parent for:

(p) *Final expenses; year of exclusion.* For the purpose of paragraphs (m), (n) and (o) of this section, in the absence of contradictory information, the claimant's statement will be accepted as to the nature, amount and date of payment, and identity of the creditor. Except as provided in this paragraph, payments will be deducted from annual income for the year in which such payments are made. Payments made by a veteran, the wife or husband of a veteran, widow, widower, child or, in dependency and indemnity compensation claims, by a parent during the calendar year following the year in which the veteran, spouse or child died may be deducted from the claimant's income for the year of last illness or burial if this deduction is advantageous to the claimant.

(q) *Volunteer programs.* * * *

(2) *Payments under domestic volunteer service act programs.* Effective Oc-

tober 1, 1973, compensation or reimbursement received under a Domestic Volunteer Service Act Program (including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Program, Retired Senior Volunteer Program (RSVP), Senior Companion Program, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE), will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93-113; 87 Stat. 394)

Approved: April 20, 1976.

By direction of the Administrator.

[SEAL]

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.261, paragraph (a) (33) is revised to read as follows:

tober 1, 1973, compensation or reimbursement received under a Domestic Volunteer Service Act Program (including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Program, Retired Senior Volunteer Program (RSVP), Senior Companion Program, Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE), will be excluded from income in claims for compensation, pension and dependency and indemnity compensation. (Pub. L. 93-113; 87 Stat. 394)

[FR Doc.76-11985 Filed 4-23-76; 8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DELETION OF OBSOLETE PROVISIONS

On page 9201 of the FEDERAL REGISTER of March 3, 1976, there was published a notice of proposed regulatory development to make regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to delete certain provisions which were made obsolete by Public Law 94-71 (89 Stat. 395). This act increased monthly rates of dependency and indemnity compensation for widows, widowers and children effective August 1, 1975.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. VA Regulations 3.400 and 3.702 are effective August 1, 1975, and VA Regulations 3.656, 3.658 and 3.659 are effective April 20, 1976.

Approved: April 20, 1976.

By direction of the Administrator.

[SEAL]

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.400, paragraph (c) (3) (i) and (iii) is revised to read as follows:

§ 3.400 General.

(c) *Death benefits.* * * *

(3) *Dependency and indemnity compensation—(i) Deaths prior to January 1, 1957 (§ 3.702).* Date of receipt of election.

(iii) *Deaths on or after May 1, 1957 (in-service waiver cases; §§ 3.5(b) (3) and 3.702).* Date of receipt of election.

2. In § 3.656, paragraph (d) is revised to read as follows:

§ 3.656 Disappearance of veteran.

(d) When any veteran has disappeared for 90 days or more and his (or her) whereabouts remain unknown to members of his (or her) family and the Veterans Administration, any pension under Pub. L. 86-211 (73 Stat. 432) or Spanish-American War pension which the veteran was receiving or entitled to receive may be paid to or for the spouse or children. The status of the veteran at the time of disappearance, with respect to permanent and total disability, income and net worth will be presumed to continue unchanged. Payment for the wife (husband) or children will be effective the day following the date of last payment to the veteran if a claim is received within 1 year after that date; otherwise from date of receipt of a claim. The total amount payable will be the lesser of these amounts:

- (1) Death pension.
- (2) Amount of pension payable to the veteran at the time of disappearance. (38 U.S.C. 507)

3. Section 3.658 is revised to read as follows:

§ 3.658 Offsets; dependency and indemnity compensation.

(a) When an award of dependency and indemnity compensation is made covering a period for which death compensation or benefits under the Federal Employee's Compensation Act, based on military service, have been paid to the same payee based on the same death, the award of dependency and indemnity compensation will be made subject to an offset of payments of death compensation

or benefits under the Federal Employees' Compensation Act over the same period.

(b) When an award of dependency and indemnity compensation is made covering a period for which death benefits have been paid to the same payee based on the death of another spouse the award will be made subject to an offset of payments of death pension or compensation, or dependency and indemnity compensation over the same period in the case of the other spouse. (38 U.S.C. 103 (d) (2), 3104(b) (3))

4. In § 3.659, paragraph (b) is revised to read as follows:

§ 3.659 Two parents in same parental line.

(b) Any reduction or discontinuance of an award to the child or to a widow (widower) will be effective the day preceding the commencing date of death pension, compensation, or dependency and indemnity compensation or, under the circumstances described in § 3.707, the commencing date of dependents' educational assistance under 38 U.S.C. ch. 35, to or on account of the child based on the service of another parent in the same parental line. Any increase to a widow (widower) or another child will be effective the commencing date of the award to the child.

5. In § 3.702, paragraphs (a) and (b) are revised to read as follows:

§ 3.702 Dependency and indemnity compensation.

(a) *Right to elect.* A person who is eligible for death compensation and who has entitlement to dependency and indemnity compensation pursuant to the provisions of § 3.5(b) (2) or (3) may receive dependency and indemnity compensation upon the filing of a claim. The claim of such a person for service-connected death benefits shall be considered a claim for dependency and indemnity compensation subject to confirmation by the claimant. The effective date of payment is controlled by the provisions of § 3.400(c) (3).

(b) *Effect on child's entitlement.* Where a widow or widower is entitled to death compensation, the amount of which is based in part on the existence of a child who has attained the age of 18 years, and elects to receive dependency and indemnity compensation, the independent award of dependency and indemnity compensation to which the child is entitled will be awarded to or for the child without separate election by or for the child. Should such a widow or widower not elect to receive dependency and indemnity compensation, the independent dependency and indemnity compensation to which a child who has attained 18 years of age is entitled, may be awarded upon application by or for the child. The effective date of award in these situations will be in accordance with § 3.400(c) (3) (ii).

[FR Doc. 76-11986 Filed 4-23-76; 8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 528-6]

PART 401—GENERAL PROVISIONS

PART 402—BEST TECHNOLOGY AVAILABLE FOR THE LOCATION, DESIGN, CONSTRUCTION, AND CAPACITY OF COOLING WATER INTAKE STRUCTURES FOR MINIMIZING ADVERSE ENVIRONMENTAL IMPACT

On December 13, 1973 notice was published in the FEDERAL REGISTER (38 FR 34410), that the Environmental Protection Agency (EPA or Agency) was proposing regulations concerning determinations to insure that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

The purpose of this notice is to establish final regulations regarding cooling water intake structures by amending 40 CFR Chapter I, Subchapter N, Part 401 and by adding a new Part 402. This final rulemaking is promulgated pursuant to sections 301, 306, 316(b) and 501(a) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1311, 1316, 1326(b) and 1261(a); 86 Stat. 816 et seq.; Pub. L. 92-500.

Section 316(b) of the Act requires that "any standard established pursuant to section 301 or section 306 of this Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact."

The regulations set forth below amend 40 CFR Part 401 (General Provisions) and establish a new part 402. The General Provisions set forth in Part 401 were published on February 4, 1974 (39 FR 4532).

Section 401.14, which is added to Part 401 by these regulations, provides that the location, design, construction and capacity of cooling water intake structures for any point source for which a standard is established pursuant to section 301 or 306 shall reflect the best technology available for minimizing adverse environmental impact in accordance with the provisions of Part 402.

Section 402.10 establishes the applicability of the provisions of Part 402. Section 402.11 provides definitions for several of the significant statutory terms which appear in Section 316(b) of the Act.

Section 402.12 provides that the information contained in the Development Document accompanying these regulations is to be used in determining compliance with the statutory standard.

The regulations as proposed were supported by a document entitled "Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures." (December, 1973). This document was made available to the public and circulated to interested per-