

financed and the finance charge by the amount of the required deposit balance.

Public Information Letter 1136 discussed a condominium fee that that was escrowed in advance in the same fashion as this mobile home property insurance premium. There the staff stated that the required deposit balance would be only a single year's fee. Since that position is inconsistent with that expressed in this interpretation, Letter 1136 is hereby rescinded.

You ask whether there are tables available for determining the annual percentage rate for transactions involving a required deposit balance. Since the transaction described above involves both multiple advances and unequal payments, use of tables such as those contained in Volume I of the Board's Annual Percentage Rate Tables would be inappropriate. Volume II of the tables may, however, be used for all combinations of advances and payments. You may also find tables prepared by commercial sources that can be adapted for such transactions.

This is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(2) of the regulation and limited to the facts and issues discussed herein.

Sincerely,

Nathaniel E. Butler,
Associate Director.

Board of Governors of the Federal Reserve System, September 12, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-29012 Filed 9-18-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM79-75, Order No. 46]

Certain Sales and Transportation of Natural Gas; Correction

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Erratum Notice Correcting Final Regulations.

SUMMARY: Notice is hereby given of correction to the Federal Energy Regulatory Commission's Final Regulations in Docket No. RM79-75, issued August 30, 1979, and entitled "Final Part 284 Regulations Under the Natural Gas Policy Act of 1978" 44 FR 52179.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 275-4184.

SUPPLEMENTARY INFORMATION:

Final Part 284 Regulations Under the Natural Gas Policy Act of 1978, Docket

No. RM79-75, Erratum Notice, September 13, 1979, Order No. 46, Order Amending Part 284 and Issuing Subparts A, B, C, and E as final regulations, issued August 30, 1979.

In FR Doc. 79-27868 appearing at page 52179 in the Federal Register for September 7, 1979 the following correction should be made.

On page 52180, third column at the bottom of the page in footnote 8, the last sentence should read as follows:

* * * Conversely, if the interstate pipeline purchaser contracted for the transportation and if title passed to the purchaser at the point of delivery to the intermediary transporting interstate pipeline then, absent other evidence that the transaction was on behalf of an intrastate pipeline or local distribution company, the nexus would not be present and section 311(a)(1) authorization would not be available.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-29012 Filed 9-18-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-704]

Community Development Block Grants; Technical Amendments; Interim Rule

Correction

In FR Doc. 79-26593 appearing at page 50248 in the issue for Monday, August 27, 1979, under § 570.200(f)(2)(i), on page 50251, in the first column, in the 12th line, after the word "not" insert "grant exceptions for any special assessments that will"

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 219

National Forest System Land and Resource Management Planning

Correction

In FR Doc. 79-28713, appearing as a separate Part IV at page 53927 in the issue of Monday, September 17, 1979, Appendix F, which begins on page 53992 and ends on page 53999, should be

inserted above the first complete paragraph in column two on page 53976.

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1318-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the attainment status designation of the Tucson area in Arizona for photochemical oxidant (Ox). The revision is the result of EPA establishing a new National Ambient Air Quality Standard (NAAQS) for ozone of 0.12 ppm (primary and secondary) to replace the Ox standard of 0.08 ppm (44 FR 8202, February 8, 1979), the Tucson area is redesignated from nonattainment for Ox to attainment for ozone.

DATES: Effective September 19, 1979.

ADDRESS: Comments should be directed to: Arnold Den, Chief, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105.

FOR FURTHER INFORMATION CONTACT: Morris I. Goldberg (A-4-3), Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105, Phone: (415) 556-8065.

SUPPLEMENTARY INFORMATION: On March 3, 1978, in accordance with Section 107 of the Clean Air Act (CAA) Amendments of 1977, EPA promulgated attainment status designations for all States in relation to the NAAQS. EPA designated the entire area of Pima County in Arizona as nonattainment for Ox. On August 15, 1978, the State requested redesignation of the boundary of the Pima nonattainment area, reducing it in size from Pima County to the Tucson area. EPA approved the boundary redesignation on March 19, 1979 (44 FR 16388).

On February 8, 1979 (44 FR 8202) EPA established a new NAAQS for ozone of 0.12 ppm to replace the Ox standard of 0.08 ppm. In addition, EPA established a statistical method of determining whether the standard has been exceeded. The national standards for

ozone are published as a revision to 40 CFR 50.9 and the statistical method as the new Appendix H, 40 CFR 50.

Because of the change in the standards, Governor Babbitt of Arizona submitted the State's redesignation of the Tucson area on May 21, 1979. The Governor recommended that the Ox nonattainment area be redesignated as an ozone attainment area. The redesignation was supported with data which indicates that the ozone air quality standards were not violated during the three year period, 1976 through 1978.

On July 6, 1979 (44 FR 39486) EPA published a notice of proposed rulemaking concerning the redesignation request. The notice proposed to approve the redesignation and provided a 30-day comment period. No comments were received.

Under Section 107 of the CAA, a state may revise its designations of attainment status and submit to EPA for promulgation the revised designations with such modifications as the Agency deems appropriate. Based upon a review of the air quality data for ozone in the Tucson area and the use of the statistical method for determining whether violations of the NAAQS had occurred, EPA believes that the NAAQS for ozone have been attained.

As a result of the redesignation, the State is not subject to the requirements of Part D of the CAA for ozone in the Tucson area.

Note.—The Environmental Protection Agency has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7801(a)))

Dated: September 10, 1979.

Douglas M. Costle,
Administrator.

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

1. Section 81.303—Arizona, the attainment status designation table for Ox (published in 44 FR 16388, March 19, 1979), is revised to read as follows:

§ 81.303 Arizona.

Arizona—03

| Designated area | Does not meet primary standards | Cannot be classified or better than national standards |
|---|---------------------------------|--|
| Maricopa Association of Governments Urban Planning Area | X | |
| Tucson area | | X |
| Rest of State | | X |

* * * * *

[FR Doc. 79-28948 Filed 9-17-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Parts 204, 205

[FRL 1320-3]

Amendment to Continued Testing Hearing Provision of Noise Emission Regulations for Medium and Heavy Trucks and Portable Air Compressors

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice publishes an amendment to the existing continued testing hearing provision of EPA's noise emission regulations for medium and heavy trucks and portable air compressors, which were promulgated in 1976 pursuant to the Noise Control Act of 1972. The amendment is necessary because of a decision by the United States Court of Appeals for the District of Columbia.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice can be addressed to Timothy Dwyer, Noise Enforcement Division, U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 557-7406.

SUPPLEMENTARY INFORMATION: On January 14, and April 13, 1976, EPA published noise emission standards for Portable Air Compressors and Medium and Heavy Trucks, respectively, 40 CFR 204.1-204.59 and 205.1-205.59 (41 FR 2172; 41 FR 15544). Under §§ 204.57-8 and 205.57-8 of the regulations, the Administrator may require that an affected manufacturer test any or all products of a category, configuration or subgroup thereof which fails a selective enforcement audit before distributing them in commerce. Only those products which comply with the applicable standard may be distributed. These sections presently allow an affected manufacturer to request a hearing on whether the audit was properly

conducted and whether the criteria for batch sequence rejection were met.

This regulation provision limiting the scope of a hearing on a continued testing order, 40 CFR 204.57-8(c), was challenged in the case of *Atlas Copco, Inc. v. Environmental Protection Agency*, (D.C. Cir. No. 76-1354). In *Atlas Copco*, the United States Court of Appeals for the District of Columbia held that § 204.57-8(c) was invalid since the limitations on the issues appropriate for a hearing "unduly and unreasonably" restricted the hearing provided for by the regulation. The court said that, "Reasonableness demands that evidence relevant to the scope of any order that may issue upon such a failure (of a SEA) be considered by the Agency." The court remanded the litigation to EPA to take corrective measures.

EPA acknowledges that the *Atlas Copco* decision invalidates § 204.57-8(c). Since § 205.57-8(c) is identical, EPA is promulgating an amendment to both § 204.57-8(c) and § 205.57-8(c) which expands the scope of the hearing on a continued testing order to include the issue of the appropriateness or the scope of a continued testing order.

The Administrator finds good cause for making this rulemaking effective immediately upon the date of promulgation without prior proposal. The Administrator finds that a pre-promulgation public comment period is impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(b)(B), because immediate action is necessary to bring the EPA regulations within the decision of *Atlas Copco*.

To accomplish the above stated purposes, 40 CFR 204.57-8(c) and 205.57-8(c) are amended as set forth below.

Dated: September 10, 1979.

Douglas M. Costle,
Administrator.

PART 204—NOISE EMISSION STANDARDS FOR CONSTRUCTION EQUIPMENT

A. 40 CFR § 204.57-8(c) is revised to read as follows:

§ 204.57-8 Continued testing.

* * * * *

(c) The manufacturer may request a hearing on the issues of whether the selective enforcement audit was conducted properly; whether the criteria for batch sequence rejection in § 204.57-7 have been met; and, the appropriateness or scope of a continued testing order. In the event that a hearing is requested, the hearing shall begin no

later than 15 days after the date on which the Administrator received the hearing request. Neither the request for a hearing nor the fact that a hearing is in progress shall affect the responsibility of the manufacturer to commence and continue testing required by the Administrator pursuant to paragraph (a) of this section.

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

B. 40 CFR 205.57-8(c) is revised to read as follows:

§ 205.57-8 Continued testing.

(c) The manufacturer may request a hearing on the issues of whether the selective enforcement audit was conducted properly; whether the criteria for batch sequence rejection in § 204.57-7 have been met; and, the appropriateness or scope of a continued testing order. In the event that a hearing is requested, the hearing shall begin no later than 15 days after the date on which the Administrator received the hearing request. Neither the request for a hearing nor the fact that a hearing is in progress shall affect the responsibility of the manufacturer to commence and continue testing required by the Administrator pursuant to paragraph (a) of this section.

(Sec. 6, 13, Pub. L. 92-574; [42 U.S.C. 4912])

[FR Doc. 79-29025 Filed 9-18-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 761

[FRL 1325-1; OTS/62002(PCB/RR-2)]

Polychlorinated Biphenyls (PCB's); Disposal Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediately Effective Amendment to Final Rule Applicable to Chemical Waste landfill in Sedgwick County, Kansas.

SUMMARY: The final PCB regulation (44 FR 31514, May 31, 1979) requires that thirty days written notice be provided to applicable state and local jurisdictions before a PCB chemical waste landfill is first used for disposal of PCBs. The proposed amendment, which is being made immediately effective, allows the Regional Administrator to shorten the notice period to five days to allow expedited approval of one chemical waste landfill. The amendment is applicable solely to one facility in Sedgwick County, Kansas. Although the amendment is immediately effective, the

Regional Administrator will not exercise her discretion under the amendment until an informal hearing is held on the amendment in Sedgwick County on September 17, 1979.

DATES: Written comments are being received by the Regional Office until the close of business on September 19, 1979. Pursuant to Section 6(d)(2)(B) of the Toxic Substances Control Act (TSCA), an informal hearing will be held by the EPA Regional Office in Sedgwick County, Kansas on September 17, 1979. Persons are being allowed to appear at the hearing without prior notification to the Regional Office. This notice is being published in a newspaper of general circulation in Sedgwick County.

ADDRESSES: Send comments to Dr. Kathleen Q. Camin, Regional Administrator, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, Attn: Sedgwick County PCB Chemical Waste Landfill Application. Comments may also be submitted at the hearing on September 17, 1979. The hearing will be held on September 17, 1979 at 7:30 pm at the City Commission Chambers, City Hall, 455 North Main Street, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: David Wagoner, Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Information may also be obtained by calling Mr. Wagoner at 816-374-5971.

SUPPLEMENTARY INFORMATION: On May 31, 1979, EPA published its final regulation for PCBs (44 FR 31514) pursuant to Section 6(e) of TSCA. The regulation establishes requirements for disposal facilities for PCBs. See § 761.10 (44 FR at 31545-48) and Annexes I and II (44 FR at 31551-55). Section 761.10(f)(1)(i) (44 FR at 31547) requires the operator of a disposal facility to give written notice to applicable state and local jurisdictions "at least thirty (30) days before a facility is first used for disposal of PCBs required by these regulations . . ."

EPA has been engaged in the approval of PCB disposal facilities since 1978 under the present regulation and its predecessor (43 FR 7150, February 17, 1978). It has become apparent that the previously-mentioned thirty day notice requirement should be reduced in the case of the pending application of a chemical waste landfill in Sedgwick County, Kansas. Approximately one hundred head of cattle in the State of Kansas have been found to be contaminated with PCBs and have been condemned by the State. However, because of the PCB levels in the cattle

when they are destroyed, they can only be disposed of in a chemical waste landfill approved for PCB disposal under EPA's regulations.¹ The only close landfill that would otherwise be suitable for such disposal has not yet been approved by EPA and under the present regulations cannot be approved until the county has received thirty days notice. If the State must wait 30 days to dispose of the cattle, serious injury to health or the environment may occur. Some of the condemned cattle have already died. Additional cattle may die. If these carcasses of the PCB-contaminated cattle are not properly disposed of, the carcasses may become a source of disease. In addition, the live PCB-contaminated cattle are producing waste which may also contain PCBs. Accordingly, EPA has determined that permitting the Regional Administrator to reduce the thirty day notice requirement to five days in the previously-discussed situation meets the criteria of Section 6(d)(2)(A)(i) of TSCA. A thirty day delay in disposal of the PCB-contaminated cattle would cause an "unreasonable risk of serious or widespread injury to health or the environment" (Section 6(d)(2)(A)(i)(I)). Similarly, the decision to make the rule effective immediately for the Sedgwick County facility "is necessary to protect the public interest . . ." (Section 6(d)(2)(A)(i)(II)) by avoiding delay in disposal.² EPA did not anticipate a situation such as this when it included the thirty day notice provision.

Although the amendment is effective immediately, the Regional Administrator will not exercise her discretion to shorten the notice period until after completion of the informal hearing on the amendment in Sedgwick County on September 17, 1979 and the close of the comment period on September 19, 1979. If after the hearing and reviewing any written comments, EPA believes this amendment is inappropriate, the rule will be revoked.

EPA plans to grant interim approval to the Sedgwick County facility solely for disposal of the PCB-contaminated animals, waste and related contaminated items. Subsequently, EPA plans to hold a public comment period

¹ The PCB-contaminated cattle are subject to TSCA because they are no longer being held "for use as a food . . ." under Section 3(2)(B)(vi).

² Written notice of the pending PCB chemical waste landfill application in Sedgwick County is deemed to have begun on the date when the written notice was delivered to the Board of Commissioners by the applicant for the PCB chemical waste landfill.

in the EPA Region for the full approval of the Sedgwick County facility.

September 14, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

Pursuant to the Toxic Substances Control Act, 15 U.S.C. 2605 and pursuant to authority delegated in the Background section of the preamble to the Final PCB regulation (44 FR 31514, May 31, 1979), 40 CFR Part 761 is amended by adding a new (f)(1)(iii) to read as follows:

§ 761.10 disposal requirements.

* * * * *

(f)(1) . . .

(iii) The Regional Administrator may reduce the notice period required by § 761.10(f)(1)(i) from thirty days to a period of no less than five days in order to expedite interim approval of the chemical waste landfill located in Sedgwick County, Kansas.

[FR Doc. 79-29112 Filed 9-19-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 762

[FRL 1300-2; OTS-6200]

Fully Halogenated Chlorofluoroalkanes; Toxic Substances Control Act; Inkless Fingerprinting Systems

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a two year exemption from its chlorofluorocarbon rule for inkless fingerprinting systems.

DATES: This amendment becomes effective September 19, 1979.

ADDRESS: The official record of rulemaking is located in room 447, WSME, EPA Headquarters, 401 M Street, S.W., Washington, D.C. 20460. The record is available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Joni Repasch is the Record and Hearing Clerk. Telephone: (202) 755-5633.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ritch, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Toll Free Telephone Number: 800-424-9065; in the Washington, D.C. area call 554-1404.

For Technical Information: Call the toll free number and have Jim Silverman return your call.

SUPPLEMENTARY INFORMATION: On March 17, 1978, EPA promulgated a rule

which prohibits the manufacture, processing, and distribution of fully halogenated chlorofluoroalkanes (chlorofluorocarbons) for nonessential aerosol propellant uses. (40 CFR 762; 43 FR 11318). The manufacturing prohibition became effective on October 15, 1978. The processing and distribution prohibitions became effective on December 15, 1978. On May 31, 1979 (44 FR 31238) EPA proposed amending the rule to grant a temporary essential use exemption for inkless fingerprinting systems using chlorofluorocarbon propellants. This action makes the amendment final.

Inkless fingerprinting systems provide a quick, easy, inexpensive, and clean means for fingerprinting. They provide an advantage over systems requiring printers ink because they do not require time for people to clean off the ink. In addition, one study showed that use of an inkless system significantly reduces the number of fingerprints which are rejected because of poor quality. This lower rejection rate produces a cost savings to the user. Inkless fingerprinting systems are popular with organizations which fingerprint a large number of personnel for identification purposes. The Department of Defense considers inkless fingerprinting systems to be valuable and has recommended that EPA grant a temporary exemption.

Inkless fingerprinting systems have only recently come on the market and have been regarded as a major technological innovation in the fingerprinting field. Since EPA announced its intent to regulate chlorofluorocarbons, the firm which pioneered this product, Dactek International, Inc., has experimented with using hydrocarbon, carbon dioxide, and nitrous oxide propellants and with using a nonaerosol pump, but none of these methods have yet provided an acceptable substitute.

In keeping with the requirement of Section 6(c) of TSCA to consider the impact on technological innovation of any rules promulgated, and because of EPA's concern that Dactek's innovation not be lost, EPA is granting an exemption which will last approximately two years. The Agency anticipates that during that two year period Dactek will be able to develop an inkless fingerprinting system that does not utilize a chlorofluorocarbon aerosol propellant.

To the best of EPA's knowledge, Dactek is the only manufacturer of these systems. Because Dactek uses less than 3,000 pounds of chlorofluorocarbons per year, the exemption will not have a significant adverse impact on the environment.

EPA did not receive any comments on the proposed exemption. The wording of the final exemption is exactly as it was proposed. The exemption becomes effective immediately pursuant to the authority of Section 553(d) of the Administrative Procedure Act, 5 U.S.C. Section 553, which allows rules granting an exemption to become effective less than 30 days after promulgation.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This final rule has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

The rulemaking record for this action consists of the rulemaking record for EPA's chlorofluorocarbon rule (40 CFR 762; 43 FR 11318, March 17, 1978) and the following documents:

Federal Register Notices Pertaining to this Rule:

44 FR 31238, May 31, 1979. USEPA. "Fully Halogenated Chlorofluoroalkanes Proposed Regulation." For Inkless Fingerprinting Systems. Docket No. OTS-066004-CFC/IFS.

Company File

Dactek International, Inc.
Exemption request w/12 enclosures (09/26/78).

Additional data on exemption request (09/29/78).

Communication to Mr. George Siebert, Office of the Secretary of Defense, ODASD-EES, from Louis B. Meadows, Pres., Dactek International, Inc. (09/26/79).

Communication to James D. Silverman, OTS, USEPA, from Lester Fox, Dir., Defense Material Specifications & Standards Office, Research and Engineering, Office of the Secretary of Defense (12/05/78).

Communication to Robert E. Kent, Asst. Dir., Identification Division, FBI, from Cynthia C. Kelly, Dir. Control Action Division, OTS, USEPA (11/16/78).

(Response from Robert E. Kent, Asst. Dir., Identification Division, FBI, to Cynthia C. Kelly, Dir. Control Action Division, OTS, USEPA (12/08/78).

Communication to Steven D. Jellinek, AA, OTS, USEPA, from the Honorable James C. Corman, U.S. House of Representatives (01/04/79).

(Response from Steven D. Jellinek, AA, OTS, USEPA, to the Honorable James C. Corman, U.S. House of Representatives (04/20/79).

Communication to USEPA, from the Honorable S. I. Hayakawa, U.S. Senate (01/30/79).

(Response from Steven D. Jellinek, AA, OTS, USEPA, to the Honorable S. I. Hayakawa, U.S. Senate (04/20/79).

Communication from William J. Harrington, Dir. for Legislative and U.S. Government