loss provided a proper election is made in the taxpayer's original or amended return for the first taxable year ending on or after October 1, 1978, in which such a nonproductive well is completed. The taxpayer must make a clear statement of election under this option in the return or amended return. The election may be revoked by the filing of an amended return that does not contain such a statement. The absence of a clear indication in such return of an election to deduct as ordinary losses intangible drilling and development costs of nonproductive wells shall be deemed to be an election to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property. Upon the expiration of the time for filing a claim for credit or refund of any overpayment of tax imposed by chapter 1 of the Code with respect to the first taxable year ending on or after October 1, 1978 in which a nonproductive well is completed, the taxpayer is bound for all subsequent years by his exercise of the option to deduct intangible drilling and development costs of nonproductive wells as an ordinary loss or his deemed election to recover such costs through depletion or depreciation.

(c) *Nonoptional items distinguished. (1) Capital Items:* The option with respect to intangible drilling and development costs does not apply to expenditures by which the taxpayer acquires tangible property ordinarily considered as having a salvage value. Examples of such items are the costs of the actual materials in those structures which are constructed in the wells and on the property, and the cost of drilling tools, pipe, casing, tubing, tanks, engines, boilers, machines, etc. The option does not apply to any expenditure for wages, fuel, repairs, hauling, supplies, etc., in connection with equipment, facilities, or structures, not incident to or necessary for the drilling of wells, such as structures for treating geothermal steam or hot water. These are capital items and are recoverable through depreciation.

(2) *Expense items:* Expenditures which must be charged off as expense, regardless of the option provided by this section, are those for labor, fuel, repairs, hauling, supplies, etc., in connection with the operation of the wells and of other facilities on the property for the production of geothermal steam or hot water.

(d) *Manner of making election.* The option granted in paragraph (a) of this section to charge intangible drilling and development costs to expense may be exercised by claiming intangible drilling and development costs as a deduction on the taxpayer's original or amended return for the first taxable year ending on or after October 1, 1978, in which the taxpayer pays or incurs such costs with respect to a geothermal well commenced on or after that date. No formal statement is necessary. The exercise of the option may be revoked by the filing of an amended return that does not claim such a deduction. If the taxpayer fails to deduct such costs as expenses in any such return, he shall be deemed to have elected to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property. Upon the expiration of the time for filing a claim for credit or refund of any overpayment of tax imposed by chapter 1 of the Code with respect to the first taxable year ending on or after October 1, 1978, in which the taxpayer pays or incurs intangible drilling and development costs with respect to a geothermal well commenced on or after that date, the taxpayer is bound by his exercise of the option to charge such costs to expense or his deemed election to recover such costs through depletion or depreciation for that year and for all subsequent years.

(e) *Effective date.* The option granted by paragraph (a) of this section is available only for taxable years ending on or after October 1, 1978, with respect to geothermal wells commenced on or after that date.

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 263 and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3201; 26 U.S.C. 263; 68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: January 16, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-2944 Filed 1-29-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 43-80]

Exemption of Records Systems Under the Privacy Act; Revocation of an Exemption

AGENCY: Department of Justice, Law Enforcement Assistance Administration (LEAA).

ACTION: Revocation Rule.

SUMMARY: As explained in the Notice Section of today's **Federal Register**, LEAA's Office of Audit and Investigation is rescinding its system of records entitled "General Investigative System, JUSTICE/LEAA-003". This notice was most recently published in a **Federal Register** on September 30, 1977 and again in the **Federal Register** document identified as the Privacy Act issuances, 1978 Compilation, Volume III. It was originally published on August 27, 1975, along with a proposed rule to exempt the system from subsections (d), (e)(4) (G) and (H), and (f) of the Privacy Act.

Because the system of records is rescinded, paragraphs (a), (b), and (c) of 28 CFR 16.100 are unnecessary and are being revoked.

DATES: Revocation of the exemption is effective January 30, 1980.

ADDRESSES: Administrative Counsel, Justice Management Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793-78, paragraphs (a), (b) and (c) of 28 CFR 16.100 are hereby revoked, paragraph (d) is hereby redesignated paragraph (a), and paragraph (e) is hereby redesignated paragraph (b).

Dated: January 22, 1980.

Kevin D. Rooney,

Assistant Attorney General for Administration.

[FR Doc. 80-2979 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-18-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

Public Access to Documents and Records and Declassification Requests

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: The United States District Court for the District of Columbia on September 27, 1979, ordered the Central Intelligence Agency to publish applicable rules and regulations relating to the Agency's Reading Room and access thereto. In compliance with this order, a proposed rule was promulgated in the **Federal Register** on November 15, 1979.

The regulations establish procedures for the general public to access and review any records which have been approved for release in response to Freedom of Information Act requests.

DATES: Effective January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George W. Owens, Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505; phone: (703) 351-7486.

SUPPLEMENTARY INFORMATION: The Court ordered on September 27, 1979, that by November 30, 1979, the Agency must inform the general public of its Rules and Regulations for access by the general public to review records which have been approved for release to the general public in response to Freedom of Information Act requests at an Agency Reading Room. The Agency did so inform the public by publishing a proposed rule in the **Federal Register** at Vol. 44, No. 222, pp. 65780-65781, November 15, 1979.

The Central Intelligence Agency offered to receive comments from the general public regarding the proposed rule. The public was informed that all written comments, that were received by January 7, 1980, would be considered before adoption of a final rule. The Agency received two comments. One individual wrote that the proposed rule was unclear in that it did not adequately state that any member of the general public could access and review records which had been approved for release to another requester. Another individual took exception to the language used in describing the conditions of access to the Reading Room. The Agency has accordingly modified the rule as published in the **Federal Register** on November 15, 1979, in order to clarify the expressed areas of concern.

This Central Intelligence Agency Rule and Regulation is adopted. It is entered at Title 32 Code of Federal Regulations, Part 1900, paragraph (c) of § 1900.49, Notification and payment; furnishing records. Rules and Regulations previously promulgated can be found in the **Federal Register** at Vol. 40, No. 34, pp. 7294-7298, February 19, 1975; Vol. 40, No. 113, pg. 24897, June 11, 1975; Vol. 42, No. 92, pg. 24049, May 12, 1977; and, Vol. 43, No. 109, pg. 24527, June 6, 1978.

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

In consideration of the foregoing, the Central Intelligence Agency adopts the amendment to 32 CFR Part 1900 by adding a new paragraph (c) to § 1900.49 to read as follows:

§ 1900.49 Notification and payment; furnishing records.

* * * * *

(c) As an alternative to any Freedom of Information Act requester receiving any records from the Agency by mail, a requester may arrange to inspect the records at a CIA Reading Room. The requester may be the person who initially requested the records or the requester may be someone who was not a party to that request. The Information and Privacy Coordinator will designate a Reading Room for the purposes of records inspection, and the requester may select whatever records the requester wishes to purchase at a cost set forth in § 1900.25. Access to the Reading Room will be granted only after the fees that accumulated from the search to produce the requested records have been paid, or waived by the Information and Privacy Coordinator pursuant to § 1900.25(a). Upon receipt of a written statement from the requester exercising this option, the Coordinator will advise the requester of the location of the Reading Room and provide directions thereto. Unless otherwise designated, the Reading Room location will be in the metropolitan Washington, D.C. area. Records that the Agency will release will be available for inspection in the Reading Room on a date or dates mutually agreed upon by the Coordinator and the requester, not more than seven days from the Agency's receipt of the written request or from completion of the processing of the request for records, whichever is later. The requester may agree to a date or dates more than seven days from such time. On the days the Reading Room is open, it will be available to requesters from 9:30 a.m. to 3:30 p.m.

This amendment to rules and regulations of the Central Intelligence Agency is adopted under the authority of Section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), The Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 12065 (3 CFR 190), the Freedom of Information Act, as amended (5 U.S.C. 552), and the Federal Records Management Amendments of 1978 (Sec. 4, Pub. L. 94-575, 90 Stat. 2723).

Don I. Wortman,
Deputy Director for Administration.

[FR Doc. 80-2832 Filed 1-29-80; 8:45 am]
BILLING CODE 6310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1401-8]

Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve, in part, the State Implementation Plan (SIP) revisions for Vermont which were received by the Environmental Protection Agency (EPA) on March 21 and November 21, 1979, pertaining to program to review new and modified major stationary sources in attainment areas.

These plan revisions were prepared by the state, in part, to meet the requirments of Part C (Prevention of Significant Deterioration of Air Quality) (PSD), as amended in 1977. On July 9, 1979 (44 FR 40078), EPA published a Notice of Proposed Rulemaking (NPR) which described these revisions, and requested public comment. No comments have been received on the PSD portion of the revisions.

EPA is approving the program to review new and modified major stationary sources in attainment areas, except a portion of the narrative and a regulation pertaining to default permits. A subsequent Notice will discuss the rest of the revisions.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203 (617)223-6883.

SUPPLEMENTARY INFORMATION: Part C and section 110(a)(2)(D) of the Clean Air Act (the Act) establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by National Ambient Air Quality Standards (NAAQS).

The amount of deterioration permitted is quantified by a table of air quality increments which appears in section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. EPA has been operating a federal permit system designed to protect the increments. Regulations under which the Agency is operating are found at 40 CFR, § 52.21 as published June 19, 1978 (43 FR 26388 to 26410). Regulations specifying requirements for approvable State plans are found at 40 CFR § 51.24 as published June 19, 1978 (43 FR 26380 to 26388).[1]

In the NPR, EPA proposed approval of the PSD program based on changes to be made to the narrative and certain regulations. With the exception of one subsection and a portion of the narrative, Vermont has made the necessary changes. With today's rulemaking approving Vermont's program, the review of new and modified major stationary sources in attainment areas becomes the state's responsiblility. In granting this approved, EPA has taken account of the fact that the decision in *Albama Power* v. *Costel* requires EPA to amend various provisions of the PSD regulations, and further that Vermont has agreed to amend its PSD regulations to fully comply with EPA's regulations, as amended, within the allowable time period.

1. Definition of Major Modification

Vermont agreed to make the necessary regulatory changes such that the degree of review under the SIP would be the equivalent of any review required under the existing federal regulations.

Vermont has amended its definition under Section 5–101(32) in its November 21, 1979 submittal to read "Modification means any physical change in, or change in the method of operation of, a stationary source which increases the emission rate of any air contaminant, regardless of any emission reductions achieved elsewhere in the source, except that routine maintenance, repair and replacement shall not be considered physical changes". This amendment satisfies the federal requirement.

2. Definition of Source/Facility

Vermont agreed to amend its new source review (NSR) regulations to control reconstructed facilities as new sources.

Under new Section 5–101(49) in its November 21, 1979 submittal, Vermont has added "Reconstructed Source means a source wherein the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source. A reconstructed source will be treated as a new source for the purposes of these regulations". This amendment satisfies the federal requirement.

3. Baseline Concentration

As discussed in the NPR, Vermont agreed to clarify in its regulations which sources are included in the baseline and thus not subject to PSD review. Vermont further agreed to revise the SIP to require all emissions not included in the baseline to be cumulatively counted against the PSD increments.

In the November 21 submittal Vermont still does not define the term "baseline." The revision narrative is further complicated by the interchangeable use of the terms "baseline" and "background" concentrations. Whereas EPA's PSD review consists of two separate modeling analyses—one to determine that the proposed source will not cause or contribute to an NAAQS violation and another to determine that the proposed source will not consume the remaining available PSD increment, Vermont combines both requirements into one analysis (pages 9–12 and 9–13). Vermont first determines background concentration by the most appropriate means. Where ambient monitoring is the most appropriate means, such monitoring will be required of the first new major source in a PSD area (See discussion at Section III A 9 of this Notice). The state then evaluates the proposed source's impact against either the difference between NAAQS minus background or the remaining available PSD increment, whichever is more restrictive. This single analysis is equivalent to EPA's two part air quality impact analysis.

In Vermont's original SIP submittal of March 21, 1979, it was unclear that the emissions from each major stationary source would be restricted to the remaining (as opposed to the entire) PSD increment once the applicable increment has been partially consumed by previously permitted sources whose emissions are not included in the baseline. Vermont has deleted the reference to Table 2 in Regulation 5–502(4)(c) in its November 21 submittal eliminating the inference that the entire PSD increment would be constantly available. No other amendments to the regulations have been made. However, Regulation 5–502(4)(c) states that a source's evaluation must demonstrate that its allowable emissions do not cause or contribute to any increase in ambient concentrations exceeding "the remaining available PSD increment set for specific air contaminants as defined by the Secretary". Regulation 5–502(5) again uses the wording "remaining PSD increments * * *". Pages 9–12 and 9–13 of the narrative state that the Vermont Agency of Environmental Conservation (AEC) is committed to accept all determinations of PSD increment consumption made by EPA under its PSD regulations until the Vermont SIP is approved, thus assuring that only the remaining PSD increment would be subsequently available to sources permitted by the Vermont Agency. The regulations in conjunction with the narrative indicate that major stationary sources to be permitted under PSD would be entitled only to the remaining portion of applicable PSD increments. These amendments satisfy the conditions in the NPR.

4. Definition of Other Dispersion Techniques

Vermont agreed to include the term "other dispersion techniques" in its good engineering practice stack height requirements for air quality impact evaluations.

Regulation 5–502(4)(d) has been amended to included the following clause, "* * * the evaluation shall exclude the effect of that portion of the height of any stack which exceeds good engineering practice and the effect of any other dispersion technique". This amendment satisfies the federal requirement.

5. Phased Construction

Vermont agreed to amend the narrative portion of its revisions to indicate that in phased construction projects, Vermont's most stringent emission rate (MSER) control technology review will be done prior to each phase.

Page 9–5 of the narrative submitted on November 21, 1979 states that a MSER reassessment must be made prior to the construction of each phase for which MSER applies. Further, the narrative states, "It is the State's intention to identify at the time a permit is issued which phases of phased projects will be required to undergo this MSER reassessment prior to construction". This amendment satisfies the federal requirement.

[1] EPA is amending the PSD regulations in response to *Alabama Power Company* v. *Costel* No. 78–1006 (December 14, 1979). Vermont has committed to revise its regulations to conform to the amended PSD regulations within nine months to their publication in the **Federal Register**.

6. Air Quality Models

On pages 9–9 and 9–10 of the narrative submitted on November 21, 1979, Vermont has indicated that EPA models would be used to "screen" sources that may cause a violation of an air quality standard or significantly impact a nonattainment area. If either situation is indicated, a more refined analysis may be adopted. The narrative, however, has retained the reference to a Northeast States for Coordinated Air Use Management (NESCAUM) memorandum for determining PSD increment consumption which specifies the use of modeling techniques which have not been approved by EPA. The NESCAUM proposal is discussed more fully in the NPR (44 FR 40085).

In the cover letter accompanying the March 21, 1979 submittal, Governor Snelling committed the state to the use of EPA-approved models. EPA is therefore disapproving the portion of the revision narrative from the first full paragraph on page 9–11 through the top four lines of page 9–12 which include the NESCAUM proposal, and is relying on the Governor's commitment to use EPA-approved models.

7. Increment Tracking

On September 25, 1979 EPA wrote to the state requesting that Vermont clarify whether tracking of PSD increment consumption will be modeled or monitored.

Toward complying with this request, page 9–13A of the November 21 submittal states, "It should be noted that tracking of PSD increment consumption will be accomplished through the use of models. The State reserves the right to adjust increment consumption on an areawide basis if monitoring indicates that predicted consumption shown by modeling of projected area growth is not consistent with actual growth occurring. This monitoring check on area source growth can only be performed in areas which are routinely monitored for the State air program. Monitoring will not be used to check increment consumption by specific point sources". This clarification is consistent with EPA policy.

8. Area and Minor Source Growth

Vermont agreed to recommit to periodic assessments to be performed no less frequently than every five years commencing in 1982.

On page 9–13 of the narrative submitted on November 21, 1979 the following appears: "* * * the State will periodically assess the effect on increment consumption caused by changes in area source emission categories and non-major point sources occurring within each PSD area. This area source assessment will be performed only in those PSD areas for which a baseline has been determined and will first be done in August, 1982, subsequent assessments done every five (5) years from the date." This amendment satisfies the federal requirement.

9. Monitoring

As explained in the NPR, Vermont agreed to clarify its narrative to explain that the state intended to use ambient monitoring to define background concentration when the NAAQS rather than the PSD increments were the limiting constraint. Page 9–13A of the November 21 narrative explains how tracking of PSD increment consumption would be modeled not monitored as has been discussed and satisfies the federal requirement.

In the NPR, EPA also recommended that ambient monitoring be required in unclassified areas and where sources have the potential to significantly impact nonattainment areas. Pages 9–12 and 9–13 of the November 21 narrative explain that monitoring will be required in high population density areas and in municipalities adjacent to non-attainment areas. The only pollutant for which Vermont has unclassified areas in ozone. By letter of December 19, 1979, Vermont indicated that under the authority of regulation 5–405 ambient ozone monitoring would be required of any major VOC source locating in an unclassified area.

Lastly, in the NPR, EPA recommended that the state commit to following the monitoring procedures specified in 40 CFR Part 58, Appendices B, C and E. On pages 9–12 and 9–13 of the narrative, Vermont states that it will recommend the above mentioned procedures to sources seeking PSD permits. The narrative further explains how monitoring will be used to establish background concentration at the time of the first application for a new or modified major source in a PSD area. The SIP narrative also states that all Vermont sources which commenced construction prior to January 6, 1975, are already in operation; therefore, the air quality monitoring data collected at the time of the first PSD application need not be adjusted to take into account any delayed operation of major point sources. The state will then use this monitored background concentration together with modeled increment consumptions to determine a 1977 baseline concentration.

10. Class I Additional Impacts

Vermont agreed to include the impacts on any Class I areas from any proposed major source or modification in the public notice issued on a project.

On page 9–2 of the narrative submitted on November 21, 1979, the following appears "* * * the public notice of proposed Agency action will include a description of the impacts on both Class I and Class II increments resulting from approval of the new major source." This amendment satisfies the federal requirement.

11. Notification

Vermont agreed to revise the narrative of its revisions to specify that the public notice will be sent to Federal Land Managers (FLM) as well as affected land use planning agencies, local and county officials, and adjacent states. Vermont also agreed that it would consider the FLM's comments regarding the air quality impact of proposed sources.

Page 9–2 of the narrative submitted on November 21, 1979 specifies that the notice shall be sent to agencies, FLMs, officials, and states. Page 9–3 specifically states that a FLM's comments regarding air quality impacts on Class I areas within his jurisdiction would be considered in issuing the final order. These amendments satisfy the federal requirement.

Action: EPA is approving Vermont's program to review new and modified major stationary sources in attainment areas except two portions of the plan. EPA is disapproving the SIP revision narrative from the first full paragraph on page 9–11 through the top four lines of page 9–12 referencing the NESCAUM proposal, and regulation 5–501(3)—Default permits.

The Agency finds that good cause exists for making this action effective upon the Administrator's signature because implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

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." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: January 25, 1980.

Barbara Blum,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart UU—Vermont

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

1. In § 52.2370, paragraph (c) is amended by adding paragraph (9) as follows:

§ 52.2370 Identification of plan.

(c) * * *

(9) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on March 21 and November 21, 1979. Included in these revisions is a program for the review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

2. Section 52.2380 is revised to read as follows:

§ 52.2380 Significant deterioration of air quality.

The program to review the construction and operation of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C, except regulation 5–501(3) entitled "Default permits", and a portion of the SIP revision narrative from the first full paragraph on pages 9–11 through the first four lines of pages 9–12 inclusive, both of which were submitted on March 21, 1979 and which are disapproved.

[FR Doc. 80-2932 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1402-2]

Approval and Promulgation of Implementation Plans; Maine Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve the State Implementation Plan (SIP) revisions for Maine which were received by the Environmental Protection Agency (EPA) on May 1, 1979, October 26, 1979 and December 20, 1979 pertaining to a program to review new and modified major stationary sources in attainment areas. These plan revisions were prepared by the state, in part, to meet the requirements of Part C (Prevention of Significant Deterioration of Air Quality) (PSD) of the Clean Air Act (the Act). On August 1, 1979 (44 FR 45210), EPA published a Notice of Proposed Rulemaking (NPR) which described these revisions and requested public comment. No comment was received on the PSD portion of the revisions.

EPA is approving the program to review the construction and operation of new and modified major stationary sources in attainment areas. A subsequent notice will discuss the rest of the revisions.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223–6883.

SUPPLEMENTARY INFORMATION: Part C and Section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by National Ambient Air Quality Standards (NAAQS).

The amount of deterioration permitted is quantified by a table of air quality increments which appears in Section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating its clean air status.

A principal means of protecting the increments is the review and regulation of new growth. EPA has been operating a federal permit system designed to protect the increments. Regulations under which the Agency is operating are found at 40 CFR § 52.21 as published June 19, 1978 (43 FR 26388 to 26410). Regulations specifying requirements for approvable state plans are found at 40 CFR § 51.24 as published June 19, 1978 (43 FR 26380 to 26388).[1]

In the NPR, EPA proposed approval of the PSD program based on changes to be made to the narrative and certain regulations. Maine has made the necessary changes. With today's rulemaking approving Maine's program, the review of new and modified major stationary sources in attainment areas becomes the state's responsibility.

The Maine regulations pertaining to PSD are found in regulations 100, "Definition Regulation"; 108, "Emission License Regulation"; 110, "Ambient Air Quality Standards"; 113, "Growth Offset Regulation"; and 114, "Classification of Air Quality Control Regions". In addition, certain narrative portions of the SIP revisions explain these regulations. EPA compared the Maine regulations with the requirements of 40 CFR 51.24 and, except where noted, has determined that the Maine plan meets these requirements.

In response to the NPR, the Maine Board of Environmental Protection adopted both narrative and regulatory changes.

They include:

1. *Area redesignation.*—The May 1, 1979 submittal did not contain all the requirements specified in 40 CFR 51.24(g) (2) and (3) for redesignation to Class III or Class I areas. The NPR noted that EPA retains the right to approve state redesignation requests, but in order to do so the state must submit requests in accordance with the procedures specified in 40 CFR Section 52.21(g).

Maine amended Chapter 6.1 of the narrative portion of the revisions to state that redesignation requests would be submitted in accordance with the requirements of Section 164 of the Act including appropriate notice, local consultation, and public hearing.

2. *Modifications.*—The control technology requirements of the May 1 revisions applied to any modification. The definitional provisions of that plan failed to make clear whether a modification was a net increase of potential emissions or instead any increase ignoring any accompanying emission reductions.

Chapter 6.1 of the narrative portion of the SIP was amended to explain that major modifications will include those modifications to the facility which result in a potential increase in emissions regardless of concurrent reductions occurring elsewhere at the source. The narrative states that reconstructed facilities will be regulated in a manner consistent with EPA's PSD requirements. Specifically, Maine has stated that reconstructed facilities whose cost exceeds 50% of the capital cost of a comparable new facility will be considered a new facility which, upon exceeding the prescribed emission threshold for PSD, will be subject to the best available control technology (BACT) requirement.

3. *Phased construction.*—The May 1 revisions did not provide for BACT review of phased construction sources prior to each phase. In the revised Chapter 6.1 of the SIP narrative, Maine states that construction projects will be reviewed at the time of expiration of the two year emissions license to determine that future phases continue to use air

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[1] EPA is amending the PSD regulations in response to *Alabama Power Company et al.*, v. *Costle*, D.C. Cir., No. 78-1006 (December 14, 1979). Maine has committed to revise its regulations to conform to the amended PSD regulations within nine months of their publication in the Federal Register.

pollution control technology representing BACT at that time and that the use of available increment will not be reserved for any source beyond the two year licensing period (except in those cases where construction of the affected source will exceed the two year limitation.) EPA's corresponding time limitation of 18 months does not represent a significantly more stringent requirement than the two year limitation contained in the Maine plan.

4. *Exemptions.*—The May 1 revisions exempted sources of temporary particulate emissions from consuming PSD increment. The revised SIP narrative now explains that such emissions must not, however, exceed the allowable PSD increment. Secondly, the Maine plan exempts modified sources with net allowable increased emissions under 50 tons per year from impact analysis provided such sources do not impact Class I areas. EPA requires a zero net increase in emissions for this exemption but feels that this minor deviation is acceptable. Finally, the May 1 revisions did not have as a prerequisite to air impact exemptions a requirement of no Class I impact. Revised regulation 108.3(E) does not permit any air impact exemptions if a source's emissions will or can reasonably be expected to impact a Class I area. These satisfy the proposed conditions in the NPR.

5. *Accumulated emissions.*—The May revisions did not define a starting time from which emissions would be accumulated in order to define a modification. The amended narrative provides that whenever several minor modifications to a facility result in an aggregate increase in potential emissions in excess of the amount defined as a major modification, the total accumulated increase in emissions will be considered as resulting from a major modification and that all emission increases not included in "baseline concentration" will be used in calculating the total accumulated emission increases.

6. *Modeled emissions.*—The May revisions did not specify, but the state agreed prior to publication of the NPR, that all modeled emissions will be based on maximum allowable emissions at maximum rated capacity unless otherwise constrained by permit conditions. In the revised narrative portion of the SIP, Maine specifies that all estimates of ambient air impact shall be based upon models, methods and requirements as specified in EPA's Guidelines on Air Quality Models. This procedure also appears in regulation 108, thus satisfying EPA's requirements.

7. *Air quality models.*—The May revisions did not contain all the EPA requirements specified in 40 CFR 51.24(m) for use of EPA models and use of alternative modeling procedures. The plan allowed the State Commissioner to approve the use of alternative models (regulation 108.3(A)(3)). Under 40 CFR 51.24(m)(iv), the Administrator of EPA retains this right.

Maine's amended regulation 108.3(A) includes a provision for state approval of the use of alternative models. The amended SIP narrative (Chapter 6.1) states that requests for use of alternative models will be submitted to EPA for approval, and that the Commissioner of the Department of Environmental Protection (DEP) will abide by EPA's determination. On the basis of these commitments, EPA is approving the state regulation.

8. *Monitoring and additional impact analysis.*—Whereas EPA requires these analyses of all new and modified major sources, regulation 108.3(c) of the May revisions required such analyses from "sources whose emissions may have significant impact on the maintenance of the state amibient air quality standards and applicable increments, or will impact a Class I area or will impact an area in which the applicable increment is known to be violated". EPA interprets the population of sources to which the Maine regulation applies to be more exclusive, and thus, as stated in the NPR, less stringent than the federal requirement. The state does not agree with EPA's interpretation but has made the required regulatory change by deleting the phrase the "maintenance of the state", thus assuring that all major sources with signifcant impacts will undergo the required technical analyses. In addition, regulation 108.3.E was amended to provide that no exemptions from monitoring and additional impact analysis would be granted for any source whose emissions will or can reasonably be expected to impact a Class I area.

9. *Sources in Class I areas.*—The May revisions did not specifically provide that the state transmit to EPA a copy of every Class I permit application, or that the state notify EPA of every action related to the consideration of such permits. These actions will be accomplished through EPA reporting requirements specified in Section 105 air program grants. The plan did not provide a mechanism for Federal Land Manager notification and participation in the PSD process.

Chapter 6.0 of the SIP narrative, as amended, provides that whenever the DEP receives an application for any major emitting source or modification whose emissions may reasonably be expected to impact any Federally mandated Class I area, the DEP will notify the appropriate Federal Land Manager and will disapprove the air emission license if the Federal Land Manager demonstrates to the satisfaction of the DEP that the emissions from the proposed source will have an adverse impact on air quality even if the Class I increment is not violated.

10. *Class I variances.*—The regulatory portion of the May revisions did not contain procedures for Class I variances. The narrative portion of the plan (Chapter 6.3) referenced Section 587 of the state air pollution control laws.

Section 587 as referenced in amended Chapter 6.1 has been revised to specify that sources may apply for a variance to Class I increments under the terms and conditions set forth in Section 165(d) of the Act.

11. *Public participation.*—The regulatory portion of the May revisions did not contain public participation requirements. The narrative portion referenced Department Regulations for Processing of Applications and Regulations for Hearings on Applications.

The amended narrative in Chapter 6 of the revisions contains additional public participation procedures. Also, the following procedures are described in the amended SIP narrative:

"After receiving a completed application, the Department will publish a 30-day advance notice of availability in a newspaper of general circulation in the area of the proposed source. This notice will indicate that any member of the public has a right to view the application, to receive a copy of the staff proposed Finding of Fact and Order and the right to request a public hearing. The notice of availablility for any major emitting source will, in addition, be mailed to the Environmental Protection Agency, any affected Federal Land Manager, affected state and local governments, regional planning agencies and any affected Indian governing bodies.

"The staff, after consideration of public comments, shall draft a proposed order including the determination of impact on air quality (including increment consumption) at least one week prior to consideration of the license by the Board of Environmental Protection. Any member of the public may be present at the Board meeting when the application is considered. Any applicant or aggrieved member of the public may petition the Board for reconsideration of a decision, or request a public hearing on the application. Public hearings on applications are discretionary with the Board."

In addition to the general notification, the agenda for the Board meeting will be published in the Department's publication, Environews.

The DEP submitted a copy of it's Administrative Procedures Act to EPA which provides regulatory authority for public participation requirements.

12. *Regulatory changes indicated in the NPR.*—EPA indicated that the plan satisfactorily met the PSD requirements with certain minor exceptions and proposed approval conditioned upon Maine's adoption of the following three regulatory changes:

a. Regulation 108.3(c)—The words "the maintenance of the State" were to be deleted, in order to clarify that Maine's air quality monitoring requirements would be consistent with EPA's.

b. Regulation 108.3(e)—These exemptions must not apply to sources impacting a Class I area.

c. Regulation 108.3(e)—The words "this subpart" would be replaced with "subpart C."

The above three regulation changes were adopted by the Maine Board of Environmental Protection on September 26, 1979.

Action:

EPA is approving the Maine PSD plan. To the extent that EPA's final PSD regulations are more stringent than the Maine PSD portion of the plan, the state will have nine months to submit revisions after EPA promulgates the final PSD regulations.

The Agency finds that good cause exists for making this action effective upon the Administrator's signature because implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

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". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: January 25, 1980.

Barbara Blum,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart U—Maine

Title 40, Part 52 of the code and Federal Regulations is amended as follows:

1. In § 52.1020, paragraph (c) is amended by adding sub-paragraph (10) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(10) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on May 1, 1979, October 26, 1979 and December 20, 1979. Included in the revisions is a plan for review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

2. Section 52.1029 is revised to read as follows:

§ 52.1029 Significant deterioration of air quality.

The program to review operation and construction of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C.

[FR Doc. 80-2927 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1401-7]

Attainment Status Designations; Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking changes the attainment status relative to the national ambient air quality standards (NAAQS) for certain areas in Illinois. On July 2, 1979, a redesignation of certain of the areas was proposed in the **Federal Register** (44 FR 38587). The Notice of Proposed Rulemaking listing the redesignations contained tables with numerous errors, omissions and incorrect titles. A correction notice was published in the **Federal Register** September 20, 1979 (44 FR 54500), and a 30-day comment period was established.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTARY INFORMATION: Pursuant to Section 107(d) of the Clean Air Act (Act) the State of Illinois designated areas within the State as either attainment or nonattainment for the National Ambient Air Quality Standards (NAAQS). The Administrator of the U.S. Environmental Protection Agency published notices of these designations in the **Federal Register** on March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993). On July 2, 1979, at 44 FR 38587, in a Notice of Proposed Rulemaking, USEPA published charts representing changes in certain designations which changes Illinois had proposed in its April 3, 1979 State Implementation Plan revision request as it pertained to total suspended particulates (TSP), sulfur dioxide (SO2), and ozone Ox).

These charts included numerous typographical errors, omissions and incorrect titles. A correction notice was published in the **Federal Register** September 20, 1979 (44 FR 54500) and a 30-day comment period established.

Comments were received from the Illinois Environmental Protection Agency (IEPA) and from individual citizens.

The Illinois Environmental Protection Agency (IEPA) commented that several minor typographical errors and omissions occurred in the proposed Illinois designations for TSP. These errors and omissions are as follows:

(1) Bloomington Township in Air Quality Control Region (AQCR) 66 was left undesignated and Normal Township was designated as a nonattainment area for both the primary and secondary particulate standards. The charts for the Illinois proposed designation should have shown Bloomington Township as nonattainment for the secondary standards and Normal Township as nonattainment for only the secondary particulate standards.

(2) IEPA commented that the designations for Putnam County in AQCR 71; and Adams County and Menard County in AQCR 75 were omitted. The designations for these counties were omitted because the designations were unchanged from the October 5, 1978 **Federal Register** Notice which shows that Hennepin Township in Putnam County; Ellington, Melrose and Riverside Townships, in Adams County; and Petersburg East, Petersburg North and Petersburg South in Menard County are nonattainment for the secondary standards only.

(3) In the proposed Illinois

TSP designations for AQCR 73 Sycamore Township in DeKalb County was inadvertently omitted. Sycamore should have been listed as it was in the July 2, 1979 **Federal Register** (44 FR 38593) as nonattainment for the secondary standards only.

(4) The narration on page 54505 of the September 20, 1979 **Federal Register** incorrectly refers to Monroe County instead of Massac County. Massac County however, was correctly designated in the chart of the proposed Illinois SO2 designations appearing in the same notice.

USEPA has corrected in this Notice of Final Rulemaking the errors and omissions which were the subject of IEPA's comments.

IEPA also commented that it supported USEPA's proposed designation changes for Sangamon County and Massac County. In the July 2, 1979 **Federal Register** at 44 FR 38589 and 38597 USEPA proposed to redesignate Sangamon County as unclassified for TSP because of a lack of acceptable monitoring information, and to redesignate Massac County as unclassified for S02 because the original nonattainment designation was not based on a reference or equivalent model according to USEPA modeling guidelines. The codified charts below reflect these redesignations.

The redesignation of Crawford County in AQCR 74 from unclassified to attainment for ozone is not reflected in the codified charts below because both of these designations are contained in the same column appearing at 40 CFR § 81.314 entitled "Illinois-Ox."

Several individuals commented that several areas previously designated as nonattainment for ozone should be redesignated as attainment because the monitoring data received showed no excursions of the relaxed standards for ozone (0.08 ppm oxidant [maximum hourly average] to 0.12 ppm ozone). These areas were not included in the Illinois April 3, 1979, request for revisions to the attainment status designations.

To have any designation amended, a person should submit a petition with supporting data and analysis to the State, with a copy to USEPA Region V. If the person is not satisfied with the State's response to the petition, he may then petition USEPA Region V to modify the current list.

The proposed changes which IEPA requested in the July 2, 1979 **Federal Register** (44 FR 38587) and the September 20, 1979 **Federal Register** (44 FR 54500) are effective (30 days after date of publication).

USEPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044 (43 FR 12661).

(Secs. 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(a), 7501(2), 7601(a)).)

Dated: January 25, 1980.

Barbara Blum,

Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended by designating certain areas in Illinois as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.314 Illinois

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
AQCR 65:				
Knox County:				
Galesburg	X	X		
Henderson	X	X		
All other twps		X		
Peoria County:				
Peoria	X	X		
Limestone	X	X		
Richwoods	X	X		
All other twps		X		
Tazewell County:				
Cincinnati	X	X		
Elm Grove	X	X		
Fondulac	X	X		
Groveland	X	X		
Pekin	X	X		
Washington	X	X		
All other twps		X		
Woodford:				
El Paso				X
Kansas				X
All other twps		X		
Fulton County				X
Hancock				X
Henderson				X
Mason				X
McDonough				X
Warren				X
AQCR 66:				
McLean County:				
Bloomington		X		
Normal		X		
All other twps				X
Coles County				X
Vermillion				X
Champaign				X
Clark				X
Cumberland				X
De Witt				X
Douglas				X
Edgar				X
Ford				X
Iroquois				X
Livingston				X
Moultrie				X
Piatt				X
Shelby				X
AQCR 67:				
Cook County:				
Hyde Park	X	X		
Jefferson	X	X		

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
Lake	X	X		
Lakeview	X	X		
North Town	X	X		
Rogers Park	X	X		
South Town	X	X		
West Town	X	X		
Berwyn	X	X		
Calumet	X	X		
Cicero	X	X		
Lyons	X	X		
Oak Park	X	X		
Palos	X	X		
Proviso	X	X		
Riverside	X	X		
South Stickney	X	X		
Stickney	X	X		
Thorton	X	X		
Worth	X	X		
Schaumburg				X
Barrington				X
New Trier				X
All other twps		X		
Du Page County:				
Addison	X	X		
Lisle	X	X		
York	X	X		
All other twps		X		
Kankakee County:				
Essex				X
Norton				X
Pilot				X
All other twps		X		
Kendall County:				
All twps		X		
Lake County: All twps		X		
Will County:				
Chanahon		X		
Crete	X	X		
Du Page	X	X		
Florence		X		
Frankfort		X		
Green Garden		X		
Homer		X		
Jackson		X		
Joliet	X	X		
Lockport	X	X		
Manhattan		X		
Monee		X		
New Lenox		X		
Peotone		X		
Plainfield		X		
Troy	X	X		
Wheatland		X		
Wilton		X		
All other twps				X
Grundy County:				
Aux Sable Twp			X	
Morris Twp			X	
All other twps				X
Kane County:				
Aurora		X		
Dundee		X		
Elgin		X		
All other twps				X
McHenry County				X
AQCR 68:				
Jo Daviess County:				
Apple River	X	X		
Council Hill	X	X		
Derinda		X		
East Galena	X	X		
Elizabeth	X	X		
Guilford	X	X		
Hanover		X		
Menominee		X		
Pleasant Valley		X		
Rawlins	X	X		
Rice	X	X		
Rush		X		
Scales Mound	X	X		
Stockton		X		
Thompson	X	X		
Vinegar Hill		X		
Warren		X		
West Galena	X	X		

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
Woodbine	X	X		
All other twps				X
AQCR 69:				
Henry County				X
Rock Island County:				
Blackhawk	X	X		
Hampton	X	X		
Moline	X	X		
Rock Island	X	X		
South Moline	X	X		
South Rock Island	X	X		
All other twps				X
Whiteside County:				
Clyde		X		
Coloma		X		
Genessé		X		
Hopkins		X		
Hume		X		
Jordan		X		
Lyndon		X		
Montomorency		X		
Mount Pleasant		X		
Prophetstown		X		
Sterling		X		
All other twps				X
Carroll County				X
Mercer				X
AQCR 70:				
Monroe County:				
T.1.N.-R.10W	X	X		
T.1.N.-R.11W	X	X		
T.1.S.-R.10W	X	X		
T.1.S.-R.11W	X	X		
T.2.S.-R.10W	X	X		
T.2.S.-R.9W	X	X		
T.3.S.-R.7W	X	X		
T.3.S.-R.8W	X	X		
All other twps		X		
Madison County:				
Chouteau		X		
Godfrey		X		
All other twps	X	X		
St. Clair County:				
All other twps	X	X		
Bond County				X
Clinton				X
Randolph				X
Washington				X
AQCR 71:				
Bureau County:				
Berlin		X		
Bureau		X		
Concord		X		
Dover		X		
Greenville		X		
Lamoille		X		
Lee				X
Manlius		X		
Ohio		X		
Princeton		X		
Selby		X		
Walnut		X		
Wyanet		X		
All other twps				X
LaSalle County:				
Deer Park		X		
Dimmick		X		
LaSalle	X	X		
Ottawa		X		
Peru		X		
Utica		X		
Waltham		X		
All other twps				X
Lee County				X
Putnam County:				
Hennepin Twp		X		
All other twps				X
Marshall County				X
Stark County				X
AQCR 72:				
Massac County:				
T.15S.-R.4E		X		
T.16S.-R.4E		X		
All other twps				X
Pope County:				
All twps				X
Alexander County				X
Johnson County				X
Pulaski County				X
Union County				X
AQCR 73:				
DeKalb County:				
Afton		X		
Clinton		X		
Cortland		X		
De Kalb		X		
Malta		X		
Mayfield		X		
Milan		X		
Paw Paw		X		
Pierce		X		
Shabbona		X		
Somonauk		X		
South Grove		X		
Squaw Grove		X		
Sycamore		X		
Victor		X		
All other twps				X
Stephenson County				X
Winnebago County:				
Rockford		X		
All other twps				X
Boone County				X
Ogle				X
AQCR 74:				
Jefferson County:				
Dodds		X		
Field		X		
McClellan		X		
Mount Vernon		X		
Rome		X		
Shiloh		X		
All other twps				X
Williamson County:				
West Marion		X		
All other twps				X
Clay County				X
Crawford				X
Edwards				X
Effingham				X
Fayette				X
Franklin				X
Gallatin				X
Hamilton				X
Hardin				X
Jackson				X
Jasper				X
Lawrence				X
Marion				X
Perry				X
Richland				X
Saline				X
Wabash				X
Wayne				X
White				X
AQCR 75:				
Adams County:				
Ellington Twp		X		
Melrose		X		
Riverside		X		
All other twps				X
Macon County:				
Decatur	X	X		
Hickory Point		X		
All other twps				X
Menard County:				
Petersburg East Twp		X		
Petersburg North		X		
Petersburg South		X		
All other twps				X
Sangamon County: All townships			X	
Brown County				X
Calhoun				X
Cass				X
Christian				X
Greene				X
Jersey				X
Logan				X
Marcoupin				X
Montgomery				X
Morgan				X
Pike				X
Schuyler				X
Scott				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois SO_2				
AQCR 65:				
Peoria County:				
Hollis Twp	X	X		
Limestone	X	X		
Logan	X			
Medina				X
Peoria	X			
Kickapoo				X
Richwoods				X
All other twps				X
Tazewell County:				
Cincinnati Twp	X	X		
Elmgrove		X		
Groveland	X			
Pekin	X			
All other twps				X
* * * * *				
AQCR 72:				
Massac County:				
T.15S.-R.6E		X		
T.16S.-R.6E		X		
T.17S.-R.6E		X		
All other twps	X	X		
* * * * *				

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Illinois O_x		
* * * * *		
AQCR 66:		
Champaign County		X
* * * * *		
McLean		X
* * * * *		
AQCR 69:		
* * * * *		
Rock Island County		X
* * * * *		
AQCR 73:		
* * * * *		
Winnebago County		X
* * * * *		
AQCR 75:		
* * * * *		
Macon County		X
* * * * *		

[FR Doc. 80-2973 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-36

[FPMR Amdt. F-39]

Implementation of Federal Information Processing and Federal Telecommunication Standards Into Solicitation Documents; Annual Validation of Compilers

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: A proposal was published in the Federal Register of August 7, 1979 (44 FR 46305), to amend FPMR 101-36.1305-1 by specifying that the Federal Compiler Testing Center (FCTC) validate all COBOL compilers annually that are offered or used by vendors in response to Federal agency requests.

Interested persons were given until October 9, 1979, to file written comments regarding the proposal. The only response received recommended two changes: That annual validations of compilers be limited to those in which errors have been identified in the previous validation or in which functional changes involving standard language have been make; and that the Government bear its share of the validation expense. This response was not accepted because continuing maintenance involves more time and effort than the initial design of the product, and annual validations ensure that changes are not inadvertently introduced that could cause errors when maintenance is performed on the compiler and on other related software. Because the vendor receives the Validation Summary Report that may be used as a part of marketing strategy, it is reasonable to have the vendor pay for validation. Accordingly, the proposed amendment is hereby adopted without change and is set forth below. The intent of this amendment is to reduce or eliminate the need for separate validations associated with individual agency procurements.

EFFECTIVE DATE: January 30, 1980.

FOR FURTHER INFORMATION CONTACT: L. Perlman, Procurement Policy and Regulations Branch, Policy and Evaluation Division, Office of Policy and Planning (202-566-0834).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-36.1305-1 is amended by adding a new paragraph (c)(3), by revising and renumbering current paragraphs (c)(3) through (c)(7), and by revising paragraph (i) of the clause prescribed in paragraph (d) as follows:

§ 101-36.1305-1 FIPS PUB 21-1, Federal Standard COBOL.

* * * * *

(c) * * *

(c) Validations will be conducted annually for each requesting vendor as specified in the official Compiler Validation Procedures prepared by the Federal Compiler Testing Center (FCTC). (Recertification of a previous annual validation may be substituted if no errors were identified during that previous annual validation and if no changes have been made to the compiler, its supporting system software, or the CCVS in the interim.) This annual validation process is intended to reduce or eliminate the need for separate validations associated with individual agency procurements.

(4) Requests for and questions on validations should be sent to:

General Services Administration (CFT)
Federal Compiler Testing Center
Suite 1100, 5203 Leesburg Pike
Falls Church, VA 22041

(5) When a request for validation service requires that compiler testing be performed, the requester is responsible for providing the necessary test facilities.

(6) In response to a request for validation service, the FCTC will conduct a validation test using the CCVS and will provide a Validation Summary Report (VSR) summarizing the test results.

(7) Validation is performed on a cost-reimbursable basis. The FCTC will send the requester an estimate of validation costs for approval before beginning the validation process.

(8) Unresolved questions and/or any ambiguities that arise during compiler testing and are identified by the FCTC or by the requester shall be referred to the National Bureau of Standards in accordance with FIPS PUB 29.

(d) * * *

Validation of COBOL Compliers

* * * * *

(i) Certify in the proposal that all COBOL compilers offered in response to this solicitation have been submitted for validation as set forth in FPMR 101-36.1305-1(c) or have been previously validated and are listed in the latest FCTC Certified Compiler List. Proof of submission for validation must be provided in the form of a letter from the FCTC containing identification of the compiler and scheduled date of validation. Proof of current validation must be provided upon agency request in the form of a Certificate of Validation from the FCTC.

* * * * *

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: January 11, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-2903 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-25-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. 1249-A]

Octoraro Railway, Inc., Authorized To Operate Over Portion of USRA Line No. 142, Former Octoraro Branch of Penn Central Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1249-A.

SUMMARY: Service Order No. 1249-A vacates Corrected Service Order No. 1249, which authorizes the Octoraro Railway, Inc., to operate over a portion of USRA Line No. 142, formerly the Octoraro Branch of the Penn Central Transportation Company. The Commission's decision in Finance Docket No. 28334 granted the Octoraro Railway, Inc., the authority to operate permanently over this line. Since an emergency no longer exists, Corrected Service Order No. 1249 is vacated.

EFFECTIVE DATE: Effective 11:59 p.m., January 25, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Decided: January 22, 1980.

Upon further consideration of Corrected Service Order No. 1249 (41 FR 34607, 50448; 42 FR 25325, 59386; 43 FR 26311, 59074; 44 FR 36185), and good cause appearing therefor:

It is ordered:

§ 1033.1249 Octoraro Railway, Inc., authorized to operate over portion of USRA Line No. 142, former Octoraro branch of Penn Central Transportation Co.

Corrected Service Order No. 1249 is vacated effective 11:59 p.m., January 25, 1980.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–2946 Filed 1–29–80; 8:45 am]

BILLING CODE 7035–01–M

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49 CFR Part 1033

[Service Order No. 1305–A]

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1305–A.

SUMMARY: Service Order No. 1305–A vacates Second Revised Service Order No. 1305, which authorized the Union Pacific Railroad Company (UP) and The Atchison, Topeka and Santa Fe Railway Company (ATSF) to substitute two mechanical refrigerator cars for each large boxcar ordered. A review of the order revealed that UP was not making use of the order and ATSF could use another order to accomplish the same thing. Since an emergency no longer exists, Service Order No. 1305 is vacated.

EFFECTIVE DATE: Effective 11:59 p.m., January 25, 1980.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275–7840.

Decided January 22, 1980.

Upon further consideration of Second Revised Service Order No. 1305 (43 FR 60276, 9606, 16739, 21336, 51024 and 60276), and good cause appearing therefor:

It is ordered,

§ 1033.1305 Distribution of freight cars.

Service Order No. 1305 is vacated effective 11:59 p.m., January 25, 1980.

(49 U.S.C. (10304–10305 and 11121–11126))

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–2947 Filed 1–29–80; 8:45 am]

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