resources, or any combination thereof, and 75 percent or more of the total energy input must be from these sources.

2. Section 292.202 is amended by adding a new paragraph (o), to read as follows:

§ 292.202 Definitions.

* * * * *

(o) "Utility geothermal small power production facility" means a small power production facility which uses geothermal energy as the primary energy resource, and of which an electric utility or electric utility holding company, or any combination thereof, owns more than 50 percent of the outstanding voting securities.

3. Section 292.101 is amended by revising paragraph (b)(1) to read as follows:

§ 292.101 Definitions.

* * * * *

(b) *Definitions.* The following definitions apply for purposes of this part.

(1) "Qualifying facility" means a cogeneration facility or small power production facility which is a qualifying facility, or a utility geothermal small power production facility, under Subpart B of this part of the Commission's regulations.

* * * * *

4. Section 292.601 is revised to read as follows:

§ 292.601 Exemption of qualifying facilities from the Federal Power Act.

(a) *Applicability.* This section applies to qualifying facilities, other than those described in paragraph (b).

(b) *Exclusion.* This section does not apply to a small power production facility with a power production capacity which exceeds 30 megawatts if such facility uses any primary energy source other than geothermal resources.

(c) *General rule.* Any qualifying facility described in paragraph (a) shall be exempt from all sections of the Federal Power Act, except:

(1) Sections 1–18, and 21–30;

(2) Sections 202(c), 210, 211, and 212;

(3) Section 305(c); and

(4) Any necessary enforcement provision of part III with regard to the sections listed in paragraphs (c)(1), (2) and (3) of this section.

(d) Upon request of a utility geothermal small power production facility, the exemption set forth in paragraph (c) shall not apply.

[FR Doc. 80-35391 Filed 11-12-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625, 652 and 663

[FHWA Docket No. 79-3, Notice 3]

Design and Construction Criteria for Bikeway Construction Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice of proposed rulemaking published on August 4, 1980 (45 FR 51720) requesting comments by November 3, 1980 on bikeway design and construction criteria. The comment period is being extended to December 3, 1980 in order to provide interested parties additional time to respond to the notice of proposed rulemaking.

DATE: Comments will be received until December 3, 1980.

ADDRESS: FHWA Docket No. 79–3, Federal Highway Administration HCC–10, Room 4205, 400 Seventh Street, SW., Washington D.C. 20590. All comments received will be available at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Jeanette Kloos, Highway Design Division, Offfice of Engineering (202–426–0314), or Reid Alsop, Office of Chief Counsel (202–426–0800), Federal Highway Adminstration, 400 Seventh St. SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(Sec. 141, Pub. L. 95–599, 92 Stat. 2711; 23 U.S.C. 315; 49 CFR 1.48(c)(1))

Issued on: November 4, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

[FR Doc. 80-35205 Filed 11-12-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-887]

Community Development Block Grants, Community Development Disaster Assistance Program

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the current regulations governing the Community Development Disaster Assistance program. The regulations now in effect do not include all of the policies presently used by HUD to administer the program. Since the issuance of regulations additional policies have been articulated in the form of administrative guidelines. These policies need to be expressed in the regulations to provide the necessary guidance to HUD personnel, disaster staff in other agencies, and eligible applicants. The proposed regulations also include the applicable requirements of Executive Order 11988 regarding floodplain management.

COMMENT DUE DATE: Comments are due on or before January 12, 1981.

ADDRESS: Comments should be sent to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., 20410.

FOR FURTHER INFORMATION CONTACT: Liza Bowles, Office of Policy Planning, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–7673 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 107 of the Housing and Community Development Act of 1974, as amended allows the Secretary of HUD to make grants to States, units of general local government, and Indian tribes for the purpose of meeting emergency community development needs caused by federally recognized disasters.

Current regulations do not clearly state HUD's policies governing the program. Therefore, guidance is inadequate for HUD personnel, disaster staff in other agencies, and eligible applicants. The purpose of these regulation changes is to provide the necessary guidance by incorporating the governing policies into regulations.

Given the chronic shortage of disaster assistance funds, it is the policy of this Department to make applications for these funds competitive in nature so that those most in need of the funds will receive them.

The funds available for Community Development Disaster Assistance are limited; and, in any particular fiscal year, the incidence of major disasters and emergencies create demands far in excess of the assistance available from HUD. A further purpose of these revisions is to clarify the supplementary funding relationship of Community Development Disaster Assistance to funds available under the Disaster Relief Act of 1974; the Small Business Act of 1958, as amended; and other pertinent statutes. An intention of these revisions is to simplify for applicants the use of Community Development Disaster Assistance resources as a supplement to primary disaster recovery programs for long term recovery and mitigation.

In addition, the regulations have been revised to reflect the requirements of Executive Order 11988 regarding floodplain management.

SPECIAL INFORMATION: A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD procedures for Protection and Enhancement of Environmental Quality. Copies of the finding are available for inspection and copying in the Office of the Rules Docket Clerk at the above address. This rule is not listed in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12221.

Accordingly, the Department proposes to revise 24 CFR 570.407 to read as follows:

§ 570.407 Community development disaster assistance.

(a) *General.* Grants under this section shall be for the purpose of meeting emergency community development needs which have been caused by federally recognized disasters.

These funds may only be used if no other resources are available in a timely manner.

(b) *Definitions.* For the purpose of this section:

(1) "Federally recognized disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstrom, drought, fire, explosion, or other natural or man-made catastrophe in any part of the United States which is declared a disaster by the President or a Federal agency.

(2) "A Presidentially declared disaster" is a catastrophe declared by the President to be a major disaster or an emergency pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5121).

(3) "an agency declared disaster" means a catastrophe which in the determination of a Federal agency requires disaster or emergency assistance pursuant to the statutory authority of such Federal agency.

(4) "emergency community development need" means unforeseen immediate needs resulting from property damage or a threat to property, public health or safety, which can be appropriately addressd through community development activities eligible for assistance under this section.

(c) *Eligible applicants.* Eligible applicants are States, Indian Tribes, and units of general local government as defined in § 570.3(v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2).

(d) *Program Objectives.* The Community Development Disaster Assistance Program provides assistance in meeting the immediate needs of communities affected by Presidentially declared or federally recognized disasters and emergencies, as defined in § 570.407(b). Grants may be awarded to eligible applicants—as defined in § 570.407(c)—for establishing and implementing short term efforts of an emergency nature which inititate and are directed toward longer term mitigation of the effects of a disaster or emergency. Funding is provided for such efforts only if no other Federal, State, local or private resources are available during the period of emergency need.

(e) *Criteria for funding.* Within the limits of available funds, and in consideration of potential subsequent disaster assistane needs, applications will be funded on the basis of the following criteria:

(1) The severity and magnitude of the federally recognized disaster, with priority given to needs caused by Presidentially declared major disasters.

(2) The extent to which the community development needs identified are essential for the immediate restoration or maintenance of community health, safety, or economic stability; and resources are not available from other sources to meet these community development needs.

(3) The extent to which the proposed activities will benefit those low- and moderate-income persons in most serious need of assistance as a result of the disaster.

(4) Where there is a substantial likelihood of a recurrence, the extent to which the activities to be assisted take into account alternatives incidental to the immediate community development needs to avert or lessen the threat of a recurrence.

(f) *Eligible activities.* The activities eligible for assistance under this section are the same as those listed in Subpart C but only to the extent that funds for the proposed activities cannot be provided under the Disaster Relief Act of 1974 or by other Federal, State or local resources. Activities must also principally benefit low-moderate income persons in accordance with the provisions of § 570.302(d). Applicants proposing any activities eligible, for assistance under other Federal programs must follow the procedures of § 570.607.

(g) *Application requirements.* An application may be submitted at anytime provided it is submitted to the appropriate HUD Area Office along with five (5) copies within 150 days after either the Presidential or federal agency declaration that disaster or emergency assistance is required. Applications for grants under this section shall meet the following application requirements:

(1) Standard Form 424 Federal Assistance, prescribed by OMB Circular No. A-102.

(2) The Community Development Program required by § 570.305 which shall specifically describe and identify the emergency community development needs, explain how these needs are caused by the disaster, and show how the proposed activities will meet those needs.

In addition, the Community Development Program shall indicate the applicant's priorities for funding, identify alternative plans or projects in each priority area, and identify adverse impacts for each proposal.

(3) The applicant must identify if the proposed activities are within a floodplain or wetland or if the activity will impact on a floodplain or wetland. The FEMA/FIA maps are the minimum standard for making this determination.

(4) The applicant shall provide the certifications required by § 570.307 except paragraphs (c), (d) and (f) respectfully are modified as follows:

(i) The applicant is exempt from the normal OMB Circular No. A-95 process. However, applicants are required to submit an information copy of their application to the appropriate State and areawide clearinghouses at the time the application is submitted to HUD.

(ii) The applicant must certify that citizens likely to be affected by the project have been provided an opportunity to comment on the application.

(iii) The applicant must certify that the activities will principally benefit persons of low-moderate income.

(5) Where there is an approved HAP the applicant is required to submit an amended HAP, to reflect the housing conditions, needs and revised goals related directly to the disaster or emergency.

(6) Where there is a Community Development and Housing Plan the applicant is required to submit an amended Plan to reflect the changes related to disaster or emergency.

(7) The applicant must describe the disaster assistance activities that are being funded by the Federal Emergency Management Agency, the Small Business Administration, the Red Cross, or any other Federal, State or local agencies.

(h) *Reduction or Termination of Grants.* When the Secretary determines on the basis of a review of the recipient's performance that the objectives set forth in § 570.909(a) have not been met, the Secretary may reduce or terminate the grant. Funds already expended on eligible activities will not be withdrawn.

No reduction or termination will be made until at least one of the corrective or remedial actions specified in § 570.910(b) have been taken, and only then if the recipient has not made an appropriate and timely response. Prior to making such grant reduction or termination, the recipient shall also be notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

Authority: Section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

Issued at Washington, D.C., November 4, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-35285 Filed 11-12-80; 8:45 am]

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 357]

Multi-Vintage Dates Under the Labeling and Advertising Regulations for Wine Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) has been petitioned by a wine industry member to amend the regulations to allow different vintage dates and percentages from each to be stated on labels of blended wine. The petitioner contends that this information is truthful, accurate and should be disseminated to the consumer. At present, ATF regulations allow vintage statements. A vintage wine is wine labeled with the year of harvest of the grapes. To qualify as vintage wine, at least 95 percent of the volume of the wine must have been derived from grapes harvested in the labeled calendar year, and the wine must be labeled with an appellation of origin other than a country.

ATF wishes to gather information by inviting comments from the public and industry on the desirability of allowing multi-vintage dates and percentages on labels and in advertisements of blended wine.

DATES: Comments must be received on or before January 12, 1981.

ADDRESS: Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION: The Bureau, historically, has not allowed multi-vintage dates and percentages from each on labels or in advertisements. This position was clearly stated in Revenue Ruling 54-250. A more recent Ruling, ATF Ruling 78-4, held that, except for vintage wine, harvest or picking dates could not be stated as they could likely mislead the consumer into thinking the wine was a vintage wine.

The Bureau has now been petitioned to amend the regulations to allow these statements, that is, the distinct vintages and percentages comprising a blended wine's components. However, before issuing proposed regulations, ATF invites persons to submit comments, opinions, or other data so we can determine:

1. Is there sufficient need to state the distinct vintages and percentages of each for blended wine?

2. Would the consumer be misled or confused with two or more vintage dates and percentages on labels and in advertisements?

3. Would such multi-vintage dates and percentages detract from what has traditionally been applied to the word "vintage" and vintage wines?

4. Is there another term that can be substituted for "multi-vintage", such as multi-harvest dates, which would not detract from "vintage" or tend to mislead consumers? What term or phrase do you suggest?

5. If allowed, what restrictions should be placed on the labels? For example, must the components of the blend be qualified to be labeled as vintage wine themselves since a vintage date would be stated for each component? Should such statements be restricted to the back label where such additional information is normally found on a container?

6. The European Economic Community (EEC) prohibits the use of multi-vintage dates. If final regulations are issued, the Bureau will alert American producers, bottlers, and exporters through the use of industry circulars and press releases that wines labeled with multi-vintage dates will be denied entry into these countries. Do you feel these measures are sufficient? What other measures do you recommend?

Diclosure of Comments

Comments on this advance notice may be inspected during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 1200 Pennsylvania Avenue, Washington, DC.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting comments is not exempt from disclosure.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This advance notice of proposed rulemaking is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended, 27 U.S.C. 205).

Signed: October 14, 1980.

G. R. Dickerson,

Director.

Approved: October 28, 1980.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-35389 Filed 11-12-80; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 884 and 938

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of intent and proposed rule.

SUMMARY: On November 3, 1980, the Commonwealth of Pennsylvania submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the Commonwealth's plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., January 3, 1981. Written comments on whether OSM should hold a public hearing on the plan must be received by 5:00 p.m., November 26, 1980. A public hearing will be held on December 17, 1980 at 10:00 a.m. and will continue until all discussions have been completed. The hearing may be cancelled, as discussed under Supplementary Information, below.

ADDRESSES: Written comments should be sent to: Patrick R. Boggs, Regional Director, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston West Virginia 25301. The public hearing, if held, will be in Harrisburg, Pennsylvania at the Department of Environmental Resources, Fulton Bank Building, Third and Locust Street, 2nd Floor Conference Room.

The hearing may be cancelled, as discussed under Supplementary Information, below. Copies of the full text of the proposed Pennsylvania Abandoned Mine Reclamation plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301;

Department of Environmental Resources, Office of Resources Management, Third and Reily Street—Evangelical Press Building, 2nd Floor, Harrisburg, Pennsylvania 17120.

The Administrative Record will be available for public review at the OSM Region I office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Earl R. Cunningham, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone (304) 342-8125.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Public Law 95-87, 30 U.S.C. 1201 et seq., establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On November 3, 1980, OSM received a proposed abandoned mine reclamation plan from the Commonwealth of Pennsylvania. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** (F.R.) on October 25, 1978, 43 FR 49932-49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR Sections 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932-49940 (1978)).

The receipt of the Pennsylvania Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Pennsylvania.

By submitting a propsed plan, Pennsylvania has indicated that it wishes to be primarily responsible for this program. If the submission as hereafter modified, is approved by the Director of OSM, the Commonwealth will have primary responsibility for the reclamation of abandoned mine lands in Pennsylvania. If the program is disapproved and the Commonwealth does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

All written comments must be mailed or hand carried to the Regional Director's Office above or may be hand carried to the public hearing, if a public hearing is found to be necessary and submitted as exhibits to the proceedings.

If the Regional Director finds that the Commonwealth has given the public adequate notice and opportunity to comment in public hearings, and that the record of such hearing does not reflect major unresolved controversies and there are not a significant number of requests during the comment period on the need for a hearing, the hearing may be cancelled by a notice published in the **Federal Register** cancelling the scheduled hearing.

Written comments on the issue of waiver of the public hearing must be received by 5:00 p.m., November 26, 1980.

Pursuant to 30 CFR 884.13, OSM will continue the period of review of the proposed Pennsylvania Reclamation Plan at least until a final decision is made by the Secretary of the Interior on the Pennsylvania permanent regulatory program.

The comment period will close at 5:00 p.m., on January 3, 1981. Comments received after that time will not be considered. Representatives of the Regional Director's Office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed Commonwealth AML reclamation program.

Persons wishing to meet with representatives of the Regional