Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.

(123 Cong. Rec., H 11958, daily ed. November 1, 1977.)

To implement fully Congress' intention that sources remain subject to preexisting plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, USEPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a section 172 plan imposes new more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations, the pre-existing requirements and deadlines may be revised if a State makes a case-by-case demonstration that a relaxation or revocation is necessary. Any such exemption granted by a State will be reviewed and acted upon USEPA as a SIP revision. In addition, as discussed in the April 4, 1979 **Federal Register** (44 FR 20373), an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 110(a), 172 and 301(a) Clean Air Act, as amended (42 U.S.C. § 7410(a), 7502, 7601(a)))

Dated: May 23, 1980.

Douglas Costle,

Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by adding paragraphs (21) through (25) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(21) On July 25, 1979, the State submitted the official ozone attainment plan as part of the State Implementation Plan.

(22) On October 26, 1979, the State submitted comments and revisions to the transportation plans and vehicle inspection/maintenance portions of the State Implementation Plan for ozone in response to USEPA's notice of proposed rulemaking (45 FR 47350).

(23) On November 8, 1979, the State submitted revisions to the ozone attainment plan.

(24) On December 26, 1979, the State submitted comments and additional information from the lead local agencies on the transportation control plans for the Flint, Lansing, Grand Rapids and Detroit urban areas.

(25) On May 12, 1980, the State submitted corrections and comments in response to USEPA's notice of proposed rulemaking (45 FR 25087).

2. Section 52.1174(b) is revised as follows:

§ 58.1174 Control strategy: Ozone.

(b) Part D—No Action—USEPA takes no action on the adequacy of transportation control plans or demonstration of attainment for the Michigan portion of the South Bend, Indiana urbanized area.

[FR Doc. 80-16593 Filed 5-30-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1504-5]

Approval and Promulgation of Michigan State Implementation Plan Carbon Monoxide and Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: On April 14, 1980 (45 FR 25093), USEPA proposed approval and conditional approval of the ozone and carbon monoxide attainment demonstrations and the vehicle inspection and maintenance (I/M) program for the Detroit urban area and invited public comment. On May 12, 1980, the State responded to USEPA's Notice of Proposed Rulemaking. Based on its review of the State's response and the public comments received, USEPA takes final rulemaking action today to approve the carbon monoxide and ozone demonstrations of attainment and the I/M program for the Detroit urban area.

EFFECTIVE DATE: This final rulemaking becomes effective May 23, 1980.

ADDRESSES: Copies of the SIP revisions, public comments on the Supplemental Notice of Proposed Rulemaking (45 FR 25093), and USEPA's evaluation and response to comments are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: On March 3, 1978, (43 FR 9862) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979, (44 FR 20372). Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 53761) and November 23, 1979 (44 FR 67182), discussing, among other things, additional criteria for SIP approval.

On April 25, 1979, the State of Michigan submitted plans for all of the

designated ozone and/or carbon monoxide nonattainment areas in the State. The plans consisted of a hydrocarbon control strategy for stationary sources, transportation control plans (TCPs) and an I/M program. The State submitted its ozone plan on July 25, 1979. These submittals were discussed in the August 13, 1979 **Federal Register** (44 FR 47350). This notice identified deficiencies in the plans, but deferred rulemaking on the >I/M plan. On October 12, 1979, the State responded to USEPA's notice of proposed rulemaking. Additionally, on October 26, 1979, November 8, 1979, December 26, 1979 and March 20, 1980, the State submitted clarifications and amendments to the ozone SIP and vehicle I/M program. On April 3, 1980, the Michigan legislature passed an I/M bill, which was signed by Lieutenant Governor James Brickley on April 7, 1980 and formally submitted to USEPA on May 12, 1980. The State submitted a letter clarifying the I/M implementation schedule to USEPA on May 21, 1980.

USEPA approved the hydrocarbon control strategy for stationary sources in the May 6, 1980, **Federal Register** (45 FR 29790). USEPA proposed approval of the ozone attainment demonstrations and the transportation control plans for the Flint, Lansing and Grand Rapids urban areas, and the transportation control plans for the Detroit urban area in the April 14, 1980 **Federal Register** (45 FR 25087). Also in the April 14, 1980 notice, USEPA also proposed approval of the Michigan Part D ozone SIP for twenty-four rural ozone nonattainment counties in Michigan. Final action to approve these revisions will be published elsewhere in today's **Federal Register.** This notice takes final action on the carbon monoxide and ozone attainment demonstrations and the vehicle I/M program for the Detroit urban area.

USEPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the Clean Air Act will be lifted from the State of Michigan. These restrictions are imposed for failure to have a State Implementation Plan which meets the requirements of Part D of the Act after the final date for SIP approval specified in the Act. USEPA has determined that a major portion of the Michigan State Implementation Plan meets the requirements of Part D. Therefore, it would be contrary to the public interest to continue the restrictions on industrial growth in all nonattainment areas for thirty days after the publication of this notice.

Vehicle Inspection and Maintenance

The State of Michigan has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone in the Detroit urban area is not possible by December 31, 1982, despite the implementation of all reasonable emission control measures. Therefore, the State requested an extension until December 31, 1987 to demonstrate attainment of the carbon monoxide and ozone NAAQS for the Detroit area.

For areas granted such an extension, one of the requirements of section 172(b)(11) of the Act is a schedule for implementation of an I/M program. On April 25, 1979, the Governor of Michigan requested an extension until December 1987 to demonstrate attainment of the carbon monoxide and ozone NAAQS, and submitted the State's proposal for a vehicle I/M program for the Detroit area.

In the April 14, 1980 **Federal Register** (45 FR 25093), USEPA published a Supplemental Notice of Proposed Rulemaking on the proposed I/M program for the Detroit urban area and proposed approval and conditional approval of the Detroit I/M program. That notice contained a summary of the requirements for an approvable I/M program, a description of Michigan's proposal for the Detroit urban area. Also at that time, USEPA proposed rulemaking approval of the carbon monoxide and ozone attainment demonstrations for the Detroit urban area, and invited public comment on these revisions.

The State responded to USEPA's Supplemental Notice of Proposed Rulemaking on May 12, 1980, and submitted clarifications to the I/M implementation schedule on May 21, 1980. One other public comment was received. On May 7, 1980, a public interest group submitted comments in response to USEPA's Supplemental Notice of Proposed Rulemaking (45 FR 25093). Two of these comments are addressed in the following section; remaining comments will be discussed elsewhere in this notice.

Public Comment: The proposed rulemaking states that the Michigan I/M legislation is applicable only to Metropolitan Detroit. While there is no doubt about Detroit being the focus of the legislation, it is inaccurate to assume that other areas of the State will not also be subject to I/M. This possibility should be noted in USEPA's final rulemaking.

USEPA Response: USEPA agrees with the commentor. While under the Clean Air Act the I/M program is now required only in the Detroit urbanized area, the Michigan legislation contains a provision which requires an I/M program in any area projected for nonattainment beyond 1982.

Public Comment: The USEPA should require two additional dates in the Michigan I/M implementation schedule. The State should specify a date for the geographic designation of the metropolitan Detroit area. Also, Michigan should include a date for legislative adoption of the administrative rules.

USEPA Response: Section 6 of House Bill 5367 requires that the Michigan Department of Natural Resources (DNR) promulgate rules determining which areas will be subject to the I/M program. The revised I/M implementation schedule submitted by the State on May 12, 1980 commits the State to promulgating rules by January 1981. USEPA accepts this item of the schedule as a commitment by the State to officially promulgate *all* rules by January 1981. This would include not only the rules which detail the program (to be promulgated by the Secretary of State in concurrence with the Department of Transportation) but also the rules which specify the affected areas (to be promulgated by the MDNR). USEPA interprets "officially promulgated" to mean that the rules will have completed all necessary State procedural requirements including legislative approval or adoption and will be in effect by the scheduled date. Therefore, USEPA concludes that an additional milestone is not necessary, and that the State has identified the timeframe within which a determination will be made on which areas will require I/M.

The following section of the notice discusses those areas of the plan which meet the criteria for an approved SIP, the deficiencies in the Michigan plan cited by USEPA in the April 14, 1980, **Federal Register** (45 FR 25093), the State's response to that notice, public comments received and USEPA's final determination and rulemaking action.

(1) In the April 14, 1980 Notice of Proposed Rulemaking (45 FR 25093), USEPA proposed approval of the State's commitment to implement and enforce the I/M program, as contained in the Governor's letter of March 20, 1980.

State Response: None.

Public Comment: None.

USEPA Final Determination: USEPA approves the State of Michigan's commitment to implement and enforce

an I/M program in the Detroit urban area.

(2) In the April 14, 1980, **Federal Register** (45 FR 25093), USEPA proposed approval of Michigan's legal authority to implement and enforce an I/M program if the State submitted the bill signed by the Governor, prior to USEPA's final rulemaking.

State Response: House Bill No. 5367 and House Bill 5368 were signed by the Lieutenant Governor on April 7, 1980. On May 12, 1980 the State of Michigan formally submitted this legislation to USEPA as certification of the State's legal authority to implement and enforce an I/M program.

Public Comment: The notice did not correctly describe the legislation in two ways. First, there were two bills: House Bill 5367 was the basic I/M legislation and House Bill 5368 prohibits registration of noncomplying vehicles in affected areas. Second, the bulk of the administrative rules process is to be done not simply by the Department of State, but by the Department of State with the concurrence of the Department of Transportation. These points ought to be noted in USEPA's final rulemaking.

USEPA Final Determination: USEPA approves the Michigan I/M legislation (House Bill 5367 and House Bill 5368) as representing adequate legal authority as required by sections 172(b)(7) and 172(b)(10) of the Act. House Bill 5367 provides the authority for the State to implement and enforce an I/M program. House Bill 5368 revises the Michigan State Motor Vehicle Code to prohibit the registration of noncomplying vehicles.

USEPA recognizes that the Michigan Department of Transportation will actively assist the Department of State in the rulemaking process.

(3) In the August 13, 1979, **Federal Register** (44 FR 47350), USEPA noted deficiencies in the Michigan I/M implementation schedule. The State submitted revisions to the schedule on March 20, 1980. USEPA discussed the March 20, 1980 submittal in the April 14, 1980 Supplemental Notice of Proposed Rulemaking (45 FR 25093). At that time, USEPA proposed to approve Michigan's I/M implementation schedule if, prior to final rulemaking, the State revised its I/M implementation schedule to be consistent with EPA policy and the State's legal authority. Alternatively, USEPA proposed to conditionally approve Michigan's I/M schedule if these deficiencies were corrected on a schedule negotiated between the State and USEPA.

State Response: On May 12, 1980, the State submitted a revised I/M implementation schedule: The MDNR submitted to USEPA a letter clarifying the schedule on May 21, 1980. The revised schedule includes the following dates:

Centralized Option

Date and Activity

January 1981—Rules officially promulgated including cut points
March 1, 1981—Development and issuance of RFP's including contract provisions covering testing and quality control, and emission analyzer requirements
March 1981—Information to garages of the I/M program and the equipment and staffing requirements needed to participate in the repair of failed vehicles
April 1981—Initiation of mechanics training program; Award to contractors
October 1981—Initiation of public information program; designed to be a long-term program, including free and paid newspaper advertisements, T.V. and radio spots, and assorted brochures; Initiation of construction of facilities
June 1982—Completion of construction of facilities and delivery of equipment
July 1982—Hiring and training of inspectors and complaint investigators
October 1982—Initiation of mandatory inspection and maintenance for all persons required to register vehicles on and after January 1, 1983

Decentralized Options

Date and Activity

January 1981—Rules officially promulgated including testing station licensing requirements, equipment specifications, cut points, etc.
February 1981—Notification to garages of program requirements; application forms mailed
March 1981—Public information campaign instituted; designed to be a long-term program, including free and paid newspaper advertisements, T.V. and radio spots, and assorted brochures
April 1981—Mechanic training program initiated
May 1981—First group of complaint investigators and inspectors hired and trained
June 1981—Inspection station licensing begins
October 1981—First registration forms indicating the need for inspections forwarded to vehicle owners in the affected area
October 1981—Initiation of mandatory inspection and maintenance for all persons required to register vehicles on and after January 1, 1982.

Public Comment: Michigan's legislation, which requires that the I/M program be in effect by a time specified by USEPA, should be interpreted to require implementation by the end of 1981 if the program is decentralized and the end of 1982 if it is centralized. On that basis the State's schedule as submitted to USEPA is not adequate. USEPA should require revised implementation schedules with appropriate dates for centralized, decentralized and combination options.

USEPA Final Determination: USEPA finds that the State's revised schedule of May 12, 1980 contains the necessary implementation milestones for either a centralized or decentralized program and provides for implementation dates consistent with the State's legal authority and USEPA guidance. Therefore, USEPA approves the Michigan schedule for the implementation of an I/M program for the Detroit urban area. USEPA has no reason to believe that a combined program will be adopted by the State, and so does not require a schedule for such a program to be submitted.

(4) In the April 14, 1980, **Federal Register** (45 FR 25093), USEPA stated that the State must demonstrate that an I/M program with a 20 percent stringency factor, consistent with the provisions of the State's legal authority, will achieve a 25 percent emission reduction.

State Response: In response to USEPA's notice of proposed rulemaking, mobile source emission data was generated by SEMCOG for the 7-county southeast Michigan area for carbon monoxide and non-methane hydrocarbons. An I/M program starting in 1981 for 1972 and newer vehicles, including mechanics training, shows a 49.4% reduction for carbon monoxide and a 37.1% reduction for hydrocarbons by 1987, with a 20% stringency factor. The effects of the exemptions and waivers were analyzed, discussed and estimated. Considering these, the estimated program effectiveness, taking the low-income and the $50.00 exclusions into account is 47.3% carbon monoxide and 35.5% hydrocarbons at a 20% stringency level program starting in 1981. If the program started in 1982 the effectiveness would be 45.8% for carbon monoxide and 34.0% for hydrocarbons.

The State maintains that the Michigan legislation provides for a program that will comply with the USEPA's policy requirements concerning emission reductions. Further, in the May 12, 1980 response, the State of Michigan commits itself to obtain a 25% emission reduction by the end of 1987 from the I/M program.

Public Comment: USEPA should conditionally approve this part of the submittal on a schedule negotiated with the State because the scope of at least one of the exemptions (financial hardship) will be determined in the rules process. Information developed during the legislative process suggests that the number of persons will not be high, and thus, there should ultimately be no problem with the stringency factor.

USEPA Final Determination: USEPA accepts the technical analysis conducted by the State which considered program stringency, old vehicle exemption, medicaid exemption, $50 repair cost waiver and mechanics training. USEPA agrees with the conclusion that at least a 25% reduction in light duty vehicle exhaust carbon monoxide and hydrocarbon emissions will be achieved by the Michigan I/M program in 1987.

USEPA does not anticipate that the magnitude of the hardship exemption will be so large as to prevent the State from demonstrating a 25% reduction, since the demonstrated effectiveness significantly exceeds the required reduction. Further, the State has submitted a written commitment to program effectiveness. USEPA, therefore, does not find it necessary to conditionally approve the SIP. USEPA concludes that the Michigan plan meets the requirements of section 172(b)(2) of the Clean Air Act as amended.

(5) In the April 14, 1980, Supplemental Notice of Proposed Rulemaking, USEPA proposed approval of the State's financial and resource commitment if the State demonstrates that the inspection fee, as prescribed by the legal authority, will be sufficient to cover the cost of the program. Alternatively, the State must commit itself to provide any additional resources necessary to implement and enforce the I/M program.

State Response: The State references Section 7(i) of House Bill 5367, which authorizes the State to establish a fee, and Section 21 which specifies a fee ceiling of $10.00. In addition, the State references a report prepared for Michigan under contract which indicated that the inspection could be conducted for a fee which ranges from $5.32 to $7.04, depending on program type. These cost analyses included initial implementation costs prior to program operation, and are therefore reflected in the inspection fee. These include administration, bid preparation and evaluation, quality control and other miscellaneous costs. Finally, the State has indicated that additional cost analyses will be conducted, and the State will set a fee to cover the cost of the program as a part of the rulemaking process.

Public Comment: The State should demonstrate adequate financial resources to establish and implement the I/M programs, including funding for the start-up of the program.

USEPA Final Determination: Michigan has the authority to set a fee which will cover all costs associated with the I/M program. Further, the State has indicated that this fee will be based on the results of additional costing analyses, and will be set as part of the rulemaking process. USEPA accepts this as a commitment of resources. Therefore, USEPA has determined that the Michigan I/M plan meets the requirements of Section 172(b)(7) of the Clean Air Act.

Carbon Monoxide and Ozone Attainment Demonstrations

In the April 14, 1980, **Federal Register** (45 FR 25093), USEPA discussed the carbon monoxide and ozone attainment demonstrations for the Detroit urban area, and proposed approval of these revisions to the Michigan SIP. The State requested a five year extension, until December 31, 1987 for demonstrating attainment of the carbon monoxide National Ambient Air Quality Standard (NAAQS) for portions of Wayne, Oakland and Macomb Counties. The State has also requested an extension until December 31, 1987, for demonstrating attainment of the ozone NAAQS in Wayne, Monroe, Washtenaw, Livingston, Oakland, Macomb and St. Clair Counties. These nonattainment areas are delineated at 40 CFR Part 81.

For those areas which are unable to demonstrate attainment of the carbon monoxide and/or ozone NAAQS by December 31, 1982, despite the application of all reasonably available control measures, section 172(a)(2) of the Clean Air Act requires the SIP to provide for the attainment of the national primary standard for the pollutants as expeditiously as practicable, but not later than December 31, 1987.

Those areas granted an extension until December 31, 1987, are required to implement certain additional measures. These additional measures, delineated at section 172(b)(11) of the Act, are: 1) a schedule for the development, adoption, and implementation of a vehicle emissions control inspection and maintenance I/M program, 2) the establishment of a program for the analysis of alternatives for those sources proposing to locate in the area, and 3) the identification of other measures necessary to provide for attainment of the NAAQS by December 31, 1987.

The schedule for implementation of an I/M program is discussed elsewhere in this notice, and the program for the analysis of alternatives is contained in the State's New Source Review (NSR) program for those sources proposing to locate in the area. USEPA approved the NSR program in the May 6, 1980, **Federal Register** (45 FR 29097).

Emission reductions will be achieved through the implementation of control's on hydrocarbon emissions from stationary sources, the use of the Federal Motor Vehicle Control Program (FMVCP), additional Transportation Systems Management (TSM) programs and a Vehicle Inspection/Maintenance (I/M) program. The Transportation Control Plans (TCPs) for the Detroit area will be addressed in a separate **Federal Register** notice.

The State of Michigan used the linear rollback approach (LRA) to determine the required carbon monoxide and ozone emission reductions. The projected carbon monoxide emissions in nonattainment areas and the anticipated reductions for 1982 and 1987 indicate that the required emission attainment level will not be achieved by 1982. However, the data compiled by SEMCOG shows that reasonable further progress will be achieved through 1982, and attainment of the standard is predicted prior to 1987. The projected hydrocarbon emissions in nonattainment areas and the anticipated reductions for 1982 and 1987 indicate that the required emission attainment level will not be achieved by 1982. However, the data indicated that reasonable further progress will be achieved through 1982, and attainment of the ozone NAAQS is predicted no later than 1987.

USEPA Final Determination: USEPA reviewed the carbon monoxide and ozone control strategies for the Detroit urban area, and proposed approval of these revisions to the Michigan SIP in the April 14, 1980, **Federal Register** (45 FR 25093). No public comments were received. Therefore, USEPA approves the carbon monoxide and ozone attainment demonstrations for the Detroit urban area.

USEPA Final Rulemaking Action

USEPA takes final rulemaking action today to approve the carbon monoxide and ozone attainment demonstrations and the vehicle inspection/maintenance program for the Detroit urban urea.

The 1978 edition of 40 CFR Part 52 lists in the subpart for each state the applicable deadlines for attaining ambient standards (attainment dates) required by section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadline required by section 172(a) of the Act, the new deadlines will be substituted on the attainment date charts. The earlier attainment dated under section 110(a)(2)(A) will be referenced in a footnote to the charts. Sources subject to plan requirements and deadlines established under section

110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new section 172 plan requirements.

Congress established new deadlines under section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. If these new deadlines were permitted to supercede the deadlines established prior to the 1977 Amendments, sources that failed to comply with pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply only to new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act make clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement fully Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, EPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even through a section 172 plan revision with a latter attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations, the pre-existing requirements and deadlines may be revised if a State makes a case-by-case demonstration that a relaxation or revocation is necessary. Any such exemption granted by a State will be reviewed and acted upon by USEPA as SIP revision. In addition, as discussed in the April 4, 1979 **Federal Register** (44 FR 20373), an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations, "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 110(a), 172 and 301(a) of the Clean Air Act, as amended. (42 U.S.C. § 7410(a), 7502, 7601(a)).)

Dated: May 23, 1980.

Douglas Costle,

Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52, is amended as follows:

1. Section 52.1170(c) is amended by adding paragraph (26) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(26) On March 20, 1980, the State submitted commitments and additional revisions to the Inspection/Maintenance program for the Detroit urban area.

2. Section 52.1177 is revised as follows:

§ 52.1177 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect information presented in Michigan's plan, except where noted.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_x		NO_x	CO	O_x
	Primary	Secondary	Primary	Secondary			
South Bend-Elkhart-Benton Harbor Interstate (AQCR 82):							
a. Primary/Secondary Nonattainment Areas	a	f	a	a	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	d
Central Michigan Intrastate (AQCR 122):							
a. Primary/Secondary	d	f	d	a	c	d	d
b. Remainder of AQCR	c	c	c	c	c	c	b
Metropolitan Detroit-Port Huron Intrastate (AQCR 123):							
a. Primary/Secondary	d	f	a	c	c	e	e
b. Remainder of AQCR	c	c	c	c	c	c	b
Metropolitan Toledo Interstate (AQCR 124):							
a. Primary/Secondary	a	f	a	c	c	c	e
b. Remainder of AQCR	c	c	c	c	c	c	b
South Central Michigan Intrastate (AQCR 125):							
a. Primary/Secondary	d	f	d	a	c	c	e
b. Remainder of AQCR	c	c	c	c	c	c	b
Upper Michigan Intrastate (AQCR 126):							
a. Primary/Secondary	c	f	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	b

Note.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable. These dates may be changed through revisions to the SIP by the State.

Note.—Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR § 52.727.

Note.—For actual nonattainment designations, refer to 40 CFR Part 81.

a. July 1975.
b. Air quality levels presently below primary standards or area is unclassified.
c. Air quality levels presently below secondary standards or area is unclassified.
d. December 31, 1982.
e. December 31, 1987.
f. July 31, 1985.

[FR Doc. 80-16622 Filed 5-30-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 80

[FRL 1502-6]

Controls Applicable To Gasoline Refiners; Lead Phase-down Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends the lead phase-down regulations (40 CFR 80.20) by revoking the unleaded gasoline production requirements associated with the optional 0.8 gram per gallon (gpg) standard for the quarter beginning April 1, 1980, and ending June 30, 1980. The requirements applicable to the quarter beginning July 1, 1980, will remain in effect unless altered as discussed in a Notice of Proposed Rulemaking published elsewhere in this issue of the **Federal Register**. This requirement is being revoked because it appears that adequate supplies of unleaded gasoline will be available for the current quarter without the imposition of an unleaded gasoline production requirements.

DATES: The revocation of the unleaded gasoline production requirement is effective May 22, 1980.

ADDRESS: Public Docket: Copies of information relative to this rule are available for public inspection at the Central Docket Section (Docket EN-80-4), Environmental Protection Agency, room 2903B, 401 M Street, S.W., Washington, D.C. 20460 and are available for review between the hours of 8:00 A.M. and 4:00 P.M. As provided in 40 CFR Part 2. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Robert Summerhayes, Fuels Section, Field Operations and Support Division (EN-397), 401 M Street, S.W., Washington, D.C. 20460 at (202) 472-9367.

SUPPLEMENTARY INFORMATION: On September 12, 1979, EPA published amended regulations which relaxed for one year the lead phase-down standard of 0.5 gpg effective October 1, 1979, to 0.8 gpg conditioned upon an increase in quarterly unleaded gasoline production of six percentage points over the previous year, or an unleaded gasoline production of at least 45% of total gasoline (44 FR 53144). EPA relaxed the lead standard to enable refiners to produce more total gasoline. The unleaded gasoline production requirement was included to insure that sufficient supplies of unleaded gasoline would be produced to help protect against increased fuel switching due to shortages of gasoline, particularly unleaded gasoline. Alternatively, refiners were provided the option of complying with the 0.5 gpg requirement on October 1, 1979, as originally promulgated, in which case they would not be required to produce a minimum percentage of unleaded gasoline.

The 6%/45% unleaded gasoline production percentages were based on the historical growth of unleaded gasoline demand. But EPA noted in the preamble of the September 1979 amendments that it would "continue to monitor unleaded gasoline demand," and stated that "if demand does not grow by at least the historical rate, EPA will take appropriate actions to avoid the unnecessary overproduction of unleaded gasoline."

During January and February 1980, EPA received reports indicating that demand did not continue to increase at the historical rate and that some overproduction of unleaded gasoline occurred during the October-December 1979 quarter and the first part of the January-March 1980 quarter. Some refiners reported unusual difficulties in trading excess unleaded gasoline for leaded gasoline. EPA has also noted that cargo trading differentials on the inter-refinery spot market, which normally reflect a two to three cent per gallon premium for unleaded gasoline, dropped to zero cents per gallon in some areas. In one particular area the cargo trading differential fell to minus one and one-half cents per gallon; that represents a one and one-half cent premium for leaded gasoline over unleaded gasoline. Recent unleaded gasoline sales showed a smaller than six percentage points increase in unleaded gasoline demand during 1979 and early 1980. This reduction in the historical growth rate of unleaded gasoline has been attributed to both the declining sales of new unleaded vehicles and the trend towards the use of smaller, more fuel efficient cars. Based on this information, EPA concluded that adequate supplies of unleaded gasoline (relative to leaded) would be available for the January-March 1980 quarter without the imposition of the 6%/45% production requirement.

In order to avoid the unnecessary loss of energy caused by the overproduction of unleaded gasoline EPA revoked the unleaded gasoline production requirement for the January-March 1980 quarter (45 FR 14854) and proposed four alternatives for amending the requirements for the subsequent quarters. The possible alternatives included, but were not limited to: (1) no change; (2) adjust the 6%/45% production requirement to more accurately reflect the increased demand for unleaded gasoline each quarter over the corresponding quarter in 1979; (3) revoke the unleaded production requirements for the second and third quarters of calendar year 1980; or, (4) link a modification or revocation of the 6%/45% requirements to an indicator, such as retail price differential or the ratio of unleaded sales to unleaded refinery output. EPA solicited comments from interested parties concerning which of the proposed alternatives would be most effective.

The revocation of the unleaded gasoline requirements has allowed the unleaded/leaded gasoline balance to readjust towards historical levels. Indicative of this is that cargo trading differentials between unleaded and leaded grades are climbing back to about 0.5 to 1.0 cents per gallon. A 2 cents per gallon differential, which reflects the normally higher cost of unleaded production, would signal a return to equilibrium. Department of Energy reports show that inventories of crude oil and motor gasoline are currently very large and have recently registered historically high levels; at the same time, gasoline production rates are low. Consumer demand for gasoline products has slackened considerably; down 8.2% in March of 1980 as compared to the previous March according to the American Petroleum Institute. The possibility of a serious disruption of retail gasoline supplies during the short term is reduced greatly when crude oil and gasoline inventories are high. While complete assurance is not possible, it appears that adequate supplies of unleaded gasoline will be available for the current quarter without the imposition of an unleaded gasoline production requirement.

Because of EPA's desire to avoid any unnecessary loss of energy from the overproduction of unleaded gasoline, the lead phase-down regulations are being amended to remove the production requirement for the April-June 1980 quarter. The production requirement is being eliminated for only the current quarter since EPA does not yet have enough data to appropriately assess the demand and supply for the quarter beginning July 1, 1980. (See: "Controls Applicable to Gasoline Refiners; Lead Phase-Down Regulations: Notice of Proposed Rulemaking," elsewhere in this issue of the **Federal Register**.)

Because this rule relieves a restriction on the regulated industry, EPA is publishing this amendment as a final rule effective immediately, pursuant to the exemptions in 5 USC 553(d). Since this rule results in a relaxation of an existing regulatory control, EPA has determined that this document does not contain a major action requiring an Economic Impact Analysis under Executive Orders 11821, 11949, 12044, and section 317 of the Clean Air Act, as amended.

Summary of Comments Received

The following is a summary of public comments on each of the proposed alternatives:

1. Keep present requirements in place.

Most commenters stated that the requirements are unnecessary and that market demand will adequately determine the percent of unleaded gasoline that needs to be produced. They further stated that continuing the requirements will result in marketplace dislocations similar to those that occurred during the January–March 1980 quarter. EPA notes that the factors which are believed to have caused a reduction in the growth rate of unleaded gasoline have not changed significantly since the revocation of the January to March quarter requirements. Sales of new cars, which require unleaded gasoline and generally replace leaded vehicles, are down 15.4% for domestic manufacturers and 8.6% overall for the January–March 1980 quarter compared to the January–March 1979 quarter. Import sales in the same period have increased 17.5%. The product mix of cars that are being sold has shifted towards smaller, more fuel efficient vehicles which replace older, leaded vehicles but use fewer gallons of fuel. Therefore, EPA believes that the continuation of the 6%/45% requirements would be inappropriate in light of these changes and the dislocations produced in the market during the January through March 1980 quarter.

2. Adjust the requirements to an intermediate figure.

Most commenters stated that if some requirement for unleaded gasoline production is imposed, then a reduction in the magnitude of the requirement should be made. They argue, however, that revising the estimate of the unleaded gasoline growth rate would be difficult because of continuing changes in driving habits caused by escalating gasoline prices. Some gasoline producers reported the projected growth in unleaded gasoline demand for their markets. The estimates for the current quarter ranged from a low of 4 percentage points for one refiner to a high of 5.8 percentage points for another. As a result, lowering the requirements to 5 or 5.5 percentage points could still cause market disruption but, perhaps, of a smaller magnitude.

EPA understands the difficulty in precisely revising the estimate of unleaded market share growth and has determined that adjusting the unleaded production requirements to some intermediate value is not practicable this time. However, we will continue to study this problem in anticipation of actions to be taken for the July–September 1980 quarter.

3. Revoke the unleaded requirements.

Twenty-five of twenty-eight commenters identified this option as their preferred approach. Some commenters noted that the refining industry has more than sufficient capacity to produce unleaded gasoline and that the existing two cent per gallon cost pass-through rule provided by the Department of Energy provides a sufficient incentive to use that capacity. A couple of commenters stated that sufficient volumes of unleaded gasoline would be available as long as crude supplies are not significantly interrupted.

An analysis of such factors as world-wide crude production levels, domestic crude oil and motor gasoline stocks, and product prices indicates that domestic supplies of gasoline should be adequate for the remainder of this quarter. Since the unleaded production requirements are unnecessary when adequate supplies of unleaded gasoline are available and since refiners have the capability of and incentive to produce the market split of unleaded gasoline if adequate crude supplies are available, EPA will revoke the unleaded requirements for the April–June 1980 quarter. The requirements applicable to the quarter beginning July 1, 1980, will remain in effect unless altered as discussed in a Notice of Proposed Rulemaking published elsewhere in this issue of the **Federal Register.**

4. Link a modification of the requirements to an indicator, such as retail price differential or the ratio of unleaded sales to unleaded refinery output.

Virtually all commenters who addressed this option stated that any such modifications would be very complicated and would be subject to the large lag time needed for data collection. They state that a number of refiners would be deterred from participating in the program. Therefore, EPA has rejected this option.

Dated: May 22, 1980.

Douglas M. Costle,

Administrator.

Accordingly, notice is hereby given that 40 CFR Part 80 is amended as follows:

1. In section 80.20, by amending paragraph (a)(7) to read as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a) * * *

(7) In the manufacture of gasoline, no gasoline refiner who has submitted a valid registration form for refineries in accordance with paragraph (a)(6) of this section, shall, in aggregate, at those registered refineries, produce unleaded gasoline as a percentage of total gasoline for the quarters beginning October 1, 1979 and July 1, 1980, or for either of these quarters for which a valid registration form has been submitted, that is less than that percentage in the comparable quarters beginning October 1, 1978 and July 1, 1979, plus six (6) percentage points unless the production of unleaded gasoline as a percentage of total gasoline produced by the refiner in aggregate at registered refineries is greater than 45%.

Authority: Sections 211, 301, Clean Air Act, as amended, 42 USC 7545, 7601.

[FR Doc. 80-16584 Filed 5-30-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Parts 418, 426 and 432

[FRL 1504-4]

Best Conventional Pollutant Control Technology and Reasonableness of Existing Effluent Limitation Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Corrections.

SUMMARY: EPA corrects several typographical and editorial errors which affect the clarity of the final regulations relating to "best conventional pollutant control technology." These regulations were published in the **Federal Register** on August 29, 1979 at 44 FR 50732.

FOR FURTHER INFORMATION CONTACT: Ms. Emily Hartnell, Office of Analysis and Evaluation (WH-586), EPA, 401 M Street S.W., Washington, D.C. 20460, (202) 755-2484.

SUPPLEMENTARY INFORMATION: FR Doc. 79-26619, published August 29, 1979, contained several typographical errors which do not affect the determinations of reasonableness but do affect the clarity of the final rules. Those errors are corrected as follows:

§ 418.13(c) [Corrected]

1. Page 50742, column number 1, § 418.13(c) describing the Best Available Technology Economically Achievable (BAT) limitations for the Phosphate Subcategory of the Fertilizer Manufacturing Point Source Category is corrected to remove the waiver of the TSS limitation for calcium sulfate storage pile runoff facilities since the TSS limit no longer exists for BAT. Therefore, the wording following the table which starts "The total suspended . . ." and end with ". . . set forth in this paragraph." is deleted.

§ 418.17 [Corrected]

2. Page 50742, column number 2, § 418.17(c) describing the Best Conventional Pollutant Control Technology (BCT) limitations for the Phosphate Subcategory of the Fertilizer Manufacturing Point Source Category is corrected to replace the words ". . . this paragraph" at the end of this section with ". . . 418.13(c)".

Part 426 [Corrected]

3. Page 50746, column number 3, amendment number 4 describing the BCT limitations for Part 426, Glass Manufacturing Point Source Category, is corrected to replace the lines in the "Section Designation" table starting with "Television picture tube" with the following:

Subcategory	Section Designation (40 CFR)
Television picture tube envelope manufacturing	426.117
Incandescent lamp envelope manufacturing	426.127
Hand pressed and blown glass manufacturing	426.137

Part 432 [Corrected]

4. Page 50748, column number 1, amendment number 2 describing the BCT limitations for part 432, Meat Products Point Source Category is corrected to replace the table describing the effluent limitations with the following:

Effluent Characteristic	Effluent Limitations
Fecal coliform	Maximum at any time 400 mpn/100 ml.
pH	Within the range of 6.0 to 9.0

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-16594 Filed 5-30-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Ch. 101

[FPMR Temp. Reg. A-11, Supp. 9]

Changes to Federal Travel Regulations

Correction

In FR Doc. 80-12512, appearing at page 27436 in the issue of Wednesday, April 23, 1980, the following changes should be made:

1. In column two on page 27439, the next to last line should have read, "a taxicab under 1-2.3c, payment on a".

2. In the first column of the table on page 27440, the first complete word in the third line of the entry "for District of Columbia" should have read "of".

3. In the third column of the table on page 27440, the second line under the entry "Pennsylvania" should have read, "Harrisburg"

BILLING CODE 1505-01-M

Public Buildings Service

41 CFR Parts 101-17, 101-18, 101-19

[FPMR Amendment D-76]

Federal Space Management

AGENCY: General Services Administration, Public Buildings Service.

ACTION: Final rule.

SUMMARY: This regulation incorporates appropriate procedures for the planning, acquisition, utilization, and management of Federal space facilities. These revisions are necessary to implement Executive Order 12072, dated August 16, 1978, and the joint memorandum of the Executive Office of the President and the Office of Management and Budget dated March 9, 1979.

EFFECTIVE DATE: June 2, 1980.

FOR FURTHER INFORMATION CONTACT: James G. Whitlock, Assistant Commissioner for Space Management, Public Buildings Service (202-566-1025).

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. However, its provisions represent a strengthening of emphasis in GSA's facility siting policies. Specifically, the regulation:

1. Restates and reaffirms GSA's commitment to giving primary consideration to locating Federal activities in central business areas;

2. Establishes a limited number of specific circumstances that justify noncentral business area locations;

3. Establishes a procedure for conducting cost/benefit analyses on proposed relocations of Federal activities into central business areas;

4. Recognizes that in urban areas with more than one city, Federal activities should be located in the most distressed central city;

5. Establishes the framework for close coordination with local elected officials to ensure that Federal activities are housed in a manner consistent with local development objectives;

6. Recognizes the application of the Rural Development Act of 1972 to the facility program; provides for central business area locations to encourage development, redevelopment, and growth of rural areas; and codifies an agreement between GSA and the U.S. Department of Agriculture;

7. Formalizes procedures for GSA review of space actions of other Federal agencies that are not in compliance with EO 12072 and the revised Federal Property Management Regulations; and

8. Defines the terms "urban areas," "central business areas," "rural areas," and "central cities."

In developing the proposed rules, GSA obtained the advice and guidance of the Interagency Coordinating Council, created by Executive Order 12075, the Department of Housing and Urban Development, the Executive Office of the President, the National League of Cities, and the Center for National Policy Review.

These regulations were published in the **Federal Register** as proposed rules on March 29, 1979 (44 FR 18705), for a 60-day public commenting period. At the request of various Members of Congress and other interested individuals, the commenting period was extended to July 13, 1979. Approximately 200 written comments were received from Members of Congress; Federal, State, and local agencies; local governments; public interest groups; trade associations; and private citizens. During and subsequent to the commenting period, GSA officials testified on the proposed regulations at two congressional hearings on the implementation of the urban policy. In addition, GSA officials participated in numerous meetings with individual Members of Congress and public interest groups.

This regulation is made after consideration of all comments received. Simultaneously with the publication of

the proposed regulation in March 1979, GSA instructed its regional offices to follow its provisions as interim guidelines pending final publication. GSA headquarters staff has monitored regional implementation to assess the impact of the regulation on the regional operations. On the basis of that study and on the comments received, GSA has refined its procedures in this final rulemaking.

The refinements incorporated in the regulations include:

1. Clarification that the requirements for strict adherence to locations in central business areas apply to the location of Federal activities in urban areas;

2. Codification of an agreement reached between GSA and the U.S. Department of Agriculture concerning the location of USDA activities in rural areas;

3. Incorporation of a procedure for conducting cost/benefit analyses to assess the cost effectiveness of proposed relocations of Federal activities from noncentral business area into central business area sites;

4. Requirement for the approval of the GSA Regional Administrator of any decision to locate a Federal activity in other than a central business area of an urban area;

5. Acknowledgement of the unique characteristics of the Federal presence in the National Capital Region and a provision for implementing the regulations in conjunction with regional development plans prepared by the National Capital Planning Commission;

6. Codification of an agreement between GSA and the U.S. Postal Service concerning implementation of the urban policy for Postal Service activities; and

7. Restructure of procedures for compliance with the March 9, 1979, joint memorandum from the Executive Office of the President and the Office of Management and Budget to all agencies concerning GSA's review of agency space actions for conformance with the urban policy.

Many comments were received from suburban and rural interests in opposition to regulatory preference for the location of Federal activities in the central business areas of central cities of urban areas. Executive Order 12072 and particularly section 1–103 of the order requires first consideration be given to centralized community business areas and, therefore, it was not feasible to eliminate preference for central business areas of central cities and, at the same time, remain in compliance with the Executive order.

Inasmuch as these final regulations have incorporated procedural refinements that reflect comments received, it was determined to be unnecessary to reissue the regulation for comment.

PART 101–17—ASSIGNMENT AND UTILIZATION OF SPACE

1. The table of contents for Part 101–17 is amended by adding new entries for §§ 101–17.003–33—101–17.003–36, new Subpart 101–17.47, consisting of §§ 101–17.4700, 101–17.4701, and 101–17.4702, and by deleting the entry § 101–17–101–1c as follows:

* * * * *

Sec.

101–17.003–33 Urban area.
101–17.003–34 Central business areas.
101–17.003–35 Central city.
101–17.003–36 Rural area.
101–17.101–1c (Deleted).

Subparts 101–17.6—101–17.46 (Reserved)

Subpart 101–17.47—Exhibits

101–17.4700 Scope of subpart.
101–17.4701 Memorandum of understanding between the U.S. Department of Agriculture and the General Services Administration concerning the location of Federal facilities.
101–17.4702 Memorandum of agreement between the General Services Administration and the U.S. Postal Service for implementing the President's urban policy.

2. Section 101–17.001 is revised to read as follows:

§ 101–17.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Act of July 1, 1898 (40 U.S.C. 285); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.); the Rural Development Act of 1972 (86 Stat. 674); Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507); Executive Order 12072 of August 16, 1978 (43 FR 36869); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4244; 40 U.S.C. 531–535); Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601); and the National Environmental Policy Act of 1969, as amended.

3. Section 101–17.002 is revised to read as follows:

§ 101–17.002 Basic policy.

GSA will acquire and use federally owned and leased office buildings and space located in the United States and will issue standards and criteria for the use of this space. GSA will assign and reassign this space to Federal agencies and certain non-Federal organizations. GSA has oversight responsibility for Federal agency compliance with Executive Order 12072, including space acquisition in urban areas accomplished under authority other than the Federal Property and Administrative Services Act of 1949, as amended. As required by section 901(b) of the Agriculture Act of 1970, 84 Stat. 1383, as amended by section 601 of the Rural Development Act of 1972, 86 Stat. 674 (42 U.S.C. 1322(b)), it is the responsibility of each agency to determine which of its new offices should be located in rural areas. When it is determined that agency space needs require an urban location, GSA and other Federal agencies shall be governed by the following policies for the assignment, reassignment, and use of buildings and space.

(a) Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

(b) Serious consideration shall be given to the impact that a location or relocation will have on improving the social, economic, environmental, and cultural conditions of the communities in an urban area. To the extent feasible, plans and programs for meeting space needs shall enhance and support the development, redevelopment, and revitalization objectives and priorities of cities in urban areas and shall enhance and support the employment and economic base of these cities. Both positive and negative impacts of space acquisition actions shall be weighed with the objective of obtaining maxmum socioeconomic benefits from these actions.

(c) In meeting space needs in urban areas:

(1) First consideration shall be given to a centralized business area and adjacent areas of similar character in the central city of Standard Metropolitan Statistical Areas (SMSA) defined by the Department of Commerce publication (Government Printing Office Stock Number 041–001–00101–8), including other specific areas of a city recommended by the elected chief executive officer of the local government or a designee, except where this type of consideration is otherwise prohibited. Space needs will be met outside the central business area of a central city of

an SMSA only when one of the following circumstances exist:

(i) The service area of an activity is limited to a clearly defined sector of a city or a suburban or rural community, as is the case with satellite or branch offices; or where onsite activities are involved, such as inspection and/or maintenance operations at border stations, airports, seaports, or other similar activities;

(ii) Immediate compliance is not possible due to existing leasing commitments in areas outside the central business area (CBA). In these cases, plans for the future compliance shall be made; i.e., the activity shall be relocated to the central business area upon expiration of the lease;

(iii) The proposed facility or the activity's use of a facility is not in compliance with local land use or zoning ordinances; or

(iv) The elected chief executive officer of the local government or a designee advises the agency that an activity or facility should be located in an area of the central city other than the CBA.

(2) If location outside the central business area of the central city is required, preference shall be given to location within the central city.

(3) If location outside the central city is required, preference shall be given to locations in the central business area of noncentral cities.

(4) If location outside an SMSA is required, preference shall be given to central business area of non-SMSA cities.

(d) Decisions to relocate activities from existing noncentral business area locations into the central business area shall take into consideration an analysis of the comparative costs in relationship to the anticipated benefits of the proposed relocation. These cost/benefit analysis shall compare the costs of relocation into the central business area to the costs of alternative locations that would be delineated were there no plans to relocate the activity into the central business area. In conducting cost/benefit analyses the following steps shall be followed:

(1) An estimate of the comparative costs of a central business area location versus the costs of non-CBA locations shall be made, including an analysis of:

(i) The estimated annual per-square-foot market rent for comparable space in the central business area versus similar estimated market rents for delineated noncentral business area locations under consideration, plus

(ii) The estimated per-square-foot costs of duplicating permanent special-type alterations (such as laboratory or ADP space) amortized over the term of the lease and all renewal options; plus

(iii) The estimated per-square-foot cost of relocating offices to the various alternative locations, including the central business area amortized over the term of the lease and all renewal options, and

(iv) The estimated per-square-foot cost of residential relocation of employees, eligible for relocation under the Federal Travel Regulations (FPMR 101–7), who will likely apply for relocation. (These costs also will be amortized over the term of the lease and all renewal options.)

(2) The sum of the cost factors listed in paragraph (d)(1) of this section shall be computed for each alternative location considered, including the central business area location. If the annual per-square-foot cost of locating into the central business area does not exceed by a margin of 15 percent of the per-square-foot cost of those alternative locations outside the central business area, relocation shall be accomplished without further study.

(3) When the per-square-foot costs of relocating an activity into the central business area exceeds by a margin of 15 percent the costs per square foot of the alternative noncentral business area locations, further study shall be conducted to identify anticipated intangible benefits to the Government and the urban area involved by relocating into the central business area. The assistance and advice of the local government may be solicited during this phase of analysis. This phase of analysis shall include, as appropriate, but not be limited to the identification of all benefits accruing to the Government and the local community as follows:

(i) The influence a relocation will have on any established plan of the city to develop or redevelop the central business area. This factor shall include consideration of the extent to which the plan has been or will be implemented locally through Federal financial assistance and other positive commitments by the local community and an assessment of the prospects for success of the plan;

(ii) The impact of the proposed action on the affected office space rental markets;

(iii) The extent to which the accessibility of low and moderate income housing on a nondiscrimination basis and nondiscrimination in the sale and rental of residential housing for Federal employees will be improved;

(iv) The extent to which the accessibility of the central business area location to all segments of the population of the community served will be improved;

(v) The availability of parking and public transportation for employees and visitors to the central business area location; and

(vi) All other identified benefits particularly applicable to the local situation.

(4) Data gathered in paragraphs (d)(1) and (d)(3) of this section shall be used to reach a final decision on a proposed relocation into a central business area.

(5) In communities in which it is determined there is the potential for substantial relocations of agencies into the central business area over a medium ranged period of time (3 to 5 years), the GSA regional office may conduct a cost/benefit analysis on the cumulative impact of relocating agencies into the central business area over the planning period rather than on a case-by-case basis. These analyses will be conducted as described above. Any action taken during the planning period consistent with the conclusions of the cost/benefit analysis will not require an individual analysis. Periodic reviews of long-range cost/benefit analyses will be made as appropriate.

(e) Whenever the regional Public Buildings Service determines that it is impractical to locate a Federal activity consistent with the policy of paragraph (c)(1) of this section, it must obtain approval by the Regional Administrator of a waiver of the policy for the particular space action. These waivers may be granted for temporary periods because of local real estate market conditions or permanently, but must be based on documented facts, such as cost/benefit analyses described in paragraph (d) of this section.

(f) In SMSA's with more than one central city, or in urban areas with more than one city, GSA may make new space assignments in the central business area of the most distressed city. In addition, consideration may be given to meeting space needs in other than central cities when the following conditions exist: (1) A city in an SMSA is not a central city but has over 50,000 population and (2) the level of distress in that city is determined by the Secretary of Housing and Urban Development to be equal to or greater than any of the central cities.

(g) Consistent with the policies cited in paragraphs (a), (b), (c), (d), and (f) of this section, consideration shall be given to the following criteria in meeting Federal space needs in urban areas:

(1) Impact on economic development and employment opportunities in the urban area, including use of human, natural, cultural, and community

resources with the objective of targeting distressed areas;

(2) Compatibility of the site with State, regional, or local development, redevelopment, or conservation objectives;

(3) Conformity with the activities and objectives of other Federal agencies;

(4) Availability of adequate low- and moderate-income housing on a nondiscriminatory basis for employees and nondiscrimination in the sale and rental of housing; and

(5) Availability of adequate public transportation and parking and accessibility to the public.

(h) The presence of the Federal Government in the National Capital Region is such that the distribution of Federal installations has been and will continue to be a major influence in the extent and character of development. In the interest of order and economy, and in view of the special nature of the National Capital Region, these policies shall be applied in the National Capital Region in conjunction with regional policies on development and distribution of Federal employment established by the National Capital Planning Commission and consistent with the general purposes of the National Capital Planning Act of 1952, as amended.

(i) Consistent with the policies cited in paragraphs (a), (b), (c), (d), and (f) of this section, alternative sources will be considered in meeting Federal space needs in urban areas in the following order:

(1) Availability of existing federally controlled facilities. Maximum use will be made of the facilities that, in the judgment of the Administrator of General Services, are adequate or economically adaptable to meeting the space needs of executive agencies;

(2) Use of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 250Z);

(3) Acquisition or use of existing privately owned facilities; and

(4) Construction of new facilities.

(j) Site selection and space assignment shall take into account:

(1) The management needs for consolidation of agencies or activities in common or adjacent space to improve management and administration and effect economies; and

(2) The efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance of safe and healthful working conditions for employees.

(k) To the maximum extent feasible, GSA will maintain continuous liaison with the elected chief executive officer of local government or a designee to obtain advice and consultation with respect to space assignment, acquisition, and construction activities in the community. To establish the framework for consultation on space actions, GSA will seek agreements with local governments, which shall:

(1) Establish acceptable geographic boundaries of the central business area;

(2) Identify areas of the city outside the central business area targeted for development or redevelopment that would benefit from the stimulus of the location of Federal space;

(3) Define the types and sizes of GSA projects of interest to local government;

(4) Establish appropriate timing for notifying local officials of a GSA project;

(5) Advise local officials of the availability of data on GSA plans and programs, and agree upon the exchange of planning information with local officials;

(6) Identify appropriate timing for periodic reviews of the agreement to ensure it is providing maximum consultation; and

(7) Include other appropriate information.

(l) Federal facilities and Federal use of space in rural areas shall serve to strengthen the Nation's rural communities. Federal space shall encourage growth and economic development and redevelopment in rural areas. Consistent with the provisions of section 601(b) of the Rural Development Act of 1972 (86 Stat. 674), each agency shall give first priority to meeting Federal space needs in rural areas.

(m) In meeting space needs in rural areas:

(1) First consideration shall be given to the central business area of incorporated jurisdictions, including adjacent areas of similar character and specific areas recommended by local officials, except where this type of consideration is prohibited.

(2) Serious consideration shall be given to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in a rural area. To the extent feasible, plans and programs for meeting space needs shall enhance and support the development, redevelopment, and revitalization objectives and priorities of communities in rural areas, as well as enhance and support the employment and economic base of these communities. Both positive and negative impacts of space acquisition actions shall be weighed with the objective of obtaining maximum socioeconomic benefits from these actions.

(3) In rural areas with more than one incorporated jurisdiction, space assignments shall be made in the most distressed jurisdiction.

(4) Space needs shall be met outside the central business area only when one of the exceptions contained in paragraphs (c)(1) (i), (ii), (iii), or (iv) of this section apply or in the case of county level field offices of USDA when the program requirements and needs of their clientele preclude locations in the central business area. The assignment and acquisition of facilities and space to house the activities of the U.S. Department of Agriculture are further defined in the USDA/GSA agreement in § 101–17–4701.

(n) Consistent with the policies cited in paragraphs (l) and (m) of this section, the site selection criteria contained in paragraph (j) of this section, and the alternative space acquisition methods contained in paragraph (i) of this section shall be considered. In addition, consultation with local officials in rural areas shall be consistent with the requirements of paragraph (k) of this section.

(o) In accordance with the joint White House/Office of Management and Budget memorandum, dated March 9, 1979, heads of executive agencies that acquire or use federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended, shall notify the appropriate GSA Regional Administrator before taking an irreversible action to acquire or use space when this action is inconsistent with the basic policies of paragraphs (a), (b), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), and (n) of this section.

(1) Notification shall include the:

(i) Description of the nature of the activity to be housed, type and amount of space involved, and number of employees to be housed;

(ii) Discussion and analysis of alternatives studies;

(iii) Documentation of advice received from local government;

(iv) Copy of the environmental assessment of the proposed action; and

(v) Citation of any statutory restrictions that preclude compliance with the above-referenced paragraphs of this section.

(2) Within 30 calendar days of receipt of the agency notification, the Regional Administrator shall notify the agency head in writing of concurrence with the proposed action. If the Regional Administrator does not concur with the proposed action, the Regional Administrator shall explain any

objections in writing to the agency. The Administrator of General Services will notify the Director of the Office of Management and Budget of the basis for nonconcurrence.

4. Section 101–17.003 is amended by adding four subsections as follows:

§ 101–17.003 Definition of terms.

* * * * *

§ 101–17.003–33 Urban area.

"Urban area" means any Standard Metropolitan Statistical Area (SMSA) as defined by the Department of Commerce and any non-SMSA that meets one of the following criteria:

(a) A geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of 10,000 or more inhabitants.

(b) That portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government, but has a population density equal to or exceeding 1,500 inhabitants per square mile; or

(c) That portion of any geographical area having a population density equal to or exceeding 1,500 inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of 10,000 or more inhabitants. (Reference: The Intergovernmental Cooperation Act of 1968, 40 U.S.C 535.)

§ 101–17.003–34 Central business areas.

"Central business areas" means those areas within a central city in an SMSA or any non-SMSA that encompass the community's principal business and commercial activities, and the immediate fringes thereof, as geographically defined in consultation with local elected officials.

§ 101–17.003–35 Central city.

"Central city" means any city whose name appears in the title of an SMSA. Criteria for determining SMSA titles are established by the Department of Commerce.

§ 101–17.003–36 Rural area.

"Rural area" means any area that (a) is within a city or town if the city or town has a population of less than 10,000 or (b) is not within the outer boundaries of a city or town if the city or town has a population of 50,000 or more and if the adjacent urbanized and urbanizing areas have a population density of more than 100 square mile.

Subpart 101–17.1—Assignment of Space

5. Section 101–17.101 is amended by revising paragraphs (a), (b)(1), and (b)(4) to read as follows:

§ 101–17.101 Requests for space.

(a) Except as provided in § 101–17.101–2, Federal agencies shall satisfy their space needs by submitting a Standard Form 81, Request for Space, to the GSA regional office responsible for the geographic area in which the space is required. A listing of GSA regional offices and the areas they service is shown in § 101–17.4801.

(b) * * *

(1) Cooperate with and assist the Administrator of General Services in carrying out the Administrator's responsibilities with respect to buildings and space, recognizing the requirement that primary consideration be given to locating within the central business area in urban areas.

* * * * *

(4) Review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be accomplished elsewhere in the Nation without excessive costs or significant loss of efficiency.

§ 101–17.101–1c [Deleted]

6. Section 101–17.101–1c is deleted as follows:

7. Section 101–17.102–1(b) is revised to read as follows:

§ 101–17.102–1 Assignment by GSA.

* * * * *

(b) GSA may, in accordance with policies and directives prescribed by the President, including Executive Order 12072 of August 16, 1978 (43 FR 36869), under sections 205(a) and 210(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(a) and 490(e)), and after consultation with the agencies affected, assign or reassign space of any executive agencies after determining that the assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

8. Subpart 101–17.47 is added to read as follows:

Subparts 101–17.6—101–17.46 [Reserved]

Subpart 101–17.47—Exhibits

§ 101–17.4700 Scope of subpart.

This Subpart 101–17.47 illustrates information referred to in the text of Part 101–17 but not suitable for inclusion elsewhere in that part.

§ 101–17.4701 Memorandum of understanding between the U.S. Department of Agriculture and the General Services Administration concerning the location of Federal facilities.

Memorandum of Understanding Between U.S. Department of Agriculture and General Services Administration Concerning the Location of Federal Facilities

Purpose. The purpose of this Memorandum of Understanding is to provide an effective arrangement whereby the Department of Agriculture and the General Services Administration will cooperate to implement the National Urban Policy. This memorandum requires that in urban areas and incorporated rural communities, offices and facilities of the Department will be located in central business areas whenever such location is consistent with program requirements.

1. The President's March 27, 1978, message on urban policy included a directive to the General Services Administration to retain Federal facilities in urban areas and to put new ones there.

2. On August 16, 1978, the President signed Executive Order 12072, "Federal Space Management" which requires the location of Federal facilities in such a manner as to strengthen the Nation's cities, and mandates that in urban areas first consideration be given to locating Federal facilities in the central business area or adjacent areas of similar character.

3. The Secretary of Agriculture recognizes the significant role the Department can play and the need to assist the Administrator of General Services in carrying out the requirements of Executive Order 12072.

4. The Rural Development Act of 1972, as amended, requires that consideration be given to locating Federal facilities in rural areas. The new Executive Order on Federal Space Management is consistent with the requirements of the Rural Development Act because it concerns the location of agencies subsequent to considering the requirements of the Act.

5. It is the policy of the Department of Agriculture to house within the same building (colocate) the county level offices of the Agricultureal Stabilization and Conservation Service, Cooperative Extension Service, Federal Crop Insurance Corporation, Farmers Home Administration, and Soil Conservation Service, as well as local offices of other Agriculture agencies delivering services at that level. The General Services Administration supports this policy.

6. The Department of Agriculture and the General Services Administration agree that:

a. The program and mission requirements of the agencies of the Department permit most of their offices and facilities above the county level to function suitably in the central business area of the urban areas where they are located. This includes all regional and state offices, certain research facilities, and all agencies whose operations are not affected in the delivery of services by location.

b. First consideration will be given to housing county level field offices in federally controlled space in the central business area of urban areas and incorporated rural communities. However, in cases where federally controlled space is available it must be economically adaptable to meet Agriculture needs in a timely manner (including the total needs for colocated facilities). Otherwise, the primary locational consideration shall be the program requirements of the agencies and accessibility for their clientele. In such instances, the outskirts of the cities and towns are more appropriate for these activities. Additionally, central business district locations are often not suitable for Forest Service District Ranger offices and other offices with special program needs for specific locations, such as plant, grain, animal, meat inspectors, and certain research facilities, or cooperative functions with state and local governments.

7. Therefore, this agreement will govern the acquisition of space by the General Services Administration for the Department of Agriculture, and the Department using its own or delegated leasing authority.

When a variance from this agreement is requested by either agency it shall be the responsibility of the requesting agency to present a compelling and fully substantiated case.

8. The terms "urban area" and "central business area" are used in accordance with the definitions in the Federal Property Management Regulations.

9. This agreement and guidelines shall remain in effect until cancelled by one or both parties on ninety days notice.

10. The parties to this Memorandum of Understanding agree to meet and review this agreement for effectiveness after the conclusion of one year.

Jim Williams,

Acting Secretary of Agriculture.

Dated: October 25, 1979.

R. G. Freeman III,

Administrator of General Services.

Dated: December 29, 1979.

Guidelines in Support of Memorandum of Understanding Between U.S. Department of Agriculture and General Services Administration Concerning the Location of Federal Facilities

The Memorandum of Understanding will permit the Department to support GSA in implementing Executive Order 12072, particularly the requirement to locate Federal facilities in the central business area of communities, while at the same time recognizing the location requirements of certain special facilities and the county level field service offices. This will assist the Department in its colocation policy for county level offices and other local offices of Agriculture agencies delivering service at that level. The objectives of this policy are to:

Provide better service to clients through one stop access and improved office coverage

Increase public participation in conservation and stabilization through increased exposure to the full range of available programs

Disseminate information to more prospective users by directing the clients of one agency to the services of another

Improve the cooperation of Federal, State, and county program administration

Achieve administrative economies

Enable closer coordination of Agriculture county level programs at the delivery point

To achieve these goals, the support of GSA is required by treating these offices as a single unit in leasing actions when requested by the Department.

Because of the differences in the ways in which the involved agencies are required by statute to procure and manage space, accommodations in leasing arrangements and charges are necessary to permit maximum colocation. For example, space for Cooperative Extension Service (CES) is provided or funded by the county government. In cases where CES cannot locate in Federal space, and the Department does not have delegated leasing authority, GSA should, consistent with the Federal Procurement Regulations and the Federal Property Management Regulations, lease space from or through the county in order to permit colocation.

For similar cases in which Agriculture county offices are working through cooperative efforts with State and county counterparts (e.g. Conservation Districts, State Forestry Offices, County Planning Boards, Representative Committees), and the Department does not have delegated leasing authority, GSA should, consistent with the Federal Procurement Regulations and the Federal Property Management Regulations, acquire space to permit the Agriculture offices to be located with these State and local groups.

Agriculture county level office programs are largely service oriented and depend on voluntary public participation for their effectiveness in achieving key national objectives of resource conservation, economic stabilization, and rural development. It is necessary that GSA recognize that location, provision, maintenance, and accessibility of county office facilities have a direct and significant impact on achieving this mission and must be administered accordingly.

Consistent with the Rural Development Act of 1972, as amended, the new Executive Order on Federal Space Management will not be used as a basis for moving Agriculture offices from rural to urban communities.

All Agriculture regional offices, State offices, and certain research facilities, and all agencies whose operations are not affected by location will be located in the central business area of the community in which they are located whenever such location is consistent with program requirements. Exceptions will be considered only on a case-by-case basis where application of this policy represents clearly demonstrable and quantifiable inhibitions to the delivery of program services.

First consideration will be given to housing county level field offices in federally controlled space in the central business district of the community. Exceptions, in addition to lack of sufficient economically adaptable space, must be based on clearly demonstrable inadequacies, such as inadequate parking for clientele, prohibition of trucks and other commercial vehicles on the streets leading to the building, location of the building in a community outside the area being served, failure to meet the handicapped requirements, unsafe or unhealthful working conditions.

§ 101-17.4702 Memorandum of agreement between the General Services Administration and the U.S. Postal Service for implementing the President's urban policy.

Agreement Between the General Services Administration and the U.S. Postal Service for Implementing the President's Urban Policy

GSA—USPS Urban Policy Memorandum of Agreement

Whereas the United States Postal Service, hereafter called USPS, and the General Services Administration, hereafter called GSA, share common goals and common needs in carrying out their missions and in implementing the President's urban policy by locating facilities in Central Business Areas (CBA)of Urban Areas (UA), and,

Whereas for the purpose of this agreement a UA means any Standard Metropolitan Statistical Area (SMSA) as defined by the Department of Commerce. An area which is not an SMSA is classified as an urban area if it is one of the following: (1) a geographical area within the jurisdiction of any incorporated city, town, borough, village or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants; (2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and (3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit general local government which has a population of ten thousand or more inhabitants; and CBA means those areas within a central city in an SMSA or those areas within any non-SMSA urban area which emcompass the community's principal business and commercial activities, and the immediate fringes thereof, as geographically defined in consultation with local officials. A central city means any city whose name appears in the title of an SMSA, and

Whereas GSA and USPS believe that the public welfare can be better served by increased cooperation between the two agencies, and,

Whereas the existing agreement does not cover all areas of agreement and cooperation necessary to promote those goals and needs which are desirable between the two agencies.

Now therefore, USPS and GSA agree to the following principles:

I. In order to better attain the goals of Executive Order 12072, Federal Space

Management, and the President's Urban Policy, USPS and GSA agree to take steps to improve coordination of planning activities for new facilities in urban areas, including the following:

A. In planning to construct a facility in a community, USPS and GSA will give preference to locating such facilities in the CBA unless the program requirements of the activities to be housed dictate that the facility be located elsewhere in the urban area.

B. As early as possible in the planning of a project to be satisfied by new construction in a CBA, the planning agency shall notify the other agency of the proposed project. If both USPS and GSA agree that a joint project is economically beneficial, then a determination will immediately be made as to which agency will be responsible for the planning; the basis for this determination will be occupancy in excess of 55% of the proposed space, i.e., unless USPS will occupy over 55% of the net rentable area, GSA will be the owner agency. Regardless of which agency is the owner agency, the tenant agency will guarantee occupancy of the space planned for that agency for a minumum period of 10 years, unless another period of time is mutually agreed upon by both agencies.

(1) General Services Administration. (a) *Projects requiring Congressional approval.* Lease construction projects having an annual net rent of $500,000 or more or Federal construction and repair and alteration projects having a total project cost of $500,000 or more require approval of a prospectus or a Report of Building Project Survey by the Public Works Committees of the Congress.

When such a project is in the preparation stage, GSA's regional office will notify the appropriate USPS regional office that it is contemplating a project in the CBA. If USPS has a long range space requirement that could be satisfied in the CBA, it will advise GSA's regional office so that space may be included in planning the proposed project. When GSA's Central Office submits the prospectus for the proposed project to the Office of Management and Budget for approval and subsequently to the Public Works committees of the Congress for authorization, copies of the prospectus will be funished to the USPS Headquarters office and the appropriate USPS regional office. At any time during the planning and approval process that USPS determines it does not have a requirement for space, the USPS Headquarters office will advise the GSA Central Office of this requirement change. Prior to commencing with the design of the building, the GSA regional office will obtain the final space requirements from the USPS regional office along with a firm commitment to occupy the space for a minimum period of 10 years, or any other time that is mutually agreed upon between the two agencies.

(b) *Projects Not Requiring Congressional approval.* When GSA plans a project not requiring Congressional approval and to be located in the CBA, GSA's regional office will notify the appropriate USPS regional office. If USPS has a long range space need that could be satisfied in the CBA, it will advise GSA's regional office so that space may be included in the proposed project. Prior to GSA soliciting offers requesting firm proposals to lease the required space, the GSA regional office will obtain the final space requirements from the USPS regional office along with a firm commitment to occupy the space for a minimum period of 10 years or as may be mutually agreed upon between the appropriate regional offices of the USPS and GSA.

(2) *United States Postal Service.* (a) Within seven days after approval of the USPS five year budget plan, the Postal Service will provide GSA with a list of approved projects. If GSA wishes to participate in any of the planned projects, GSA will advise USPS of its interest in participation within 90 days after notification by USPS, give an estimate of the amount and type of space required, and will commence necessary studies to develop firm space needs.

When GSA indicates an interest in participation, the USPS region which has the responsibility for planning activities shall then coordinate space planning activities with the appropriate GSA Region so that an adequately sized site is acquired for the facility. Prior to commencement of design of the building, GSA shall furnish final space requirements to the USPS and a firm commitment to occupy the space for a minimum period of ten years or any other term that may be mutually agreed upon by both agencies.

(b) During the USPS planning phase of the project the contact point for GSA within the Postal Service will be the Director, Real Estate and Buildings Department, for the USPS region responsible for the planning.

After approval and authorization of funding by the USPS for the project, the USPS point of contact shall remain the same, unless the project has been determined to be a major USPS facility. In such cases the Commissioner, Public Buildings Service at GSA will be notified that the new point of contact will be the Assistant Postmaster General, Real Estate and Buildings Department, United States Postal Service.

C. Both agencies recognize that decisions to occupy space are based on an expected period of occupany. Delays in the planning, approval, funding and start of design phases of a project could alter these decisions. It is therefore agreed that both parties will provide an expected date that space will be available at the time of initial project notifications. Project delays occurring at any time from initial notification through start of design will be reported to the tenant agency and may be cause for cancellation of any commitment to occupy space.

D. When USPS or GSA has control over a site in the UA which is needed by the other agency for a project, the agencies agree to make such sites available to each other to the maximum extent practicable and possible under laws and regulations governing each agency, i.e., one agency acquiring a site by transfer from the other through the land bank or GSA obtaining an assignable option from USPS for a lease construction project.

II. When GSA or USPS seeks leased space, available space in both agencies' inventories shall be considered before any advertisement for privately owned space. If the available space is not acceptable to the acquiring agency then the acquiring agency shall advise the holding agency and allow the holding agency sufficient time to accommodate the acquiring agency's objection, provided the mission need of the tenant agency will not be adversely affected by the delay. If the space would be suitable with alterations which would normally be the responsibility of the owner agency, but the owner agency does not have funds to make those alterations, then the tenant agency may fund the alterations. In such cases, the rent charged the tenant shall be based upon the condition of the space prior to the alterations and the space will not be subject to preemption by the owner agency for a period of 10 years or such other time to which the two agencies shall agree. In any case the period shall be not less than three years.

In the case of renting, the acquiring agency shall guarantee to the holding agency continued occupancy of a period sufficient to amortize construction costs whenever extensive repairs and remodeling are required. Repairs and alterations shall be made in accordance with existing agreements.

III. It is recognized that both agencies have a vested interest in conserving energy Therefore, to ensure that both agencies benefit from the experience and technology of the other, it is agreed that each agency will furnish to the other reports, studies, research, and development data in the field of energy conservation once this information is accepted by the contracting agency. Additionally, internal policies and procedures relating to energy conservation shall be exchanged as they are issued.

IV. Both agencies recognize the National interest in preserving historic buildings, each having several hundred designated historic properties in its inventory. In order to conserve our Nation's cultural heritage it is agreed that as early as possible in the planning process each agency will notify the other as to its need to vacate an historic building so that the other may give proper consideration to acquiring and utilizing such property.

V. It is recognized by both agencies that improved communications between USPS and GSA will benefit not only both agencies, but also all Federal agencies, local jurisdictions, and the general welfare. Many of the misundertandings result from problems and situations which are not covered in the present agreement between the two agencies (dated August 1974). Therefore, it is agreed that the existing agreement shall be amended and approved by both agencies no later than June 30, 1979. It is also agreed that the Commissioner of the Public Buildings Service of GSA and the Assistant Postmaster General, Real Estate and Buildings Department of the United States Postal Service, shall meet annually in September to review the continuing working relationship of the agencies. Such meetings will commence in September 1979.

It is also agreed that the terms of the agreement between GSA and USPS shall be equally binding on both agencies, internal regulations of either agency notwithstanding. In order to maintain continuity and coordination with respect to this agreement,

there will be a single point of contact within each agency for all matters pertaining to the relationship between GSA and USPS. That contact shall, in turn, be responsible for coordinating within his respective agency. At GSA, the point of contact will be the Assistant Commissioner for Space Management, Public Buildings Service. At USPS, the point of contact shall be the Director, Office of Real Estate. The point of contact for exchange of project requirements, as specified by sections I and II of this agreement, at the regional level are as follows: the GSA contact shall be the Director, Space Management Division, Public Buildings Service, and the USPS contact shall be the General Manager, Real Estate Division.

VI. Upon signing this memorandum of cooperation agreement, GSA and USPS shall issue appropriate instructions to the field implementing this agreement. The agreement will become effective 90 days after it is signed to allow each agency time to issue the proper implementing instruction.

Jay Solomon,

Administrator.

Dated: March 21, 1979.

William F. Bolger,

Postmaster General.

Dated: March 23, 1979.

PART 101-18—ACQUISITION OF REAL PROPERTY

9. Section 101-18.001 is revised to read as follows:

§ 101-18.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377 (40 U.S.C. 471 and 490); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601.615), 73 Stat. 479; Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201–4244; 40 U.S.C. 531–535); Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601); Executive Order 12072 of August 16, 1978 (43 FR 36869); the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507); the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894; the Rural Development Act of 1972, 86 Stat. 657, as amended; and OMB Circular A-95 (41 FR 2052).

Subpart 101-18.1—Acquisition by Lease

10. Section 101-18.100 is amended by revising paragraph (d) and deleting paragraphs (f) and (g) to read as follows:

§ 101-18.100 Basic policy.

* * * * *

(d) When considering aquisition or when acquiring space by lease, the policies contained in § 101-17.002 regarding determination of the location of Federal facilities shall be strictly adhered to.

* * * * *

(f) (Deleted)

(g) (Deleted)

PART 101-19—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

11. Section 101-19.001 is revised to read as follows:

§ 101-19.001 Authority.

This Part 101-19 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Public Buildings Act of 1959 (40 U.S.C. 601-615 as amended); Pub. L. 90-480, 82 Stat. 718, as amended (42 U.S.C. 4151-4156); the Clean Air Act (42 U.S.C. 1857-1858); the Federal Water Pollution Control Act (33 U.S.C. 1151-1175); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201-4244, 40 U.S.C. 531-535); Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects (Office of Management and Budget Circular A-95 Revised); section 901(b) of the Agriculture Act of 1970, 84 Stat. 1383 as amended by section 601 of the Rural Development Act of 1972, 86 Stat. 674 (42 U.S.C. 1322(b)); Executive Order 12088 (3 CFR 829 (1971-1975 compilation)); Executive Order 11724 (3 CFR 777 (1971-1975 compilation)); Executive Order 12072 of August 16, 1978 (43 FR 36869); the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507); and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601).

12. Section 101-19.002 is amended to revise paragraph (a) and to reserve paragraph (b) as follows:

§ 101-19.002 Basic policy.

(a) In the process of developing building projects, the policies contained in § 101-17.002 regarding the determination of the location of Federal facilities shall be strictly adhered to.

(b) (Reserved)

* * * * *

Subpart 101-19.1—General

13. Section 101-19.100 is amended by revising paragraphs (c)(1), (c)(2), (f)(1), and (f)(4) to read as follows:

§ 101-19.100 Intergovernmental consultation on Federal projects.

* * * * *

(c) * * *

(1) The GSA Regional Administrator will notify the planning agencies at least 30 calendar days before the initiation of any survey conducted for the purpose of preparing a prospectus or Report of Building Project Survey for submittal to the Congress. Notifications of less than 30 calendar days are authorized only in emergency situations. The notification will specify the approximate date(s) on which the survey will be conducted and will request that the GSA Regional Administrator be provided as soon as practicable all pertinent planning and development information that will be considered in connection with the space plan for the community. This information will include city, county, State, and regional plans for land use and development; use of community development funds; neighborhood revitalization; mass transit; highways; flood control; and air, water, solid waste, and other relevant environmental data.

(2) Within 30 calendar days following the approval of a proposed action by the Congress, the GSA Regional Administrator will inform the previously notified planning agencies of the results of the survey. Particular reference will be made to the need, if any, for a new Federal building within a 10-year period or a major lease consolidation which could result in new commercial construction in the community. The letter will request that the GSA Regional Administrator be informed of all changes or refinements in the planning information initially provided, and set forth the following minimum data relative to the proposed Federal project:

(i) Area or city in which the project will be located;

(ii) Type of building (office building, post office, courthouse, etc.);

(iii) Approximate size of building;

(iv) Specific site location requirements;

(v) Estimated building population; and

(vi) Estimated total project cost.

* * * * *

(f) * * *

(1) GSA will transmit copies of the draft environmental statement, prepared in accordance with the provisions of the National Environmental Policy Act of 1969, as amended, and the regulations of the Council on Environmental Quality to the Environmental Protection Agency, and to the Governor of the State, the U.S. Senators of the State, and the U.S. Representative from the congressional district of the State where the project will be located.

* * * * *

(4) Copies of the final environmental statement will be transmitted to the

Environmental Protection Agency and to those persons who submitted substantive comments on the draft statement or requested copies of the final statement. Unless waived by EPA, no irreversible or irretrievable action shall be taken on a project until 30 calendar days after submission of the final statement to EPA.

* * * * *

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

Dated: May 27, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-16592 Filed 5-30-80; 8:45 am]

BILLING CODE 6820-23-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5829]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal Subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama	De Kalb	Fort Payne, city of	010067A	May 1, 1980, suspension withdrawn.	Nov. 1, 1974.
Do	Butler	Greenville, city of	010329A	do	Oct. 8, 1976.
Do	De Kalb	Rainsville, city of	010368A	do	Mar. 12, 1976.
Arizona	Gila				
Do	do	Miami, town of	040030B	do	June 28, 1974 and Apr. 23, 1976.
Colorado	Summit	Silverthorne, town of	080201A	do	July 25, 1975.
Connecticut	Hartford	South Windsor, town of	090036B	do	Aug. 16, 1974 and July 9, 1976.
Florida	Calhoun	Blountstown, city of	120060B	do	May 24, 1974 and Jan. 9, 1976.
Georgia	Gwinnett	Norcross, city of	130101B	do	May 24, 1974 and Mar. 5, 1976.
Idaho	Bannock	Pocatello, city of	160012B	do	Mar. 1, 1974 and Aug. 13, 1976.
Illinois	Will	New Lenox, village of	170706B	do	May 24, 1974 and May 14, 1976.
Indiana	Madison	Chesterfield, town of	180151B	do	Dec. 17, 1974 and Sept. 24, 1976.
Do	Lake	Schererville, town of	180142B	do	Nov. 30, 1973 and Oct. 31, 1975
Minnesota	Hennepin	Edina, city of	270160B	do	Feb. 1, 1974 and July 25, 1975.
Do	Morrison	Little Falls, city of	270299B	do	June 21, 1974.
New Hampshire	Hillborough	Greenfield, town of	330209A	do	Apr. 4, 1975.
Do	do	Milford, town of	330096B	do	Mar. 22, 1974 and June 18, 1976
Do	do	Peterborough, town of	330101A	do	Nov. 12, 1976.
New Jersey	Middlesex	North Brunswick, township of	340271B	do	June 28, 1975.
New York	Saratoga	Waterford, village of	360735A	do	Mar. 29, 1974.
North Carolina	Gaston	Unincorporated areas	370099B	do	Nov. 29, 1974 and July 14, 1978.
Do	Iredell	Mooresville, town of	370314A	do	Apr. 25, 1975.
Do	Davidson	Unincorporated areas	370307B	do	June 17, 1977.
Do	Gaston	Mount Holly, city of	370102C	do	Jan. 9, 1974 and June 25, 1976.
North Dakota	Walsh	Forest River, city of	380136A	do	Nov. 22, 1974.
Ohio	Fairfield	Lancaster, city of	390161B	do	May 17, 1974.