

Environmental Quality Regulations (40 CFR 1500-1508). NEPA compliance is further explained in Departmental Manual Part 516 DM (Environmental Quality) and 30 BIAM Supplement 1 (NEPA Handbook) of the Bureau of Indian Affairs, from which specific guidance is obtained.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7935]

Common Trust Funds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to common trust funds. Changes to the applicable tax law were made by the Tax Reform Act of 1976, by the Act of September 17, 1976, by the Crude Oil Windfall Profit Tax Act of 1980, and by the Economic Recovery Tax Act of 1981, and by the Technical Corrections Act of 1982. These regulations provide the public with guidance necessary to comply with those Acts and with other rules affecting common trust funds. The regulations affect common trust funds and their participants.

EFFECTIVE DATES: The amendments conforming to sections of the Tax Reform Act of 1976 are effective for taxable years as follows:

Section 1402(b)(1) relating to 26 CFR 1.584-4(c)(4) for taxable years beginning in 1977;

Section 1402(b)(2) relating to 26 CFR 1.584-4(c)(4) for taxable years beginning after December 31, 1977;

Section 1901(b)(1)(G) relating to 26 CFR 1.584-2(b)(1) for taxable years beginning after December 31, 1976;

Section 2131(d) relating to 26 CFR 1.584-4(a) for taxable years ending after April 7, 1976;

Section 2138(a) relating to 26 CFR 1.584-1(b)(1) for taxable years ending after October 3, 1976.

The amendments conforming to the Act of September 17, 1976 relating to 26 CFR 1.584-1(c) are effective for taxable years beginning after December 31, 1975.

The amendment conforming to the Crude Oil Windfall Profit Tax Act of 1980 (as amended by section 302(b)(1) of the Economic Recovery Tax Act of 1981) relating to § 1.584-2(b)(1) is effective

with respect to taxable years beginning after December 31, 1980, and before January 1, 1982. The clarifying amendment under § 1.584-2(c)(3), relating to the pass-through of unrelated business income to participants in the common trust fund, is effective for taxable years of participants beginning on or after September 22, 1980.

FOR FURTHER INFORMATION CONTACT: Mitchell H. Rapaport of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

On September 22, 1980, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 584 and 6032 of the Internal Revenue Code of 1954 (45 FR 62848). The amendments were proposed to make certain clarifying changes and to conform the regulations to the following statutory changes:

Section 1402(b) (1) and (2) of the Tax Reform Act of 1976 (90 Stat. 1732) amended section 584 to reflect the new holding period provisions for determining long-term and short-term capital gains and losses under section 1222.

Section 1901(b)(1)(G) of the Tax Reform Act of 1976 (90 Stat. 1790) amended section 584 to delete references to sections 35, 242, and 171.

Section 2131(b) of the Tax Reform Act of 1976 (90 Stat. 1924) amended section 584 to provide that the admission of a participant shall be treated as a purchase of, or exchange for, the participating interest.

Section 2138(a) of the Tax Reform Act of 1976 (90 Stat. 1932) amended section 584 to provide for the allowance of accounts established under the Uniform Gifts to Minors Act or similar state law.

Section 1 and 2 of the Act of September 17, 1976 (90 Stat. 1273), amended Code section 584 to provide that when banks become members of the same affiliated group (within the meaning of Code section 1504) they are, for purposes of section 584, to be treated as one bank for the period of their affiliation.

A public hearing was held on February 19, 1981. All comments and testimony regarding the proposed amendments were considered. Those proposed amendments are adopted as revised by this Treasury decision. The following three technical changes to those regulations have been made.

Exemption of Certain Interest Income

The Crude Oil Windfall Profit Tax Act of 1980 (as amended by section 302 (b)(1) of the Economic Recovery Tax Act of 1981) amended section 116 of the Code to provide for the exemption of certain interest income from tax. Section 404(b)(3) of the Crude Oil Windfall Profit Tax Act of 1980 amended Code section 584(c)(2) to conform this exemption to interest income earned by a common trust fund. Section 128 of the Code provides that gross income does not include any amount received by an individual during the taxable year as interest on a depository institution tax-exempt savings certificate. Section 103 (a)(2) of the Technical Correction Act of 1982 amended Code section 584(c)(2) to conform this exemption to interest earned by a common trust fund. This final regulation makes corresponding changes to § 1.584-2(b)(1).

Treatment of Amounts in Hands of Participants

The proposed regulations, in § 1.584-2 (c)(3), provided that, for purposes of determining the character in the hands of a participant of any item of income or deduction, each participant is treated as if it made directly the investment by the common trust fund from which the item was derived. In response to comments that section 584 does not specifically provide for the flow-through of all items from a common trust fund, § 1.584-2 (c)(3) has been modified. The modified regulation provides that any amount of income or loss of the common trust fund that is included in the computation of a participant's taxable income is to be treated as income or loss from an unrelated trade or business to the extent that such amount would have been income or loss from an unrelated trade or business if the participant had made directly the investment in the common trust fund. Thus, any amounts of income or loss to be included in a participant's computation of taxable income will be computed as specifically provided in section 584, while the treatment in the hands of the participant as income or loss from an unrelated trade or business of amounts so computed will be determined as if the participant had made directly the investments of the common trust fund. A cross reference in the regulations under section 512 is added.

The proposed regulation did not specify an effective date for § 1.584-2 (c)(3), relating to the treatment of amounts of income or loss included in the computation of the participant's taxable income. As a result, the

amendment would have had retroactive effect. In response to comments received on this subject, the final regulations provide a prospective effective date for this rule, commencing on the date of publication of the notice of proposed rulemaking. Therefore, the portion of the regulations relating to the rule in § 1.584-2(c)(3) applies to computations of taxable income for taxable years beginning on or after September 22, 1980.

Admission or Withdrawal of Participants

Under § 1.584-4 of the proposed regulations the transfer of a participating interest by two or more banks that are members of the same affiliated group as a result of the division of a single common trust fund will not be considered to be an admission or a withdrawal. However, this rule only applies where the dividing and resulting common trust funds have diversified portfolios and each participant's pro rata interest in each of the resulting common trust funds is substantially the same as was the participant's pro rata interest in the dividing fund. If a common trust fund in which several affiliated banks participate is divided because of the termination of the affiliation this rule would require that each of the participants in the dividing common trust fund become a participant in each of the resulting common trust funds. One commentator has stated that in many situations this will not be possible. In order to allow disaffiliating banks to divide a common trust fund without causing the participants to recognize gain, the final regulations provide that each of the participants in the dividing common trust fund need not become a participant in each of the resulting common trust funds. However, this rule shall only apply where the written plans of operation of the resulting common trust funds are substantially identical to the plan of operation of the dividing common trust fund, each of the assets of the dividing common trust fund are distributed substantially pro rata to each of the resulting common trust funds, and each participant's aggregate interest in the assets of the resulting common trust funds of which he or she is a participant is substantially the same as was the participant's pro rata interest in the assets of the dividing common trust fund. The plan of operation of a resulting common trust fund will not be considered to be substantially identical to that of the dividing common trust fund where, for example, the plan of operation of the resulting common trust fund contains restrictions as to the types

of participants that may invest in the common trust fund where such restrictions were not present in the plan of operation of the dividing common trust fund. The requirement that the distribution of the assets of the dividing common trust fund must be "substantially" pro rata is intended to allow distributions in order to eliminate fractional shares.

Provisions Applicable to Participants

Under § 1.584-2(d) of the existing and of the proposed regulations, participants accounted for their proportionate share of income from a common trust fund according to provisions under subchapter J, chapter 1 of the Code. This final regulation clarifies that certain participants may account for such income according to the provisions under subchapter D, F, or H, as the case may be.

Explanation of Provisions Unchanged From the Notice

The Act of September 17, 1976, amended Code section 584 to provide that when banks become members of the same affiliated group (within the meaning of Code section 1504) they are, for purposes of section 584, to be treated as one bank for the period of their affiliation. This Treasury decision makes it clear that banks that are members of the same affiliated group may contribute to common trust funds of other member banks without disqualifying the funds as common trust funds.

Rules and regulations promulgated by the Comptroller of the Currency permit the contribution of cash and, in limited circumstances, non-cash property to a fund. The Tax Reform Act of 1976 amended section 584 to make the contribution of non-cash property to a common trust fund a taxable event. In addition, the Act extended common trust fund treatment to custodial accounts established pursuant to a State law that is substantially similar to the Uniform Gifts to Minors Act. The Tax Reform Act also repealed an obsolete portion of section 584 dealing with partially tax-exempt interest and amended the section to reflect the new holding period provisions for determining long-term and short-term capital gains and losses under section 1222. This Treasury decision incorporates these changes as they relate to common trust funds and their participants.

The final regulations adopted by this Treasury decision impose no new reporting or recordkeeping requirements. The principal purpose of the final regulations is to conform

existing regulations under sections 584 and 6032 of the Code to changes made by the Act of September 17, 1976, the Tax Reform Act of 1976, the Crude Oil Windfall Profit Tax Act of 1980, the Economic Recovery Tax Act of 1981 and the Technical Corrections Act of 1982. Evaluation of the effectiveness of these regulations after issuance will be based on comments received from offices within the Treasury, the Internal Revenue Service, other governmental agencies, and the public.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of this regulation is Mitchell H. Rapaport of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation on matters of substance and style.

List of Subjects

26 CFR 1.501(a)-1—1.528-10

Income taxes, Exempt organizations, Foundations, Nonprofit organizations, Cooperatives, Political organizations, Homeowners associations.

26 CFR 1.581-1—1.601-1

Income taxes, Banks.

26 CFR 1.6001-1—1.6109-2

Income taxes, Administration and procedure, Filing requirements.

PART—[AMENDED]

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Section 1.512(a)-1 is amended by adding a new sentence at the end of paragraph (a). The added sentence reads as follows:

§ 1.512(a)-1 Definition.

(a) *In general.* * * *

For the treatment of amounts of income or loss of common trust funds, see § 1.584-2(c)(3).

Par. 2. Section 1.584-1 is amended by removing the third sentence of paragraph (a), by revising paragraph (b), and by adding new paragraph (c). These added and amended provisions read as follows:

§ 1.584-1 Common trust funds.

(b) *Conditions for qualification.* (1)

For a fund to be qualified as a common trust fund it must be maintained by a bank (as defined in section 581) in conformity with the rules and regulations of the Comptroller of the Currency, exclusively for the collective investment and reinvestment of contributions to the fund by the bank. The bank may either act alone or with one or more other fiduciaries, but it must act solely in its capacity as one or a combination of the following: (i) As a trustee of a trust created by will, deed, agreement, declaration of trust, or order of court; (ii) as an executor of a will or as an administrator of an estate; (iii) as a guardian (by whatever name known under local law) of the estate of an infant, of an incompetent individual, or of an absent individual; or (iv) on or after October 3, 1976, as a custodian of a Uniform Gifts to Minors account. A Uniform Gifts to Minors account is an account established pursuant to a State law substantially similar to the Uniform Gifts to Minors Act. (See the Uniform Gifts to Minors Act of 1956 or the Uniform Gifts to Minors Act of 1966, as published by the National Conference of Commissioners on Uniform State Laws.) The Commissioner will publish a list of the States whose laws he determines to be substantially similar to such uniform acts. A bank that maintains a Uniform Gifts to Minors Act account must establish, to the satisfaction of the Commissioner or his delegate, that with respect to the account the bank has duties and responsibilities similar to the duties and responsibilities of a trustee or guardian.

(2) A common trust fund may be a participant in another common trust fund.

(c) *Affiliated groups.* For taxable years beginning after December 31, 1975, two or more banks that are members of the same affiliated group (within the meaning of section 1504) are treated, for purposes of section 584, as one bank for the period of their affiliation. A common trust fund may be maintained by one or

by more than one member of an affiliated group. Any member of the group may, but need not, contribute to the fund. Further, for purposes of this paragraph, members of an affiliated group may be, but need not be, co-trustees of the common trust fund.

Par. 3. Section 1.584-2 is amended by:

1. Revising paragraph (a);
2. Revising paragraph (b);
3. Revising paragraph (c)(1) and (c)(2);
4. Redesignating existing paragraph (c)(3) as paragraph (c)(4) and revising the first sentence of paragraph (c)(4) as so redesignated;
5. Adding a new paragraph (c)(3);
6. Redesignating existing paragraph (c)(4) as subdivision (v) of redesignated paragraph (c)(4);
7. Adding a new subdivision (vi) to redesignated paragraph (c)(4); and
8. Revising paragraph (d).

These revised and added provisions read as follows:

§ 1.584-2 Income of participants in common trust fund.

(a) Each participant in a common trust fund is required to include in computing its taxable income for its taxable year within which or with which the taxable year of the fund ends, whether or not distributed and whether or not distributable:

- (1) Its proportionate share of short-term capital gains and losses, computed as provided in § 1.584-3;
- (2) Its proportionate share of long-term capital gains and losses, computed as provided in § 1.584-3; and
- (3) Its proportionate share of the ordinary taxable income or the ordinary net loss of the common trust fund, computed as provided in § 1.584-3.

(b)(1) Each participant's proportionate share of dividends and interest to which section 116 or 128 applies received by the common trust fund shall be deemed to have been received by such participant as such dividends and as such interest.

(2) Any tax withheld at the source from income of the fund (e.g., under section 1441) is deemed to have been withheld proportionately from the participants to whom such income is allocated.

(c)(1) The proportionate share of each participant's short-term capital gains and losses, long-term capital gains and losses, ordinary taxable income or ordinary net loss, dividends and interest received, and tax withheld at the source shall be determined under the method of accounting adopted by the bank in accordance with the written plan by which the common trust fund is established and administered, provided

such method clearly reflects the income of each participant.

(2) Items of income and deductions shall be allocated to the periods between valuation dates established by the plan within the taxable year in which they were realized. Ordinary taxable income or ordinary net loss, short-term capital gains and losses, long-term capital gains and losses, and tax withheld at the source shall be computed for each period. The participants' proportionate shares of income and losses for each period shall then be determined.

(3) For taxable years beginning on or after September 22, 1980, any amount of income or loss of the common trust fund which is included in the computation of a participant's taxable income for the taxable year shall be treated as income or loss from an unrelated trade or business to the extent that such amount would have been income or loss from an unrelated trade or business if such participant had made directly the investments of the common trust fund.

(4) The provisions of this paragraph may be illustrated by the following example:

(vi) Assume in the above example that participant Trust A qualified as a trust forming part of a pension, profit sharing, or stock bonus plan under section 401(a). Assume further that 20 percent of the ordinary taxable income of the common trust fund would be unrelated business taxable income (as defined under section 512(a)(1)) if received directly by Trust A. Under paragraph (c)(3), participant Trust A, for purposes of computing its taxable income, must treat its proportionate share of the common trust fund's ordinary taxable income as income from an unrelated trade or business to the extent such amount would have been income from an unrelated trade or business if Trust A had directly made the investments of the common trust fund. Therefore, participant Trust A must take into account 20 percent of its proportionate share of the common trust fund's ordinary taxable income as income from an unrelated trade or business.

(d) The provisions of part I, subchapter J, chapter 1 of the Code, or, as the case may be, the provisions of subchapters D, F, or H of chapter 1 of the Code, are applicable in determining the extent to which each participant's proportionate share of any income or loss of the common trust fund is taxable to the participant, or to a person other than the participant.

Par. 4. Section 1.584-3 is amended by inserting the word "and" at the end of

paragraph (b), by removing the semicolon and the word "and" and inserting a period in lieu thereof at the end of paragraph (c), and by removing paragraph (d).

Par. 5. Section 1.584-4 is amended by adding a new sentence after the first sentence of paragraph (a), by adding three new sentences after the last sentence of paragraph (a), and by revising paragraph (c)(4). These added and amended provisions read as follows:

§ 1.584-4 Admission or withdrawal of participants in the common trust fund.

(a) *Gain or loss.* * * * For taxable years of participants ending after April 7, 1976, and for transfers occurring after that date, the transfer of property by a participant to a common trust fund is treated as a sale or exchange of the property transferred. * * * When a participating interest is transferred by a bank or by two or more banks that are members of the same affiliated group (within the meaning of section 1504), as a result of the combination of two or more common trust funds or the division of a single common trust fund, the transfer to the surviving or divided common trust fund is not considered to be an admission or a withdrawal if—

(1) The combining, dividing, and resulting common trust funds have diversified portfolios within the meaning of section 368(a)(2)(F)(ii) and the regulations thereunder, and

(2) In the case of a division, each participant's pro rata interest in each of the resulting common trust funds is substantially the same as was the participant's pro rata interest in the dividing fund. However, in the case of the division of a common trust fund maintained by two or more banks that are members of the same affiliated group resulting from the termination of such affiliation, the division will be treated as meeting the requirements of this subparagraph if the written plans of operation of the resulting common trust funds are substantially identical to the plan of operation of the dividing common trust fund, each of the assets of the dividing common trust fund are distributed substantially pro rata to each of the resulting common trust funds, and each participant's aggregate interest in the assets of the resulting common trust funds of which he or she is a participant is substantially the same as was the participant's pro rata interest in the assets of the dividing common trust fund. The plan of operation of a resulting common trust fund will not be considered to be substantially identical to that of the dividing common trust fund where, for example, the plan of

operation of the resulting common trust fund contains restrictions as to the types of participants that may invest in the common trust fund where such restrictions were not present in the plan of operation of the dividing common trust fund.

* * * * *

(c) *Addition to basis.* * * *

(4) The excess of the gains over the losses recognized to the common trust fund upon sales or exchanges of capital assets held (i) for more than 18 months for taxable years beginning after December 31, 1937, and before January 1, 1942, (ii) for more than 6 months for taxable years beginning after December 31, 1941, and before January 1, 1977, (iii) for more than 9 months for taxable years beginning 1977, and (iv) for more than 1 year for taxable years beginning after December 31, 1977, and * * *

Par. 6. Section 1.6032-1 is amended by adding new sentences immediately following the first and sixth sentences. The added provisions read as follows:

§ 1.6032-1 Return of banks with respect to common trust funds.

* * * Member banks of an affiliated group that serve as co-trustees with respect to a common trust fund must act jointly in making a return for the fund.

* * * If the common trust fund is maintained by two or more banks that are members of the same affiliated group, the return must also identify the member bank in the group that has contributed each participant's property or money to the fund. * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: December 22, 1983.
John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 84-889 Filed 1-12-84; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-8 FRL-2506-7]

Hazardous Waste Management Programs; North Dakota and Utah; Request for Extension of Phase I Interim Authorization Beyond January 22, 1984

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of extension of application submission and interim authorization period.

SUMMARY: The States of North Dakota and Utah, respectively, requested 60 day extensions added to the 180 day extensions already granted beyond the July 26, 1983, deadline for continuation of Phase I Interim Authorization in the absence of an application for Interim Phase II, Component C Authorization (authority to permit storage, treatment and disposal facilities) under the Resource Conservation and Recovery Act of 1976 as amended. EPA is granting these extensions. This extension avoids termination on January 22, 1984, of the Interim Authorization which EPA granted previously to the States for the Phase I portions of the hazardous waste program. The extensions is based on the State's schedules calling for submission of the complete applications for Final Authorization in March, 1983.

EFFECTIVE DATE: January 13, 1984.

FOR FURTHER INFORMATION CONTACT: Louis W. Johnson, Chief, Waste Management Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (8AW-WM), Telephone: (303) 837-2221.

SUPPLEMENTARY INFORMATION:

Background

40 CFR 271.122(c)(4) (formerly 123.122(c)(4); 47 FR 32377, July 26, 1982) requires that States which have received any, but not all, Phases/Components of Interim Authorization amend their original submissions by July 26, 1983, to include all Components of Phase II. 40 CFR 271.137(a) (formerly 123.1347(a); 47 FR 32378, July 26, 1982) further provides that on July 26, 1983, interim authorizations terminate except where the State has submitted by that date an application for all Phases/Components of interim authorization.

Where the authorization (approval) of the State program terminates, EPA is to administer and enforce the Federal program in these States. However, the Regional Administrator may, for good cause, extend the July 26, 1983, deadline for submission of the interim authorization application and the deadline for termination of the approval of the State program.

Note.—40 CFR Part 123, including the July 26, 1982, amendments (47 FR 32373), was recodified on April 1, 1983, as 40 CFR Part 271 (48 FR 14248).

Utah received Phase I Interim Authorization on December 12, 1980, and North Dakota received partial Phase I Interim Authorization on December 12,

1980. In each case, these States' ability to apply for Phase II A, B, and C Interim Authorization was delayed by pending actions in the State Legislatures, completion of State land disposal regulations, and decisions by the States to apply directly for Full Authorization. New delays are due to changes which need to be made to the States' Final Authorization applications as brought out in reviews of their draft applications submitted in September of 1983.

	North Dakota	Utah
1. State Hearing on Hazardous Waste Regulations.	June 1983.....	Sept. 1983.
2. Submit Draft Final Authorization Application.	Sept. 1983.....	Sept. 1983.
3. Consolidated Comments from EPA to the State.	Nov. 1983.....	Nov. 1983.
4. Submit Complete Application for Final Authorization.	Mar. 1983.....	Mar. 1983.

Decision

In consideration of the efforts of the States of North Dakota and Utah to finalize RCRA equivalent regulations and the above schedules for Final Authorization Application, I find good cause to exist to grant the States' requests for an additional 60 day extension beyond the January 22, 1984, deadline for applying for Interim Authorization as follows:

North Dakota—240 days to March 22, 1984

Utah—240 days to March 22, 1984

Therefore, these States must officially submit a complete application for Final Authorization to EPA on or before March 22, 1984. If either or both of the States of North Dakota and/or Utah fails to submit a complete application by March 22, 1984, approval of that State's Phase I program will terminate automatically and administration of the hazardous waste management program will revert to EPA.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority. This notice is issued under the authority of Sec. 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: January 3, 1983.

John G. Welles,

Regional Administrator.

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40 CFR Part 716

[OPTS-84006A; TSH-FRL 2480-3]

Submission of Lists and Copies of Health and Safety Studies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule adds certain chemical substances and a designated mixture to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). The chemical substances being added were recommended for testing by the Interagency Testing Committee (ITC), established under section 4(e) of TSCA, in its Eleventh Report to EPA. EPA is also adding a designated mixture containing substances recommended by the ITC in its Tenth Report. The Agency will use the studies to support its investigations of the risks posed by the chemicals and, in particular, to support its decisions whether to require industry to test chemicals under section 4 of TSCA.

EFFECTIVE DATE: This regulation becomes effective on February 13, 1984.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2070-0004.

In the Federal Register of September 2, 1982 (47 FR 38780), EPA issued regulations under section 8(d) of TSCA to require submission of lists and copies of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. Other persons in possession of such studies may be asked to submit them on a voluntary basis. The rule established standardized reporting requirements and provides for amending the list of chemicals subject to the rule. Chemicals may be added that have been recommended by the ITC for testing

consideration under section 4 of TSCA or have been separately selected by the Environmental Protection Agency for evaluation.

The ITC, established under section 4(e) of TSCA (15 U.S.C. 2603(e)), recommends chemical substances, categories of substances, and mixtures for priority consideration by EPA in the issuance of testing rules under section 4(a) of TSCA (15 U.S.C. 2603(a)). Section 4(e) directs the ITC to revise its list of recommendations every six months as the ITC determines to be necessary.

When recommending chemicals to EPA for testing, the ITC can add these chemicals to the section 4(e) Priority List either one of two ways. A chemical can be designated for response by EPA within 12 months or recommended but not designated for response within 12 months. Chemicals recommended by the ITC can be added to the section 8(d) rule under the automatic reporting provision of the rule (40 CFR 716.17(b)). However, up to the time the section 8(d) rule was developed, all of the ITC's recommendations had included designation for EPA response within 12 months. Therefore, the rule and preamble did not distinguish between chemicals that are designated and those recommended but not designated for 12-month review. Therefore, only 12-month designated chemicals will be added under 40 CFR 716.17(b). EPA is preparing an amendment to the section 8(d) rule which will change 40 CFR 716.17(b) to clearly include chemicals recommended by the ITC but not designated for 12-month review. However, prior to adoption of such an amendment, non-designated chemicals will be added by notice and comment rulemaking under § 716.17(a) of the rule.

Under 40 CFR 716.17(a), EPA proposed and is now amending the list of chemicals by adding the carbofuran intermediates and certain trimethylbenzenes which were added to the section 4(e) Priority List, but not designated for response by EPA within 12 months, by the ITC in its Eleventh Report. Also, EPA is adding a designated mixture named "Aromatic C₉ fraction from petroleum refining" which is primarily composed of mixed trimethylbenzenes (1,2,3-trimethylbenzene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene) and mixed ethyltoluenes (ortho-, meta-, and para-ethyltoluene). 1,2,4-Trimethylbenzene and ethyltoluene (mixed isomers) were designated by the ITC in its Tenth Report. The other trimethylbenzenes were recommended in the ITC's Eleventh Report. EPA is adding this

designated mixture because EPA has responded to the ITC's recommendations on mixed ethyltoluenes and the trimethylbenzenes by proposing that an aromatic C₉ fraction (containing these substances) be tested. The Agency's proposed action for these substances was published in the **Federal Register** of May 23, 1983 (48 FR 23088).

No comments were received in response to the proposal of this amendment, which was published in the **Federal Register** of June 22, 1983 (48 FR 28483). Therefore, EPA has not changed the content of this rule since proposal.

We are adding the following chemical substances and designated mixture.

Chemicals Added to Rule

Chemical Substances

Substances	CAS Nos.
Trimethylbenzene (mixed isomers).....	25551-13-7
1,2,3-Trimethylbenzene.....	526-73-8
1,3,5-Trimethylbenzene.....	108-67-8
Methallyl 2-nitrophenyl ether.....	13414-54-5
7-Amino-2,2-dimethyl-2,3-dihydrobenzofuran.....	68298-46-4
7-Nitro-2,2-dimethyl-2,3-dihydrobenzofuran.....	13414-55-6

Designated Mixtures

Aromatic C₉ fraction from petroleum refining: The C₉ fraction is primarily composed of 1,2,3-trimethylbenzene (CAS No. 526-73-8), 1,2,4-trimethylbenzene (CAS No. 95-63-6), 1,3,5-trimethylbenzene (CAS No. 108-67-8), mixed trimethylbenzenes (CAS No. 25551-13-7), ortho-ethyltoluene (CAS No. 611-14-3), meta-ethyltoluene (CAS No. 620-14-4), para-ethyltoluene (CAS No. 622-96-8), and mixed ethyltoluenes (CAS No. 25550-14-5) in varying proportions.

Under the rule implementing section 8(d) of TSCA, EPA will acquire unpublished health and safety studies on these chemicals from manufacturers and processors of the chemicals.

Economic Impact

EPA estimates that these additional chemicals will cost industry \$43,400 to submit the required data.

Corporate rule review.....	\$18,300
Corporate review (site identification).....	3,400
File search.....	7,300
Title listing.....	300
Photocopying (materials).....	400
Photocopying (labor).....	1,400
Managerial review.....	10,800
Ongoing reporting.....	1,500
Total.....	43,400

If we assume ± 30 percent margin of error in these estimates the range of probable cost varies from \$30,400 to \$56,400.

If the studies submitted allow EPA to eliminate even one potential section 4 mandated test on a subject chemical, the cost avoided could exceed the total cost of this rule. In addition, the studies submitted may help EPA identify public health and environmental problems which may require action by EPA to control or mitigate. Thus, the cost of this rule is low compared to the potential benefits.

Public Record

EPA has established a public record (docket number OPTS-84006) for this rulemaking document which, along with a complete index, is available for inspection in the OPTS Reading Room, Rm. E-107 from 8:00 a.m. to 4:00 p.m. on working days (401 M St., SW., Washington, D.C. 20460). This record includes basis information considered by the Agency in developing this rule.

Additional documents may be added to the Public Record. Within 30 days of the date of publication, please notify EPA of any errors or omissions in the Public Record. Address all correspondence to: Document Control Officer (TS-793), Rm. E-108, Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Below is a list of the documents which constitute the record for this rulemaking. The Agency will supplement the record with additional information as it is received.

(1) Health and Safety Study Reporting Regulations (40 CFR Part 716), Public Record, Docket No. 084003.

(2) Reports Impact Analysis for 40 CFR Part 716 and this rulemaking.

(3) Tenth and Eleventh Reports of the Interagency Testing Committee (ITC); 47 FR 22585 (Tenth Report) and 47 FR 54626 (Eleventh Report).

(4) **Federal Register** notice and entire record compiled to date in C₉ test rule.

Regulatory Assessment Requirements

Paperwork Reduction Act, Executive Order 12291, and Regulatory Flexibility Act

The final section 8(d) rule (40 CFR Part 716) has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (PRA) of 1980, 44 U.S.C. 3501 *et seq.* The OMB control number is 2070-0004.

The amendment was submitted to OMB for review as required by Executive Order 12291.

Only 18 companies are expected to report under this rule. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 96-354), EPA has

determined that this rule will not have a significant economic impact on a substantial number of small entities.

(Sec. 8(d), Pub. L. 94-469, 90 Stat 2029 (15 U.S.C. 2607(d))

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Reporting and recordkeeping requirements.

Dated: November 16, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, Title 40, Chapter I is amended by adding paragraphs (a)(5) and (b) to § 716.17 to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(5) As of February 13, 1984, the following chemical substances are subject to this subpart.

Substances	CAS Nos.
Trimethylbenzene (mixed isomers).....	25551-13-7
1,2,3-Trimethylbenzene.....	526-73-8
1,3,5-Trimethylbenzene.....	108-67-8
Methallyl 2-nitrophenyl ether.....	13414-54-5
7-Amino-2,2-dimethyl-2,3-dihydrobenzofuran.....	68298-46-4
7-Nitro-2,2-dimethyl-2,3-dihydrobenzofuran.....	13414-55-6

(b)(1) *Designated mixtures.* As of February 13, 1984, the following designated mixtures are subject to this subpart.

Designated Mixtures

Aromatic C₉ fraction from petroleum refining: The C₉ fraction is primarily composed of 1,2,3-trimethylbenzene (CAS No. 526-73-8), 1,2,4-trimethylbenzene (CAS No. 95-63-6), 1,3,5-trimethylbenzene (CAS No. 108-67-8), mixed trimethylbenzenes (CAS No. 25551-13-7), ortho-ethyltoluene (CAS No. 611-14-3), meta-ethyltoluene (CAS No. 620-14-4), para-ethyltoluene (CAS No. 622-96-8), and mixed ethyltoluenes (CAS No. 25550-14-5) in varying proportions.

(2) [Reserved].

[FR Doc. 84-970 Filed 1-12-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS-211011; TSH-FRL 2487-7]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule related notice, denial of citizen's petition.

SUMMARY: This notice announces EPA's decision to deny a citizen's petition submitted by Cannelton Industries, Incorporated (CI) under section 21 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2620). CI requested that EPA amend its polychlorinated biphenyl (PCB) regulations (40 CFR Part 761) to provide EPA Regional Administrators authority to approve alternative disposal methods for non-liquid PCBs, including contaminated soil. The contaminated soil referred to in the petition is PCB-soaked rock, gravel and other mining debris resulting from a transformer spill in a mine shaft in West Virginia.

ADDRESS: Copies of the petition and all related information are located in: TSCA Public Information Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20560.

They are available for review and copying from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, toll free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e)(1)(A) of TSCA requires that EPA promulgate rules for the disposal of PCBs. Disposal means intentionally or accidentally to discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB Items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items.

The rules implementing section 6(e)(1)(A) were published in the *Federal Register* of May 31, 1979 (44 FR 31514) and recodified in the *Federal Register* of May 6, 1982 (47 FR 19527). The rules require that various types of PCBs and PCB Articles be disposed of in landfills (40 CFR 761.75); destroyed in incinerators (40 CFR 761.70) or high efficiency boilers (40 CFR 761.60); or by an alternative method which can achieve a level of performance

equivalent to incinerators or high efficiency boilers.

Under the rules' provisions, non-liquid PCBs, including contaminated soil, resulting from the cleanup and removal of spills, must be disposed of in EPA-approved incinerators or chemical waste landfills. No disposal alternatives are currently authorized for this type of PCB material.

In March 1982, CI was preparing to close and seal one of its underground coal mines (No. 105) in Kanawha County, West Virginia. During the operation, on or about March 25, 1982, a PCB Transformer owned by CI ruptured within the mine. As a result, approximately 447 gallons of 46 percent PCB dielectric fluid spilled onto the crushed rock, gravel, and other mining waste material ("gob") lining the floor of the mine. The spill was isolated and contained within an area approximately 190 feet long and 10 feet wide. Following the incident, the company continued its closure operation and subsequently sealed off the mine during the first week in April 1982.

On October 12, 1983, CI petitioned the EPA, under section 21 of TSCA, to amend its PCB regulations governing disposal. The PCB disposal regulations (40 CFR 761.60(a)(4)) mandate that contaminated soil from PCB spills be disposed of by incineration or chemical waste landfill. The petition seeks to leave the PCB-contaminated soil in place as an alternative disposal method.

CI asserts that EPA should grant its request for the following reasons:

1. There is a greater risk of PCB exposure to humans and the environment associated with removal of the PCB-contaminated material from the abandoned coal mine and transportation to an EPA-approved landfill than is associated with leaving the PCBs in place.
2. PCBs will not migrate outside the area of containment.
3. Even if migration should occur and PCBs are transported by water from the area of containment, the resultant dilution would render the PCBs undetectable.
4. Removal and disposal of the spilled PCBs, in accordance with EPA regulations, would place an unreasonable and unnecessary economic burden on CI.
5. In-place burial of PCB-contaminated soil in underground mine shafts is consistent with the primary purpose of TSCA and the statutory provisions governing the promulgation of disposal rules.

II. Decision

EPA has reviewed the contents of the CI petition and recognizes that spill cleanup and removal operations are special situations involving various site-specific factors. However, in order to approve the petition, EPA would have to find that the disposal alternative proposed by CI is equivalent or superior to EPA-approved chemical waste landfills and incinerators for soil and debris contaminated with PCBs. On the basis of present evidence, EPA cannot make this finding.

CI's petition specifically seeks to provide EPA Regional Administrators discretion to approve one-time, in-place burial as an acceptable disposal alternative for PCB-contaminated soil from spills which occur underground in mine shafts. EPA has concluded that the petition lacks adequate information to enable the Agency to determine the likelihood or degree of adverse effects to human health or the environment from the proposed action. Removal and transportation of the PCB material to an EPA-approved landfill would not pose unreasonable exposure risks. EPA and the Department of Transportation (DOT) have regulations to prevent or minimize the health and safety risks of PCB handling and transportation. Properly trained and equipped workers are capable of removing PCB-contaminated soil and debris with little or no risk of exposure. Their clothing and equipment can be properly disposed of or decontaminated with little or no risk of exposure. Disposal by chemical waste landfill has been shown to pose a minimum and controllable risk to human health and the environment. Landfills can be monitored for PCB migration using groundwater monitoring wells. Leaving a PCB spill in place in a mine leads to an unquantifiable risk over an unquantifiable area. Based on available information, EPA is unable to find support for the petitioner's determination that burial in place would be safe and present less risk of PCB exposure to humans or the environment than disposal in accordance with EPA regulations.

Indeed, on the basis of current information, EPA believes that disposal of PCBs by in-place burial could result in an uncontrolled human and environmental exposure potential. According to the CI petition, substantial construction and maintenance are necessary to provide roof support in Mine No. 105. It is not clear, therefore, that the shale lining of the mine is capable of forming a stable and impermeable enclosure around the

spilled material. EPA-approved chemical waste landfills, on the other hand, must be located in relatively impermeable formations.

The petition does not provide a petrographic permeability analysis of the geology of Mine No. 105. CI's use of the term "historically dry" to describe the mine is intended only as a relative means of comparison with other coal mines in the area. Since mining operations have fractured the shale lining of the coal shaft, it is very possible that groundwater infiltration may occur to the spill area through open pores in the walls and floor of the mine. Although PCBs are known to have a strong affinity for fine soil particles, this adsorption phenomenon is not recognized on larger rocks associated with gravel and gob. In this environment, PCBs may be leached or released by erosion. Migration by water transport is therefore a potential pathway of PCB movement from the contamination area. It would be extremely difficult to design a system capable of adequately monitoring PCB migration from Mine No. 105. The CI proposal does recognize the possibility of water infiltration and discharge from the mine but claims that such a discharge would not pose a detectable exposure level since the PCBs would be diluted. Dilution for purposes of avoiding the disposal regulations is prohibited in the PCB rule. Therefore, dilution is not an acceptable alternative to EPA-approved disposal.

CI maintains that reopening Mine No. 105 and disposing of the PCB-contaminated soil and debris by incineration or chemical waste landfill is too economically burdensome. The petition does not contain any economic cost data to support this contention. EPA believes that the cost of properly disposing of this material is not excessive. By failing to comply promptly with applicable Federal laws, i.e., spill reporting and cleanup procedures, CI may now incur higher removal and disposal costs than it would have incurred had it properly handled the spilled PCBs in March 1982. However, under the circumstances, the added expense incurred by CI is self-imposed.

EPA has concluded that approved chemical waste landfills and incinerators are methods of PCB disposal which have been shown to pose a minimum risk to human health and the environment. A properly designed chemical waste landfill at an appropriate site will effectively isolate and control the movement of PCBs.

Exposure to humans and the environment should be insignificant if the site for the landfill is properly selected, and the criteria outlined in 40 CFR 761.75 are followed for management and monitoring of the landfill. Since the proposed in-place burial of PCBs poses an unknown and uncontrollable risk, approval of such a disposal method would not be consistent with the intent of TSCA.

Accordingly, CI's petition for an amendment to the PCB regulations is denied.

III. Official Record for the Petition

The following documents constitute the record for this action:

1. CI Petition to the Environmental Protection Agency, dated October 7, 1983.
2. 44 FR 40132, July 9, 1979. USEPA. "Disposal of PCB-Contaminated Soil and Debris; Denial of Citizen's Petition."
3. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions Rule," 44 FR 31514, May 31, 1979.
4. Record of meeting between EPA, CI, and Robert Shingler of L. Robert Kimball and Associates, dated September 13, 1983.
5. Memorandum of telephone conversation between Leopold Kokoszka, EPA Headquarters, and Robert Davis, EPA Region III, November 4, 1983.

Dated: January 6, 1984.

William D. Ruckelshaus,
Administrator.

[FR Doc. 84-1015 Filed 1-12-84; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6582]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Michigan et al.

AGENCY: Federal Emergency
Management Agency.

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 fourth column of the table.

ADDRESSES: 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 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287-0222, 500 C Street, Southwest, FEMA Room 509, Washington, D.C. 20472.

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 Director of the Federal Emergency Management Agency 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 fifth column of the table. In the communities listed where the 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 Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal

Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice

stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64
Flood insurance, Flood plains.

PART 64—[AMENDED]

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

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

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Michigan: Montcalm	Eureka, township of	260735	Dec. 12, 1983, emergency	
Nevada: Lincoln	Unincorporated areas	320014A	.....do	2-22-83
Illinois: Hancock & Henderson	Dallas City, city of	170278B	July 10, 1975, emergency; Oct. 18, 1983, regular; Oct. 18, 1983, suspended; Dec. 9, 1983, reinstated.	3-22-74 & 7-30-76
North Dakota: Dunn	Killdeer, city of	380030B	May 27, 1975, emergency; Dec. 1, 1983, regular; Dec. 1, 1983, suspended; Dec. 13, 1983, reinstated.	6-28-74 & 1-02-78
Missouri: Pulaski	Unincorporated areas	290826	Dec. 21, 1983, emergency	
Pennsylvania: Butler	Middlesex, township of	421229A	Dec. 10, 1974, emergency; Dec. 1, 1983, regular; Dec. 1, 1983, suspended; Dec. 16, 1983, reinstated.	7-26-74 & 7-02-78
Washington: Pierce	Tacoma, city of	530148B	July 2, 1974, emergency; Dec. 1, 1983, regular; Dec. 1, 1983, suspended; Dec. 16, 1983, reinstated.	10-18-74 & 2-18-77
Arizona: Yavapai	Cottonwood, town of	040096B	May 5, 1975, emergency; Sept. 16, 1981, regular; Sept. 16, 1981, suspended; Dec. 20, 1983, reinstated.	8-07-74, 5-02-75 & 9-18-81
Idaho: Bingham	Firth, city of	160136A	Dec. 21, 1983, emergency; Dec. 21, 1983, regular	4-23-76, 9-07-82 & 9-15-83
Pennsylvania: Bedford	St. Clairsville, borough of	421328	Dec. 28, 1983, emergency	1-31-75
Washington: Walla Walla	Unincorporated areas	530194B	Dec. 23, 1971, emergency; Dec. 1, 1983, regular; Dec. 1, 1983, suspended; Dec. 21, 1983, reinstated.	12-27-74 & 9-13-77
West Virginia: Mercer	Matoaka, town of	540126B	Dec. 13, 1974, emergency; Dec. 15, 1983, regular; Dec. 15, 1983, suspended; Dec. 28, 1983, reinstated.	5-31-74 & 7-30-76
Nevada: Churchill	Unincorporated areas	320030A	Dec. 30, 1983, emergency	12-27-77
Pennsylvania: Bucks	Bedminster, township of	421049A	Dec. 1, 1983, suspension withdrawn	1-31-75
West Virginia: Mercer	Bramwell, town of	540125B	.....do	5-24-74 & 3-26-76
Region IV				
North Carolina: Haywood	Clyde, town of	370122B	.....do	6-14-74 & 10-15-76
Region V				
Illinois: Hardin	Cave-In-Rock, village of	170274B	.....do	1-23-74 & 7-30-76
McLean	Heyworth, village of	170497B	.....do	6-14-74 & 7-14-74
Indiana: Jefferson	Brooksbury, town of	180105A	.....do	11-29-74
Ohio: Harrison & Jefferson	Adena, village of	390295B	.....do	7-23-76 & 10-3-80
Jefferson	Amsterdam, village of	390296B	.....do	4-12-74 & 5-28-76
Licking	Unincorporated areas	390328B	.....do	3-10-78
Wisconsin: Oconto	Suring, village of	550300C	.....do	5-3-74, 6-4-76 & 2-12-82
Region VI				
Texas: Harris	Morgans Point, city of	480305B	.....do	6-28-74 & 9-19-75
Region VIII				
North Dakota: Dunn	Dunn Center, city of	380028A	.....do	11-22-74
Do	Halliday, city of	380029A	.....do	11-22-74
Region IX				
Nevada: Washoe	Sparks, city of	320021B	.....do	2-8-74 & 6-27-75
Region X				
Washington: Snohomish	Index, town of	530166B	.....do	2-8-74 & 12-27-74
Do	Monroe, city of	530169B	.....do	11-5-76 & 1-16-79
Mason	Shelton, city of	530116B	.....do	6-14-74 & 3-19-76
Region I				
Massachusetts: Berkshire	Amherst, town of	250156C	Dec. 15, 1983, suspension withdrawn	7-19-74, 12-3-76 & 2-4-81
Do	Otis, town of	250035B	.....do	9-20-74 & 3-11-77
Region II				
New Jersey: Ocean	Bay Head, borough of	345281D	.....do	8-17-71, 7-1-75, 4-18-75 & 3-19-76

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Monmouth	Manasquan, borough of	345303C	do	5-13-72, 7-1-74 & 1-16-76
Bergen	Ridgewood, village of	340067B	do	8-31-73 & 7-7-78
New York: Nassau	Roslyn Harbor, village of	361035B	do	6-28-74, 12-19-75 & 12-19-75
Region III				
Virginia: Rockingham	Bridgewater, town of	510134B	do	6-28-74 & 5-28-76
West Virginia:				
Brooke	Unincorporated areas	540011B	do	11-22-74 & 7-8-77
Monongalia	Granville, town of	540272A	do	11-29-74
Region V				
Illinois:				
Carroll	Unincorporated areas	170019	do	6-2-78
Fulton	Liverpool, village of	170762D	do	12-28-73, 8-1-75, 12-28-79 & 6-15-81
Indiana: Lake	Highland, town of	185176C	do	5-19-72, 7-1-74 & 10-10-75
Michigan: Eaton	Eaton Rapids, township of	260391A	do	9-12-75
Ohio:				
Hamilton	Newtown, village of	390230C	do	2-1-74, 5-28-76 & 11-3-78
Madison/Union	Plain city, village of	390625	do	7-25-75
Wisconsin: Washington				
Region VI				
Oklahoma: McClain	Newcastle, city of	400103B	do	6-7-74 & 5-21-76
Texas:				
Brazoria	Baileys Prairie, town of	480065B	do	11-8-74 & 10-22-76
Do	Brazoria, city of	480066B	do	1-9-74 & 5-21-76
Lamar	Paris, city of	480427B	do	6-14-74 & 7-9-76
Bexar	San Antonio, city of	480045B	do	4-5-74 & 6-27-78
Brazoria	West Columbia, city of	480081B	do	6-14-74 & 1-16-76
Region IX				
Arizona: Yuma	Unincorporated areas	040099B	do	4-12-74, 10-25-77 & 4-18-78
California: Tulare	Farmersville, city of	060405C	do	10-1-76 & 5-31-77

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: January 6, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-913 Filed 1-12-84; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

National Flood Insurance Program; Changes in Flood Elevation Determinations; Louisiana

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer

coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies

Division, Federal Insurance Administration, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the Flood