

the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

| Source of flooding | Location | Elevation in feet, national geodetic vertical datum |
|-----------------------------------------------------|----------------------------------------------|-----------------------------------------------------|
| Banklick Creek (backwater effects of Licking River) | Just upstream of Kentucky Highway 16. | 503 |
| Licking River | Just downstream of western corporate limits. | 503 |
| Holds Branch | Just upstream of western corporate limits. | 545 |
| | Just downstream of Private Bridge. | 546 |
| | Just upstream of Private Bridge. | 547 |

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4950]

[FR Doc. 79-11007 Filed 4-10-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for Unincorporated Areas of Marion County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected

locations in the unincorporated areas of Marion County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Marion County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Marion County, Mississippi are available for review at the Marion County Courthouse, Columbia, Mississippi.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the unincorporated areas of Marion County, Mississippi.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

| Source of flooding | Location | Elevation in feet, national geodetic vertical datum |
|--------------------|----------------------------------------------------|-----------------------------------------------------|
| Pearl River | Just downstream of U.S. Highway 98. | 144 |
| | Just downstream of Illinois Central Gulf Railroad. | 145 |

| Source of flooding | Location | Elevation in feet, national geodetic vertical datum |
|--------------------|------------------------------------------------------------------------------|-----------------------------------------------------|
| | Approximately 200 feet upstream of Mississippi State Highway 35. | 150 |
| Upper Little Creek | Approximately 200 feet upstream of Mississippi State Highway 13. | 144 |
| Balls Mill Creek | Approximately 200 feet downstream of Mississippi State Highway 13. | 144 |
| | Approximately 200 feet upstream of southernmost crossing of U.S. Highway 96. | 169 |
| Silver Creek | Approximately 200 feet upstream of Illinois Central Gulf Railroad. | 157 |
| | Approximately 200 feet upstream of Mississippi State Highway 58. | 163 |

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4813]

[FR Doc. 79-11168 Filed 4-10-79; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 53

Foundation Excise Taxes; Treatment of Imputed Interest on Certain Contracts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the treatment of imputed interest on certain contracts entered into by private foundations. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations provide private foundations with the guidance needed to comply with that Act and affect private foundations that receive deferred payments on certain sales contracts.

DATES: The regulations are effective for taxable years ending after October 4, 1976.

FOR FURTHER INFORMATION CONTACT: Charles Kerby of the Employee Plans

and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:EE-47-78 (202-566-3422) (not a toll-free number).

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Internal Revenue Service published in the Federal Register proposed amendments to the Foundation Excise Tax Regulations (26 CFR Part 53) under section 4942 of the Internal Revenue Code of 1954. The amendments were proposed to conform the regulations to section 1310 of the Tax Reform Act of 1976 (90 Stat. 1729). There were no written comments on the proposed regulations and no public hearing was held.

Drafting Information

The principal author of the regulations was Charles Kerby of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations

Accordingly, the proposed amendments to the Foundation Excise Tax Regulations (26 CFR Part 53) under section 4942, as published in the Federal Register on December 21, 1978 (43 FR 59518), are adopted without change. The regulations are adopted under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 78).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: April 3, 1979.

Donald C. Lubick,
Assistant Secretary of the Treasury.

PART 53—FOUNDATION EXCISE TAXES

§ 53.4942 [Deleted]

Paragraph 1. Section 53.4942 is deleted.

Par. 2. Section 53.4942(a)-2(d)(2) is amended by adding § 53.4942(a)-2(d)(2)(x) to read as follows:

§ 53.4942(a)-2 Computation of undistributed income.

(d) *Adjusted net income.* * * *

(2) *Income modifications.* * * *

(x) For taxable years ending after October 4, 1976, section 4942(f)(2)(D) states that section 483 (relating to

imputed interest on deferred payments) does not apply to payments made pursuant to a binding contract entered into in a taxable year beginning before January 1, 1970. Amounts that are not treated as imputed interest because of section 4942(f)(2)(D) and this subdivision will represent gain or loss from the sale of property. If the gain or loss is long term capital gain or loss, section 4942(f)(2)(B) excludes the gain or loss from the computation of the foundation's gross income. If, in a taxable year beginning after December 31, 1969, there is a substantial change in the terms of a contract entered into in a taxable year beginning before January 1, 1970, then any payment made pursuant to the changed contract is not considered a payment made pursuant to a contract entered into in a taxable year beginning before January 1, 1970. Whether or not a change in the terms of a contract (for example, a change relating to time of payment, sales price, or obligations under the contract) is a substantial change is determined by applying the rules under section 483 and § 1.483-1(b)(4). As used in this subdivision, a binding contract includes an irrevocable written option.

[T.D. 7610]

[FR Doc. 79-11260 Filed 4-10-79; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Revision to Texas Air Quality Surveillance Network

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule approves a revision to the Texas Air Quality Surveillance Network. Approval is being given to a request by the Texas Air Control Board (TACB) to delete 4 particulate monitoring sites. These deletions will remove 4 hi-vol samplers from the Texas Air Quality Surveillance Network. The deletion of these hi-vol samplers has been evaluated and the remaining network is an adequate SIP network.

EFFECTIVE DATE: April 11, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Air Program Branch, Environmental Protection Agency, Region 6, Dallas, Texas. 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION: On August 14, 1978 the TACB submitted a

request for an administrative revision to Section IX of the Texas State Implementation Plan (SIP). After EPA's review of the submittal, a proposed approval was published in the Federal Register on January 18, 1979 (44 FR 3739). The specifics of the requested deletions to the Texas Air Quality Surveillance Network were discussed in detail in that publication and will not be repeated here.

Public Comments

In the proposed approval of the revisions to Section IX of the Texas SIP, interested persons were given 30 days to submit comments for consideration by EPA in making a final approval/disapproval decision. No comments on the proposed approval were received. Therefore, there is no information which conflicts with a decision to approve the revisions as proposed.

Current Action

In this action, approval of the revision to Section IX of the Texas SIP is being promulgated as proposed.

This notice of final rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: April 5, 1979.

Douglas M. Costle,
Administrator.

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

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding a new paragraph (16) as follows:

§ 52.2270 Identification of plan.

(c) * * *

(16) An administrative revision to Section IX, Air Quality Surveillance System, was submitted by the Texas Air Control Board on August 14, 1978. (Non-regulatory.)

[FRL 1093-6]

[FR Doc. 79-11253 Filed 4-10-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule approves the State submitted revisions to Arkansas' Air

Quality Surveillance Network. The revisions involve movement of 12 monitoring sites from the original locations and the elimination of a hi-vol sampler. The moves range in distance from 73 meters to approximately 73 kilometers. The new site locations will provide better operator access and better site facilities. As a result, both the quantity and accuracy of air quality data are expected to increase. The elimination of the hi-vol sampler was evaluated and the remaining network is an adequate SIP network.

EFFECTIVE DATE: April 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Jerry Stubberfield, Chief, State Implementation Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: On February 15, 1977, January 10, 1978, and March 27, 1978, after adequate notices and public hearings, the Arkansas Department of Pollution Control and Ecology submitted State Implementation Plan (SIP) revisions to the Environmental Protection Agency. After EPA's review of these submittals, a proposed approval was published in the Federal Register on October 11, 1978 (43 FR 46869). Details of these revisions were discussed in that publication and will not be repeated here. Interested persons were given 30 days to submit comments for consideration by EPA in making a final approval/disapproval decision. No comments were received. Therefore, there is no information which conflicts with a decision to approve the revisions as proposed.

Current Action:

The EPA is promulgating administrative revisions to the Arkansas State Implementation Plan (SIP) which will involve changes to the Arkansas Air Quality Surveillance Network.

This notice of final rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: April 4, 1979.

Douglas M. Costle,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart E—Arkansas

1. In § 52.170, paragraph (c) is amended by adding a new paragraph (6) as follows:

§ 52.170 Identification of plan.

(c) * * *

(6) Administrative changes to the Arkansas Air Quality Surveillance Network were submitted by the Arkansas Department of Pollution Control and Ecology on February 15, 1977, January 10, 1978, and March 27, 1978. (Non-regulatory.)

[FRL 1093-5]

[FR Doc. 79-11254 Filed 4-10-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

Chlorotoluene: Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient chlorotoluene. The regulation was requested by Monsanto Co. This rule permits the use of chlorotoluene as a solvent or cosolvent in pesticide formulations.

EFFECTIVE DATE: Effective on April 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Hazard Evaluation Division (TS-769), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC (202/426-2680).

SUPPLEMENTARY INFORMATION: On January 23, 1979, the EPA published a notice of proposed rulemaking in the Federal Register (44 FR 4741) in response to a pesticide petition (PP 7F 1979) submitted to the Agency by Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166. This petition proposed that 40 CFR Part 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the inert ingredient chlorotoluene, an isomeric mixture predominantly of ortho- and para-monochlorotoluene with up to 6% unreacted toluene and a boiling range of 110 degrees C to 162 degrees C, when used as a solvent or cosolvent in pesticide formulations with the following restrictions: (a) Not for use after edible parts of the plant begin to form and (b) do not graze livestock in treated areas within 48 hours after application. No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

One comment was received objecting to the establishment of the proposed exemption from the requirement of a tolerance on the grounds that chlorotoluene belongs to a class of persistent chemicals that can bioaccumulate in the environment. The Agency, having considered the comment and supplemental data submitted with it, concludes that the proposed exemption should be established since the data submitted in the petition provide adequate assurance that the residues, if any, resulting from the proposed use of chlorotoluene will be safe. Consideration of the proposed exemption is confined to this question of human safety. Other issues, such as bioaccumulation, are not considered in establishing an exemption (or tolerance level) but are considered prior to the issuance of a registration for a pesticide chemical. Thus, the issue of bioaccumulation, as well as others, will be considered before the Agency will permit the use of chlorotoluene as proposed.

It has been concluded, therefore, that the proposed amendment to 40 CFR Part 180, should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before May 11, 1979 file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 11, 1979, Part 180, Subpart C, is amended by establishing an exemption from the requirement of a tolerance for residues of chlorotoluene as set forth below.

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

Dated: April 4, 1979.