

leg of the upper end and lower chord of the horizontal stabilizer rear spar. The cracks are located along a rivet line and at the tangent of the radius and have been found as far outboard as stabilizer Sta 265 and inboard to stabilizer Sta 96. To date, cracks have been found on 50% of the aircraft inspected.

The cracks do not pose an immediate safety of flight problem, however, if they should coalesce, the structural capability of the outer portion of the horizontal stabilizer could be compromised. It is proposed that an AD be issued which requires repetitive inspection of the vertical flange rear spar upper and lower chords. The manufacturer is currently preparing Service Bulletin 3356 which will contain approximately the same information contained in Boeing Service Letter 707-SL-55-2 which has been released to all operators.

THE PROPOSED AMENDMENT

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration proposes to amend Sec. 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BOEING: Applies to all Boeing 707-300/-400/-300B/-300C airplanes noted in Boeing Service Bulletin 3356:

A. Unless inspected within the last 6 months prior to the effective date of this AD, within the next 6 months at intervals thereafter not to exceed 18 months, eddy current inspect the vertical flange of the horizontal stabilizer rear spar upper and lower chord from station 92 outboard in accordance with Boeing Service Bulletin 3356. If cracks are found, proceed in accordance with paragraph B or C of this AD, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. If cracks do not exceed the limits of Boeing Service Bulletin 3356 Figure 1 Paragraph 2(a) and 2(b), airplanes may continue in service if eddy current inspections are accomplished at intervals not to exceed 400 landings or 6 months, whichever occurs first.

C. If cracks exceed the limits of Figure 1 Paragraph 2(a) and 2(b), Boeing Service Bulletin 3356, repair prior to further flight in accordance with Figure 2 of that service bulletin, or in a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Inspections may revert to normal when the preventive modification of Boeing Service Bulletin 3356 or a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, has been accomplished.

E. For purpose of complying with this AD subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

F. Upon request of the operator, an FAA Maintenance Inspector, subject to prior ap-

proval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the inspection interval if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85).

NOTE.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1978.)

Issued in Seattle, Washington, on January 26, 1979.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc. 79-3712 Filed 2-2-79 8:45 am]

[3510-12-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[15 CFR Part 922]

MARINE SANCTUARY REGULATIONS

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed General Regulations for Marine Sanctuaries.

SUMMARY: These proposed regulations revise existing regulations which prescribe the procedures for nominating and designating marine sanctuaries, establishing appropriate management systems within designated sanctuaries and enforcing compliance with these management systems. The regulations reflect new approaches and interpretations developed by NOAA during the administration of the program to date.

DATE: Comments due: April 6, 1979.

ADDRESS: Send comments to: JoAnn Chandler, Acting Director Sanctuary Programs Office, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, N.W., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT:

JoAnn Chandler (202) 634-1672.

SUPPLEMENTARY INFORMATION: On June 27, 1974, NOAA published regulations setting forth the procedures for nominating, designating and managing areas of the oceans and Great lakes as marine sanctuaries under Title III of the Marine Protection Research and Sanctuaries Act of 1972, P.L. 92-532, 16 U.S.C. 1431-1434, (The Act). Four years of experience have revealed a number of areas

where criteria and procedures could be refined to ensure greater certainty in the administration of the Program. These are as follows:

MAJOR CHANGES:

I. REVIEW OF RECOMMENDED SITES

During the past year, NOAA has received over 100 recommendations of possible marine sanctuary sites. Many of them are overlapping and only a small percentage of them can be pursued actively at any given time. Moreover, examination may indicate that certain sites already are protected under existing mechanisms so that designation would not provide significant additional protection. Also analysis must be conducted of the effect of designation on other existing or potential uses of an area. As a result of such factors and the limited resources available for the program, relatively few sites may be found to warrant designation.

Those sections of the current regulations which describe review procedures (primarily § 922.20, Nominations, and § 922.21, Analysis of nomination) provide that upon receipt of a nomination for designation as a marine sanctuary, a "preliminary review to determine feasibility" will be undertaken and, if designation appears feasible, and in-depth study leading to the preparation of a draft environmental impact statement will follow.

The initial reviews conducted under these procedures have indicated areas where additional specificity can be articulated. These include the scope and criteria for the "preliminary review," the time limits within which it and subsequent steps in the designation process should be accomplished and the way in which the public will be kept informed of the progress of any nomination.

Accordingly, these sections have been substantially rewritten and new § 922.22, Effect of Placement on the List, § 922.23.

Selection of Active Candidates, and § 922.24, Review of Active Candidates, have been added to reflect the approach NOAA has developed over the past year, involving generally the following stages:

(1) Placement on the List of Recommended Areas:

Within three months of receiving a recommendation of any site, NOAA will determine whether the site appears to contain any of the significant resources listed in § 922.21(b) (see discussion of Criteria in II below), in which case it will be placed on a master list cataloguing such areas. (§ 922.21(a)) Experience indicates that many areas recommended contain significant resources and will therefore be listed; consequently, the list will contain many more sites than could or

should be designated as marine sanctuaries.

NOAA may or may not consult other Federal agencies and/or outside parties at this stage but in any event the recommender will be notified of the determination within the prescribed period and a notice of listing published in the FEDERAL REGISTER if listing is determined to be appropriate.

(2) Selection of Active Candidates:

From the comprehensive list of Recommended Areas, those areas which may be most suitable for designation as marine sanctuaries will be identified as Active Candidates from time to time as program resources allow. The criteria on which this selection will be based are set forth in § 922.23(a). (See II below)

(3) Review of Active Candidates and Designation as Marine Sanctuaries Active candidates will be subjected to extensive review procedures including consultation with interested Federal and State and local agencies, Regional Fishery Management Councils and the public at large. (see §§ 922.24(b), 922.25 and 922.26(a)) Ultimately the designation must be approved by the President. Sections 922.24, 922.25 and 922.26 outline the new review procedures, time limits and public notice requirements. The latter will include public workshops prior to issuance of an EIS discussed in § 922.22 of the current guidelines.

During the review of any Active Candidate, NOAA's policy has been to seek the close cooperation of any affected State and this policy is emphasized by new § 922.25.

II. ADDITIONAL CRITERIA

Taken together §§ 922.10 and 922.21(b) of the current regulations suggest a number of factors which are relevant in determining whether or not designation may be appropriate. Questions and suggestions have revealed that additional clarification in some areas would be helpful. The proposed regulations respond to these concerns by defining more precisely the features that must be present for a site to be a potential sanctuary, i.e. on the List of Recommended Areas (§ 922.21(b)) and the priorities for selection of Active Candidates (§ 922.23(a)). The categorization of types of sanctuaries presently found in § 922.10 has not been particularly useful because most sanctuary candidates fall in several categories, and it has been dropped.

New §§ 922.24 and 922.25 incorporate the other requirements of old §§ 922.22 and 922.23 and replace these sections.

III. SPECIFICATION OF REGULATORY SCOPE

New § 922.26 requires specification of the "terms" of the designation in a

Designation document, including the geographic area to be included, the character of the area that requires protection, and the types of activities that may be subject to regulation after designation. They make explicit NOAA's interpretation of the Act that not every activity taking place within a sanctuary must be subject to additional control by NOAA. These sections ensure that the only activities that will be subject to additional regulatory control are those identified at the time of designation. Before any additional activities may be regulated, the Designation must be amended through the same review procedure used in making the original Designation.

These amendments also provide that existing regulations of other agencies and any permits and licenses issued pursuant to these regulations will remain unaffected unless specifically provided otherwise by the regulations implementing a particular Designation. Thus, even for those activities included in the Designation, certain licenses or permits issued by other authorities may remain valid until such time as provided otherwise by regulation. The amendment provisions are found in new § 922.25(b) and (c). The new sections replace §§ 922.26 and 922.27.

IV. INTERNATIONAL APPLICATION

The present regulations (§§ 922.12 and 922.13) which describe the effect of designating a sanctuary upon foreign nationals have been combined and reworded slightly to emphasize the nonterritorial nature of any regulation in a sanctuary beyond the territorial sea and that the only basis for their application is consistency with recognized principles of international law or authorization by international agreement.

PUBLIC REVIEW AND COMMENT: NOAA invites public review and comment on this proposed revision to the regulations. Written comments should be submitted to: JoAnn Chandler, Acting Director, Sanctuary Programs Office; Office of Coastal Zone Management; Page Building 1; 3300 Whitehaven Street, N.W., Washington, DC 20235 on or before April 4th, 1979. Following the close of the comment period and review of the comments received final regulations will be published in the FEDERAL REGISTER.

ROBERT L. CARNAHAN,
Acting Assistant Administrator
for Administration

It is proposed to revise 15 CFR Part 922 to read as follows:

PART 922—MARINE SANCTUARIES

Subpart A—General

- Sec.
922.1 Policy and objectives.
922.2 Definitions.
922.10 Effect of marine sanctuary designation.

Subpart B—Initial Review of Areas Recommended as Sanctuaries

- 922.20 Submission of Recommendations.
922.21 Analysis of Recommendations.
922.22 Effect of placement on the list.

Subpart C—Selection of Active Candidates and Designation of Sanctuaries

- 922.23 Selection of Active Candidates.
922.24 Review of Active Candidates.
922.25 Coordination with States.
922.26 Designation.
922.27 Boundaries.

Subpart D—Enforcement

- 922.30 Penalties.
922.31 Notice of violation.
922.32 Enforcement hearings.
922.33 Determinations.
922.34 Final action.

Authority: Title III, Public Law 95-532, as amended; 86 Stat. 1061 (16 U.S.C. 1431-1434).

Subpart A—General

§ 922.1 Policy and objectives.

(a) The purpose of the marine sanctuaries program is to identify distinctive areas in the oceans from the shore to the edge of the continental shelf and in the Great Lakes and to preserve and restore such areas for their conservation, recreational, ecological or esthetic values by designating them as marine sanctuaries and providing appropriate regulation and management.

(b) The primary emphasis of the program will be the protection of natural and biological resources and in most cases higher priority will be afforded candidate sites that meet this objective in accordance with Congressional design.

(c) The presence of actual or potential conflicts among existing or potential human uses of a candidate site is not of itself a basis for designating a site as a marine sanctuary. Human activities will be allowed within a designated sanctuary to the extent that such activities are compatible with the purposes for which the sanctuary was established, based on an evaluation of whether the individual or cumulative impacts of such activities may have a significant adverse effect on the resource value of the sanctuary.

(d) The marine sanctuaries program will be conducted in close cooperation with related Federal and State programs, including particularly the coastal zone management and estuarine sanctuary programs under the Coastal Zone Management Act of

1972, as amended, 16 U.S.C. 1451 *et seq.*, the fishery management programs of the Regional Fishery Management Councils under the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* and leasing programs of the Department of the Interior for the Outer Continental Shelf under the Outer Continental Shelf Lands Act, as amended 43 U.S.C. 1331 *et seq.*

§ 922.2 Definitions.

(a) "Act" means Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431-1434.

(b) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration, United States Department of Commerce.

(c) "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, United States Department of Commerce.

(d) Continental Shelf means the Continental Shelf, as defined in the Convention on the Continental Shelf 15 U.S.T. 74 (TIAS 5578), which lies adjacent to any of the several states or any territory or possession of the United States.

(e) "Ocean waters" means those waters lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1956, TIAS 5689.

(f) "Person" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any state, local or regional unit of government.

§ 922.10 Effect of marine sanctuary designation.

The designation of a marine sanctuary and the regulations implementing it are binding on any person subject to the jurisdiction of the United States. In no case does a designation constitute any claim of territoriality on the part of the United States, and the regulations implementing it apply to foreign citizens only to the extent consistent with recognized principles of international law or authorization by international agreement.

SUBPART B—INITIAL REVIEW OF AREAS RECOMMENDED AS SANCTUARIES

§ 922.20 Submission of recommendations.

(a) Any person may recommend a site to be considered for potential designation as a marine sanctuary. Recommendations should be addressed to:

Director, Sanctuary Programs Office, OCZM, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Further information can be obtained by contacting this office.

(b) Recommendations should be submitted in the following format:

Site recommended:

General description of area.
Approximate coordinates
Area in square miles
Name of person or organization submitting recommendation.

Principal Contact:

Name, Title
Address
Telephone number

Detailed description of the feature or features which make the site distinctive (See sec. 922.21).

Available Data on the Resources and Site:

Summary of existing research and other data to support description
Principal data deficiencies
Description of present and prospective uses of site.

Impacts of present and prospective uses on site and its distinctive features.

Probable effects of marine sanctuary designation and regulations:

Present uses of resources
Future uses of resources
Uses of adjacent areas (including those on shore).

Management:

Summary of who should manage area and why
Summary of activities which must be regulated to ensure protection of distinctive features

(c) The Assistant Administrator may request such additional information as is necessary to make the determination called for by § 922.21.

§ 922.21 Analysis of recommendations.

(a) Within 3 months of receiving a recommendation for any site the Assistant Administrator will review the site in accordance with the criteria of paragraph (b) to determine if it should be placed on the List of Recommended Areas and will notify the recommender in writing of this determination. Notification of the placement of any site on the List will be published in the FEDERAL REGISTER.

(b) A candidate area shall have one or more of the following resource values to be eligible for placement on the List of Recommended Areas for marine sanctuaries:

(1) A marine ecosystem characterized by the significant presence of one or more species which (i) is rare, endangered or threatened, (ii) has limited geographic distribution, or (iii) is rare in the waters to which the Act applies.

(2) A marine ecosystem of exceptional richness indicated by the abundance and variety of marine species and the productivity of the various trophic levels in the food web.

(3) An important habitat during one or more stages in the life cycle of spe-

cies described in paragraph (1) or habitat on which one or more commercially or recreationally valuable marine species depends for one or more stages in its life cycle. Life cycle activities include breeding, feeding, and rearing young.

(4) Intensive recreational use growing out of its distinctive marine characteristics.

(5) Historic or cultural remains of widespread public interest.

(6) Distinctive or fragile geologic features of exceptional scientific or educational value.

(c) Where overlapping or adjacent sites are recommended or where the recommended boundaries of an area appear either excessive or inadequate to protect the identified features the Assistant Administrator may prepare a combined or revised description for placement on the List.

(d) All recommendations submitted prior to the effective date of these regulations will be reviewed in accordance with this section and an initial List of Recommended Areas will be published in the FEDERAL REGISTER within 3 months of such date. Thereafter the List will be updated semi-annually and a cumulative list published in the FEDERAL REGISTER.

§ 922.22 Effect of Placement on the list.

(a) Placement of a site on the List is a prerequisite for designation as a marine sanctuary but does not imply that designation will occur and does not establish any regulatory controls. Such controls can be established only after designation in accordance with § 922.26.

(b) The list provides a source of information on recommended sites that may be relevant to federal agencies and others conducting activities that affect these sites.

SUBPART C—SELECTION OF ACTIVE CANDIDATES AND DESIGNATION OF SANCTUARIES

§ 922.23 Selection of active candidates.

(a) Sites on the List will be selected for active consideration for designation as marine sanctuaries based primarily on the significance of the resources identified during listing under § 922.21(b) and the extent to which the means are available to the Assistant Administrator to support full review within the time specified in § 922.24. In addition the following factors will be taken into account:

(1) The severity and imminence of existing or potential threats to the resources including the cumulative effect of various human activities that individually may be insignificant.

(2) The ability of existing regulatory mechanisms to protect the values of the sanctuary and the likelihood that

sufficient effort will be devoted to accomplishing those objectives without creating a sanctuary.

(3) The significance of the area to research opportunities on a particular type of ecosystem or on marine biological and physical processes.

(4) The value of the area in complementing other areas of significance to public or private programs with similar objectives, including approved Coastal Zone Management programs.

(5) The esthetic qualities of the area.

(6) The type and estimated economic value of other natural resources and human uses within the area which may be foregone as a result of marine sanctuary designation, taking into account the economic significance to the nation of such additional resources and uses and the probable impact on them of regulations designed to achieve the purposes of sanctuary designation.

(b) Before selecting a site as an Active Candidate, the Assistant Administrator shall consult on a preliminary basis with relevant Federal agencies, state and local officials, Regional Fishery Management Councils and other interested parties including the recommender to discover if significant objections to designation exist and to gather additional information as necessary to conduct the review process.

(c) Selection of any site as an Active Candidate for designation shall be announced in the FEDERAL REGISTER and all Active Candidates shall be placed on a separate list published and updated concurrently with the List of Recommended Areas as provided in § 922.21(d).

§ 922.24 Review of active candidates.

(a) Within six months of selection as an Active Candidate as specified in § 922.23, the Assistant Administrator shall conduct a Public Workshop to solicit the views of interested persons to aid in determining whether the site should be further considered for designation. This workshop shall be before and in addition to the public hearings required under section 302(e) of the Act.

(b) Based on the views obtained at the Public Workshop and other relevant information, the Assistant Administrator shall determine whether the site should continue to be an Active Candidate and shall announce that decision in the FEDERAL REGISTER within 90 days of the Public Workshop. If appropriate, the Assistant Administrator shall commence preparation of a draft Environmental Impact Statement (DEIS), Designation document, and regulations implementing the Designation, with the participation of relevant Federal, State and local officials, Regional Fishery Management Council members and other

interested parties in the preparation of such documents.

(c) No less than 30 days after EPA publishes a Notice of Availability in the FEDERAL REGISTER, the Assistant Administrator shall hold at least one public hearing on the DEIS in the coastal areas most affected by the proposed designation in accordance with section 302(e) of the Act.

§ 922.25 Coordination with states.

(a) The Assistant Administrator shall make every effort to consult and cooperate with affected states through the entire review and consideration process. In particular the Assistant Administrator shall:

(1) Consult with the relevant state officials prior to selection of a candidate for active consideration pursuant to § 922.23(b).

(2) Ensure that any state agency designated under sections 305 or 306 the Coastal Zone Management Act of 1972 and any other appropriate state agency is consulted prior to holding any public workshop pursuant to § 922.24(a) or public hearing pursuant to § 922.24(c).

(3) Ensure that such public workshops and public hearings include consideration of the relationship of a proposed designation to state waters or to an approved state Coastal Zone Management program.

§ 922.26 Designation.

(a) After filing a final environmental impact statement with EPD and after final consultation with all appropriate Federal agencies and Regional Fishery Management Councils, the Administrator may transmit to the President for approval the proposed Designation to make the site a Marine Sanctuary.

(b) The Designation shall specify by its terms the geographic coordinates of the Sanctuary area, its distinctive features that require protection, and the types of activities that may be subject to regulation. The terms of the Designation may be modified only by the same procedures through which the original designation was made.

(c) The Assistant Administrator shall promulgate regulations consistent with and implementing the terms of the Designation. Such regulations shall set forth procedures for the review and certification of permits, licenses or other authorization pursuant to other authorities. All amendments to or revisions of these regulations must remain consistent with the Designation.

(d) If the Governor of a state whose waters are included in the sanctuary certifies that any terms of the Designation are unacceptable, such terms and any regulations implementing them will not become effective for the part of the Sanctuary in state waters

until the certification is withdrawn. If the Governor so certifies, the Designation may be withdrawn if the sanctuary, as modified, no longer achieves the objectives specified in the Act, the regulations and the Designation.

§ 922.27 Boundaries.

(a) Sanctuary boundaries should include an area sufficient to provide reasonable assurance that the resource value of the area can be protected against degradation or destruction. The boundary will not include an area greater than that appropriate to protect the resource. The determination of boundaries should consider the following elements, depending on the resource values that justify establishing the sanctuary:

(1) The range and interrelations of key elements of the ecosystem.

(2) The potential for adverse impact from human activities at some distance from where they are conducted, whether as a result of normal operations or foreseeable accidents.

(3) The economic, safety, and other effects of displacing certain human activities to other locations to the extent such displacement is likely to occur.

(4) The feasibility and cost of conducting surveillance and enforcement activities in managing the area.

(b) At any time prior to the designation of any candidate site as a marine sanctuary, the boundary proposed for such site may be revised in conformance with the criteria of this section to reflect new information. Notification of the revision will be made at the next update of the List of Recommended Areas or Active Candidates List, as appropriate.

Subpart D—Enforcement

§ 922.30 Penalties.

Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to the Act will be liable for a civil penalty of not more than \$50,000 for each such violation. Each day of a continuing violation will constitute a separate violation. No penalty will be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Administrator will commence action in the appropriate district court of the United States in order to collect the penalty and to seek such other relief as may be appropriate. A vessel used in the violation of a regulation issued pursuant to the Act will be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof. Pursuant

to section 303(a) of the Act, the district courts of the United States have jurisdiction to restrain a violation of the regulations issued pursuant to the Act, and to grant such other relief as may be appropriate.

§922.31 Notice of violation.

Upon receipt of information that any person has violated any provision of this title, the Assistant Administrator will notify such person in writing of the violation with which charged, and of the right to demand a hearing to be held in accordance with §922.32. The notice of violation shall inform the person of the procedures for demanding a hearing and may provide that, after a period of 30 days from receipt of the notice, any right to a hearing will be deemed to have been waived.

§922.32 Enforcement hearings.

Hearings demanded under §922.31 will be held not less than 60 days after demand. Such hearings shall be on a record before a hearing officer. Parties may be represented by counsel, and will have the right to submit motions, to present evidence in their own behalf, to cross examine adverse witnesses, to be apprised of all evidence considered by the hearing officer, and, upon payment of appropriate costs, to receive copies of the transcript of the proceedings. The hearing officer will rule on all evidentiary matters and on all motions, which will be subject to review pursuant to §922.33.

§922.33 Determinations.

Within 30 days following conclusion of the hearing, the hearing officer normally will make findings of facts and recommendations to the Administrator unless such time limit is extended by the Administrator for good cause. When appropriate, the hearing officer will recommend a penalty, after consideration of the gravity of the violation, prior violations by the person charged, and the demonstrated good faith by such person in attempting to achieve compliance with the provisions of the title and regulations issued pursuant thereto. A copy of the findings and recommendations of the hearing officer shall be provided to the person charged at the same time they are forwarded to the Administrator. Within 30 days of the date on which the hearing officer's findings and recommendations are forwarded to the Administrator, any party objecting thereto may file written exceptions with the Administrator.

§922.34 Final action.

A final order on a proceeding under this part will be issued by the Administrator no sooner than 30 days following receipt of the findings and recom-

mendations of the hearing officer. A copy of the final order will be served by registered mail (return receipt requested) on the person charged or his representative.

[FR Doc. 79-3948 Filed 2-2-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5070]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Westville, Gloucester County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Westville, Gloucester County, N.J. 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).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 114 Crown Point Road, Westville, N.J. 08093. Send comments to: Honorable H. V. Laskowski, Mayor, Borough of Westville, Borough Hall, 114 Crown Point Road, Westville, N.J. 08093.

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 proposed determinations of base (100-year) flood elevations for the Borough of Westville,

N.J. 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).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Big Timber Creek	Conrall—at centerline	10
	Interstate 296—at centerline.	10
Tributary No. 1	Intersection of Woodbine Avenue and 4th Avenue.	10
	Intersection of Willow Road and High Street.	10

(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 HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-3415 Filed 2-2-79; 8:45 am]