

§ 226.5 Determination of annual percentage rate.

(d) *Special rule for irregular mortgage transactions.* Notwithstanding any other provision in this section, the annual percentage rate in an irregular mortgage transaction shall be considered accurate if it is not more than $\frac{1}{2}$ of 1 percentage point above or below the annual percentage rate determined in accordance with either the actuarial method or the United States Rule method. For the purpose of this paragraph, an irregular mortgage transaction is a real property transaction involving one or more of the following features: multiple advances, irregular payment periods (other than an irregular first period, as defined in footnote 5c), and irregular payment amounts (other than irregular first and last payment amounts). This paragraph shall cease to be effective on April 1, 1981, after which date the general standard of accuracy in paragraph (b) of this section will apply.

By order of the Board of Governors, May 14, 1980.

Theodore E. Allison,
Secretary of the Board.

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Change in Location and Time for Hearing on Proposed Small Business Size Standards in Atlanta, Georgia

AGENCY: Small Business Administration.

ACTION: Notice of Change in Location and Time of Public Hearing in Atlanta, Georgia.

SUMMARY: On April 8, 1980, SBA published in the Federal Register (45 FR 23704) a notice of public hearings concerning its size standards. Because of the unusually great interest shown, the location and time for the Atlanta, Georgia, hearing is changed from 1375 Peachtree Street, Small Business Administration, 9:30 a.m. to L. D. Strom Auditorium, Richard Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303, at 9:00 a.m., May 29, 1980.

DATE: The hearing will be held on the same date as originally scheduled—May 29, 1980.

FURTHER INFORMATION CONTACT:
Lave Coker, Small Business Administration, 1375 Peachtree Street, Atlanta, Georgia 30309, (404) 881-4950.

Dated: May 14, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-15317 Filed 5-19-80; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 936

The Looe Key Marine Sanctuary

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

ACTION: Proposed rule.

SUMMARY: The National Oceanic and Atmospheric Administration proposes the designation by the Secretary of Commerce of the Looe Key Marine Sanctuary 6.7 nmi southwest of Big Pine Key, Florida. Presidential approval of the designation is required. After designation, the Secretary of Commerce must promulgate necessary and reasonable regulations to control activity within the sanctuary. These proposed regulations define permissible activities within the Sanctuary, the procedures by which persons may obtain permits for prohibited activities, and the penalties for committing prohibited acts without a permit.

DATE: Comments due July 21, 1980.

ADDRESS: Send comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634-4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the Continental Shelf as marine sanctuaries to preserve or restore distinctive conservation, recreational, ecological, or aesthetic values. Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Coastal Zone Management within

the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Administrator).

The Office of Coastal Zone Management proposes to designate a 5.32 square nautical mile (sq nmi) marine sanctuary 6.7 miles southwest of Big Pine Key in the lower Florida Keys. It is one of the most diverse and biologically productive coral reef communities in the entire Florida Reef tract, supporting representatives of West Indian biota, including an array of tropical fish and invertebrates.

In 1977 the Florida Keys Citizens Coalition (an association of 21 public groups including the Izaak Walton League and Florida Keys Audubon) recommended the Looe Key area as a marine sanctuary. In January of 1978 NOAA held a public workshop on the proposal at Big Pine Key in the Florida Keys. The Florida Audubon Society, the Sierra Club, Miami Chapter, the Izaak Walton League, Florida Chapter, the Florida Keys Citizens Coalition and the Upper Keys Citizens Association testified on behalf of the proposal. The Newfoundland Harbor Marine Institute spoke in support of a core area where only non-consumptive uses would be permitted. The Lower Keys Chapter of the Organized Fishermen of Florida (OFF) testified that their members were opposed to any regulation of fishing which would reduce their income and local residents in the nearby Keys expressed concern that the sanctuary would only attract more tourists to the area which, in turn, would further deplete and damage renewable resources.

Following the workshop, the South Atlantic and Gulf of Mexico Fishery Management Councils requested that NOAA delay further steps until the Councils' joint coral reef fishery management plan (FMP) was completed. NOAA agreed to the delay. Extensive consultation with both Councils culminating in the signing of Memoranda of Understanding on consultation procedures, resulted in revised council recommendations that NOAA proceed with the evaluation of Looe Key as a marine sanctuary candidate. Based on consultations with other Federal agencies, State agencies, the Gulf and South Atlantic Regional Fishery Management Councils, and local interest groups, NOAA prepared a draft environmental impact statement (DEIS) which is being published concurrently with these regulations (A copy can be obtained in writing to the contact identified above).

The DEIS describes the impacts of the marine sanctuary proposal including its

ability to focus on this particularly valuable marine area and to provide comprehensive planning. It discusses marine sanctuary management including research and monitoring of the conditions of the site and the resources to assure long-term protection and maximum safe use and enjoyment and the educational element of the program to increase public awareness of the value of the resources. The rationale for designation and for the proposed regulatory system as well as alternative approaches, both regulatory and nonregulatory, are more fully set forth in the DEIS.

OCZM will receive public comments on the proposal, hold public hearings in Big Pine Key, Key West and Miami, and prepare a final EIS and regulations which incorporate and respond to the comments received. Only after final consultation with Federal agencies, and with Presidential approval, can the Secretary designate the sanctuary and promulgate regulations.

NOAA's General Marine Sanctuary Regulations (15 CFR Part 922, 44 FR 44831, July 31, 1979) provide that the regulatory system for a marine sanctuary will be established by two documents, a Designation document and the regulations issued pursuant to Section 302(f) of the Act. The Designation will serve as a constitution for the Sanctuary, establishing among other things the purposes of the Sanctuary, the types of activities that may be subject to regulation within it, and the extent to which other regulatory programs will continue to be effective.

As proposed, the Looe Key Marine Sanctuary Designation document would provide as follows:

**Draft Designation Document
Designation of the Looe Key Marine
Sanctuary**

Preamble

Under the authority of the Marine Protection, Research and Sanctuaries Act of 1972, Pub.L. 92-523, (the Act) the waters at Looe Key are hereby designated a Marine Sanctuary for the purposes of protecting this unique and fragile ecological and recreational resource, stimulating marine research on coral reef dynamics and enhancing public awareness of this reef system.

Article 1. Effect of Designation

Within the area designated as the Looe Key Marine Sanctuary (the Sanctuary), described in Article 2, the Act authorizes the promulgation of such regulations as are reasonable and necessary to protect the values of the Sanctuary. Article 4 of the Designation

lists those activities which may require regulation but the listing of any activity does not by itself prohibit or restrict it. Restrictions or prohibitions may be accomplished only through regulation and additional activities may be regulated only by amending Article 4.

Article 2. Description of the Area

The Sanctuary consists of a 5.32 square nautical mile (sq nmi) area of the waters located off the coast of Florida 6.7 nmi (12.5 km) southwest of Big Pine Key in the lower Florida keys. The precise boundaries are defined by regulation.

Article 3. Characteristics of the Area that Give it Particular Value

The sanctuary area is one of the most diverse and biologically productive living coral reef communities in the Florida Reef Tract, supporting representatives of West Indian biota, including an array of tropical fish species and a well defined classic "spur and groove" reef system. The Sanctuary will provide recreational experiences and scientific research opportunities and generally will have special value as an ecological, recreational, esthetic and educational resource.

Article 4. Scope of Regulation

Section 1. Activities Subject to Regulation. In order to protect the distinctive values of the sanctuary, the following activities may be regulated within the Sanctuary to the extent necessary to ensure the protection and preservation of its marine features and the ecological, recreational, and esthetic value of the area:

- a. Coral collecting.
- b. Vessel operations.
- c. Spearfishing.
- d. Wire trap fishing.
- e. Lobster potting.
- f. Bottom trawling and specimen dredging.
- g. Discharge or depositing any substance or object.
- h. Dredging or alteration of or construction on the seabed.
- i. Removing or otherwise harming cultural or historical resources.

Section 2. Consistency with International Law. The regulations governing the activities listed in Section 1 of this Article will apply to foreign flag vessels and persons not citizens of the United States only to the extent consistent with recognized principles of international law including treaties and international agreements to which the United States is signatory.

Section 3. Emergency Regulations. Where essential to prevent immediate, serious and irreversible damage to the

ecosystem of the area, activities other than those listed in Section 1 may be regulated within the limits of the Act on an emergency basis for an interim period not to exceed 120 days, during which an appropriate amendment of this Article would be proposed in accordance with the procedures specified in Article 6.

Article 5. Relation to Other Regulatory Programs

Section 1. Fishing. The regulation of fishing is not authorized under Article 4 except with respect to the removal or deliberate damage of coral (paragraph (a)), and the use of certain techniques and trawling (paragraphs (c)-(f)). In addition, fishing vessels may be regulated with respect to discharges (paragraph (g)) and anchoring (paragraph (b)). All regulatory programs pertaining to fishing, including particularly Fishery Management Plans promulgated under the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 *et seq.* shall remain in effect and all permits, licenses and other authorizations issued pursuant thereto shall be valid within the Sanctuary unless authorizing any activity prohibited by any regulation implementing Article 4.

Section 2. Defense Activities. The regulation of those activities listed in Article 4 shall not prohibit any activity conducted by the Department of Defense that is essential for national defense or because of emergency. Such activities shall be conducted consistently with all regulations to the maximum extent practicable.

Section 3. Other Programs. All applicable regulatory programs shall remain in effect and all permits, licenses and other authorizations issued pursuant thereto shall be valid, within the Sanctuary unless authorizing any activity prohibited by any regulation implementing Article 4. The Sanctuary regulations shall set forth any necessary certification procedures.

Article 6. Alterations to this Designation

This Designation can be altered only in accordance with the same procedures by which it has been made, including public hearings, consultation with interested Federal and State agencies and the appropriate Regional Fishery Management Councils and approval by the President of the United States.

[End of Designation]

Only those activities listed in Article 4 are subject to regulation in the Sanctuary. Before any additional activities may be regulated, the Designation must be amended through

the entire designation procedure including public hearing and approval by the President. Bottom trawling and specimen dredging and seabed alteration and construction activities are listed in Article 4 because of the potential for damage. However, no additional regulation of these activities is proposed at this time.

The primary purpose of the proposed regulations is to protect and to preserve the coral reef ecosystem, including many reef dwelling organisms. Accordingly, all activities which would directly destroy or injure corals or other distinctive marine features are prohibited. Such activities include handling, picking or collecting (§ 937.6(a)(1)), anchoring in such a way as to injure coral (§ 937.6(a)(2)), and using harmful fishing methods (§ 937.6(a)(3)). Also activities damaging cultural or historical artifacts in the area including the wreck of the *H.M.S. Looe* are prohibited (§ 937.6(a)(4)). Finally polluting activities which could damage the natural values of the area are prohibited (§ 937.6(a)(5)) as is tampering with markers (§ 937.6(a)(6)).

Except with respect to the removal or deliberate damage of coral, anchoring, the use of certain fishing methods, and discharges, fishing activities are not subject to regulation and remain the responsibility of the Regional Fishery Management Council(s) (see article 5, section 1 of the Designation).

Public Review and Comment

NOAA invites public review and comment on these proposed regulations. Written comments should be submitted to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, on or before July 15, 1980.

Donald W. Fowler,

Action Deputy Assistant Administrator for Coastal Zone Management.

Accordingly, Part 937 is proposed to be added as follows:

PART 937—THE LOOE KEY MARINE SANCTUARY REGULATIONS

Sec.	
937.1	Authority.
937.2	Purpose.
937.3	Boundaries.
937.4	Definitions.
937.5	Allowed Activities.
937.6	Activities Prohibited Without a Permit.
937.7	Penalties for Commission of Prohibited Acts.
937.8	Permit Procedures and Criteria.
937.9	Certification of Other Permits
937.10	Appeals of Administrative Action.

Authority: Sections 302(f) and (g), and 303 of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434.

§ 937.1 Authority.

The sanctuary has been designated by the Secretary of Commerce pursuant to the authority of section 302(a) of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434 (the Act). The following regulations are issued pursuant to the authorities of sections 302 (f), 302(g) and 303 of the Act.

§ 937.2 Purpose.

The purpose of designating the Sanctuary is to protect the coral reef ecosystem and other natural resources of the waters at Looe Key and to ensure the continued availability of the area for public educational purposes and as an ecological, research and recreational resource. This area supports a particularly rich and diverse marine biota, including an array of West Indian species. The area is easily accessible to the lower Florida Keys and is widely used by boaters, charter boat operators, dive boats, recreational divers and fishermen. Consequently, both present and potential levels of use may result in harm to Looe Key in the absence of long term planning, research, monitoring and adequate protection.

§ 937.2 Boundaries.

The Sanctuary consists of an area of 5.32 square nautical miles of high sea waters off the coast of the lower Florida Keys, 6.7 nautical miles (12.5 km) southwest of Big Pine Key. The area includes the waters overlaying a section of the submerged Florida Reef tract at Looe Key. The coordinates are as follow:

24° 34' 9" N 81° 26' W
24° 33' 34" N 81° 26' W
24° 34' 9" N 81° 23' W
24° 32' 12" N 81° 23' W

§ 937.4 Definitions.

- (a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.
- (b) "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.
- (c) "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 or local unit of the government.
- (d) "Tropical fish" means fish of minimal sport and food value, usually brightly colored, often used for aquaria

purposes and which lives in a direct interrelationship with the corals.

§ 937.5 Allowed Activities.

All activities except those specifically prohibited by § 937.6 may be carried on in the Sanctuary subject to all prohibitions, restrictions and conditions imposed by any other authority.

§ 937.6 Activities Prohibited Without a Permit.

(a) Unless permitted by the Assistant Administrator in accordance with § 937.8, or as may be necessary for the national defense, in accordance with Article 5, section 2 of the Designation, or to respond to an emergency threatening life, property or the environment, the following activities are prohibited within the Sanctuary. All prohibitions must be applied consistently with international law.

(1) Removing or damaging distinctive natural features.

(A) No person shall break, cut or similarly damage, or take or remove any coral or bottom formation, any marine invertebrate or any marine plant. Divers are prohibited from handling coral or standing on coral formations.

(B) No person shall take, except incidentally to allowed fishing activities, any tropical fish.

(C) There shall be a rebuttable presumption that any items listed in this paragraph found in the possession of a person within the Sanctuary have been collected or removed from within the Sanctuary.

(2) Operation of watercraft.

All watercraft shall be operated in accordance with Federal rules and regulations that would apply if there were no sanctuary. The following constraints also shall be imposed:

(A) No person shall place any rope, chain, or anchor in such a way as to injure any coral or other bottom formation anywhere within the Sanctuary. Anchors shall be dropped on sand flats off the reefs and placed so as not to drift into the coral formations. When anchoring dive boats, the first diver down shall inspect the anchor to ensure that it is placed off the corals and will not shift in such a way as to

permitted until the anchor is placed in accordance with these requirements.

(B) Watercraft must use mooring buoys, stations or anchoring areas when such facilities and areas have been designated and are available.

(C) Watercraft shall not be operated in such a manner as to strike or otherwise cause damage to the natural features of the Sanctuary.

(D) No watercraft shall be operated at greater than 4 mile per hour or in such a manner to create a wake within 100 yards of recreational, sightseeing or

enforcement officials while in the performance of their duties.

(E) All watercraft from which diving operations are being conducted shall fly in a conspicuous manner, the red and white "divers down" flag.

(3) *Using Harmful Fishing Methods.*

(A) No person shall use or place wire fish traps within the sanctuary.

(B) No person shall place lobster traps within the Fore Reef area of the sanctuary as defined by Loran "C" points 1,2,3,4. The coordinates follow:

NW 7980-W-13973.7, 7980-Y-43532.7

SW 7980-W-13975.4, 7980-Y-43532.4

NE 7980-W-13975.0, 7980-Y-43530.1

SE 7980-W-13975.4, 7980-Y-43527.7

(C) No person shall use pole spears, Hawaiian slings, rubber-powered

guns or similar devices known as spearguns within the sanctuary.

(D) No person shall use poisons, electric charges, explosives or similar methods within the sanctuary.

(4) *Removing or damaging historical or cultural resources.*

No person shall remove, damage or tamper with any historical or cultural resource, including cargo, pertaining to merged wrecks.

(5) *Discharges.*

No person shall deposit or discharge any materials or substances of any kind except:

(A) Fish or parts and chumming materials.

(B) Non-polluted cooling water from vessels.

(C) Effluents from marine sanitation devices.

(6) *Markers.*

No person shall mark, deface or damage in any way or displace, remove or tamper with any signs, notices, or placards, whether temporary or permanent, or any monuments, stakes, posts or other boundary markers installed by the managers or markers placed for the purpose of lobster pot fishing.

(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to these prohibitions. The exemption of additional activities having significant impacts shall be determined in consultation between the Assistant Administrator and the Department of Defense.

(c) The prohibitions in this section are not based on any claim of territoriality

and will be applied to foreign persons and vessels only in accordance with principles of international law, including treaties, conventions and other

United States is signatory.

§ 937.7 Penalties for Commission of Prohibited Acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than \$50,000 against any person subject to the jurisdiction of the United States for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem against any vessel used in violation of any such regulation. Procedures are outlined in Subpart D of Part 922 (15 CFR Part 922) of this chapter. Subpart D is applicable to any instance of a violation of these regulations.

§ 937.8 Permit Procedures and Criteria.

(a) Any person in possession of a permit shall be subject to the Assistant Administrator in accordance with this section may conduct any activity in the Sanctuary including marine specimen collection and any other activity specifically prohibited under section 937.6 provided that any permit allowing the damaging, taking or removal of coral or historical or cultural resources shall be granted only if the activity involved furthers educational or scientific purposes or is related to salvage or recovery operations.

(b) Permit applications shall be addressed to the Assistant Administrator for Coastal Zone Management, ATTN: Sanctuary Programs Office, Division of Operations and Enforcement, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. An application shall provide sufficient information to enable the Assistant Administrator to make the determination called for in paragraph (c) below and shall include a description of all activities proposed, the equipment, methods, and personnel (particularly describing relevant experience) involved, and a timetable for completion of the proposed activity. Copies of all other required licenses or permits shall be attached.

(c) In considering whether to grant a permit the Assistant Administrator shall evaluate such matters as (1) the general professional and financial responsibility of the applicant; (2) the appropriateness of the methods envisioned to the purpose(s) of the activity; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, educational or scientific

information; (4) the end value of the activity and (5) such other matters as deemed appropriate.

(d) In considering any application

Assistant Administrator shall seek the view of the Fishery Management Councils and may seek and consider the views of any person or entity, within or outside of the Federal Government, and may hold a public hearing, as deemed appropriate.

(e) The Assistant Administrator, may, in his or her discretion grant a permit which has been applied for pursuant to this Section, in whole or in part, and subject to such condition(s) as deemed appropriate. The Assistant Administrator or a designated representative may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity. Any information obtained shall be made available to the public.

(f) The permit granted under paragraph (e) may not be transferred.

(g) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this Section, in whole or in part, temporarily or indefinitely, if the Holder has acted in violation of the terms of the permit or of the applicable regulations. Any such action shall be set forth in writing to the Holder, and shall set forth the reason(s) for the action taken. The Holder may appeal the action as provided for in § 937.10.

§ 937.9 Certification of Other Permits.

All permits, licenses and other authorizations issued pursuant to any other authority are hereby certified and shall remain valid if they do not authorize any activity prohibited by § 937.6. Any interested person may request that the Assistant Administrator offer an opinion on whether an activity is prohibited by these regulations.

§ 937.10 Appeals for Administrative Action.

(a) Any interested person (the Appellant) may appeal the granting, denial, or conditioning of any permit under § 937.8 to the Administrator of NOAA. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefore and must be submitted within 30 days of the action(s) by the Assistant Administrator. The Appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this Section, the Administrator shall notify the permit

applicant, if other than the Appellant, and may request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Administrator shall decide the appeal in accordance with the criteria set in § 937.8(c) as appropriate, based upon information relative to the application on file at OCZM and any additional information, the summary record kept of any hearing and the Hearing Officer's recommended decision, if any, as provided in paragraph (c) and such other considerations as deemed appropriate. The Administrator shall notify all interested persons of the decision, and the reason(s) therefore, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for hearing.

(c) If a hearing is requested or if the Administrator determines one is appropriate, the Administrator may grant an informal hearing before a Hearing Officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing in the **Federal Register**. Such hearing shall normally be held no later than 30 days following publication of the notice in the **Federal Register** unless the Hearing Officer extends the time for reasons deemed equitable. The Appellant, the Applicant (if different) and, at the discretion of the Hearing Officer, other interested persons, may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the Hearing Officer. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend in writing a decision to the Administrator.

(d) The Administrator may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Administrator shall notify interested persons of the decision, and reason(s) therefore in writing within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's action shall constitute final action for the Agency for the purposes of the Administrative Procedure Act.

(e) Any time limit prescribed in this Section may be extended for a period not to exceed 30 days by the Administrator for good cause, either upon his or her own motion or upon written request from the Appellant or applicant stating the reason(s) therefor.

[FR Doc. 80-15523 Filed 5-19-80; 8:45 am]

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15 CFR Part 936

Designation of Looe Key, Fla., as a Marine Sanctuary; Availability of Funds for Public Participation

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Public hearings and availability of funds for public participation.

SUMMARY: Pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434, OCZM is considering the designation of certain waters known as Looe Key, Florida as a marine sanctuary. A draft environmental impact statement (DEIS) discussing this proposal was published in May 1980 (45 FR 32414) NOAA will hold public hearings in Miami on June 17, and Key West and Big Pine Key on June 18, 1980 to receive comments on the proposal and on the DEIS.

In order to promote a full and fair determination of the issues involved, OCZM is making available \$5,000 to compensate persons eligible under the criteria set forth in NOAA regulations (15 CFR Part 904) for their participation in this proceeding.

DATES: Comments on the DEIS will be accepted until July 15, 1980.

Closing date for the receipt of applications for compensation is June 6, 1980.

Public hearings will be held on:
June 17, 1980, at 7:00 p.m.—Miami, Fla.
June 18, 1980, at 1:00 p.m.—Key West, Fla.

June 18, 1980, at 7:00 p.m.—Big Pine Key, Fla.

ADDRESSES: Comments on the DEIS and applications for compensation should be sent to Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Public hearings will be held at the following addresses:

Miami, Fla.—University of Miami, Rosenstiel School of Marine and Atmospheric Sciences, Doherty Auditorium, 4600 Rickenbacker Causeway.

Key West, Fla.—Key West High School Auditorium, 2100 Flager Avenue.

Big Pine Key, Fla.—Big Pine Key Youth Center, Driftwood Street.

FOR FURTHER INFORMATION CONTACT: JoAnn Chandler, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202/634-4236.

SUPPLEMENTARY INFORMATION: History of Proposal: In 1977, NOAA received a recommendation to designate Looe Key as a marine sanctuary. In January 1978, NOAA held a public workshop on the proposal at Big Pine Key, Florida. Since then NOAA has been consulting with other Federal agencies, the Gulf and South Atlantic Fishery Management Councils, State and local governments and officials and interest groups. Based on this input, NOAA proposed a DEIS on which comment is solicited. NOAA will hold public hearings in Miami on June 17, and Key West and Big Pine Key on June 18, 1980 to receive comments on the proposal and on the DEIS.

Issues Involved: The basis issues which will be analyzed by the DEIS and considered at the public hearings are:

What conservation, recreational, ecological, and esthetic resources are found in the general area under consideration?

Is designation of a marine sanctuary necessary to protect and manage these resources?

What size should a marine sanctuary be?

What regulatory and other measures should be taken within a sanctuary to ensure protection and proper management?

Available Fund

A total fund of \$5,000 is available to compensate eligible applicants. This fund may be distributed among one or more applicants, or, at the discretion of the Administrator, not distributed at all.

Eligible Persons

In accordance with the criteria of 15 CFR 904.3 persons who represent an interest the presentation of which can reasonably be expected to contribute substantially to a fair determination of the issues described above may be eligible for compensation from these funds. In determining eligibility and the amount of compensation, the Administrator may take into account:

(a) Whether the interest will be adequately represented otherwise;
(b) The need to encourage participation by segments of the public to participate;

(c) The importance of the representation to a fair balance of interests;

(d) The number and complexity of the issues presented;

(e) The importance of public participation; and

(f) The applicant's resources available for participation.

Eligible Costs

The Administrator may compensate eligible persons for some or all of the costs incurred in participation including:

- (1) Salaries for participants or employees of participants;
- (2) Fees for consultants, experts, contractual services, and attorneys;
- (3) Travel and travel related costs such as lodging, meals, tipping, telephone calls, etc.; and
- (4) Document reproduction, postage, etc.

Procedures for applying: Applications must be filed with the Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, no later than June 6, 1980, and shall contain the information required by and be filed in accordance with NOAA's financial participation regulations, 43 FR 17806 (April 26, 1978).

Dated: May 15, 1980.

Donald W. Fowler,

Acting Deputy, Assistant Administrator
Coastal Zone Management.

[FR Doc. 80-15524 Filed 5-19-80; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

FR Parts 239 and 249

[Release Nos. 33-6211; 34-16796; 35-21562; IC-11164; File No. S7-824]

Ratio of Earnings to Fixed Charges

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Securities and Exchange Commission announced today that it has extended, by one month, the date by which comments on the concept release dealing with the ratio of earnings to fixed charges (issued on March 7, 1980, and published in the *Federal Register* of March 14, 1980) must be submitted. The Commission has received requests that the comment period be extended and believes that the one month extension will be beneficial because it will result in the receipt of additional useful comments.

DATE: Comments must be received on or before June 15, 1980.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File S7-824 and will be available for public

inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Rita Gunter, Office of the Chief Accountant (202-272-2133), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The release entitled "Ratio of Earnings to Fixed Charges" (Securities Act Release No. 6196 [45 FR 16498]) was originally issued for comment on March 7, 1980, with comments due on or before May 15, 1980. In view of the requests received by the Commission for additional time in which to comment and in order to receive the benefit of the comments of the greatest number of interested persons, the Commission has extended the comment period by one month, until June 15, 1980.

George A. Fitzsimmons,
Secretary.

May 9, 1980.

[FR Doc. 80-15429 Filed 5-19-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**Food and Drug Administration****21 CFR Part 355**

[Docket No. 80N-0042]

Anticaries Drug Products for Over-the-Counter Human Use Establishment of a Monograph; Notice of Proposed Rulemaking**Correction**

In FR Doc. 80-9334, published at page 20666, on Friday, March 28, 1980 make the following corrections:

1. On page 20667, in the first column, in the first full paragraph, under the list of names, the fifth name "Joy B. Pleinm, Ph.D." should be corrected to read "Joy B. Plein, Ph.D.";

2. On page 20667, in the second column, in the first full paragraph, in the third line, "served and . . ." should be corrected to read "served as . . .";

3. On page 20669, in the second column, under paragraph 2, the eleventh listed item "Caroxymethylcellulose" should be corrected to read "Carboxymethylcellulose";

4. On page 20669, in the third column, in the eighth line, "Spice Stannous pyrophosphate" should be split and made into two lines to read "Spice" on line eight, and "Stannous

pyrophosphate" on the line between the existing lines eight and nine;

5. On page 20673, in the third column, under "References" under paragraph (8)

corrected to read "Schweinsberger, R.A.";

6. On page 20677, in the first column, under paragraph 3, "Floride dentifrices." should be corrected to read "Fluoride dentifrices.";

7. On page 20677, in the first column, under paragraph 3, *Fluoride dentifrices:*

a. In the fourteenth line "flouoride." should be corrected to read "fluoride.";

b. In the seventeenth line "flouride-containing" should be corrected to read "fluoride-containing";

8. On page 20690, in the first column, in the third full paragraph, in the fourth line "the Panel finds on evidence" should be corrected to read "the Panel finds no evidence";

9. On page 20690, in the first column, in the third line, "0.24mL" should be corrected to read "0.25mL";

10. On page 20690, in the second column, in the eighth paragraph, in the first line "FDA has determined that his" should be corrected to read "FDA has determined that this";

11. On page 20690, in the third column, under Subpart B, under § 355.10(b)(2) "Sodium flouride 0.05-percent" should be corrected to read "Sodium fluoride 0.05-percent".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Secretary****24 CFR Part 570**

[R-80-813]

Application for Discretionary Awards for Technical Assistance

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the *Federal Register*. This notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

This proposed rule would define the policy and procedures for HUD awards of technical assistance in planning, developing and administering local Community Development Block Grant