

Montana Department of Labor and Industry
North Dakota Commission on Labor
Ohio Director of Industrial Relations
South Carolina Human Affairs Commission

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. Sec. 2000e-12(a)))

This amendment is effective on July 26, 1976.

Signed at Washington, D.C. this 16th day of July 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment
Opportunity Commission.

[FR Doc. 76-21447 Filed 7-23-76; 8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 732—NONNAVAL MEDICAL AND DENTAL CARE

Revision

Pursuant to the authority conferred in 5 U.S.C. 301, 10 U.S.C. 1071-1085, 5031, and 6201-6203, and 32 CFR 700.1202, the Chief, Bureau of Medicine and Surgery, revises 32 CFR Part 732 which codifies U.S. Navy Bureau of Medicine and Surgery Instruction 6320.32 (BUMEDINST 6320.32). The revision relates to internal naval management and personnel practices and largely reflects nonsubstantive changes adopted in BUMEDINST 6320.32B on January 4, 1974. It has been determined that invitation of public comment on these changes prior to adoption would be impracticable and is therefore not required under the public rulemaking provisions in Parts 296 and 701 of 32 CFR.

32 CFR Part 732 is therefore revised as follows:

Subpart A—General

- Sec. 732.1 Purpose.
- 732.2 Scope.
- 732.3 Discussion.
- 732.4 Action.
- 732.5 Forms and reports.

Subpart B—Medical and Dental Care From Civilian Sources

- 732.11 Program management.
- 732.12 General.
- 732.13 Requests for authorization.
- 732.14 NAVMED 6320/10 statement of civilian medical/dental care. (Formerly Form NAVMED-U.)
- 732.15 Payments of claims.
- 732.16 Collection of subsistence.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 1071-1085, 5031, 6148, 6201-6203, 8140; and 32 CFR 700.1202.

Subpart A—General

§ 732.1 Purpose.

To delineate and promulgate the authority and policies concerning medical and dental care obtained from nonnaval sources by active duty members and the conditions under which the costs of such care may be borne by the Navy.

§ 732.2 Scope.

The provisions of this part are applicable to Navy and Marine Corps person-

nel who incur disease or injury while on active duty (including active duty for training and inactive duty for training); and, under the NATO Status of Forces Agreement (SOFA), naval members of NATO nations (Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States) stationed in, or passing through, the United States in connection with their official duties.

NOTE.—The provisions of this part do not apply to care procured from civilian sources for a patient receiving either inpatient or outpatient care at a naval medical facility. In such cases, the expenses incurred are payable from operation and maintenance funds available for the support of the naval facility.

§ 732.3 Discussion.

Subpart B of this part contains the guidelines and procedures whereby naval commands may arrange for appropriate care in other than naval medical facilities for authorized members under their jurisdiction. Guidance is also provided for those situations when authorized personnel obtain medical or dental care for themselves and seek reimbursement from the Navy. The special authority contained in the Manual of the Medical Department article 11-7(3) (b), applicable to commanding officers of naval hospitals, remain in effect and is to be used in lieu of this part. Guidelines concerning care for other eligible beneficiaries, not authorized by this part, such as inactive retired members and dependents, are contained in Part 728 of this chapter and SECNAVINST 6320.8D.

§ 732.4 Action.

All commands should insure that personnel under their cognizance are made aware of the contents of Subpart B of this part. Failure to comply with the prescribed requirements could result in the Navy's denial of responsibility for the expense of medical or dental care obtained.

§ 732.5 Forms and reports.

For the purpose of Subpart B of this part the following forms and reports apply:

(a) NAVMED 6320/10, Statement of Civilian Medical/Dental Care, stock number 0105-214-1610 is available in the Naval Supply System. A revision of NAVMED 6320/10 will be available under stock number 0105-214-1611 in May 1974. In the interest of conserving resources, the revised NAVMED 6320/10 will not be issued until existing stock of the form have been exhausted. This form is issued in pads of 100.

(b) MED-6320-2 is assigned to the reporting requirements in § 732.14. The report has been approved by the Chief of Naval Operations.

(c) DD139, Pay Adjustment Authorization, stock number 0102-001-1200; NAVCOMPT Form 2160, Public Voucher for Medical Services, stock number 0104-705-9800; and Standard Form 1164, Claim for Reimbursement for Expenditures on Official Business, stock number

0109-203-0111 are available in the Navy Supply System.

Subpart B—Medical and Dental Care From Civilian Sources

§ 732.11 Program management.

The commandants of the naval districts through the respective district medical officers and district dental officers, shall exercise coordination and technical control over this program including approving the procurement of care from civilian sources and adjudicating claims. In areas outside the naval districts, commanding officers are authorized to obtain civilian care for members under their commands, and to effect immediate payment therefor.

§ 732.12 General.

If medical/dental care is required and there are no naval facilities available, initial application shall always be made to another federal medical/dental facility if available. (Federal facilities are those of Navy, Army, Air Force, Public Health Service, and Veterans Administration.) If there are no federal medical/dental facilities available, required care may be obtained from civilian sources under the following conditions:

(a) *Emergency situations.*—In an emergency, non-federal medical/dental care may be obtained by or on behalf of eligible personnel without the prior authority covered below. An emergency is defined as a situation where the need or apparent need for medical or dental attention is such that time does not permit obtaining the required authority in advance. Emergency dental care is limited to measures appropriate to relieve pain or to abort infection. Emergency dental care shall not include the furnishing of prosthetic appliances, including crowns or inlays, or the use of gold or other precious metals for fillings. As soon as possible, the authorizing officer should be provided with complete information, i.e., name or non-federal medical/dental facility, date(s), nature and extent of treatment or care, etc., obtained in order that he may make arrangements for transfer of the member to a federal facility, or to take such other action as may be appropriate. Except as provided in this paragraph, care from non-federal sources may be provided at Navy expense only when authorized in advance as set forth below.

(b) *Non-emergency care.*—When the district medical officer or district dental officer of the naval district where the care is to be rendered believes that civilian medical/dental care is appropriate, he may authorize treatment from civilian sources. In overseas areas, commanding officers may authorize care from other than U.S. naval sources when no naval or other U.S. military medical/dental facilities are available. If at all practicable, when ships are in NATO SOFA ports, required care shall be obtained from military facilities of the host country when U.S. facilities are not available.

(c) *Care which may be authorized.*—(1) *Medical care.*—Includes consultations and treatment provided by physi-

cians or medical facilities as well as medical procedures not involving treatment when directed by the Bureau of Medicine and Surgery. Treatment includes hospital care, surgery, nursing, medicine, laboratory and X-ray services, physical therapy, eye examinations, etc.

(2) *Dental care.*—Includes: (i) All types of treatment rendered (including operative, restorative, and oral surgical) to relieve pain and abort infection. (ii) Prosthetic treatment rendered to restore extensive loss of masticatory function or the replacement of anterior teeth for esthetic reasons. (iii) Repair of existing dental prosthesis in instances where neglect of the repair would result in unavailability of the prosthesis. (iv) Any type of treatment rendered as an adjunct to medical/surgical care. (v) All X-rays, drugs, etc., required to accomplish treatment in all the above categories.

(3) *Eye refractions and spectacles.*—Includes refractions of eyes by physicians and optometrists and the repair and furnishing of spectacles. A refraction may be obtained only when federal facilities are not available, and no suitable prescription is in the Health Record. The prescription from the refractionist with proper facial measurements must be sent to the appropriate dispensing activity set forth in BUMED Instruction 6810.4E. When a member has no suitable spectacles and the lack thereof, combined with the delay resulting from obtaining them from a military source, would prevent the performance of duty; the repair, replacement, or procurement of spectacles from civilian sources may be authorized. Procurement under these circumstances requires prior approval. Neither examination for nor procurement of contact lenses is authorized by this part.

§ 732.13 Requests for authorization.

Requests should normally be submitted by letter except in unusual circumstances when message or telephonic requests may be made. Requests should contain the following information concerning the individual:

- Name, grade/rate, social security number.
 - Duty station, duties if pertinent, whether on leave or liberty, if not on duty, exact period of leave or liberty.
 - Character and extent of condition requiring treatment including diagnosis.
 - Whether chronic condition.
 - Origin or cause of disease or injury.
 - Professional care needed and probable time required.
 - Estimated cost.
 - Probable length of tour at present location.
 - Professional medical or dental opinion whether transfer to federal facilities practicable.
- (In requests for dental care, paragraphs (c) through (g) of this section should be detailed estimates provided by the dentist who will accomplish the work.

§ 732.14 NAVMED 6320/10, Statement of Civilian Medical/Dental Care. (Formerly Form NAVMED-U.)

Form NAVMED 6320/10 is required in each case of sickness or injury of any person covered by this part who receives care from any source other than a federal facility. The report (report symbol 6320-2), in triplicate, shall be prepared by a naval medical officer or dental officer when practicable, or by the senior officer present where a naval medical or dental officer is not on duty, or by the individual concerned when on detached duty where a senior officer is not present. Completed forms should be forwarded to the approving officer supplemented as appropriate by requirements of instructions issued by approving authorities. In all cases the diagnosis shall be included and if prior approval was not obtained for the use of non-federal facilities the circumstances which necessitated their use shall also be stated.

§ 732.15 Payment of claims.

(a) *General.*—Bills, claims, or other documentary evidence of care received from non-federal sources should be processed for payment by approving authorities within 30 days of receipt. Advice on unusual or questionable cases may be requested of the Bureau of Medicine and Surgery (Code 73). When approving officers already have information available from messages, speedletters, or other correspondence which would support payment of the claim, the requirement for a NAVMED 6320/10 shall be waived and the claim approved for payment. The claimant shall be advised by the approving authority of any delay experienced in processing claims. Any person whose eligibility depends upon his being in a duty status at the time the care is provided is considered to be in a duty status while on authorized leave or liberty. Persons are not eligible who are continuously absent without authority during a period of treatment. However, when the absence without authority is terminated by the member's actual or constructive return to military control prior to termination of the care, entitlement will be the same as though no unauthorized absence existed. "Constructive return" to military control for medical and dental care is effected when a naval activity informs a civilian source providing medical or dental care to a naval member that the Navy will accept responsibility for the patient's care. The acknowledgment may be oral or in writing. Return to military control may also be effected when a member has been arrested by civil authorities at the request of naval authorities, or when the arrest has been accomplished by civil authorities for a civil offense and such authorities have notified naval authorities that the member can be released to military custody.

(b) *Approval of claims by geographical area.*—Claims for care from civilian sources shall be approved for payment by:

- District medical/dental officers of the district in which treatment was rendered.
- Executive Director, OCHAMPU-SEUR, U.S. Army Medical Command, APO, New York 09403, for care rendered within the U.S. European Command, Africa, the Middle East, and the Malagasy Republic.
- Commanding Officer, U.S. Naval Hospital, FPO, San Francisco 96651, for care rendered in Southeast Asia, the Philippines, Hong Kong, Taiwan, Pakistan, Bangladesh, India, Nepal, Afghanistan, and Sri Lanka.
- Commander, U.S. Naval Forces, Japan, FPO Seattle 98762, for care rendered in Japan and Okinawa.
- Commander, U.S. Naval Forces, Marianas, FPO San Francisco 96630, for care rendered in New Zealand and Guam.
- Commanding Officer, U.S. Naval Communications Station, FPO San Francisco 96680, for care rendered in Australia.
- Commanding Officer, U.S. Naval Air Station, FPO New York 09560, for care rendered in Bermuda.
- Commandant, Fifteenth Naval District, FPO New York 09530, for care rendered in Central and South America.
- Commandant, Eighth Naval District, New Orleans, LA 70146, or Commandant, Eleventh Naval District, San Diego, CA 93132, for care rendered in Mexico to members stationed within these districts. Claims for care rendered in Mexico to all other personnel, forward to Chief, Bureau of Medicine and Surgery (Code 73).
- Chief, Bureau of Medicine and Surgery (Code 73), for care rendered in Canada or to NATO personnel and in unusual circumstances which require Bureau level review prior to approval, adjudication, or payment.
- The commanding officer of operational units, outside the United States, instead of forwarding claims to the appropriate command contained in subparagraphs (1) through (9) of this paragraph, may approve and direct payment by the disbursing officer serving his command, when local policy and/or the maintenance of good public relations warrant the expeditious payment of medical bills.
- The commanding officer authorizing the care in other geographical areas not covered in subparagraphs (1) through (9) of this paragraph.
- The appropriate command contained in subparagraphs (1) through (9) of this paragraph for care rendered aboard commercial vessels enroute to a country located within any of the foregoing geographical areas.
- Preparation of claims.*—Unpaid bills should be submitted in quadruplicate, itemized to show the dates on or between which the services were rendered or supplies furnished, and the nature of and the charges for each item. Receipt of the services or supplies should be acknowledged on the fact of the bill, or by separate certificate, by the person

receiving treatment, or by an officer having cognizance of the case. Separate bills should be submitted for services of special nurses, anesthetists, or other persons on a fee basis, unless the bill including such services is accompanied by receipts to show that the expenses have been defrayed by the physician, dentist or other source of care submitting the bill, or by a statement to the effect that the individual is a full-time employee of the payee. When the expenses have already been paid by an individual, including service member, NAVCOMPT Manual 046393-1 requires the signature of the individual on the face of the NAVCOMPT Form 2160 (Public Voucher for Medical Services), the claim for reimbursement as well as the payment voucher. In lieu of using the NAVCOMPT Form 2160 for this type of payment, the Standard Form 1164 (Claim for Reimbursement for Expenditures on Official Business), prepared in accordance with NAVCOMPT Manual 046377-2 a and b, may be utilized to fill the requirement for a signed claim. The paid invoices supporting a claim for reimbursement on a Standard Form 1164 will not require certification. The approving authority will certify the Standard Form 1164 and insert the appropriate accounting classification thereon. The bills and proof of payment should be forwarded to the appropriate approving officer, along with the Form NAVMED 6320/10, indicating in item 12 the complete address to which the check is to be mailed and the amount.

(d) *Approval/disapproval of claims.*—When the required documents have been received by the approving officer, he shall determine whether the bills are payable in whole or in part, or whether the claims should be disallowed. Where payment is to be disallowed, the claimant should receive a prompt and courteous letter stating the reason for the disallowance. If approvable, the approving officer will prepare a NAVCOMPT Form 2160 and forward the voucher, supported by itemized invoices, to the appropriate Naval Regional Finance Center (NRFC) or disbursing officer for payment in accordance with NAVCOMPT Manual 046393. In lieu of the NAVCOMPT 2160, the approving authority may stamp the physician, dentist, or hospital invoice with a certification stamp (a sample of which is contained in paragraph 5(d) of BUMEDINST 6320.32B) to certify that the services were received and the amount is proper for payment. (Approving officers shall requisition stamp through normal channels.) All copies of the invoice must be certified. Approved invoices will be forwarded to the appropriate paying office. The paying office will forward a check to the appropriate payee and simultaneously furnish BUMED with copies of the invoice and the payment voucher. Approving authorities shall take precautions against duplicate payments in accordance with NAVCOMPT Manual 046073.

(e) *Amount payable.*—The amounts payable in any case shall be those considered reasonable by the approving officer after taking into consideration all

of the facts in the case. Normally, payment should be approved at rates generally prevailing within the geographical area where the services or supplies were furnished. Rates specially established by the Veterans Administration or those used in Medicare should not be considered controlling, though they may be considered along with other facts. If, after careful review, any charge is considered excessive, the claimant should be apprised of the conclusion reached and provided an opportunity to voluntarily reduce the amount of the claim. If this does not result in a proper reduction of the bill and the claim is that of a physician or dentist, the difference in opinion should be referred to the grievance committee of the Claimant's professional group for an opinion of the reasonableness of the charge. If satisfactory settlement of any claim cannot be made, it should be forwarded to BUMED (Code 73) for decision. Payment shall not be withheld to seek payment from health benefit plans or insurance policies for which premiums are paid privately.

(f) *Recovery of medical care payments.*—Evidence of payments shall be submitted to the action JAG designee in accordance with Part 757 of this chapter, in all cases of payment where a third party may be legally liable for causing the injury or disease treated, or when a Government claim is possible under workmen's compensation or under medical payments insurance (in all automobile accident cases).

§ 732.16 Collection for subsistence.

The accounts of officers (Navy and Marine Corps) receiving treatment in Veterans Administration hospitals, the Canal Zone Hospital, or in civilian hospitals at the Department of the Navy's expense will be checked by subsistence. This checkage shall be made by DD 139, Pay Adjustment Authorization, which shall be submitted by the officer's commanding officer having custody of the member's pay record. It is the responsibility of the originating activity to insure that checkage has been accomplished in accordance with MPPM 30137. When officers are hospitalized in an Army, Air Force, or U.S. Public Health Service medical facility, the charge for subsistence will be collected by the facility.

Dated: July 16, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, As-
sistant Judge Advocate Gen-
eral (Civil Law).

[FR Doc.76-21545 Filed 7-23-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-118]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chattahoochee River, Alabama

This amendment revokes the regulation for the US-84 swing bridge across

the Chattahoochee River at mile 34.7 because this bridge has been replaced by a fixed bridge. The Atlantic Coast Line and Seaboard Air Line railroads have merged into the Seaboard Coast Line, and the regulation is corrected to reflect this change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.245(i)(8) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) * * *

(8) Chattahoochee River, Alabama and Georgia, Seaboard Coast Line bridge at Alaga, Alabama, Central of Georgia bridge at Columbia, Alabama, and Seaboard Coast Line bridge near Omaha, Georgia. The draws shall open on signal if at least 6 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Effective date: This revision shall become effective on July 26, 1976.

Dated: July 20, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Envi-
ronment and Systems.

[FR Doc.76-21556 Filed 7-23-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Administration of Educational Benefits; Suspension and Disapproval of Courses

On page 12040 of the FEDERAL REGISTER of March 23, 1976, there was published a notice of proposed regulatory development to amend Part 21 of the Code of Federal Regulations to amend Veterans Administration regulations regarding disapproval of courses to clarify the statutory authority to disapprove and suspend course approvals (38 U.S.C. 1779).

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. A total of fourteen comments were received and some of these comments raise more than one issue. This response of the Veterans Administration will be directed to the issues that are raised, with similar issues grouped rather than to the individual letters.

A governmental regulation may be required to provide detailed procedures to implement a generalized provision of

law. In other instances the function of the regulation is to inform interested persons that the basic law will be understood by the agency as having certain meaning, so that the interested persons may anticipate the consequences of their actions. These proposed changes to §§ 21.4250 and 21.4259 are intended to be an interpretation of the law and to inform the State approving agencies, educational institutions or other interested persons that the Veterans Administration considers the intent and meaning of section 1779, title 38, United States Code, to be that State approving agencies have the authority to withdraw an approval of a course and that the power to withdraw includes the inherent power to suspend such an approval. (Similar authority exists for the Veterans Administration in those exceptional cases wherein it acts as an approving authority.) The regulations, therefore, are not an attempt by the Veterans Administration to grant authority to the State approving agencies, for it already exists, nor are the proposed regulations an attempt to influence the actions of the State approving agencies. The changes proposed merely provide notice to the educational institutions that, if the State approving agencies do suspend the approval for a course, the Veterans Administration will recognize their exercise of authority granted by the law. The consequence of that recognition may be a determination by the Veterans Administration that educational assistance benefits will not be made to students newly enrolled in such courses.

Since the authority for course approval or disapproval is granted to the State approving agencies by the law and since the Veterans Administration is forbidden by section 1782, title 38, United States Code, from exercising any control or supervision over the State approving agencies, many of the objections presented by the comments to the proposed changes must be rejected. Four of the comments expressly state that the effect of the change will be to increase the authority of the Veterans Administration. This is not correct since the authority involved is that of the State approving agencies and the Veterans Administration is not increasing its authority by recognizing the power of another agency to act. Three of the comments object to the failure to provide procedures of due process, hearings and for the right of the school to contest the action of the agency before a suspension is ordered. However, these procedural safeguards are determined by the laws of the individual States. In some States withdrawals may be made without such procedures and in some they are required. Similarly five of the comments request that the regulations be amended to provide for investigations before the suspension of approval of the course is ordered, rather than after. The same considerations apply, in that the law, which grants to the State approving agencies the power to withdraw and suspend, leaves such procedures to the States. Abuse of the State approving agencies' authority, if it should occur, is the subject of local legal remedy.

One comment suggests that the regulations should deal with the approval or disapproval of all courses at an educational institution rather than individual courses. However, the law does not provide for that procedure and the suggestion is rejected.

Two of the comments propose specific criteria for the determination of the appropriateness of the suspensions. One would limit suspension to courses in which 20 percent of the students' cases fail to meet the requirements of law. The other would restrict its application to institutions which offer courses not leading to a standard college degree. Neither of these suggestions may be implemented by Veterans Administration regulations, since the provisions of law upon which the regulations are based do not require or permit such distinctions. The criteria for determining noncompliance by the institution with the provisions for course approval are for the State approving agencies, not the Veterans Administration, to ascertain and enforce.

However, the Veterans Administration does expect that the actions of the State approving agencies will be reasonable and fair to the parties involved. Hence the proposed regulations stated that the Veterans Administration will act upon the suspension of a course only if the State approving agency has specified a definite limit to the length of the suspension and this period is a reasonable one. Some of the comments object that the language is too indefinite in this regard. The Veterans Administration intended only to indicate that withdrawal is the action expected under the law when correction clearly cannot be completed in a reasonable time. The proposed § 21.4259(a) is, therefore, amended to specify that suspensions should not exceed 60 days in length. If evidence exists of deficiencies which cannot be corrected within 60 days, the course should be disapproved rather than suspended.

The fact that the Veterans Administration provides part of the funding for the activities of the State approving agencies does not mean, as one of the comments suggests, that the Veterans Administration controls or influences the results of the State approving agencies' determinations. Allocation of funds to the State approving agencies is by an objective formula based upon the relative workloads of the individual agencies and is in no way keyed to the actions of the agencies. The Veterans Administration will not order the suspension of a course approval nor will it threaten to withhold funding to obtain a suspension from the State approving agency.

Some of the comments stress the impact of suspension of approval of courses upon the ability of the school to maintain continuity of the student body and revenues as well as the ability of students to find available courses in the subject matters needed. These comments misapprehend the actual intent of the law. The purpose of the educational assistance programs offered through the Veterans Administration is to provide financial assistance to the student and not to fund educational institutions. Furthermore,

the intent is not merely to grant money to the student, but to ensure that the student has the means of attaining a valid educational, professional or vocational objective in accordance with the provisions of the law.

Some of the comments indicate that the power to suspend approvals is more restrictive to the rights of the schools than the power to withdraw approvals and will be a greater burden upon the educational institutions. In fact, the opposite should be the result. Certainly the educational institutions are aware of the obligation to conform to the provisions of the law, but inevitably deficiencies do occur. The power of the State approving agency to suspend the course pending a determination, when facts warrant, is a more flexible procedure than complete withdrawal of the course approval. In most States the withdrawal procedure is difficult to reverse once the order is made. The entire concept of temporary suspension is to allow a simple determination of the school's deficiencies and to grant a reasonable period within which they may be corrected. Also, the suspension does not affect the students already enrolled, as does the withdrawal, which has the effect of terminating the benefits to all students. Some of the comments object to the statement that suspensions may arise from "any" deficiency. However, a deficiency is by definition noncompliance with the law and may be the basis for action, including a suspension, where facts warrant. The law assumes complete compliance with its terms and the willingness of the State approving agencies to consider suspension as an alternative to withdrawal is surely a liberal interpretation of that mandate.

Implicit in some of the comments is the assumption that the function of approval results in a vested property right on the part of the educational institution. The comments view the withdrawal procedures as a means of protecting that property right through normal delays in effectuating a withdrawal of approval. If serious deficiencies in the educational institutions' procedures exist, the student may not be receiving the type of educational opportunity that Congress sought to provide by the enactment of the program. A school should not be able to utilize delay in the approval-disapproval procedure to avoid a sanction where a sanction is proper. To do so harms the right of the veteran or other eligible person to which the law is directed. There is no intent to provide a property right to the educational institution and clearly not at the expense of the student. Schools unwilling to adhere to the law evidence an inherent disregard for the needs of the student. Prolonged delay in acting against the institution merely increases the likelihood that the student will be denied an educational opportunity. For example, if a school is known to have committed an act of bankruptcy and by that act is unable to meet the requirements of fiscal responsibility for course approvals, the State approving agency should be able to act at once and not have to wait for

a formal adjudication in bankruptcy to be ordered by the courts. Otherwise the students may be unaware of the situation and may invest their benefit money in training which the bankrupt school ultimately will be unable to provide. A suspension of approval prevents this from occurring.

In addition to a need to clarify the proposed regulation to set a time limit upon suspensions, the comments do raise two other significant issues as to specific choice of language proposed by the Veterans Administration. The Veterans Administration believes that the substantive portion of the proposed changes is correct, but believes that the specific language of the proposal can be restated to correct misimpressions evident in these comments. Therefore, the final § 21.4259, which is herewith issued, is amended to clarify the intent. One of the comments correctly observes that the choice of language in the original proposal could be interpreted as granting authority to the State approving agencies to approve enrollments as well as courses. That is not the intent of the changes, for eligibility for benefits is a matter to be determined by the Veterans Administration. The State approving agencies are only to approve courses. The second area of concern raised by the comments, and which demonstrates a need for further clarification, is the intent of the provision permitting suspensions of approval pending an investigation to determine the facts. Some of the comments express a fear that ill-advised suspensions based upon mere rumor will be ordered by the State approving agencies and that the Veterans Administration will act upon them accordingly to deny benefits to the students. The language of § 21.4259 is, therefore, revised to indicate that the expectation of the Veterans Administration is that the State approving agencies will only order suspensions where there is evidence of record which establishes that the course fails to meet the requirements for approval and time is needed to permit the State approving agency to bring the matter to the attention of the school and to permit the school to correct the deficiency. The purpose of suspension of a course approval is not intended to allow fishing expeditions to seek out deficiencies where none are known to exist. Suspension is intended to be a constructive tool. Upon the determination of the existence of a deficiency, the State approving agency should be able to allow a reasonable time for its correction, not to exceed 60 days, and to avoid disruption of the educational process through the permanent withdrawal of approval. The suspension and investigation should not be a form of harassment or a substitute for proper supervision by the State approving agencies.

Effective date: These VA Regulations are effective July 20, 1976.

Approved: July 20, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 21.4250, paragraph (b) (2) is revised to read as follows:

§ 21.4250 Approval of courses.

(b) State approving agencies. * * *

(2) Notice of suspension of approval or disapproval. Each State approving agency will notify the Veterans Administration of the suspension of approval or disapproval of any course previously approved and will set forth the reasons for such suspension of approval or disapproval. See § 21.4259. (38 U.S.C. 1772(a))

2. Section 21.4259 is revised to read as follows:

§ 21.4259 Suspension or disapproval.

(a) The appropriate State approving agency, after approving any course:

(1) May suspend the approval of the course for new enrollments for a period not to exceed 60 days to allow the institution to correct any deficiencies, if the evidence of record establishes that the course fails to meet any of the requirements for approval.

(2) Will immediately disapprove the course, if any of the requirements for approval are not being met and the deficiency cannot be corrected within a period of 60 days.

(3) Upon suspension or disapproval, the State approving agency will notify the school by certified or registered letter with a return receipt secured (38 U.S.C. 1779). It is incumbent upon the State approving agency to determine the conduct of courses and to take immediate appropriate action in each case in which it is found that the conduct of a course in any manner fails to comply with the requirements for approval.

(b) Each State approving agency will immediately notify the Veterans Administration of each course which it has suspended or disapproved.

(c) The Veterans Administration will suspend approval for or disapprove courses under conditions specified in paragraph (a) of this section where it functions for the State approving agency. See § 21.4150(c).

(d) The Veterans Administration will immediately notify the State approving agency in each case of Veterans Administration suspension or disapproval of any school under chapter 31. (38 U.S.C. 1779.)

[FR Doc.76-21520 Filed 7-23-76; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL 589-1]

PART I—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Republication

Pursuant to 5 U.S.C. 552 40 CFR Chapter I, Subchapter A, Part 1 is hereby republished.

The purpose of the republication is to update the statement of organization and general information required because of recent reorganization within the U.S. Environmental Protection Agency.

RUSSELL E. TRAIN,
Administrator.

JULY 20, 1976.

Part 1 of Chapter I is revised to read as follows:

Subpart A—Introduction

- Sec. 1.1 Creation and authority.
- 1.3 Purpose and function.
- 1.5 Organization and general information.
- 1.7 Location of Principal Offices.

Subpart B—EPA Headquarters

- 1.21 General.
- 1.23 Office of the Administrator.
- 1.25 Staff Offices.
- 1.27 Office of the Assistant Administrator for Air and Waste Management.
- 1.29 Office of the Assistant Administrator for Water and Hazardous Materials.
- 1.31 Office of the Assistant Administrator for Enforcement.
- 1.33 Office of the Assistant Administrator for Planning and Management.
- 1.35 Office of the Assistant Administrator for Research and Development.

Subpart C—EPA Field Installations

- 1.41 Regional Offices.

AUTHORITY: 5 U.S.C. 552.

Subpart A—Introduction

§ 1.1 Creation and authority.

The U.S. Environmental Protection Agency (EPA) was established in the executive branch as an independent agency pursuant to Reorganization Plan 3 of 1970, effective December 2, 1970.

§ 1.3 Purpose and functions.

The U.S. Environmental Protection Agency was created to permit coordinated and effective governmental action to assure the protection of the environment by abating and controlling pollution on a systematic basis. Reorganization Plan 3 of 1970 transferred to EPA a variety of research, monitoring, standard setting, and enforcement activities related to pollution abatement and control to provide for the treatment of the environment as a single interrelated system. Complementary to these activities is the Agency's coordination and support of research and antipollution activities carried out by State and local

governments, private and public groups, individuals, and educational institutions. EPA reinforces efforts among other Federal agencies with respect to the impact of their operations on the environment.

§ 1.5 Organization and general information.

(a) The U.S. Environmental Protection Agency's basic organization consists of Headquarters and ten regional offices. Overall planning, coordination, and control of EPA programs is vested in EPA Headquarters located in Washington, D.C. The regional offices are headed by Regional Administrators who are responsible directly to the Administrator for the execution of the regional programs of the Agency within the boundaries of their regions.

(b) Definitive statements of EPA's organization, policies, procedures, assignments of responsibility, and delegations of authority are contained in the EPA Management Directives System. Copies are made available for public inspection and copying at the Management and Organization Division, 401 M Street, SW., Washington, D.C. 20460. Information may also be obtained from the Division of Public Affairs at a regional office.

(c) Procurement by EPA is conducted pursuant to the Federal Property and Administrative Services Act, the Federal Procurement Regulations, and implementing EPA regulations.

§ 1.7 Location of principal offices.

(a) The EPA Headquarters is located in Washington, D.C. The mailing address is 401 M Street, SW., Washington, D.C. 20460.

(b) The addresses of and the States served by the EPA regional offices (see § 1.41) are:

(1) Region I, Environmental Protection Agency, Room 2203, John F. Kennedy Federal Building, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.)

(2) Region II, Environmental Protection Agency, Room 1009, 26 Federal Plaza, New York, New York 10007. (New Jersey, New York, Puerto Rico, and the Virgin Islands.)

(3) Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106. (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.)

(4) Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Ga. 30309. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)

(5) Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.)

(6) Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)

(7) Region VII, Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Mo. 64108. (Iowa, Kansas, Missouri, and Nebraska.)

(8) Region VIII, Environmental Protection Agency, Lincoln Tower, 1860 Lincoln Street, Denver, Co. 80203. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)

(9) Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Ca. 94111. (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, and Wake Island.)

(10) Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. (Alaska, Idaho, Oregon, and Washington.)

Subpart B—Headquarters

§ 1.21 General.

EPA Headquarters is comprised of (a) the Office of the Administrator; (b) eight staff offices which advise the Administrator on EPA activities and programs with respect to their assigned areas of responsibilities; and (c) five operational offices, each headed by an Assistant Administrator and responsible for a major EPA functional or program area.

§ 1.23 Office of the Administrator.

The Environmental Protection Agency is headed by an Administrator who is appointed from civilian life by the President by and with the consent of the Senate. The Administrator is responsible to the President for providing overall supervision to the Agency. He is assisted by a Deputy Administrator who is appointed from civilian life by the President by and with the consent of the Senate. The Deputy Administrator shall assist the Administrator in the discharge of his duties and responsibilities and shall serve as Acting Administrator in the absence of the Administrator.

§ 1.25 Staff Offices.

(a) *Office of Administrative Law Judges.*—The Office of Administrative Law Judges, under the supervision of the Chief Administrative Law Judge is responsible for presiding over and conducting formal hearings in accordance with sections 556 and 557 of Title 5 of the United States Code (formerly the Administrative Procedure Act) and other hearings, if appropriate, in such proceedings. The Office provides supervision of the Administrative Law Judges located in certain Agency regional offices who operate as a component of the Office of Administrative Law Judges. The Office provides the Agency Hearing Clerk.

(b) *Office of Civil Rights.*—The Office of Civil Rights, under the supervision of a Director, serves as the principal advisor to the Administrator with respect to EPA's equal opportunity and civil rights program. The Office provides the Administrator with an overview and independent appraisal capability for equal opportunity and civil rights activities carried

out by operating components of the Agency, including activities related to implementing programs for the career advancement of minorities and women in the Agency; assuring equal opportunity of employment in EPA; prohibiting discrimination in employment on projects receiving EPA financial assistance; and prohibiting discrimination in employment by EPA contractors.

(c) *Office of Federal Activities.*—The Office of Federal Activities, under the supervision of a Director, develops and recommends policies and procedures for national programs dealing with environmental problems arising from Federal facilities and federally supported or authorized activities. The Office develops internal policies and strategies for carrying out EPA's responsibilities for controlling environmental pollution from Federal facilities and from federally authorized or supported activities. It develops policies and procedures for the processing of environmental impact statements submitted to EPA and coordinates the review of those impact statements on actions having a high degree of national controversy, visibility or significance. It develops policies and procedures for preparation of impact statements on EPA's own activities. It provides a clearinghouse mechanism for receiving inquiries or requests from Federal agencies for consultation and technical assistance. It reviews other Federal agencies' policies and procedures for correcting environmental problems at Federal facilities and recommends changes where appropriate. It develops policy guidance and provides oversight of the Agency's education and manpower development program. The office collaborates with the Office of the Assistant Administrator for Enforcement and the regional offices in assuring compliance by Federal activities with applicable environmental standards.

(d) *Office of International Activities.*—The Office of International Activities, under the supervision of an Associate Administrator, provides leadership to and collaborates with the Agency planning and resources management officials and with program managers in the development of international programs and activities designed to further the overall mission of the Environmental Protection Agency, subject to U.S. foreign policy objectives established by the President and the Secretary of State. The Office develops policies, procedures, and agreements for the conduct of international activities, and coordinates the conduct of all Agency international activities, assuring that adequate program, scientific, and technical inputs are provided.

(e) *Office of Legislation.*—The Office of Legislation, under the supervision of a Director, serves as the principal point of Congressional contact with the Agency. The Office reviews and advises the Administrator and other Agency officials on all legislative proposals originating within or affecting the Agency. It prepares, reviews, and obtains clearance of proposed legislation and reports on leg-

isolation; performs legislative drafting services; coordinates preparation of testimony; and reviews transcripts of hearings. The Office maintains an effective liaison with the Congress on Agency actions of interest to the Congress, and, as necessary, maintains liaison with Agency regional and field officials, other Government agencies, and public and private groups having an interest in legislative matters affecting the Agency. It assures prompt response to the Congress on all inquiries relating to activities of the Agency.

(f) *Office of Public Affairs.*—The Office of Public Affairs, under the supervision of a Director, is responsible for providing newsworthy information to the various communications media regarding actions taken or planned by the Agency. It is responsible for providing direction to the Agency's community relations, public participation, and environmental education programs. The Office develops and produces publications and other materials necessary to inform the general public, State, and local governments, and concerned groups about the Agency's mission. It supports, encourages, and promotes public participation in the development, revision, and enforcement of environmental quality standards related to the Agency's program responsibilities.

(g) *Office of Regional and Intergovernmental Operations.*—The Office of Regional and Intergovernmental Operations facilitates communications between the Administrator/Deputy Administrator and the Regional Administrators and provides a Headquarters secretariat for the Regional Administrators in dealing with intergovernmental organizations and State control agencies; and provides disaster coordination functions. The Office coordinates the efforts of principal Headquarters organizational components dealing with broad-gauged and issue-oriented intergovernmental and regional problems to assure a concerted effort by the Headquarters and regional offices in maximizing the value of intergovernmental activities for environmental programs. It works with the Regional Administrators on a continuing basis to develop and encourage the adoption of improved methods for dealing effectively with State and local governments and communities on specific EPA program initiatives.

(h) *Office of General Counsel.*—The Office of General Counsel, including Regional Counsels, is under the supervision of the General Counsel who reports directly to the Administrator. The General Counsel serves as the principal legal adviser to the Administrator, and as chief law officer of the Agency. The Office provides legal opinions, legal counsel, and litigation support; and assists and advises in the formulation and administration of the Agency's policies and programs.

§ 1.27 Office of the Assistant Administrator for Air and Waste Management.

The Assistant Administrator for Air and Waste Management serves as prin-

cipal adviser to the Administrator in matters pertaining to air and waste management programs, and shall be responsible for the management of the air and waste management programs of the Agency, including: Program policy development and evaluation; environmental and pollution sources standards development; program policy guidance and overview, technical support and evaluation of regional air and waste management program activities; development of programs for technical assistance and technology transfer; and selected demonstration programs. The program activities of the Assistant Administrator's office are performed by Offices of Air Quality Planning and Standards; Solid Waste Management; Mobile Source Air Pollution Control; Radiation; and Noise Abatement and Control.

(a) *Office of Air Quality Planning and Standards.*—The Office of Air Quality Planning and Standards, under the supervision of the Deputy Assistant Administrator for Air Quality Planning and Standards, is responsible for developing national standards for air quality, emission standards for new stationary sources, and emission standards for hazardous pollutants; for developing national programs, technical policies, regulations, guidelines, and for assessing the national air pollution control program and the success in achieving air quality goals; for providing assistance to the States, industry and other organizations through manpower training activities and technical information; for providing technical direction and support to regional offices and other organizations; for evaluating regional programs with respect to State implementation plans and strategies, technical assistance, and resource requirements and allocations for air related programs; for developing and maintaining a national air programs data system, including air quality, emissions and other technical data; and for providing effective technology transfer through the translation of technological developments into improved control program procedures.

(b) *Office of Solid Waste Management.*—The Office of Solid Waste Management, under the supervision of the Deputy Assistant Administrator for Solid Waste Management, is responsible for providing program policy direction to and evaluation of solid waste management activities throughout the Agency; establishes, monitors, and evaluates solid waste research requirements for the Agency; and carries out resource recovery, hazardous waste, and waste systems management activities.

(c) *Office of Mobile Source Air Pollution Control.*—The Office of Mobile Source Air Pollution Control, under the supervision of the Deputy Assistant Administrator for Mobile Source Air Pollution Control, is responsible for characterizing emissions from mobile sources and developing programs for their control, including assessment of the status of control technology; for developing and recommending emission standards and related test procedures for mobile sources;

for carrying out a regulatory compliance program to insure adherence of mobile sources to standards; and for carrying out surveillance activities with respect to mobile source emissions.

(d) *Office of Noise Abatement and Control.*—The Office of Noise Abatement and Control, under the supervision of the Deputy Assistant Administrator for Noise Abatement and Control, is responsible for developing noise protection criteria, standards, and policies; developing methodologies for measuring and controlling noise exposure; developing research requirements for the Agency's noise control and abatement programs; coordinates all Federal noise control programs, including evaluating all other Federal agency standards and regulations, existing and proposed, with respect to noise to determine if such standards protect the public health and welfare; provides technical assistance to States, through EPA's Regional offices, and to other agencies having noise control and abatement programs; establishes and directs, through the Regional offices and with appropriate Headquarters inputs, national surveillance and monitoring systems for measuring noise levels in the environment; evaluates and assesses the impact of new and developing noise control technology; assists in the training of personnel, such as for State noise control and abatement programs; and maintains liaison with other public and private organizations interested in environmental noise control.

(e) *Office of Radiation.*—The Office of Radiation, under the supervision of the Deputy Assistant Administrator for Radiation Programs, is responsible for the radiation activities of the Agency, including development of radiation protection criteria, standards, and policies; measurement and control of radiation exposure; and research requirements for radiation programs. It provides technical assistance to States through EPA Regional offices and other agencies having radiation protection programs, establishes and directs a national surveillance and investigation program for measuring radiation levels in the environment, evaluates and assesses the impact of new and developing radiation technology on man and the environment, assists in the training of personnel for radiation protection programs in the States and for other purposes, maintains liaison with other public and private organizations interested in environmental radiation.

§ 1.29 Office of the Assistant Administrator for Water and Hazardous Materials.

The Assistant Administrator serves as principal adviser to the Administrator in matters pertaining to water and hazardous materials programs, and is responsible for the management of the water, pesticides, and toxic substances programs of the Agency, including program policy development and evaluation, environmental and pollution sources standards development, program policy guidance and overview, technical support, and evaluation of regional water;

pesticides, and toxic substances programs activities, development of programs for technical assistance and manpower development, and selected demonstration programs. The program activities of the Assistant Administrator's office are performed by Offices of Water Planning and Standards, Water Program Operations, Pesticide Programs, Water Supply, and Toxic Substances.

(a) *Office of Water Planning and Standards.*—The Office of Water Planning and Standards, under the supervision of the Deputy Assistant Administrator for Water Planning and Standards, is responsible for developing an overall program strategy for the achievement of water pollution abatement. It assures the coordination of all national water-related activities within this water program strategy, and monitors national progress toward the achievement of water quality goals. The office is responsible for the development of effluent guidelines and water quality standards, and other pollutant standards, regulations, and guidelines. The office exercises overall responsibility for the development of effective State and regional water quality planning and control agencies. It is responsible for the development and maintenance of a centralized water programs data system including compatible water quality, discharger, and program data files.

(b) *Office of Water Program Operations.*—The Office of Water Program Operations, under the supervision of the Deputy Assistant Administrator for Water Program Operations, is responsible for developing national programs, technical policies, regulations, and guidelines for water pollution control in the areas of municipal wastewater treatment, construction grants for treatment plants, municipal point source abatement and control, oil and hazardous materials spills, and other water related activities. Specifically, the Office of Water Program Operations articulates EPA strategies for implementing legislative mandates in the municipal wastewater treatment field; provides national direction for interstate, State, and local authorities in the planning, design, and construction of municipal wastewater treatment systems; provides technical direction and support to regional offices and other organizational entities; and evaluates regional programs with respect to municipal point source abatement and control, oil and hazardous materials spills prevention and response, construction grants, and manpower development for water related activities.

(c) *Office of Water Supply.*—The Office of Water Supply, under the supervision of the Deputy Assistant Administrator for Water Supply, is responsible for the water supply activities of the Agency, including implementation strategy. This Office establishes policies and standards, and develops regulations and guidelines for drinking water quality and treatment requisite to protect the public health and welfare, and to protect existing and future underground sources

of drinking water; provides guidance and technical information to State agencies, local utilities, and Federal facilities through the regional offices on program phasing and implementation; evaluates the national level of compliance with the regulations. The Office plans and develops policy guidance for response to national, regional, and local emergencies; reviews and evaluates, with regional offices, technical data for the designation of sole-source aquifers; designs a national program of public information; identifies research needs and develops monitoring requirements for the national water supply program; and develops national accomplishment plans.

(d) *Office of Pesticide Programs.*—The Office of Pesticide Programs, under the supervision of the Deputy Assistant Administrator for Pesticide Programs, is responsible for pesticide activities of the Agency, including development of strategic plans for the control of the national environmental pesticide situation for application by the Office of Pesticide Programs, other EPA components, other Federal agencies, or by State, local, and private sectors; establishment of tolerance levels for pesticide residues which occur in or on food and the registration of pesticides; monitoring of pesticide residue levels in food, humans, and non-target fish and wildlife and their environments; review of pesticide formulations and relevant data for efficacy and hazard; establishment of sales or use restrictions; investigations of pesticide accidents and incidents; establishment of guidelines and standards for product examination; preparation of model legislation for use by States and others in the development of more effective pesticide control programs; provision of program policy direction to technical and manpower training activities in the pesticide area; development of research needs and monitoring requirements for the pesticide program and related areas; and review of impact statements dealing with pesticides.

(e) *Office of Toxic Substances.*—The Office of Toxic Substances, under the supervision of the Director of the Office, is responsible for coordinating selected multimedia toxic substances activities of the Agency; developing and implementing early warning programs for identifying and prioritizing previously unsuspected chemicals which are entering the environment and may pose a hazard in the near future; encouraging increased industrial concern and appropriate actions in testing both new and existing chemicals entering commerce; and analyzing classes of chemicals as the basis for determining the risks and benefits associated with new products in these classes which are likely to appear on the market in the near future.

§ 1.31 Office of the Assistant Administrator for Enforcement.

The Assistant Administrator for Enforcement serves as the principal adviser to the Administrator in matters pertaining to the enforcement of standards for environmental quality, and is

responsible for the conduct of enforcement activities on an Agencywide basis. This Office is responsible for the conduct of Agency activities for enforcement of environmental quality standards, including the gathering and preparation of evidential data and conduct of enforcement proceedings. The functions and activities of the Assistant Administrator for Enforcement are performed by Deputy Assistant Administrators for Water Enforcement, General Enforcement, and Mobile Source and Noise Enforcement.

(a) *Office of Water Enforcement.*—The Office of Water Enforcement, under the supervision of the Deputy Assistant Administrator for Water Enforcement, provides program policy direction to the water quality enforcement, water supply enforcement and National Pollution Discharge Elimination System program activities of the Agency, including direct supervision of those enforcement activities reporting directly to the Office of Water Enforcement and technical program direction to the regional water enforcement activities. It develops Agencywide objectives and programs for water enforcement and permit activities, including the development of procedures, regulatory material, guidelines, criteria, and policy statements designed to bring about actions by individuals, private enterprise, and governmental bodies to improve the quality of the water.

(b) *Office of General Enforcement.*—The Office of General Enforcement, under the supervision of the Deputy Assistant Administrator for General Enforcement, provides program policy direction to Agency enforcement activities in the stationary sources of air pollution, radiation, pesticides, solid waste and toxic substances program areas. The Office develops Agencywide objectives and programs for general enforcement activities, including the development of procedures, regulatory materials, guidelines, criteria, and policy statements designed to bring about actions by individuals, private enterprise, and governmental bodies in the areas of stationary sources of air pollution, radiation, pesticides, toxic substances, and solid waste.

(c) *Office of Mobile Source and Noise Enforcement.*—The Office of Mobile Source and Noise Enforcement, under the supervision of the Deputy Assistant Administrator for Mobile Source and Noise Enforcement, provides program policy direction to Agency enforcement activities in the mobile sources of air pollution and noise abatement program areas. The Office develops Agencywide objectives and programs for enforcement activities, including the development of procedures, regulatory materials, guidelines, criteria, and policy statements designed to bring about actions by individuals, private and governmental bodies in the areas of mobile sources of air pollution and noise abatement.

§ 1.33 Office of the Assistant Administrator for Planning and Management.

The Assistant Administrator for Planning and Management is responsible on

an Agencywide basis for planning overall program activities; managing the Agency's resources; developing and conducting a comprehensive audit program; developing and conducting administrative programs and systems; and representing the Administrator in dealings with other Federal agencies in areas of Government fiscal, management, and administrative activities. The functions and activities of the Office of the Assistant Administrator are performed by Deputy Assistant Administrators for Administration, Planning and Evaluation, Resources Management, and a Director, Office of Audit.

(a) *Office of Administration.*—The Office of Administration, under the supervision of the Deputy Assistant Administrator for Administration, is responsible for development and conduct of programs for organization and management systems, control, and services; personnel policies, procedures, and operations; personnel, physical, and document security and inspections; emergency preparedness; management information systems, automatic data processing management and operations; facilities and space management; occupational health and safety; contracting and procurement services; general administrative and support services; and other areas of administrative management, including records management, committee management, directives systems, and an Agency library system.

(b) *Office of Planning and Evaluation.*—The Office of Planning and Evaluation, under the supervision of the Deputy Assistant Administrator for Planning and Evaluation, is responsible for development and conduct of programs for long-range and strategic planning; compiling reports to the Congress and the President on Agency programs and activities; systems analysis of Agency programs activities, including the development, initiation, and monitoring of new and redirected Agency programs and goals; coordinating the Agency's environmental standards and regulations development process; economic and industrial analysis of the impact of abatement regulations and programs on firms, industries, and functional and geographic sectors; policy development processes; program progress measurement; and planning policy direction, needs assessment, and program review.

(c) *Office of Resources Management.*—The Office of Resources Management, under the supervision of the Deputy Assistant Administrator for Resources Management, is responsible for resources management, including developing and administering a program-planning-budgeting system in accordance with Office of Management and Budget directives; budget formulation, preparation, and execution, including funding allotments and allocations; and financial management and services; including developing and maintaining accounting systems, fiscal controls, and systems for payroll and disbursement, and grants policies and procedures.

(d) *Office of Audit.*—The Office of Audit, under the supervision of a Director, is responsible for development and conduct of a comprehensive audit program for the Agency, including the conduct of internal and external audits of Agency programs and the provision of an independent appraisal for the Administrator and other Agency officials of the program, financial, and administrative operations of the Agency.

§ 1.35 Office of the Assistant Administrator for Research and Development.

The Assistant Administrator for Research and Development serves as the principal science adviser to the Administrator, and is responsible for the development, direction, and conduct of a national research, development, and demonstration program in: Pollution sources, fate, and health and welfare effects; pollution prevention and control and waste management and utilization technology; environmental sciences; and monitoring systems. The Office participates in the development of Agency policy, standards, and regulations. The Office provides for dissemination of scientific and technical knowledge, including analytical methods, monitoring techniques, and modeling methodologies. It serves as coordinator for the Agency's policies and programs concerning carcinogenesis and related problems. The Office assures appropriate quality control and standardization of analytical measurement and monitoring techniques (for which he is assigned responsibility) utilized by the Agency; and exercises review and concurrence responsibilities on an Agencywide basis in all budgeting and planning actions involving monitoring which require Headquarters approval. The functions and activities of the Office of the Assistant Administrator for Research and Development are performed by Deputy Assistant Administrators for Monitoring and Technical Support; Energy, Minerals and Industry; Air, Land, and Water Use; and Health and Ecological Effects.

(a) *Office of Monitoring and Technical Support.*—The Office of Monitoring and Technical Support, under the supervision of the Deputy Assistant Administrator for Monitoring and Technical Support, is responsible for planning, managing, and evaluating a comprehensive program for: (1) The development of reference or standard environmental measurement and monitoring equipment, techniques and systems; (2) the development of Agencywide quality assurance programs, including standardization of analytical methods and sampling techniques, and quality control; (3) the dissemination of scientific and technical knowledge, including technology transfer; (4) technical support to the Agency including monitoring and analytical support, quality control, and laboratory and staff development; and (5) the enhancement of the capabilities of minority institutions to participate in environmental research and development activities.

(b) *Office of Energy, Minerals, and Industry.*—The Office of Energy, Minerals, and Industry, under the supervision of the Deputy Assistant Administrator for Energy, Minerals, and Industry, is responsible for planning, managing, and evaluating a comprehensive program for the: (1) Assessment of the environmental and socio-economic impacts of energy and mineral resource extraction, processing, conversion, and utilization systems, and of other industrial operations; (2) development and demonstration of cost-effective methods for control and management of operations with environmental impacts associated with the extraction, processing, conversion, transmission and utilization of energy (except transportation utilization), and mineral resources, and with industrial processing and manufacturing facilities; (3) identification and evaluation of alternatives, including conservation measures, for these systems and operations; and (4) the coordination of intra- and interagency research activities associated with the environmental aspects of energy and utilization.

(c) *Office of Air, Land, and Water Use.*—The Office of Air, Land, and Water Use, under the supervision of the Deputy Assistant Administrator for Air, Land, and Water Use, is responsible for planning, managing, and evaluating a comprehensive program for the: (1) Development and demonstration of cost-effective methods for the prevention or management of pollutant discharge or waste disposal into the environment, except those related to energy, mineral, or industrial processes; (2) development and demonstration of methods for the management of the impact of land and water use activities on air and water quality; (3) development and demonstration of optimum methods for the total environmental management of pollutants which originate from multiple sources and are transported or exert their effects through one or more media; (4) development of models and other methods for linking source permission to exposure; (5) development of new methods, equipment, and procedures for detecting, identifying and measuring pollutants; (6) development of optimum mechanisms for implementing environmental control or management methods; (7) assessment of the environmental and socio-economic impacts of land, water, and air pollution control and management activities; and (8) the development and demonstration of such specific items as: Methods for noise abatement, treatment technology for public water supplies; methods for disposal of hazardous wastes, and alternatives methods of pest control.

(d) *Office of Health and Ecological Effects.*—The Office of Health and Ecological Effects, under the supervision of the Deputy Assistant Administrator for Health and Ecological Effects, is responsible for planning, managing, and evaluating a comprehensive research program for the: (1) Development of health and ecological data needed for the establishment of standards and criteria or

guidelines for these components of the environment in which specific pollutants or activities may require control; (2) determination of the fate, transport, and exposure effect, in relation to the ecosystem, of environmental pollutants, singly and in combination; (3) development and verification of methods and models for analyzing the socio-economic impact of overall environmental degradation and alternative control strategies; (4) comprehensive assessment of the environmental and socio-economic impacts of existing and proposed policies and standards; and (5) coordination of the Agency's policies and programs related to carcinogens and similar agents.

Subpart C—EPA Field Installations

§ 1.41 Regional offices.

Regional offices are headed by Regional Administrators who are responsible to the Administrator for the execution of the regional programs of the Agency within the boundaries of their regions. The Regional Administrators serve as the Administrator's principal representatives in the regions in contacts and relationships with Federal, State, interstate and local agencies, industry, academic institutions, and other public and private groups. They are responsible for accomplishing national program objectives within their regions as established by the Administrator, Deputy Administrator, Assistant Administrators, and Heads of Headquarters Staff Offices. They develop, propose, and implement an approved regional program for comprehensive and integrated environmental protection activities.

[FR Doc.76-21578 Filed 7-23-76; 8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 588-5]

PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

Extension of Comment Period and Availability

On May 18, 1976 the Agency published a notice of interim final rulemaking (41 FR 20496) establishing effluent limitations and guidelines for the carbon black manufacturing point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was June 17, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having

submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to August 25, 1976.

Dated: July 16, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.76-21574 Filed 7-23-76; 8:45 am]

[FRL 588-7]

PART 460—HOSPITAL POINT SOURCE CATEGORY

Extension of Comment Period and Availability

On May 6, 1976 the Agency published a notice of interim final rulemaking (41 FR 18774) establishing effluent limitations and guidelines for the hospital point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was June 7, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Hospital Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to August 25, 1976.

Dated: July 16, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for
Water and Hazardous Materials.

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Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. No. 20]

PART 9-16—PROCUREMENT FORMS

Procurement Request Form

JULY 15, 1976.

1. *Purpose.* This regulation implements a standard ERDA-wide procurement request form.