

ness reported in paragraphs (b)(1) and (b)(2) of this section.

(c) For the purposes of this part, "maximum amount of indebtedness" shall mean the highest amount owed during the calendar year for which the report is made.

(d) The report required by this section must be filed by a person who was an executive officer or a principal stockholder of record of an insured nonmember bank at any time during the reporting year and who received an extension of credit during that year from a depository bank of the insured nonmember bank.

§ 349.5 Reports by insured nonmember banks.

(a) On or before January 31 of each year, each insured nonmember bank shall compile the reports filed under section 349.4(a) above and shall forward a compilation of such reports to the FDIC. The reports required by section 349.4(a) above shall be retained at the insured nonmember bank for a period of five years. The FDIC may require these reports to be retained by the bank for an additional period of time.

(b) Each insured nonmember bank shall include in the report required under section 7(k)(1) of the Federal Deposit Insurance Act (12 U.S.C. § 1817(k)(1)) and section 304.4 of the FDIC rules and regulations (12 CFR § 304.4) the following information:

(1) A list by name of each person who files a report under section 349.4(a) above; and

(2) The aggregate amount, or sum, of all the maximum amounts of indebtedness reported under section 349.4(b)(1) above.

§ 349.6 Civil penalties.

As specified in subsection 106(b)(2)(F) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(b)(2)(F)), any bank, or any officer, director, employee, agent, or other person participating in the conduct of the affairs of the bank, that violates any provision of this Part shall forfeit and pay a civil penalty of not more than \$1,000 per day for each day during which the violation continues.

By order of the Board of Directors,
dated March 6, 1979.

FEDERAL DEPOSIT INSURANCE
CORPORATION
HOYLE L. ROBINSON,
Acting Executive Secretary.

[FR Doc. 79-7309 Filed 3-8-79; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1208]

MINIATURE CHRISTMAS TREE LIGHTS

Extension of Time to Publish Final Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Commission extends the time in which it must publish a final safety standard or withdraw its proposed standard for miniature Christmas tree lights until March 15, 1981. The rule was proposed to address the risks of fire and electric shock associated with these products. The reason for the extension is to allow the Commission time to monitor industry's upgrading of and conformance with new voluntary standards, before making any decision whether to issue a final mandatory standard.

FOR FURTHER INFORMATION CONTACT:

Carl W. Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6557.

SUPPLEMENTARY INFORMATION: For more than five years, the Commission has been investigating the need for a mandatory standard to address risks of injury from shock and fire hazards associated with miniature Christmas tree lights. (See 41 FR 17154, March 31, 1979; 43 FR 19136, May 3, 1978.)

In the course of these investigations, the Commission tried to encourage improvements in the voluntary standards affecting these lights, but without sufficient success. As a result, CPSC proposed a mandatory standard in May 1978 (43 FR 19136, May 3, 1978.)

In response to the Commission's work, Underwriters Laboratories (UL) has revised its existing standard to include virtually all of the requirements in the Commission's proposed standard. Also, since the proposed standard was published, the government of Taiwan, a major exporter of miniature Christmas tree lights, has confirmed its intent to require all such lights to be UL approved. Most miniature Christmas tree light sets are imported into the United States. Approximately 60 percent of the miniature Christmas tree light sets imported into the United States last season were certified as meeting the UL standard. The Commission believes that this development is especially encouraging and hopes that it will continue in the future.

In addition, the National Ornament and Electric Lights Christmas Associ-

ation (NOEL), a trade association of many importers and manufacturers of miniature Christmas tree lights, has indicated it will amend the NOEL standard to include the provisions of the standard recommended to the Commission by the National Consumers League, the offeror in the Commission's standard development proceeding. NOEL also stated that the association would undertake a survey of its membership to determine the extent of the adoption of the upgraded NOEL standard and advise the Commission of the results.

EXTENSION OF TIME TO PUBLISH A FINAL STANDARD

As a result of these developments, the Commission believes that a mandatory standard may not be necessary at this time in order to protect consumers from the risk of injury from fire and shock associated with miniature Christmas tree lights and similar miniature decorative lights.

In the May 1978 FEDERAL REGISTER notice proposing the standard, the Commission extended, until March 15, 1979, the period of time by which it must either publish a final standard or withdraw the notice of proceeding. However, as a result of the developments discussed above, the Commission believes that an additional period of time should be provided to allow the Commission to monitor industry's upgrading and conformance with voluntary standards, before making any decision that a mandatory standard is not necessary to protect the public. The Commission believes that a two year extension, until March 15, 1981, will provide sufficient time to monitor industry's upgrading and conformance with voluntary standards, over two production seasons, and will allow the Commission sufficient time to decide whether to issue a mandatory standard. During the two year period, the Commission staff will provide the Commission with periodic reports that assess industry's progress. The Commission expects continued satisfactory progress in upgrading voluntary standards. If satisfactory progress in upgrading voluntary standards does not continue, or if the Commission observes that industry members are failing to conform with the voluntary standards, then at any time in the next two years the Commission may decide that a mandatory standard is necessary and prepare to issue a final standard.

CONCLUSION

Accordingly, pursuant to provisions of the Consumer Product Safety Act (Section 9(a)(1), Pub. L. 92-573, 86 Stat. 1215, 15 U.S.C. 2058(a)(1)), the Commission extends, from March 15, 1979 until March 15, 1981, the date on

which it must either publish a consumer product safety rule addressing the risk of injury from fire and shock associated with miniature Christmas tree lights or withdraw by rule the applicable notice of proceeding. This period may be further extended for good cause shown.

Dated: MARCH 6, 1979.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc. 79-7152 Filed 3-8-79; 8:45 am]

[4110-03-M]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

[21 CFR Part 333]

[Docket No. 75N-0183]

**TOPICAL ANTIMICROBIAL PRODUCTS FOR
OVER-THE-COUNTER HUMAN USE**

Reopening of the Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Reopening of record on proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is reopening the administrative record of the proposed monograph establishing conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) topical antimicrobial drug products for human use, e.g., antibacterial soaps, surgical scrubs, skin cleanser, and first-aid preparations. By this action, the agency is granting 6 petitions that requested reopening this record and is deferring action on 11 requests for an oral hearing.

DATES: New or additional data, information, and comments by June 7, 1979. Reply comments by July 9, 1979.

ADDRESS: Written data, information, comments, and reply comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION
CONTACT:**

William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 13, 1974 (39 FR 33103), FDA issued a proposal, under the OTC drug review procedures in § 330.10 (21 CFR § 330.10), to establish a monograph for OTC topical antimicrobial drug products for repeated daily human use, to-

gether with the report of the Advisory Review Panel on OTC Topical Antimicrobial (I) Drug Products. Interested persons were invited to submit comments on the proposal within 60 days—on or before November 12, 1974. Reply comments in response to comments filed during the initial 60-day period were allowed until December 12, 1974. In response to numerous requests, the agency published a notice in the FEDERAL REGISTER of October 17, 1974 (39 FR 37066) granting an extension of the deadlines for comments until December 12, 1974 and for reply comments until January 13, 1975.

In response to the proposal of September 13, 1974, 86 comments and reply comments were received, several of which contained extensive additional data. After an extensive and time-consuming review of the Panel's report, the proposed monograph, and all comments and reply comments, FDA issued in the FEDERAL REGISTER of January 6, 1978 (43 FR 1210) a tentative final monograph on OTC topical antimicrobial products.

Interested persons were invited to submit objections or requests for an oral hearing on or before February 6, 1978. In response to numerous requests to extend the time period for submitting objections or requests for oral hearing, the agency issued a notice in the FEDERAL REGISTER of February 3, 1978 (43 FR 4637) granting an extension of the deadline to March 6, 1978.

During the period permitted for submitting objections or requests for an oral hearing, FDA received the following six petitions to reopen the administrative record. The Proctor & Gamble Co., Cincinnati, OH 45217 (CP 0002) submitted new data on the safety and effectiveness of triclocarban as an active antimicrobial ingredient. Ciba-Geigy Corp., Ardsley, NY 10502 (CP 0001) submitted new data bearing on the proliferation of use of triclosan. This problem was first discussed in the tentative final order; it was never considered by the Panel. The Soap and Detergent Association, New York, NY 10016 (SUP 00015) submitted new data on the safety of antimicrobial soaps in infants. Significant amounts of new and previously unconsidered data were submitted with each of the above petitions. The Colgate-Palmolive Co., New York, NY 10022 (LET 0003) petitioned the agency to evaluate previously submitted data on the safety and effectiveness of a combination deodorant bar soap containing triclosan and triclocarban. These data were not addressed in the January 6, 1978 tentative final order. A petition was also submitted by the Upjohn Co., Kalamazoo, MI 49001 (HER 0001) to consider previously submitted data (OTC Volume 020093) on

the safety and effectiveness of secondary amyltricresols and ortho-hydroxyphenylmercuric chloride as active antimicrobial ingredients. No new data were submitted with this petition. Xttrium Laboratories, Chicago, IL 60609 (CP 0003) requested the agency to consider data on chlorhexidine gluconate, a new ingredient not previously reviewed or included in the tentative final order. Copies of all of these petitions are on file in the office of the Hearing Clerk, FDA.

Eleven requests for a hearing and many comments containing new data have also been received in response to the tentative final order. Much new data have been generated over the 4-year period since the original Panel report was published. These new data may materially affect and alter some of the agency's decisions presented in the January 6, 1978 tentative final order. In addition, some of the data upon which the original Panel report was based have been called into question as a result of the agency's current investigation of certain testing laboratories.

Thus, FDA has determined that it is in the public interest to defer action on the requests for a hearing, and to grant the six petitions to reopen the administrative record to allow interested persons to submit comments, reply comments, and any new or additional data. FDA will publish an updated tentative final order and monograph based on the review and evaluation of these submissions, and on a reevaluation of existing data. Persons who requested a hearing or submitted a petition will be notified by letter that FDA has reopened the administrative record. Data, information, and comments submitted in response to the September 13, 1974 or January 6, 1978 publications need not be resubmitted.

Interested persons are invited to submit their comments in writing (preferably four copies identified with the Hearing Clerk document number found in brackets in the heading of this document) on or before June 7, 1979. Such comments should be addressed to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Additional comments replying to any comment so filed may also be submitted on or before July 9, 1979. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 26, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 79-6764 Filed 3-8-79; 8:45 am]

[4310-02-M]

DEPARTMENT OF INTERIOR

Bureau of Indian Affairs

[25 CFR Part 273]

EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Distribution Formula

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: Notice is hereby given that it is proposed to revise 25 CFR 273.31, distribution formula. Pub. L. 95-561 Section 1102(a) requires the Secretary of Interior to develop and publish alternative methods for the equitable distribution of supplemental program funds. The intended effect of the action is to determine a formula for the purpose of distribution of funds appropriated.

DATES: Comments must be received on or before May 7, 1979.

ADDRESS: Send comments to U.S. Department of the Interior, Office of the Assistant Secretary for Indian Affairs: Attention: Deputy Assistant Secretary Lavis, 18th & C Streets NW., Room 6352, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Jon C. Wade, Division of Educational Assistance, Office of Indian Education Programs, Post Office Box 1788, Albuquerque, New Mexico 87103, Area Code 505-766-2427.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

It is the policy of the Department of Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule to the U.S. Department of the Interior, Office of the Assistant Secretary for Indian Affairs: Attention: Deputy Assistant Secretary Lavis, 18th & C Streets NW., Washington, D.C. 20240.

The current distribution formula is not a part of regulation. It is required by law that it be incorporated into regulation. Pub. L. 95-561, Sec. 1102(a) directs the Secretary to develop alter-

native methods for the equitable distribution of any supplemental program funds provided and to publish them in the FEDERAL REGISTER by March 1, 1979 for the purpose to allow for eligible tribes to comment by May 1, 1979. During this time, the Secretary of Interior will conduct field hearings for the purpose of collecting further comments. Approximately two days of field hearings will be scheduled during the period of March 26, 1979 through April 15, 1979 in Anchorage, Alaska; Minneapolis, Minnesota; Ft. Hall, Idaho; Albuquerque, New Mexico; Sulphur, Oklahoma; Nashville, Tennessee; and San Diego, California.

After May 7, 1979, the Secretary will revise, in accordance with all comments, such formula alternatives and submit them to a vote of the tribes.

Pub. L. 95-561, Section 1102(b) requires that the formula which receives 51 percent of the above vote will be published as a final rule in the FEDERAL REGISTER by July 1, 1979. This vote will be taken during the period of May 7, 1979 to June 7, 1979 and will be certified by the Secretary. It must be also understood that each tribe, as defined in 25 CFR, Part 273.2(g) will have one (1) vote each.

Section 273.31, Distribution formula, provides for the apportionment among contractors within each State so that each contractor will receive approximately the same amount for each eligible Indian student to be served under the contract. The formula receiving a majority of votes will be made a part of § 273.31 and will be used for computing the distribution.

The following distribution formulas have been developed and are published for the purpose to allow eligible tribes to comment by May 1, 1979:

(1) Option "A": Based on the number of eligible Indian students for whom funds are sought, multiplied by a national average per-pupil expenditure and a weighting factor which is intended to take into account the differences in education costs among the States. The weighting factor is the quotient obtained by dividing every State's cost of delivering educational services by the lowest State's cost; except that, for every State whose cost is below the national average, the national average will be used as that State's cost. (This method is the current distribution formula).

(2) Option "B": The weighting factor for this option is the quotient obtained by dividing every State's cost of delivering educational services by the lowest State's cost; except that, in considering a State's cost of delivering educational services, no State will be considered at a level less than 80 percent and more than 120 percent of the national average.

(3) Option "C": Each eligible student will receive 25 percent of their State's or the national average per-pupil cost, whichever is greater.

(4) Option "D": Every eligible student will receive the same amount.

(5) Option "E": Seventy-five percent (75 percent) of the appropriated funds will be distributed equally, with each eligible student receiving a per capita share. Twenty-five percent (25 percent) of the appropriated funds will be distributed in accordance with Option "A".

(6) Option "F": Seventy-five percent (75 percent) of the appropriated funds will be distributed equally, with each eligible student receiving a per capita share. Twenty-five percent (25 percent) of the appropriated funds will be distributed in accordance with Option "B" above.

Tribes may recommend and comment on their own proposed formula as well.

The Department of Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

I have determined that these proposed regulations are not a major Federal action within the scope of the National Environmental Policy Act of 1969, 42 U.S.C. 4223(c).

The primary authors of this document are Bill Riefenberry, Task Force Member, Bureau of Indian Affairs, Western Washington Agency, telephone number (FTS) 8-392-9320, Commercial (206) 258-2651 and Steering Committee Members Maxine Edmo, Bureau of Indian Affairs, Fort Hall, Idaho, telephone number (208) 237-0405, and Benny Atencio, Santo Domingo Pueblo, Santo Domingo Pueblo, New Mexico, telephone number (505) 465-2240.

It is proposed to amend Part 273, § 273.31, Subchapter Y of Chapter 1 of Title 25 of the Code of Federal Regulations to read as follows:

§ 273.31 Distribution formula.

(a) Reserved for formula.

(b) The Commissioner may make exceptions to the provisions of Paragraph (a) of this section based upon the special cultural, linguistic, social or educational needs of the communities involved.

Dated: March 2, 1979.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 79-7237; Filed 3-8-79; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 26]

[LR-2-77]

EFFECTIVE DATES OF GENERATION-SKIPPING TRANSFER TAX

Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the application of the effective date provisions of a new tax on generation-skipping transfers which was added by the Tax Reform Act of 1976.

DATES: The public hearing will be held on April 10, 1979, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by March 27, 1979.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-2-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 2601 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *FEDERAL REGISTER* for Friday, December 22, 1978, at page 59849 (43 FR 59849).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 27, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from

the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the *FEDERAL REGISTER* for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

DAVID E. DICKINSON,
Assistant Director, Legislation
and Regulations Division.

[FR Doc. 79-7139 Filed 3-8-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 56]

[FRL 1018-51]

REGIONAL CONSISTENCY

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes regulations to provide for consistent implementation of the Clean Air Act by the various EPA Regional Offices. EPA is required to promulgate regulations for this purpose under Section 301(a)(2) of the Clean Air Act. The intended effect of this action is to provide a system for assuring fair and consistent application of rules, regulations, and policy throughout the country by assuring that the actions of each of the individual EPA Regional Offices are consistent with one another and national policy.

DATES: Comments must be received on or before May 8, 1979.

EPA will hold a public hearing on this proposal in about a month and a half in Washington, D.C. EPA will publish notice of that hearing shortly in the *FEDERAL REGISTER*.

ADDRESSES: Persons may submit written comments on this proposal to: Mr. Darryl D. Tyler, Chief, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. EPA will consider all comments received on or before May 8, 1979. All comments will be placed in the public docket upon receipt, and

will be available for inspection during normal business hours at: EPA's Control Docket Section, Room 2903B, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Sableski, Chief, Plans Guidelines Section, Control Programs Development Division (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (919-541-5437).

SUPPLEMENTARY INFORMATION:

AVAILABILITY OF RELATED INFORMATION

Docket No. OAQPS 79-11 containing all supporting information used by EPA in developing the proposed standards, is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at EPA's Central Docket Section. The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the promulgated rule and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(a)).

BACKGROUND

Under Section 301(a)(2) of the Clean Air Act, enacted on August 7, 1977, EPA is required to promulgate regulations concerning consistency among EPA Regional Offices and States in implementing and enforcing the Act. Section 301(a)(2) reads as follows:

(2) Not later than one year after the date of enactment of this paragraph, the Administrator shall promulgate regulations establishing general applicable procedures and policies for regional officers and employees (including the Regional Administrator) to follow in carrying out a delegation under paragraph (1), if any. Such regulations shall be designed—

(A) to assure fairness and uniformity in the criteria, procedures, and policies applied by the various regions in implementing and enforcing the Act;

(B) to assure at least an adequate quality audit of each State's performance and adherence to the requirements of this Act in implementing and enforcing the Act, particularly in the review of new sources and in enforcement of the Act; and

(C) to provide a mechanism for identifying and standardizing inconsistent

or varying criteria, procedures, and policies being employed by such officers and employees in implementing and enforcing the Act.

On February 6, 1978, EPA published an advance notice of intent to promulgate regulations under this provision of the Act. EPA solicited written comments and invited all interested persons to participate in public workshops that were held to discuss the development of the regulation. EPA held workshops in Denver, Colo., on February 17, 1978; in Atlanta, Ga., on March 17, 1978; in Dallas, Tex., on April 13 and 14, 1978; and in Boston, Mass., on May 18 and 19, 1978. The workshops were well attended by representatives from industry, State and local governments, and public interest groups. The regulation proposed below was developed largely from the suggestions developed at these public workshops.

DESCRIPTION OF PROPOSAL

The regulation proposed below would appear as a new Part 56 of Title 40, Chapter I, Subchapter C, which concerns air programs. The regulation's main features are as follows:

1. A provision requiring EPA to include in rules, regulations and program directives a mechanism for assuring consistency of application among the Regional Offices. This provision would apply to rules, regulations, and program directives that EPA issued after August 6, 1977.

2. A provision requiring the Regional Offices to follow those mechanisms.

3. A provision requiring the Regional Offices to obtain Headquarters concurrence on significant interpretations of the Act or rules, regulations, or program directives.

4. Revised procedures for timely and more comprehensive distribution of policy and guidance.

5. Provisions for annual audits of the performance of EPA Regional Offices and State and local agencies in implementing and enforcing the Act.

Regarding the first two features, the regulation proposed below defines a mechanism as "an administrative procedure, guideline, manual, or written statement." A mechanism would be included and explained in the preamble to a regulation or in the body of a guideline or program directive.

EPA's regulations for prevention of significant deterioration, which EPA published in the *FEDERAL REGISTER* on June 19, 1978 (43 FR 26388), provide an example of a mechanism for assuring consistency of application. The regulation requires major stationary sources to apply best available control technology (BACT) as a condition for receiving a permit to construct. The determination of what constitutes BACT, however, will be made on a case-by-case basis by the reviewing au-

thority, taking into account several factors, including cost, energy consumption, and technical feasibility. One mechanism for assuring regional consistency in applying the provisions to the PSD regulations is the establishment of a system to assist States and EPA Regional Offices in making determinations of BACT. For instance, EPA will distribute a guidance document to assist reviewing authorities in implementing the BACT requirement. In addition, EPA will establish a national clearinghouse for distributing BACT determinations. The clearinghouse will advise reviewing authorities of each other's determinations and thereby promote a consistent basis of experience.

Similarly, EPA expects to establish a clearinghouse for determinations of what constitutes "lowest achievable emission rates" (LAER). The requirements under Part D of Title I of the Clean Air Act that apply to nonattainment areas require all new major stationary sources to apply LAER as a condition for receiving a permit to construct. LAER determinations will also be made on a case-by-case basis.

For written program directives issued by EPA Headquarters, a mechanism for assuring Regional Office consistency in following the program directive would be generally a statement in the directive that adherence to the directive would be a topic of the annual Regional Office or State and local agency audit. If the audit uncovers instances of noncompliance with the directive, the auditing team would then recommend that the Regional Office follow the directive. Under the proposed regulation, the Regional Offices would have to implement all of the recommendations of the audit team.

Mechanisms for assuring Regional Consistency would be developed where their inclusion in rules, regulations, and program directives is deemed reasonable and appropriate by the responsible EPA headquarters official.

ISSUES RAISED DURING DEVELOPMENT OF PROPOSAL

A number of issues were raised by persons who attended the four public workshops and who sent written comments on the concepts outlined in the advance notice of proposed rulemaking. The following summarizes the major issues raised and discusses the manner in which EPA has addressed them in this proposed regulation.

1. *Issue:* EPA's organization at both Regional and Headquarters levels splits responsibility for various parts of the air program and other programs among several offices, making communication, information dissemination, and oversight activity more difficult.

Response: The Agency has established a task force to review both Regional and Headquarters organization and feels this approach is more appropriate than attempting to address this issue in the regulation. The proposed regulation, however, does provide a means for improved communication and coordination within the existing organizational structure and the technique would be applicable to any alternative organization that might eventually be adopted.

2. *Issue:* Several participants expressed concern about the general level of knowledge, training, and resources in Federal, State, and local air pollution control programs and pointed out a number of cases when inadequate staff led to inconsistent decision making.

Response: EPA recognizes its responsibility to provide adequate funds for air pollution control efforts and training of air pollution control staff. The proposed regulation requires responsible Headquarters officials to carry out a guidance program at the initiation of any new major program under the Clean Air Act. Also, the regulation provides for distribution of a monthly compilation of interpretations of policy made by Regional Offices with headquarters concurrence. This monthly compilation will keep each of the Regions abreast of the most recent national policy and regional applications.

3. *Issue:* Many commenters recommended that persons who are not EPA employees be made an integral part of policy development, Regional Office and State audits, and advisory committees.

Response: EPA feels that its existing public participation process provides an adequate opportunity for involvement in policy and regulatory development.

EPA is not proposing to include persons who are not EPA employees on the audit teams that would be established by this regulation because it feels that the legislation places this responsibility upon the Agency. The regulation does provide opportunity for public knowledge of the audit process and results. First, the regulation requires publication and opportunity for public comment on the criteria to be used in audits. Second, this regulation would require the audit results to be available to the public, and that public notice be given of such availability.

4. *Issue:* A number of workshop participants urged that this regulation specifically address areas where flexibility should be provided and suggested this regulation include criteria by which such flexibility be provided. Conversely, other participants recommended that the regulations substantially reduce the number of activities

where individual Regional Office discretion is allowed.

Response: EPA interprets § 301(a)(2) of the Act as a mandate to assure greater consistency among the Regional Offices in implementing the Act, certainly not as a license to institutionalize the kind of inconsistencies that prompted Congress to enact this provision. Furthermore, the Act does not specifically refer to criteria for providing flexibility. The regulations proposed below incorporate features that EPA believes will ensure consistency in implementation of the Act.

5. Issue: There were a number of comments that EPA should consider allowing flexibility in its actions to provide consideration of economic factors.

Response: EPA feels its authority to consider economics is clearly addressed in the Clean Air Act as amended. EPA considers cost in setting new source performance standards under Section 111 of the Act and in providing guidance for implementing a plan for designated pollutants and facilities under Section 111(d) of the Act. EPA also considers cost in reviewing determinations of best and reasonably available control technologies. Furthermore, EPA considers the economic impact of State implementation plans that it must promulgate. EPA may not consider economics, however, in establishing national ambient air quality standards under Section 109 of the Act.

6. Issue: There was much discussion as to the direction this regulation should take, i.e., whether to specifically address identified programmatic areas of concern or to establish a process within which EPA would address consistency.

Response: EPA feels that changing information and technology would make any effort to write one all-encompassing regulation too unwieldy. The proposed regulation would establish a process whereby program officials would identify the need for consistency and measures to assure consistency.

7. Issue: Several individuals gave examples of non-uniformity that results from overlapping jurisdictional boundaries. A single air quality control region may have different control requirements imposed by two adjacent local governments, States, or EPA Regional Offices.

Response: The proposed regulation would require the audits of Regional Offices and State agencies to address the consistency of air pollution control regulation between adjacent States or local and regional governmental jurisdictions. It should be noted that the Clean Air Act provides States with the authority to develop their own control strategies to attain and maintain

standards. Section 126 of the Act, as amended, provides a mechanism for resolving conflicts concerning interstate pollution.

8. Issue: A number of individuals asked that the regulations provide an opportunity for non-judicial review of Regional Office decisions that appear inconsistent and suggested establishment of an appeals board that includes persons who are not EPA employees to accomplish this purpose.

Response: EPA feels that establishment of an appeals board would create another level of bureaucracy and would be less efficient than the proposed scheme in minimizing inconsistencies among the Regional Offices.

9. Issue: Several persons suggested that EPA expand its public participation efforts to include policy making as well as the formal regulatory development process.

Response: EPA is currently reviewing its total public participation program.

10. Issue: Many commenters indicated serious concern over the lack of timely dissemination of Agency policy and precedent-establishing decisions.

Response: The proposed regulation addresses this problem by providing for the publication of a compilation of air program policy and guidance directive, an index to the compilation, a monthly summary of interpretations and determinations, availability of videotapes of EPA policy seminars, and EPA workshops on new regulations and policies.

11. Issue: Several attendees indicated that a basic reason for inconsistencies was that the Act allowed States to establish standards more stringent than the national ambient air quality standards.

Response: Though this may be a potential problem, the Act does allow this State discretion, and this non-uniformity is a conscious decision on the part of the State and is therefore not a problem created by inadequate program implementation.

12. Issue: A number of participants commented on the need for a requirement for consistency in the data bases used in determining the applicability of various air programs.

Response: Through its activities over the past several years, EPA's Standing Air Monitoring Work Group (SAMWG) has addressed many issues concerning air quality data. In 1977, SAMWG published recommendations for improving the quality of the data and avoiding duplication of effort. EPA has proposed regulations that incorporate those recommendations (43 FR 34892, published August 7, 1978). Since these regulations will apply nationally, they will provide for further consistency in the air quality data

bases used in implementing the Clean Air Act.

13. Issue: The public advantage of the opportunity afforded by the public workshops to provide a number of specific examples of the lack of consistency in individual air programs, such as approval and revision of SIPs, monitoring, and discrepancies between air program and enforcement requirements.

Response: The regulations proposed below require each air program component to identify within one year after promulgation which program elements that have been issued since August 6, 1977, already have adequate mechanisms for consistency and which do not. For those that do not, the regulations would require establishment of mechanisms within 18 months after promulgation. Any new rule, regulation, or program directive would have to contain a section specifically dealing with consistency of application. Furthermore, public comment on consistency mechanisms would be solicited for each regulation and certain program directives.

14. Issue: Several participants commented on the fact that the Act allows the State to select the mix of control strategies in the SIP and that this may result in inconsistent control requirements.

Response: Though nonuniformity can result within the framework of the Act, regulations generally apply throughout an AQCR. In addition, States can obtain uniformity, if desired, in their selection of control strategies. This topic is discussed further under Issue 7 above.

15. Issue: A number of questions were raised concerning the scope and criteria to be used in an audit of State performance.

Response: The regulations address the scope of such audits by limiting the areas to be reviewed to certain activities which have the potential for inconsistency. The regulations require the development of audit manuals, which would have to identify the criteria upon which the State agency will be evaluated.

The criteria to be used to assure uniform review of State agency performance is required to be developed by the Agency with six months. EPA will publish notice of availability of the criteria in the FEDERAL REGISTER.

ENVIRONMENTAL, ECONOMIC, AND ENERGY IMPACT ASSESSMENTS

EPA has classified the regulation proposed below as a "significant-routine" action. Therefore, EPA has prepared no environmental, economic, or energy impact assessments. The regulations should result in more consistent application throughout the country of air pollution control require-

ments. Therefore, some incentives will be removed for industries planning to locate in one State as opposed to another because of inconsistent application of the Act's requirements. The regulations will tend to preclude economic incentives or disincentives because of varying interpretations of the Act's requirements. There will be no discernable energy impact.

PLAN TO EVALUATE THE EFFECTIVENESS OF REGIONAL CONSISTENCY REGULATIONS

Section 2(d)(8) of Executive Order 12044 requires that each new significant regulation have a plan to evaluate its effectiveness. The Regional Office and State audit procedures go a long way to provide a plan for evaluation of these regulations. However, it is still necessary to evaluate how effective the audits and dissemination of policy guidance are. Thus, EPA has developed a plan to evaluate the effectiveness of this regulation. Approximately 6 months after completion of the State and Regional Office audit reports, whichever is later, EPA will place a notice in the *FEDERAL REGISTER* soliciting public comment on implementation of the Regional Consistency regulations. The States and local agencies and the public will be asked to comment on the fairness and uniformity mechanisms, audit report and procedures, and the dissemination of EPA policy guidance. A separate copy of the notice will be sent to all State agencies and major local agencies. These comments will be summarized and published in the *FEDERAL REGISTER*. A copy of the evaluation plan is available in the docket (OAQPS 79-11).

Dated: March 1, 1979.

BARBARA BLUM,
Acting Administrator.

EPA proposes to amend Title 40, Chapter I, Subchapter C, of the *Code of Federal Regulations* by adding a new Part 56 as follows:

PART 56—REGIONAL CONSISTENCY

Sec.

56.1 Definitions.

56.2 Scope.

56.3 Policy.

56.4 Mechanisms for fairness and uniformity—Responsibilities of Headquarters employees.

56.5 Mechanisms for fairness and uniformity—Responsibilities of Regional Office employees.

56.6 Dissemination of policy and guidance.

56.7 Regional Office audits.

56.8 State and local agency performance audits.

AUTHORITY: Section 301(a)(2) of the Clean Air Act as amended (42 USC 7601).

§ 56.1 Definitions.

As used in this part, all terms not defined herein have the meaning given them in the Clean Air Act.

"Act" means the Clean Air Act as amended (42 USC 7401 et seq.).

"Administrator," "Deputy Administrator," "Assistant Administrator," "Deputy Assistant Administrator," "Regional Administrator," "Headquarters," "Staff Office," and "Regional Office" are described in Part 1 of this Title.

"Mechanism" means an administrative procedure, guideline, manual, or written statement.

"Program directive" means any written statement by the Administrator, the Deputy Administrator, an Assistant Administrator, a Deputy Assistant Administrator or a Staff Office Director that is intended to guide or direct Regional Offices in the implementation or enforcement of the provisions of the Act; the term does not include an interpretation or clarification of existing rules, regulations, or other program directives.

"Responsible official" means the EPA Administrator or any EPA employee who is directly accountable to the Administrator for carrying out a power or duty delegated under Section 301(a)(1) of the Act, or is accountable in accordance with EPA's formal organization for a particular program or function as described in Part 1 of this Title.

§ 56.2 Scope.

This part covers actions taken by—

(a) Employees in EPA Regional Offices, including Regional Administrators, in carrying out powers and duties delegated by the Administrator under Section 301(a)(1) of the Act; and

(b) EPA employees in Headquarters to the extent that they are responsible for developing the procedures to be employed or policies to be followed by Regional Offices in implementing and enforcing the Act.

§ 56.3 Policy.

It is EPA's policy to—

(a) Assure fair and uniform application by all Regional Offices of the criteria, procedures, and policies employed in implementing and enforcing the Act;

(b) Provide a mechanism for identifying and correcting inconsistencies by standardizing criteria, procedures, and policies being employed by Regional Office employees in implementing and enforcing the Act; and

(c) Insure an adequate quality audit for each State's performance in implementing and enforcing the Act.

§ 56.4 Mechanisms for fairness and uniformity—Responsibilities of Headquarters employees.

(a)(1) The Administrator shall include with any rule or regulation that implements the requirement of the Act, a mechanism to assure that the rule or regulation is implemented and enforced fairly and consistently by the Regional Offices.

(2) The EPA responsible official in Headquarters shall include with any program directive that implements the requirements of the Act a mechanism to assure that the program directive is implemented and enforced fairly and consistently by the Regional Offices.

(b)(1) The following rules, regulations, and program directives must include at the time of proposal or first public appearance in draft form a proposed mechanism to assure fair and consistent application by all Regional Offices:

(i) Those rulemakings required by the Administrative Procedure Act to be published in proposed form before final promulgation.

(ii) Those that in conformity with EPA practice appear first in draft form before final adoption by EPA.

(2) The appropriate responsible official shall solicit public comment concerning the mechanism proposed and consider any comments before issuance of the final rule, regulation, or program directive.

(c)(1) Within one year after promulgation of this part, each EPA Headquarters office with air pollution control responsibility shall review and evaluate all significant currently applicable rules, regulations, and program directives (including guidelines) issued after August 6, 1977, under the Act for the purpose of determining if appropriate mechanisms exist for assuring fairness and consistency in application among the Regional Offices. The Administrator will publish notice in the *FEDERAL REGISTER* of the availability of the evaluations.

(2)(i) Within 18 months after promulgation of this part, each EPA Headquarters office that identified rules, regulations, or program directives that do not have mechanisms for insuring fairness and consistency in application among the Regional Offices shall, where appropriate, develop mechanisms.

(ii) In the case of rules and regulations, the mechanisms must be proposed in the *FEDERAL REGISTER* within 18 months after promulgation of this part. The mechanism must then be promulgated after adequate public comment and internal review.

(iii) In the case of program directives, the mechanisms must be available for public information within 18 months after promulgation of this part and included in the comprehen-

sive air programs policy and guideline system required under § 56.6(a)(1).

(d) This section applies only where the EPA responsible official in Headquarters deems reasonable and appropriate the inclusion of the mechanisms under this section with the rule, regulation, or program directive. The determination that a mechanism is unnecessary shall be explained in writing by the appropriate responsible official in Headquarters and must accompany the relevant rule, regulation, or program directive when it is issued or published.

§ 56.5 Mechanisms for fairness and uniformity—Responsibilities of Regional Office employees.

(a) Each responsible official in a Regional Office, including the Regional Administrator, shall assure that actions taken under the Act are carried out fairly and in a manner that is consistent with the activities of other Regional Offices and shall—

(1) Comply with the mechanisms developed under § 56.4 of this part, and

(2) Implement recommendations made by the Regional Office Audit Committee under § 56.7 of this part.

(b) A responsible official in a Regional Office shall seek and obtain written concurrence of the appropriate EPA Headquarters program office on any interpretation of the Act, or rule, regulation, or program directive when such interpretation may result in inconsistent application among the Regional Offices of the Act or rule, regulation, or program directive.

§ 56.6 Dissemination of policy and guidance.

(a) The Assistant Administrator for Air, Noise, and Radiation shall establish as expeditiously as practicable but no later than one year after promulgation of this part the programs listed in this section for the dissemination of policy and guidance. He or she shall distribute material under the programs to the Regional Offices and State and local agencies, and shall make the material available to the public.

(1) A comprehensive air programs policy and guideline system containing the following:

(i) A compilation of all relevant EPA program directives and guidance, except for rules and regulations, concerning the requirements under the Act.

(ii) A procedure whereby each Headquarters office with air pollution control responsibility will enter new and revised guidance into the compilation.

(iii) A topical index of all material in the compilation and procedures for continually updating the index. The index is to serve as a manual for find-

ing all current air program policy and guidance.

(iv) An annotated bibliography of all the material in the compilation and procedures for continually updating the bibliography.

(2) A monthly summary of interpretations of the Act, rules, regulations, or program directives made under § 56.5(b) of this part.

(3) A semi-annual compilation of the summary of interpretations of the Act, rules, regulations, and program directives made under § 56.5(b) of this part.

(b) Each Headquarters office with air pollution control responsibility will participate in the development and implementation of the system outlined in paragraph (a) of this section.

(c) At the initiation of any major program the responsible headquarters official will, if he or she determines it appropriate, develop a guidance program consisting of videotape presentations, regional workshops, manuals, other media, or combinations of these.

§ 56.7 Regional Office audits.

(a) (1) Within three months after promulgation of this part, the Administrator shall form a Regional Office Audit Committee comprising representatives of EPA Headquarters offices, including staff offices, and selected Regional Office personnel with air pollution control responsibilities. The Assistant Administrator for Air, Noise, and Radiation or his or her designee shall chair the Committee.

(2) The Administrator shall annually review the composition of the Regional Office Audit Committee and make any changes that he or she deems appropriate.

(3) The Administrator shall consult with Headquarters Offices with air pollution control responsibilities before forming or revising the committee.

(b) (1) The Regional Office Audit Committee shall develop criteria for use in auditing Regional Office programs for performance in implementing their responsibilities delegated under Section 301(a)(1) of the Act in a manner consistent with any mechanisms for assuring fairness and consistency developed under Section 56.4 of this part. These criteria must also assure an adequate quality audit of each State's adherence to the requirements of the Act and performance in implementing and enforcing the Act.

(2) The Audit Committee shall within one year after promulgation of this part incorporate those criteria into a manual for use in performing audits of Regional Offices. The manual must identify the activities to be audited. The audit must also address the uniformity of air pollution control regulation between adjacent States. The Audit Committee shall

revise the manual from time to time to reflect changes in national priorities.

(3) The Audit Committee shall publish notice in the FEDERAL REGISTER of the availability of the audit manual and entertain public comments on the manual.

(c) At least once annually, the Regional Office Audit Committee shall use the audit manual to audit the performance of the Regional Offices.

(d) Within 60 days after the completion of an audit, the Audit Committee shall provide a draft audit report to the Regional Administrator of the Regional Office audited. The report must set forth findings and include any instances of inconsistent application of EPA rules, regulations, and program directives, and recommendations for any corrective action required.

(e) Within 30 days after receipt of the draft audit report, the Regional Administrator may provide comments to the Audit Committee.

(f) Within 90 days after submission of the draft audit report to the Regional Administrator, the Audit Committee shall provide a final audit report to the appropriate Regional Administrator, the appropriate headquarters program and staff offices, and the Administrator. The Audit Committee shall also publish notice in the FEDERAL REGISTER of the availability of the report.

§ 56.8 State and local agency performance audits.

(a)(1) Within one year after promulgation of this part, each Assistant Administrator and each Director of a Staff Office in the Office of the Administrator with air pollution control responsibilities, together with Regional Office personnel with air pollution control responsibilities as selected by the Administrator, shall develop criteria for use in auditing State and local air pollution control programs for performance in implementing and enforcing the Clean Air Act. The criteria must include State agency activities for which national consistency is required. The Offices that develop the criteria shall provide for consultation with affected State and local agencies in the development of the criteria.

(2) The Assistant Administrator for Air, Noise, and Radiation shall incorporate the criteria into a manual for use in performing the audits. He or she shall provide notice in the FEDERAL REGISTER on the availability of the manual and entertain public comment on the manual. He or she shall revise the manual from time to time in consultation with the offices that developed the audit criteria to reflect changes in national priorities.

(b) The manual must identify the specific activities to be audited. The audit must be limited to a review of

the performance of the Stat in implementing and enforcing the Act and the manner in which the State or local agency has complied with the Act, appropriate EPA regulations and policy, and any conditions of a delegation of authority from EPA. The audit must also address the degree to which air pollutant control regulations between adjacent jurisdictions of local and regional governments are incompatible.

(c) At least once annually, each Regional Administrator shall use the audit manual to audit the performance of each State and each local agency that has responsibility under the Clean Air Act.

(d) Within 60 days after the completion of the audit, the Regional Administrator shall provide a draft audit report to the Director of the audited agency. The report must set forth findings and include any instances of inconsistent application of Federal statutes, regulations, and policy, and recommendations for any corrective action required.

(e) Within 30 days after receipt of the draft report, the Director of the audited agency may provide comments to the Regional Administrator.

(f)(1) Within 90 days after submission of the draft audit report to the director of the agency, the Regional Administrator shall provide a final audit report to the EPA Administrator and the following:

(i) For State agencies, the Governor of the State and the director of the State air pollution control agency.

(ii) For local agencies, the chief executive of the government having jurisdiction over the local agency and the director of the local air pollution control agency.

(2) The Regional Administrator shall also publish notice of the availability of the audit report in the FEDERAL REGISTER.

(g) At his or her discretion, the Regional Administrator may perform the audit required under this section with the periodic audit required by EPA grant regulations, except that the audit report required by this section must be prepared as a separate document.

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[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 161h]

FINANCIAL ASSISTANCE FOR ENVIRONMENTAL EDUCATION PROJECTS

Proposed Rules

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rule-making.

SUMMARY: The Commissioner of Education proposes regulations governing grants under the Environmental Education Act of 1978. Grants assist educational projects that improve public understanding of environmental issues as they relate to the quality of life.

The proposed regulations incorporate an amendment to the previous authority governing the program. This amendment permits multi-year funding of projects. The proposed regulations also simplify the current regulations.

DATES: Comments on these proposed regulations must be received on or before April 23, 1979. Written comments are preferred.

ADDRESSES: Comments should be addressed to Ms. Sylvia Wright, Program Officer, Office of Environmental Education, Room 2025, FOB-6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Ms. Sylvia Wright, (202) 245-9231.

SUPPLEMENTARY INFORMATION: The Environmental Education Program provides grants to public and private nonprofit organizations, agencies, and institutions. These grants support developmental, demonstration, and mini-grant projects that improve education about environmental issues and alternative resolutions of those issues.

The Environmental Education Act (Pub. L. 91-516, as amended by Pub. L. 93-278) has been reauthorized by the Education Amendments of 1978, Pub. L. 95-561, Section 301, with only technical amendments. This reauthorization places the Environmental Education Act in Part H of Title III of the Elementary and Secondary Education Act. As a consequence, it is now one of a number of programs grouped under Title III—"Special Projects." All of these programs are being placed together in the Code of Federal Regulations. Accordingly, the Environmental Education Regulations become Part 161h of Title 45 of the Code of Federal Regulations. Because of the inclusion of the Environmental Education Act in Title III of the Elementary and Secondary Education Act: (1) Local educational agencies must afford the public an opportunity to comment on the subject matter of their applications; and (2) local educational agencies and State educational agencies must meet the requirements in Title III of the Elementary and Secondary Education Act for involvement of private schools. The proposed regulations simplify existing regulations and incorporate a new rule for the award of multi-year

grants. Under the multi-year grant provision, projects may be funded on a non-competitive basis after the first year. These grants may support comprehensive projects that have the potential for achieving national demonstration status.

National public and private educational organizations and other interested groups that attended a public meeting held by the Bureau of Elementary and Secondary Education on September 14, 1978 were informed that new regulations for the Environmental Education Program would be developed. Since there were only technical amendments involved, no issues had been identified and no comments have been received.

Since 1973 each Office of Education grant program has been governed by two sets of regulations: the specific program regulations and the OE General Provisions Regulations in 45 CFR Parts 100 through 100d.

As a part of Operation Common Sense, the Department is developing a revision of the OE General Provisions Regulations that will update and clarify administrative and fiscal requirements and will consolidate or eliminate overlapping, duplicative, or inconsistent program regulations. The new regulations will be titled Education Division General Administrative Regulations (EDGAR). These new consolidated regulations will apply to programs in the entire Education Division and will cover a number of subjects not covered in the General Provisions Regulations.

The new regulations will adopt HEW's general grant regulations (45 CFR Part 74) by reference, rather than repeating them verbatim as is currently done in the General Provisions Regulations.

By eliminating duplicative program regulations, EDGAR is expected to make a substantial contribution to the overall simplification of Education Division regulations.

EDGAR will provide consolidated regulations on—

- (1) How to apply for a grant;
- (2) How the Education Division makes grants;
- (3) Conditions that a grantee must meet;
- (4) The administrative responsibilities of a grantee; and
- (5) The compliance procedures of the Education Division.

However, since EDGAR has not yet been published, no cross-references to EDGAR are included in this document. Some provisions that may eventually be included in EDGAR are published in this document either in the text or as an appendix. When EDGAR is issued as final regulations, any overlapping provisions will be removed from these regulations.