including analysis to determine whether full-time positions could be splintered into two or more part-time positions; to including a requirement in the agencywide plan calling for expansion of part-time opportunities not only at entry levels, but also at mid and other levels of employment; to expanding recruitment efforts by including use of publications whose readership is comprised of various groups (e.g., handicapped individuals and women) who might benefit from increased part-time employment opportunities.

Response: These suggestions have merit and are geared to effective implementation of the law. Some relate to practices already in effect, while others are planned for inclusion in internal agency guidance associated with the agencywide plan to be developed. Also, in this early stage of initial implementation of the law, we believe the regulations will best serve the objectives of increased part-time career employment if they are not overly prescriptive. For these reasons, the suggested changes are not incorporated into the regulations.

The regulations are adopted as proposed.

Approved: September 18, 1979.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

Sections 1.891 through 1.897 and a center title are added to read as follows:

Part-Time Career Employment Program

Sec.
1.891 Purpose of program.
1.892 Review of positions.
1.893 Establishing and converting part-time positions.
1.894 Annual goals and timetables.
1.895 Review and evaluation.
1.896 Publicizing vacancies.
1.897 Exceptions.

Part-Time Career Employment Program

§ 1.891 Purpose of program.

Many individuals in society possess great productive potential which goes unrealized because they cannot meet the requirements of a standard workweek. Permanent part-time employment also provides benefits to other individuals in a variety of ways, such as providing older individuals with a gradual transition into retirement, providing employment opportunities to handicapped individuals or others who requires a reduced workweek, providing parents opportunities to balance family responsibilities with the need for additional income, and assisting students who must finance their own education or vocational training. In view of this, the Veterans Administration will operate a part-time career employment program, consistent with the needs of its beneficiaries and its responsibilities.

(5 U.S.C. 3391 note)

§ 1.892 Review of positions.

Positions becoming vacant, unless excepted as provided by § 1.897, will be reviewed to determine the feasibility of converting them to part-time. Among the criteria which may be used when conducting this review are:

(a) Mission requirements.

(b) Workload.

(c) Employment ceilings and budgetary considerations.

(d) Availability of qualified applicants willing to work part time.

(e) Other criteria based on local needs and circumstances.

(5 U.S.C. 3392)

§ 1.893 Establishing and converting part-time positions.

Position management and other internal reviews may indicate that positions may be either converted from full-time or initially established as part-time positions. Criteria listed in § 1.892 may be used during these reviews. If a decision is made to convert to or to establish a part-time position, regular position management and classification procedures will be followed.

(5 U.S.C. 3392)

§ 1.894 Annual goals and timetables.

An agencywide plan for promoting part-time employment opportunities will be developed annually. This plan will establish annual goals and set interim and final deadlines for achieving these goals. This plan will be applicable throughout the agency, but may be supplemented by field stations.

(5 U.S.C. 3392)

§ 1.895 Review and evaluation.

The part-time career employment program will be reviewed through semiannual reports submitted by field stations. Regular employment reports will be used to determined levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews.

(5 U.S.C. 3392)

§ 1.896 Publicizing vacancies

When applicants from outside the Federal service are desired, part-time vacancies may be publicized through various recruiting means, such as:

(a) Federal Job Information Centers.

(b) State Employment offices.

(c) VA Recruiting Bulletins.

(5 U.S.C. 3392)

§ 1.897 Exceptions.

The administrator of Veterans Affairs, or designees, may except positions from inclusion in this program as necessary to carry out the mission of the agency.(5 U.S.C. 3392)

[FR Doc. 79-29684 Filed 9-24-79; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Miscellaneous Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby announces numerous miscellaneous revisions of the Postal Contracting Manual. The amendments will update the manual and make minor, editorial, or technical changes.

EFFECTIVE DATE: July 9, 1979.

FOR FURTHER INFORMATION CONTACT: William J. Jones, (202) 245-4603.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the **Federal Register** (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 28, dated June 9, 1979.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the **Federal Register** as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

1. Sections 1, 7, 8, 9, 16, 18, and 19 have been revised to the extent necessary to bring them into agreement with the June, 1978 revision to Form 7332, General Provisions for Fixed-Price Contracts (Supplies and Services or Research and Development). Section 16 has also been revised to include the June, 1978 revision to Form 7332.

2. Sections 1, 7, 18, and 19 have been revised to incorporate wage and price standards for Postal Service contracts. A program of voluntary wage and price standards was announced by President Carter on October 25, 1978. The President directed that Federal procurement of supplies and services be conducted so as to recognize anti-inflationary efforts and to benefit Federal Contracting by doing business

with those firms which limit wage and price increases. The Postal Service is voluntarily implementing procedures similar to those established for executive agencies to assist the President's anti-inflation program.

3. The remainder of the changes are minor, editorial, or technical in nature.

In consideration of the foregoing, 39 CFR 601.105 is amended by adding the following to § 601.105:

§ 601.105 Amendments to the Postal Contracting Manual.

* * * * *

Amendments to Postal Contracting Manual

Transmittal letter	Dated	Federal Register publication
* * * * *		
28	June 9, 1979	44 FR—

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

W. Allen Sanders,

Acting Deputy General Counsel.

[FR Doc. 79-29713 Filed 9-24-79; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1327-8]

Standards of Performance for New Stationary Sources; General Provisions; Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document makes some editorial changes and rearranges the definitions alphabetically in Subpart A—General Provisions of 40 CFR Part 60. An alphabetical list of definitions will be easier to update and to use.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: The "Definitions" section (§ 60.2) of the General Provisions of 40 CFR Part 60 now lists 28 definitions by paragraph designations. Due to the anticipated increase in the number of definitions to be added to the General Provisions in the future, continued use of the present system of adding definitions by paragraph designations at the end of the list could become administratively cumbersome and could make the list difficult to use. Therefore, paragraph designations are being eliminated and the definitions are rearranged alphabetically. New definitions will be added to § 60.2 of the General Provisions in alphabetical order automatically.

Since this rule simply reorganizes existing provisions and has no regulatory impact, it is not subject to the procedural requirements of Executive Order 12044.

Dated: September 19, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

40 CFR 60.2 is amended by removing all paragraph designations and by rearranging the definitions in alphabetical order as follows:

§ 60.2 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

"Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604, 84 Stat. 1676).

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

"Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

"Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code.

"Commenced" means, with respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Construction" means fabrication, erection, or installation of an affected facility.

"Continuous monitoring system" means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

"Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

"Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

"Isokinetic sampling" means sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

"Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

"Modification" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

"Monitoring device" means the total equipment, required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

"Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

"One-hour period" means any 60-minute period commencing on the hour.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

"Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by the reference methods specified under each applicable subpart, or an equivalent or alternative method.

"Proportional sampling" means sampling at a rate that produces a constant ration of sampling rate to stack gas flow rate.

"Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A to this part.

"Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

"Shutdown" means the cessation of operation of an affected facility for any purpose.

"Six-minute period" means any one of the 10 equal parts of a one-hour period.

"Standard" means a standard of performance proposed or promulgated under this part.

"Standard conditions" means a temperature of 293 K (68°F) and a pressure of 101.3 kilopascals (29.92 in Hg).

"Startup" means the setting in operation of an affected facility for any purpose.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following:

(a) Affected facilities.

(b) Existing facilities.

(c) Facilities of the type for which no standards have been promulgated in this part.

(Sec. 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411 and 7601(a))

[FR Doc. 79-29769 Filed 9-24-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 61

[FRL 1328-1]

National Emission Standards for Hazardous Air Pollutants; General Provisions; Definitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document makes some editorial changes and rearranges the definitions alphabetically in Subpart A—General Provisions of 40 CFR Part 61. An alphabetical list of definitions will be easier to update and to use.

EFFECTIVE DATE: September 25, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5271.

SUPPLEMENTARY INFORMATION: The "Definitions" section (§ 61.02) of the General Provisions of 40 CFR Part 61 now lists definitions by paragraph designations. Due to the anticipated increase in the number of definitions to be added to the General Provisions in the future, continued use of the present system of adding definitions by paragraph designations at the end of the list could become administratively cumbersome and could make the list difficult to use. Therefore, paragraph designations are being eliminated and the definitions are rearranged alphabetically. New definitions will be added to § 61.02 of the General Provisions in alphabetical order automatically.

Since this rule simply reorganizes existing provisions and has no regulatory impact, it is not subject to the procedural requirements of Executive Order 12044.

Dated: September 19, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

40 CFR 61.02 is amended by removing all paragraph designations and by rearranging the definitions in alphabetical order as follows:

§ 61.02 Definitions.

The terms used in this part are defined in the Act or in this section as follows:

"Act" means the Clean Air Act (42 U.S.C. 1857 et seq.).

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

"Commenced" means, with respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Compliance schedule" means the date or dates by which a source or category of sources is required to comply with the standards of this part and with any steps toward such compliance which are set forth in a waiver of compliance under § 61.11.

"Construction" means fabrication, erection, or installation of an affected facility.

"Effective date" is the date of promulgation in the **Federal Register** of an applicable standard or other regulation under this part.

"Equivalent method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

"Existing source" means any stationary source which is not a new source.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any hazardous air pollutant emitted by such source or which results in the emission of any hazardous air pollutant not previously emitted, except that:

(a) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(b) The following shall not be considered a change in the method of operation:

(1) An increase in the production rate, if such increase does not exceed the operating design capacity of the stationary source;

(2) An increase in hours of operation.

"New source" means any stationary source, the construction or modification of which is commenced after the publication in the **Federal Register** of proposed national emission standards for hazardous air pollutants which will be applicable to such source.

"Owner or operator" means any person who owns, leases, operates, controls, or supervises a stationary source.

"Reference method" means any method of sampling and analyzing for an air pollutant, as described in Appendix B to this part.

"Standard" means a national emission standard for a hazardous air pollutant proposed or promulgated under this part.

"Startup" means the setting in operation of a stationary source for any purpose.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant which has been designated as hazardous by the Administrator.

(Sec. 112, 301(a), Clean Air Act as amended (42 U.S.C. 7412 and 7601(a)))

[FR Doc. 79-29768 Filed 9-24-79; 8:45 am]

BILLING CODE 6560-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1624

Prohibition Against Discrimination on the Basis of Handicap

AGENCY: Legal Services Corporation.

ACTION: Final Regulation.

SUMMARY: This regulation implements Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 706, with regard to recipients of funds from the Legal Services Corporation. The Legal Services Corporation was created by Act of Congress, 42 U.S.C. 2996, and is entirely supported by funds provided by Congressional appropriation. The final regulation is intended to insure that federally assisted legal services programs and activities are operated without discrimination on the basis of handicap.

EFFECTIVE DATE: October 25, 1979.

ADDRESS: Legal Services Corporation, 733 15th Street, N.W., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Perle, 202-272-4040.

SUPPLEMENTARY INFORMATION: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of handicap by recipients of federal assistance. Pursuant to Executive Order 11914 (April 29, 1976) the Department of Health, Education, and Welfare was given the responsibility to coordinate the implementation of Section 504 among all federal agencies and departments that dispense federal assistance. On January 13, 1978, H.E.W. issued regulations that defined generally the types of practices forbidden by the Rehabilitation Act and spelled out the responsibilities of federal agencies to implement and enforce Section 504. *See* 45 CFR 85.1-85.58.

The Corporation is not a federal agency or department, and is not required by the Executive Order to issue implementation and enforcement regulations. Corporation-funded programs, however, receive federal financial assistance and are subject to the non-discrimination requirements of Section 504. In addition, the Legal Services Corporation Act requires the Corporation to "insure the maintenance of the highest quality of service * * *," 42 U.S.C. Section 2996(f)(a)(1), and "insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance * * *," 42 U.S.C. Section 2996(f)(a)(3). The Corporation maintains that discriminatory practices by legal services programs interfere directly with the ability of those programs to provide high quality legal assistance in an efficient and effective manner. The Corporation, therefore, has undertaken to ensure that its funds are not used in a manner that discriminates against the handicapped, regardless of the fact that it is not required to do so under Section 504.

A proposed version of Part 1624 was published for notice and comment in the **Federal Register** on April 16, 1979, (44 FR 22482). In response to that proposal the Corporation received comments that covered a variety of issues; often with respect to the same issue some comments suggested that the proposed regulation went too far, while others complained that it did not go far enough. Many of the issues raised by the comments were fully considered in designing the proposed regulation, and are addressed elsewhere in this commentary. In most instances, the Corporation continues in the view that the proposed regulation represented the best resolution of the conflicting viewpoints. Other comments raised issues that were not addressed previously, and some modifications have been made in the regulation to respond to those issues.

In preparing the regulation, the Corporation faced, at the outset, a general, issue concerning the extent to which it should follow the guidelines issued by the Department of Health, Education, and Welfare. *See* 45 CFR 85.1-85.58. Many commentors assumed that the H.E.W. guidelines implementing Section 504 of the Rehabilitation Act are binding on the Corporation, and there remarks are based solely on perceived variations between the proposed regulation and the guidelines. As was emphasized above, however, the Corporation is not a "federal department or agency," and is not required by the Executive Order to issue regulations that conform to the H.E.W. guidelines. However, to the extent that they were applicable to legal services program operations, the Corporation did adopt the spirit and the substance of the H.E.W. guidelines; changes were often made in the specific language of particular provisions suggested by H.E.W. where that language was unclear. Other sections of the guidelines were either inappropriate or inapplicable to legal services practice and were excluded entirely or adapted to the circumstances under which legal services programs operate. The Corporation remains committed to this approach as the best way to advance the goal of consistency among agencies and organizations that enforce Section 504, while recognizing the specific needs of legal services programs.

The remainder of this commentary summarizes and discusses the major issues faced in drafting the final regulation and raised by comments, and notes the more substantial changes made in the regulation.

Section 1624.1—Purpose. This section has been expanded to clarify that the authority for this regulation is premised not only on Section 504, but also on those provisions of the Legal Services Corporation Act that require the Corporation to insure that its grantees provide high quality legal assistance in an efficient and effective manner. In addition, it has been modified to make clear that by promulgation of this regulation the Corporation does not intend to imply that legal services programs are systematically engaged in discriminatory practices against the handicapped. On the contrary, legal services programs have been in the forefront of the fight to establish the rights of handicapped persons, and are generally sensitive to the special problems of handicapped clients. The regulation is designed to provide guidance and assist programs with whatever difficulties they may encounter in their efforts to incorporate handicapped persons fully into their activities.

Section 1624.3—Definitions. The HEW guidelines use the term "recipient" to designate the class of programs covered by the policy. Corporation regulations (45 CFR 1600.1) define "recipient" to include only those "grantees or contractors receiving financial assistance from the Corporation under Section 1006(a)(1)(A) of the Act." This definition excludes some special grantees such as the Delivery Systems Study demonstrations and the Quality Improvement Projects that receive funds for innovative or experimental programs. The HEW definition of "recipient" is much broader, and would include those special grants. Rather than using a different definition for a term