DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 273

Education Contracts Under Johnson-O'Malley Act

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

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is publishing a final rule on the distribution of supplemental funds under the Johnson-O'Malley Act. Public Law 95-561 section 1102(a) required the Secretary of the Interior to develop and publish alternative methods for the equitable distribution of supplemental program funds. This action is to announce that formula #7 has been selected to distribute funds as a result of the run-off vote of the tribes and Alaskan villages.

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT: Rick C. Lavis, Deputy Assistant Secretary, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, (202) 343-7163.

SUPPLEMENTARY INFORMATION: The authority to issue regulations has been redelegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

A proposed rule was published in the **Federal Register**, 44 FR 13042, on Friday, March 9, 1979. Following the publication, hearings were held in Anchorage, Alaska; Minneapolis, Minnesota; Ft. Hall, Idaho; Albuquerque, New Mexico; Sulphur, Oklahoma; San Diego, California; and Nashville, Tennessee. Written comments were received from March 9, 1979, through May 11, 1979. Over 170 comments and testimonies were received through this process.

As a result of the field hearings, testimonies, and written comments, twenty-eight additional formulas were recommended. Based upon those recommendations and preliminary survey of program costs, the Task Force selected eight formulas for the first tribal voting process. The twenty-eight recommended formulas and the comments on the original proposed formulas were used to develop the eight formulas which included: one formula from the original list; a new formula recommeded from the field; and a special weighing factor for small programs.

The vote count was tabulated in the first ballot and no formula received a 51% majority of the votes that were cast. It was therefore determined that a run-off ballot should be conducted between the two formulas that received the most votes. The two formulas were Option 1 and Option 7.

Public Law 95-561, Section 1102(b) requires that the formula which receives 51 percent of the votes by tribes and Alaskan villages be published in the **Federal Register.** Each tribe and Alaskan village, as defined in 25 CFR Part 273.2(g), was allowed one vote. The voting results were tabulated and the count was as follows: Formula 1 received 108 votes of the 281 ballots received (38 percent of ballots cast); Formula 7 received 153 votes (54 percent of the ballots cast); and 20 ballots were determined to be invalid. The distribution formula selected by vote is thus Formula 7.

Task Force members assisted in the development of the originally proposed formulas, conducted the field hearings, reviewed all written comments and testimony, compiled the list of formulas for ballot, counted the votes, and certified the voting on the runoff ballot.

Since this amendment offers an equitable distribution formula of supplemental funds under the Johnson-O'Malley Act, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the **Federal Register** (February 11, 1980).

The primary authors of this document from Task Force Two are chairpersons Maxine Edmo, Bureau of Indian Affairs, Fort Hall, Idaho, telephone number (280) 237-0405 and Benny Atencio, Santa Domingo Pueblo, Santa Domingo, New Mexico, telephone number (505) 465-2240.

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.

Pursuant to the provisions of Public Law 95-561 the following changes are made to 25 CFR Part 273.

1. The authority citation is amended to read:

Authority: 25 U.S.C. 452-456; sec. 202, Pub. L. 93-638, 88 Stat. 2203, and Pub. L. 95-561, sec. 1102 (a) and (b), unless otherwise noted.

2. Section 273.31, Distribution Formula is revised to read as follows:

§ 273.31 Distribution formula.

(a) Funds shall be distributed to eligible contractors based upon the number of eligible Indian students to be served times twenty-five (25%) percent of the higher of the state or national average per pupil operating cost. Notwithstanding any other provisions of the law, federal funds appropriated for the purpose shall be allotted pro rata in accordance with the distribution method outlined in this formula.

(b) The Assistant Secretary may make exceptions to the provisions of paragraph (a) of this section based on the special cultural, linguistic, social or educational needs of the communities involved including the actual cost of education in the community only after consultation with all tribes who may be affected by such exceptions.

Dated: February 5, 1980.

Rick C. Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-4280 Filed 2-8-80; 8:45 am]

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federal register

Monday
February 11, 1980

Part IV

Department of Transportation

Urban Mass Transportation Administration

Bus Rehabilitation Program Policy and Procedures

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 640

[Docket No. 80-A]

Bus Rehabilitation Program Policy and Procedures

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Proposed Policy and Guidelines.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is proposing a policy to give Federal grants to aid in bus rehabilitation projects of mass transit systems. Guidelines to assist in the determination of appropriate eligible bus rehabilitation costs are also being proposed. The purpose of the policy and guidelines is to provide a national funding basis for the bus rehabilitation program and to ensure the prudent use and maximum effectiveness of Federal and local dollars for bus rehabilitation.

DATES: Comments must be received on or before March 27, 1980.

ADDRESS: Comments must be submitted to UMTA Docket No. 80-A, 400 7th Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination in room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, Office of Program Analysis, (202) 472-6997.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Comments received after the expiration of the comment period will be considered to the extent feasible.

The Administration has determined that this regulation is not a significant regulation under the criteria in the DOT Order for Improving Government Regulations (44 FR 11042, February 26, 1979).

A draft Regulatory Evaluation has been prepared for this proposal and has been placed in the public docket, and is available at the address listed above.

Discussion of Proposal and Background

The increasing cost of new buses has led to numerous requests for UMTA to fund the rehabilitation of older buses. This option appears to offer, in some cases, a flexible and cost effective approach to expand bus capacity at this important time.

The value of this approach is evidenced by the fact that some operators have found it productive to undertake bus rehabilitation with 100 percent local funding. In conjunction with local bus stockpiling and fuel shortage contingency plans, bus rehabilitation may offer the opportunity for low-cost preparedness for increased capacity needs in the uncertain years to come. Thus, prudent bus rehabilitation can increase the responsiveness of the transit industry to community needs.

UMTA is proposing to participate in bus rehabilitation projects of 100 buses or 20 percent of the applicant's bus fleet, whichever is less because of the unknown impact on existing bus procurements, especially those affecting smaller transit operations. During the period of this rulemaking, UMTA will consider grants for bus rehabilitation programs on a case-by-case basis utilizing the intent of the proposed regulations as guidance. In an attempt to provide a national funding basis for the bus rehabilitation program, and to ensure the prudent use and maximum effectiveness of Federal and local dollars for bus rehabilitation, UMTA is proposing funding guidelines to assist in the determination of appropriate eligible bus rehabilitation costs. UMTA's initial experience with bus rehabilitation suggests that the capital costs of rehabilitating a bus should not exceed between 50 and 60 percent of the capital cost of a new bus over a twelve year life in order to ensure a worthwhile return on local and Federal investments. While there is no simple procedure with which to judge the worthiness of the bus rehabilitation alternative because of the unique characteristics of each transit operator's needs, the funding guidelines are intended to increase the probability that a worthwhile investment is being made. For example, the 12 year old average amortized cost of a new $105,000 bus would be $8,750. The rehabilitation of a 12 year old bus for 5 years of extended service life should not exceed 60 percent of $8,750 ($5,250) multiplied by 5 years, totalling $26,250. UMTA's share of this total would be $21,000, or 80 percent of $26,250.

In addition, UMTA proposes that a bus' service life be extended to 17 years from the date of the bus' original entry into service but that the rehabilitated life should not be less than 5 years. This, too, is based upon UMTA's intent to prescribe eligibility criteria that will promote and produce cost effective projects. UMTA also proposes that, as a general rule, buses proposed for rehabilitation be at least 12 years old. This general position is made based upon bus manufacturers guidelines and UMTA's experience that buses properly maintained will last from 12 to 15 years before requiring rehabilitation and UMTA's desire that rehabilitation work not substitute for a good local bus maintenance program. However we recognize that extraordinary circumstances may justify a rehabilitation effort for vehicles less than 12 years old, and UMTA will evaluate such efforts on a case by case basis.

This proposed policy is applicable to the following funds administered by UMTA—Discretionary Grant Funds (Section 3); Formula Grant Funds (Section 5); Interstate Transfer funds; and Federal-Aid Urban System funds.

In the interest of making all transit operators, bus manufacturers, and the general public aware of the issues which must be considered in the Federal decision to participate in the bus rehabilitation program on a long term basis, UMTA has decided to issue this statement of proposed policy and solicit comments. UMTA wishes to ensure that transit operators consider bus rehabilitation as an alternative to new bus purchases but realizes that there are many unknown impacts of such a program at the present time. For example, UMTA does not wish the bus rehabilitation program to substitute for or interfere with routine bus maintenance, and will attempt to administer these programs in order to ensure adequate attention to both activities. Additionally, it is not clear what impact, if any, the policy will have on bus manufacturers and suppliers. UMTA's long term policy on bus rehabilitation will depend upon an assessment of the following considerations. Comments on the following factors are specifically requested:

a. The impact of the proposed policy on new bus procurements.

b. The bus rehabilitation capabilities of operators and/or contractors.

c. The life cycle cost of, and unit costs for, rehabilitated buses.

d. The effects of diverse climatic conditions on a national bus rehabilitation program.

e. The ridership attractiveness and operating cost of a rehabilitated bus compared to a new bus.

f. The aggregate cost-effectiveness trade offs between purchasing new buses and rehabilitating older buses.

g. The effects of the bus rehabilitation program upon routine bus maintenance activities.

UMTA believes that transit operators' experience in bus rehabilitation work deserves close attention. In considering the future of Federal participation in, and requirements for the bus rehabilitation program, UMTA wishes to utilize the experience gained by operators through their implementation of this program. Close scrutiny of, and information relating to, the implementation of the bus rehabilitation program considering the following factors are specifically requested by UMTA:

a. Should UMTA require the consideration of bus rehabilitation in lieu of requests for bus replacements or merely encourage it?

b. What is the process that transit operators use to determine whether they have in-house capability to perform bus rehabilitation or whether outside sources must be procured? Is such a locally determined procedure adequate to ensure timely bus rehabilitation work as well as adequate and ongoing routine bus maintenance?

c. How could UMTA ensure that bus rehabilitation is not interfering with or being used as a substitute for routine bus maintenance? Should UMTA require routine bus maintenance and how could UMTA enforce such a requirement? What documentation could UMTA require or what analyses could UMTA perform to ensure the performance of effective routine bus maintenance? What measures could be used? What measures are used locally to ensure adequate bus maintenance? UMTA will evaluate the responses to these questions and its experience to date in order to analyze the need for procedures and technical guidance for routine bus maintenance.

d. What kind of impact on new bus procurements does an extensive rehabilitation program have?

In consideration of the foregoing, it is proposed that a new Part 640 be added to Title 49 of the Code of Federal Regulations to read as follows:

PART 640—BUS REHABILITATION PROGRAM

Authority: 49 U.S.C. 1602 and 1604; 23 U.S.C. 103 and 142; 49 CFR 1.51

§ 640.1 Policy.

The Urban Mass Transportation Administration will participate in the rehabilitation of urban transit buses, subject to the conditions stated in this Part, in order to provide a limited and definitive framework within which to explore the many unknown impacts of an ongoing bus rehabilitation program.

§ 640.3 Applicability.

(a) The bus rehabilitation program applies to standard transit buses that are 35 feet and over.

(b) UMTA will consider funding the rehabilitation of other vehicles, using the requirements of this Part to the extent feasible, on a case-by-case basis.

(c) The guidelines in § 640.5 apply to all bus rehabilitation proposals. However, UMTA will consider the merit of each proposal for funding of bus rehabilitation, and will review proposals on a case-by-case basis if the proposal varies substantially from the guidelines.

§ 640.5 Guidelines.

(a) Buses must be selected for a rehabilitation project in lots based on a common feature that gives reasonable assurance tht they are part of an identifiable group with roughly similar rehabilitation needs (e.g., date of entering service, mileage, visible signs of corrosion).

(b) As a general rule, each bus to be rehabilitated should be at least 12 years old. If a prospective grantee believes that extraordinary conditions or circumstances warrant a proposal to rehabilitate buses that are less than 12 years old, UMTA will review the specific circumstances of such a project on a case-by-case basis, and, in addition to requiring a sound program for the rehabilitation work, will pay particular attention to the grantee's program from routine bus maintenance.

(c) The rehabilitation of a bus is intended to extend its service life to at least seventeen years from the date of the bus' original entry into service, but in no case should the "rehabilitated life" of a bus last less than five years. The extended life of a twelve year old bus should be five years, a fourteen year old bus would have its life extended to nineteen years, an eighteen year old bus would have its life extended to twenty-three years. The extent of UMTA's participation is based upon the number of years a bus' service life is prolonged.

(d) The cost of improvement may not normally exceed sixty percent (60%) of the average annual amortized value of a new bus (based on a twelve year life), multiplied by the number of years the bus life is extended. This formula does not include the retrofit of accessibility features for the handicapped or other improvements which add components to the bus' original specifications (e.g., air conditioning). The addition of new equipment, except accessibility features for the handicapped, should be minimized in keeping with the idea of rehabilitation rather than new capital procurement.

(e) Bus rehabilitation activities may be performed with grantee inhouse capability or such capability may be procured from outside sources, in which case UMTA's normal bid procedures must be followed. However, UMTA expects that bus rehabilitation work will normally be performed by outside resources. A grantee's inhouse capability should be utilized to perform routine bus maintenance. Bus rehabilitation may not be a substitute for routine bus maintenance, and must not in any way interfere with bus maintenance activities.

(f) Bid documents for rehabilitation must require rehabilitation to a performance level commensurate with the bus' original condition, within the limits of readily available parts, and provide a balance between cosmetic and mechanical rehabilitation. Contracts for work must include at least a six month warranty on parts and labor.

(g) Grantees shall have an inspector at the site where bus rehabilitation work is carried out. The inspector will be responsible for final determination of the extent of rehabilitation work to be done. The inspector is also responsible for monitoring the actual rehabilitation work and ensuring that the operator's interests are protected. If the rehabilitation work is done through a contract, the transit property shall have the right to inspect the contractor's project records.

(h) Each rehabilitated bus shall conform to the requirements of 49 CFR 27.67(c) regarding the addition of handicapped accessibility features to renovated vehicles. Such vehicles must, to the extent structurally feasible, be equipped with these features.

§ 640.7 Eligibility criteria.

(a) It is not UMTA's intent that the bus rehabilitation substitute for maintenance activities eligible through UMTA's operating assistance program. UMTA's operating assistance program is the primary source of funds in support of regular operational maintenance.

(b) The need to rehabilitate a bus *is to be determined first on the basis of substantial deterioration of minor structural components.* This determination must be made prior to the approval of supplementary or mechanical improvements. However, buses that exceed 15 years of service life may qualify solely on the basis of major mechanical deterioration.

(c) Applicants must assure UMTA that—

(1) rehabilitation work will be done according to a predetermined timely schedule;

(2) rehabilitated buses will be maintained in good operating condition;

(3) rehabilitated buses will be used in mass transit service through the extended life of the bus as determined by the formula specified in Section 640.5; and

(4) they will undertake bus rehabilitation as a separate and distinct activity from their routine bus maintenance programs.

(d) The assurance required by paragraph (c) will be added to UMTA's standard assurances and may be incorporated into the grant agreement.

(e) If the applicant violates the terms of the assurance or the grant agreement, UMTA may suspend all payments under the bus rehabilitation project or require that the grantee dispose of the property.

(f) The following items are eligible for assistance under the bus rehabilitation program:

(1) Structural Improvements:

(i) Stepwells.

(ii) Wheelwells.

(iii) Minor structural components.

(iv) Exterior panels.

(v) Window sashes.

(vi) Doors.

(vii) Flooring.

(viii) Accessibility features for the handicapped.

(2) Supplementary Improvements:

(i) Seats.

(ii) Electrical wiring.

(iii) Lighting.

(iv) Duct Work.

(v) Signs.

(vi) Control Panels.

(vii) Steering wheel.

(viii) Windows.

(ix) Diver's seat.

(x) Interior sidings.

(xi) Accessibility features for the handicapped.

(3) Mechanical Improvements:

(i) Engine.

(ii) Air compressor.

(iii) Transmission and drive train.

(iv) AC Compressor.

(v) Brake drums.

§ 650.9 Funding determination.

(a) Bus rehabilitation projects are eligible for UMTA capital funds on an 80% Federal/20% local share funding basis.

(b) Amortized project costs over the extended life of a rehabilitated bus may not normally exceed 60% of the 12 year average annual amortized costs of a new bus. This means that bus rehabilitation costs should be averaged over the number of years the bus' life is prolonged. If this average exceeds 60% of the cost of a new bus averaged over 12 years, UMTA may decide not to participate in the excess costs.

(c) UMTA will participate in the additional costs of retrofitting handicapped accessibility features on rehabilitated buses.

(d) Costs associated with the inspector required by § 640.5(h) are eligible projects costs for UMTA funding through the bus rehabilitation program.

§ 650.11 Project requirements.

Grants made under the bus rehabilitation program are subject to all UMTA requirements for capital projects.

(49 U.S.C 1602 and 1604; 23 U.S.C 103 and 142; 49 CFR 1.51)

Dated: February 6, 1980.

Theodore C. Lutz,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 80-4435 Filed 02-08-80; 8:45 am]

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federal register

Monday
February 11, 1980

Part V

Environmental Protection Agency

Pesticides and Toxic Substances; Availability of Funds for Cooperative Agreements With States

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-280003; FRL 1410-5]

Pesticides and Toxic Substances; Availability of Funds for Cooperative Agreements With States

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of funds for cooperative agreements with States.

SUMMARY: EPA announces the availability of funds for a limited number of toxic substances control cooperative agreements during fiscal year 1980. Such funds will be awarded to States for the establishment and operation of projects leading to the prevention or elimination within the States of unreasonable risks to health or the environment which are associated with a chemical substance or mixture and with respect to which the Administrator is unable or is not likely to take action for their prevention or elimination under the Toxic Substances Control Act (TSCA).

EFFECTIVE DATE: February 11, 1980.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460. In Washington, D.C., phone: (202) 554-1404. The toll-free telephone number is 800-424-9065.

SUPPLEMENTARY INFORMATION: Applicants will be eligible for funding only if a priority need is demonstrated, as determined under Office of Pesticides and Toxic Substances guidelines (see below). Eligibility for funding will, in part, be based upon: the seriousness of the human health effects in a State which are associated with chemical substances or mixtures, including cancer, birth defects, and gene mutations; the extent of the exposure in a State of human beings and the environment to chemical substances and mixtures; and the extent to which chemical substances and mixtures are manufactured, processed, distributed, used, and disposed of in a State. Other factors, such as long-term impact, tranferability to other States, likelihood of project success, and potential benefit compared to cost will also be considered.

These cooperative agreements will be subject to the provisions of EPA's general grant regulations (40 CFR Part 30) and to special conditions to be set forth in each agreement signed by the Governor of a State or his duly authorized representative and EPA. Federal assistance will be awarded only once under the present TSCA authorization to each approved applicant. A total of approximately $1.25 million is expected to be available in fiscal year 1980 to fund these cooperative agreements. The State's matching contribution must be at least 25 percent of the total cost of the program.

Information regarding application submission, evaluation criteria, and other pertinent requirements are contained in the document "Office of Pesticides and Toxic Substances Guidelines for State Agencies To Use in Submitting Applications for Financial Assistance for State Toxic Substances Control Projects," set forth below. Applications must be submitted to the Environmental Protection Agency, Grants Administration Division (PM-216), Washington, D.C. 20460, by May 12, 1980 in order to be considered eligible for award. A copy of the application should be sent to the appropriate EPA Regional Office.

Dated: January 30, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Guidelines for State Agencies To Use in Submitting Applications for Financial Assistance for State Toxic Substances Control Projects

I. Purpose

The Office of Pesticides and Toxic Substances (OPTS), under authority of TSCA, will implement a program of financial assistance to states during fiscal year 1980 (FY 80) in the form of cooperative agreements to enable selected States to develop and implement projects to prevent or eliminate unreasonable environmental and health hazards posed by toxic substances. These unreasonable hazards must be of a kind which EPA is unable or not likely to control under TSCA.

II. Eligibility

To be eligible for award of funds under the toxic substances control cooperative agreement program, a State must meet the following criteria (listed in order of importance).

A. *Need.* An applicant must establish a priority "need" based upon evidence of the occurrence or likely occurrence of serious human health effects, including cancer, birth defects, or gene mutation, which are known to be or suspected of being associated with human exposure to chemical substances or mixtures arising from the manufacture, processing, distribution, use and disposal of such substances or mixtures in the State.

Because of the imprecise nature of the data, it is not possible to rank States numerically. Instead, group categories will be established on the basis of apparent need. States demonstrating the greatest need will be given highest priority; those whose demonstrated need is somewhat less will be given a lower priority.

B. *Legislative authority.* A State must have enacted enabling legislation that empowers it to conduct specific activities proposed for the cooperative agreement. In some cases, such legislation may specifically address itself to control of toxic substances. In other cases, legislation may be phrased in more general terms, dealing, for example, with the preservation of public health. The application should, in any event, cite the relevant provisions in State law and regulation.

C. *Program in place.* State organizations or legislation needed to achieve the intended results should exist and be functioning. The application must identify the agency or agencies of the State which will establish or operate, or both, the project(s) for which the application is submitted.

D. *Actions proposed and priorities.* The application must describe in detail the actions proposed to be taken under such project(s), in accordance with these guidelines, and must state the priority for each action. The likelihood of success in implementing the project along proposed lines and the project's potential benefit compared to cost must be demonstrated.

E. *Long-term impact.* The application must establish the potential for long-term beneficial impact on human health and the environment of developing and implementing a toxic substances control program. If a State can demonstrate a potential for transferability of its techniques and approaches to other States, this will be given additional favorable consideration. "Transferability" here denotes the possibility that other States could utilize for their own benefit innovative and/or effective techniques and approaches for better controlling potential hazards to human health and the environment developed as a result of a cooperative agreement between a State and EPA.

F. *Project coordination.* The application must contain satisfactory assurances that such projects will be coordinated with other projects of the State government for environmental for environmental and public health protection.

G. *Public Participation.* Applicants are encouraged to involve the public in proposal development, EPA-funded activities, and strategic and regulatory decision-making.

H. *OMB Circular A–95.* Applicants must comply with all applicable requirements of Office of Management and Budget (OMB) Circular No. A–95 under 40 CFR 30.305.

I. *Reports.* The application must provide for preparing a comprehensive annual progress report which evaluates the progress of the project.

III. Program Activities Included in a Toxic Substances Control Cooperative Agreement

The applicant must demonstrate his plans for solving or alleviating human health and environmental problems associated with toxic substances and mixtures and with respect to which the Administrator is unable or unlikely to take action under TSCA. For example, if exposure to a chemical substance is limited to a particular geographic area, or if action at the State level is more appropriate than Federal action, EPA would be less likely to act. If a question arises with an applicant as to whether EPA is likely to take action against such problems, the applicant should contact OPTS as indicated below for advice.

Cooperative agreement funds shall not be used for pay for clean-up costs or for compensation in payment of damages suffered as a result of a toxic substances problem. Rather, applicants should stress the development of innovative and/or effective techniques for control of toxic substances, as well as new sources of information on problems caused by toxic substances and steps which might be taken to solve or alleviate them. In reviewing applications for cooperative agreements, EPA will, as indicated above, be examining the potential transferability to other States of the techniques and approaches to be developed as a result of the agreements.

Applications must include a statement, signed by the Governor or his duly authorized representative, concerning State plans for continuation of the program activities beyond the period of Federal funding. No additional funding in support of this program beyond fiscal year 1980 will be made available to States without new congressional authorization.

Cooperative agreement program funds may be used to pay salaries and other benefits for persons gathering data, making rules, monitoring, performing analyses, or managing functions related to cooperative agreement activities, and to reimburse personnel travel and per diem expenses that are directly atttributable to the performance of such activities. Program funds may also be used for such costs as purchasing supplies and equipment, including laboratory equipment for monitoring and testing purposes, when these supplies and equipment are an integral part of the funded project. The application should specify the amounts and purposes of the above costs to be charged to the project. In order to provide additional guidance, listed below are brief summaries of awards made to date.

1. Maryland: $230,935 to develop a toxic substances registry. The project will expand Maryland's existing inventory to a more comprehensive registry of toxic substances by physical site and quantity, providing information on manufacture, consumption, and disposal.

2. Michigan: $504,500 to develop a Critical Materials Program. The project will identify potential toxic substances problems through analysis of data available in Michigan's Critical Materials Reports, Air Priority Chemicals Reports, and other sources of information.

3. New Jersey: $453,947 to (a) develop a Toxic Substances Investigation and Integration Unit, and (b) expand a current project to monitor volatile organic compounds in air. The former project will create a unit charged with identifying, investigating, and resolving toxic substances problems, and with integrating problem-solving activities across divisional and agency lines. The latter program is to complement a present program for air monitoring for toxic substances with analyses of air samples for a broad spectrum of volatile organics.

4. New York: $348,000 to develop a program to identify, characterize, and plan for the management of toxic substances problems. The project will determine optimum procedures for locating sources of toxic substances contamination, defining the nature and extent of the problem, and developing management techniques that will integrate State and local governments' responsibilities in a manner consistent with Federal programs.

5. Wisconsin: $202,847 to study health problems related to formaldehyde vapors emanating from mobile home construction materials. The project will identify, through epidemiological studies, health problems related to formaldehyde vapors emanating from mobile home construction materials. Wisconsin's effort will complement a Massachusetts study of problems related to formaldehyde vapors from insulation materials.

For further guidance and for assistance in proposal development, States are encouraged to contact their EPA Regional Toxic Substances Coordinator. (listed below)

Mr. Robert Dangel, Toxic Substances Coordinator, EPA Region I, Pesticide Branch, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617) 223–0585.

Mr. Wolfgang Brandner, Toxic Substances Coordinator, EPA Region VII, Pesticide Branch, 324 East 11th Street, Kansas City, Missouri 64106 (816) 374–3036.

Mr. Mike Bonchonsky, Toxic Substances Coordinator, EPA Region II, 26 Federal Plaza, New York, New York 10007 (212) 264–4296.

Mr. Chuck Sapp, Toxic Substances Coordinator, EPA Region III, Pesticide Branch, Curtis Building, 6th & Walnut Street, Philadelphia, Pennsylvania 19106 (215) 597–4058.

Mr. Ralph Jennings, Toxic Substances Coordinator, EPA Region IV, Pesticide Branch, 345 Courtland Street, NE, Atlanta, Georgia 30308 (404) 881–3864.

Mr. Karl Bremer, Toxic Substances Coordinator, EPA Region V, Pesticide Branch, 230 South Dearborn Street, Room 1165, Chicago, Illinois 60604 (312) 353–2291.

Mr. Dean Gillam, Toxic Substances Coordinator, EPA Region VIII, Pesticide Branch, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837–3926.

Mr. Kirby Narcisse, Toxic Substances Coordinator, EPA Region IX, Pesticide Branch, 215 Fremont Street, San Francisco, California 94105 (415) 556–4606.

Mr. Jim Everts, Toxic Substances Coordinator, EPA Region X, Pesticide Branch, 1200 6th Avenue, Seattle, Washington 98101 (206) 442–1090.

Dr. Norman Dyer, Chief, Pesticides and Hazardous Materials, EPA Region VI, Pesticide Branch, First International Building, 1201 Elm Street, Dallas, Texas 75207 (214) 767–2734.

IV. Program Period

In planning their project(s), applicants should bear in mind that cooperative agreement funds do not have to be disbursed in their entirety within fiscal year 1980. However, EPA expects that all such funds will be disbursed within a three-year period following award of the cooperative agreement, with the understanding that the awards will not be repeated under the present TSCA authorization.

V. Cost Sharing

The States shall provide at least 25 percent of the approved project costs. The State's share may be reflected in allowable direct or indirect costs.

VI. Submissions of Applications

Applications for Federal assistance may be submitted by State agency(ies) responsible for State activities in the toxic substances control area. States interested in receiving toxic substances control cooperative agreements should submit EPA Form 5700-33, Application for Federal Assistance, to the Environmental Protection Agency, Grants Administration Division (PM-216), 401 M Street SW., Washington, D.C. 20460, by May 12, 1980 in order to be considered eligible for award. The application should be entitled "Toxic Substances Cooperative Agreement". A copy of the application should be sent to the appropriate EPA Regional Office. States submitting applications after this date may jeopardize their chances of receiving toxic substances control cooperative agreement funds.

VII. EPA Actions on Applications

A review panel will be constituted at EPA Headquarters with Regional Office representation. This panel will initially review all applications submitted by May 12, 1980, and will make a final recommendation as to which States will receive awards within 120 days following the submission deadline; the final decision by the Assistant Administrator for Pesticides and Toxic Substances will be made within 30 days following receipt of the panel's recommendations. It is anticipated that the number of cooperative agreements to be funded under this program will be between 3 and 5. Except in unusual circumstances, the amount of each cooperative agreement is expected to be between $50,000 and $500,000. Funding will be based strictly on merit as determined in accordance with the eligibility criteria as set forth above. Awards will be transmitted to States within 45 days following final determination.

The awards will be made by EPA Headquarters. However, the Regional Administrator or his designee will serve as Project Officer for the administration of the cooperative agreement and will be responsible for overseeing State performance. Further information concerning toxic substances control cooperative agreements may be obtained by contracting the appropriate EPA Regional Office or the Office of Pesticides and Toxic Substances (PTS-793), EPA, 401 M Street, SW., Washington, D.C. 20460. The OPTS contact is Bob Janney, telephone 202-426-1800.

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