determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form.

Accordingly, Part 368 of the *Export Administration Regulations* (15 CFR 368) is amended by revising § 368.1(a)(2)(i)(*c*) and § 368.1(a)(2)(ii) to read as follows:

§ 368.1 Effect of regulations.

(a) * * *

(2)(i) * * *

(*c*) by agreement with the U.S. Treasury Department for commodities on the U.S. Munitions List (22 CFR Part 121) that do not appear on the more limited U.S. Munitions Import List (27 CFR 47.21).

(ii) *Treasury Department.* The U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20224, administers similar procedures with respect to arms, ammunition, and implements of war as enumerated in the U.S. Munitions Import List (27 CFR 47.21).

* * * * *

(Secs. 13, 15 and 21 Pub. L. 96-72, 93 Stat. 503, to be codified at 50 U.S.C. App. 2401 *et seq.*; Department Organization Order 10-3, 45 FR 6141 (January 25, 1980); and Department Organization Order 41-1, 45 FR 11862 (February 22, 1980))

Dated: June 10, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-18045 Filed 6-13-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Ch. II

Controlled Substances in Emergency Kits for Long Term Care Facilities

AGENCY: Drug Enforcement Administration.

ACTION: Statement of policy.

SUMMARY: This policy provides the individual state licensing and regulatory boards with general guidelines under which they may, in trun, promulgate specific rules for the use and handling of controlled substances utilized in emergency kits at Long Term Care Facilities. This course of action should improve health care services to such patients and decrease the quantities of controlled substances which might otherwise accumulate at Long Term Care Facilities.

EFFECTIVE DATE: June 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, 1405 I Street, Northwest, Room 518, Washington, D.C. 20537, Telephone Number (202) 633-1321.

SUPPLEMENTARY INFORMATION: On April 3, 1980, the Administrator of the Drug Enforcement Administration issued a Statement of Policy (45 FR 24128, April 9, 1980) which proposed general guidelines by which the individual state licensing and regulatory boards may promulgate specific rules for the use and handling of controlled substances in emergency kits at Long Term Care Facilities.

The Notice requested that responsive comments and objections be submitted to DEA on or before May 12, 1980. A total of five responses were received all in support of the Statement of Policy. Two of these respondents offered the following comments:

A private firm which operates several Long Term Care Facilities suggested that the DEA more forcefully encourage the individual states to approve the placement of controlled substances in emergency kits at Long Term Care Facilities. The DEA considered this suggestion and determined that it would not be appropriate for the DEA to prevail upon the individual states in matters involving the health care delivery systems as the responsibility for determining the medical needs at Long Term Care Facilities remains a state function and responsibility.

The second comment was received from the Commonwealth of Pennsylvania, Department of Health suggesting that the guidelines include quantity limitations and identification of the controlled substances which would be permitted to be utilized in these emergency kits. In response to this suggestion, the DEA wishes to emphasize that the Statement of Policy was intended to set forth minimum guidelines for the states to consider in the establishment of rules for the use of controlled substances in emergency kits and that the guideline set forth in paragraph (b) of the Statement of Policy would be sufficient. The DEA encourages the individual states to adopt more stringent guidelines as they find necessary to effectively monitor emergency kit use of these substances in Long Term Care Facilities.

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) as delegated by 28 CFR 0.100 to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that this Statement of Policy be placed into effect as follows:

Statement of Policy: The placement of emergency kits containing controlled substances in Long Term Care Facilities (LTCF) not registered with DEA shall be deemed to be in compliance with the Comprehensive Drug Abuse Prevention and Control Act of 1970, if the appropriate state agency or regulatory authority specifically approves such placement and promulgates procedures which delineate:

A. The source from which a LTCF may obtain controlled substances for emergency kits. The source of supply must be a DEA registered hospital/clinic, pharmacy or practitioner.

B. Security safeguards for each emergency kit stored in the LTCF which include the designation of individuals who may have access to the emergency kits and a specific limitation of the type and quantity of controlled substances permitted to be placed in each emergency kit.

C. Responsibility for proper control and accountability for such emergency kits within the LTCF to include the requirement that the LTCF and the providing DEA registered hospital/clinic, pharmacy or practitioner maintain complete and accurate records of the controlled substances placed in the emergency kits the disposition of these controlled substances plus the requirement to take periodic physical inventories.

D. The emergency medical conditions under which the controlled substances may be administered to patients in the LTCF to include the requirement that medication be administered by authorized personnel only as expressly authorized by an individual practitioner and in compliance with the provisions of 21 CFR 1306.11 and 21 CFR 1306.21.

E. Prohibited activities which can result in the state revocation, denial, or suspension of the privilege of having or placing emergency kits, containing controlled substances, in LTCF.

No further comments or objections were received, nor were there any requests for a hearing.

Dated: June 6, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-18080 Filed 6-13-80; 8:45 am]

BILLING CODE 4410-09-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1611, 1612, 1613, 1615, 1617, 1619, and 1621

Selective Service Regulations: Administration of Registration; Revised Procedures

AGENCY: Selective Service System.

ACTION: Regulations pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)).

SUMMARY The Selective Service System is amending Selective Regulations (32 CFR Chapter XVI) to provide revised procedures for the administration of registration in the event that the President issues his Proclamation directing that registration be conducted.

DATES: Comment Date: Written comments received on or before July 16, 1980 will be considered in accord with section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)).

EFFECTIVE DATE: Subject to the comments received, in the absence of substantive changes the amendments will become effective upon republication in the **Federal Register** not earlier than July 18, 1980.

ADDRESS: Selective Service System, Attn: General Counsel, 600 E Street, NW., Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, 600 E Street, NW., Washington, D.C. Phone: (202) 724-0895.

SUPPLEMENTARY INFORMATION: These amendments to Selective Service Regulations are published pursuant to section 13(b) of the Military Selective Service Act, (50 U.S.C. App., section 463(b)), and Executive Order 11623. These Regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 *et seq.)*.

The amendments are:

Amendments to Selective Service Regulations

32 CFR Chapter XVI

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER [Revoked]

PART 1612—REGISTRATION DUTIES [Revoked]

PART 1613—REGISTRATION PROCEDURES [Revoked]

1. Parts 1611, 1612, and 1613 are revoked.

2. Part 1615 is established to read as follows:

PART 1615—ADMINISTRATION OF REGISTRATION

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.* and Executive Order 11623.

§ 1615.1 Registration.

(a) Registration under selective service law consists of (1) completing of the Registration Card prescribed by the Director of Selective Service by a person required to register and (2) the recording of the information furnished by the registrant on his Registration Card in the records (master computer file) of the Selective Service System. Registration is completed when both of these actions have been accomplished.

(b) The Director of Selective Service will furnish to each registrant a verfication notice that includes a copy of the information pertaining to his registration that has been recorded in the records of the Selective Service System together with a correction form. If the information is correct, the registrant should take no action. If the information is incorrect, the registrant should forthwith furnish the correct information to the Director of Selective Service. If the registrant does not receive the verification notice within 90 days after he completed a Registration Card, he shall advise in writing the Selective Service System, 600 E Street, NW., Washington, D.C. 20435, of the applicable facts.

§ 1615.2 Responsibility of Director of Selective Service in registration.

Whenever the President by proclamation or other public notice fixes a day or days for registration, the Director of Selective Service shall take the necessary steps to prepare for registration and, on the day or days fixed, shall supervise the registration of those persons required to present themselves for and submit to registration. The Director of Selective Service shall also arrange for and supervise the registration of those persons who present themselves for registration at times other than on the day or days fixed for any registration.

§ 1615.3 Registration procedures.

Persons required by selective service law and the Proclamation of the President to register shall be registered in accord with procedures prescribed by the Director of Selective Service.

§ 1615.4 Duty of persons required to register.

A person required by selective service law to register has the duty

(a) to complete the Registration Card prescribed by the Director of Selective Service and to record thereon his name, date of birth, sex, Social Security Account Number (SSAN), current mailing address, permanent mailing address, telephone number, date signed, and signature; and

(b) to submit for inspection evidence of his identity at the time he submits his completed Registration Card to a person authorized to accept it. Evidence of identity may be a birth certificate, motor vehicle operator's license, student's identification card, United States Passport, or a similar document.

§ 1615.5 Persons not to be registered.

No person who is not required by selective service law or the Proclamation of the President to register shall be registered.

§ 1615.6 Selective service number.

Every registrant shall be given a selective service number.

§ 1615.7 Evidence of registration.

The Director of Selective Service shall issue to each registrant written evidence of his registration. The Director of Selective Service will replace that evidence upon written request of the registrant, but such request will not be granted more often than once in any period of six months.

§ 1615.8 Cancellation of registration.

The Director of Selective Service may cancel the registration of any particular registrant or of a registrant who comes within a specified group of registrants.

PART 1617—REGISTRATION CARD [REVOKED]

PART 1619—CANCELLATION OF REGISTRATION [REVOKED]

PART 1621—PREPARATION FOR CLASSIFICATION

§§ 1621.2 and 1621.3 [Revoked]

3. Parts 1617 and 1619 and §§ 1621.2 and 1621.3 are revoked.

Bernard Rostker,
Director.
June 12, 1980.

[FR Doc. 80-18170 Filed 6-13-80; 8:45 am]
BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1490-5]

Missouri; Revision of Air Quality Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA approves variances for the Union Electric Company Labadie power plant, River Cement Company, and the Monsanto Company Queeny Plant K-Street boiler. These variances (compliance schedules) granted by the Missouri Air Conservation Commission (MACC), and submitted to EPA on July 2, 1979, require all three plants to meet a revised opacity limit. The Labadie plant is also required to meet a revised mass emission limit.

The Labadie and River Cement plants are located in areas which are designated attainment for total suspended particulate matter (TSP) at 40 CFR Part 81. The Monsanto Queeny plant is in a TSP primary nonattainment area. Emissions from these three plants are found to have no adverse impact on reasonable further progress (RFP) in the St. Louis TSP nonattainment area. The EPA believes the variances (compliance schedules) will not prevent or interfere with attainment or maintenance of the TSP standards in the nonattainment area, and will not consume any prevention of significant deterioration (PSD) increment in the attainment areas.

DATES: The approval of these variances is effective as of July 16, 1980.

ADDRESSES: Copies of these variances are available at the following locations:

Environmental Protection Agency
Region VII
324 East 11th Street
Kansas City, Missouri 64106

Environmental Protection Agency
Public Information Reference Unit
401 M Street, S.W.
Washington, D.C. 20460

Missouri Department of Natural Resources
2010 Missouri Boulevard
Jefferson City, Missouri 65101

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at 816-374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: The variances require these three plants to comply with the 20 percent opacity requirements of Missouri Rule 10 CSR 10-5.090, revised from 40 percent. No increased emissions above that required by Rule 10 CSR 10-5.090 prior to its revision will be allowed during the terms of the variances. The purpose of the variances is to allow the companies sufficient time to design and install control equipment to meet the more stringent requirements of Rule 10 CSR 10-5.090 as revised.

In addition to meeting the opacity requirement, the Labadie power plant is required to come into compliance with the mass emission rate contained in Rule 10 CSR 10-5.030 which was revised from 0.18 lb/million BTU to 0.12 lb/million BTU of heat input.

One comment was received in response to the proposal. This comment supported the proposed approval of the Labadie power plant variance.

A more complete discussion of the terms of the compliance schedules and the rationale for their approval can be found in Notice of Proposed Rulemaking, published on January 25, 1980, at 45 FR 6121. The rationale in the proposal is incorporated by reference in this notice.

ACTION: The EPA approves the variances (compliance schedules) for the Union Electric Company Labadie power plant, River Cement Company, and the Monsanto Company Queeny Plant K-Street boiler.

Under the Executive Order 12044, EPA is required to judge whether or not a regulation is "significant" and therefore subject to the procedural requirements of that order, or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". EPA has determined that this is a specialized regulation and not subject to the procedural requirements of Executive Order 12044.

This rulemaking is issued under section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: June 9, 1980.

Douglas M. Costle,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding paragraph (c)(17) as follows:

§ 52.1320 Identification of Plan

* * * * *

(c) The plan revisions listed below were submitted on the dates specified:

* * * * *

(17) On July 2, 1979, the Missouri Department of Natural Resources submitted variances (compliance schedules) for Union Electric Company's Labadie power plant, River Cement Company, and Monsanto Company's Queeny plant. The compliance schedules require these sources to comply with revised Rule 10 CSR 10-5.090. In addition, the Labadie power plant is required to come into compliance with Rule 10 CSR 10-5.030.

2. Section 52.1335 is amended by adding the following compliance schedules to the end of the existing list in § 52.1335(a):

§ 52.1335 Compliance Schedules

* * * * *

Source	Location	Regulations involved	Date adopted	Effective date	Final completion date
Union Electric Labadie power plant	Labadie	10 CSR 10-5.090, 10 CSR 10-5.030.	June 20, 1979	30 days from date of publication.	Mar. 1, 1984.
Monsanto Company Queeny Plant K-Street boiler	St. Louis	10 CSR 10-5.090	Sept. 20, 1978	30 days from date of publication.	Dec. 31, 1981.
River Cement Company	Jefferson County	10 CSR 10-5.090	June 20, 1979	30 days from date of publication.	June 30, 1981.

[FR Doc. 80-18056 Filed 6-13-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1515-4]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) announces today final approval of specific revisions to the Minnesota State Implementation Plan (SIP). The revisions are transportation control plans for the City of Duluth (St. Louis County), and the urbanized areas of Rochester (Olmsted County) and Minneapolis-St. Paul (Anoka, Washington, Hennepin, Ramsey, Carver, Dakota and Scott Counties). The purpose of these revisions is to implement measures designed to attain and maintain in these areas the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), as expeditiously as practicable but not later than December 31, 1982.

EFFECTIVE DATE: This final rulemaking becomes effective on June 16, 1980.

ADDRESSES: Copies of these SIP revisions, public comments on the Notice of Proposed Rulemaking (44 FR 67675), and USEPA's evaluation and response to comments are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Region V Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 886-6035.

SUPPLEMENTARY INFORMATION: On March 3, 1979 (44 FR 8962), pursuant to the requirements of section 107 of the Clean Air Act as amended in 1977, USEPA designated the following areas as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide: the Cities of Duluth, Rochester, St. Louis and the Twin Cities urban area (Anoka, Washington, Hennepin, Ramsey, Carver, Dakota and Scott Counties).

Part D of the Act added by the 1977 Amendments requires that each state revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but no later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987.

For each of these designated nonattainment areas the Minnesota Pollution Control Agency (MPCA) proposed a revision to the SIP. The proposed revision for the St. Cloud Metropolitan Area was submitted on May 17, 1979, and for the other three areas on July 3, 1979 and July 27, 1979.

The proposed revisions consist of transportation control plans (TCPs). These TCPs contain provisions for the development and implementation of such programs as: Improved traffic signalization, expanded car-van pooling, improved traffic flow and improved public transit. The State demonstrated that the implementation of the TCP programs will result in reductions in the carbon monoxide levels sufficient to ensure attainment of the CO NAAQS by December 31, 1982.

USEPA evaluated the adequacy of the proposed revisions using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 **Federal Register** (44 FR 20372) the "USEPA-USDOT Guideline for Air Quality—Transportation Plans", and the Office of Transportation and Land Use Policy "Checklist for Transportation SIP's."

In the July 2, 1979 **Federal Register** (44 FR 3858), the USEPA proposed approval of the St. Cloud Metropolitan Area TCP as a revision to the SIP. Final approval of this SIP revision was published in the December 13, 1979 **Federal Register** (44 FR 72116) with an effective date of December 13, 1979.

In the November 27, 1979 **Federal Register** (44 FR 67675), USEPA proposed rulemaking on the TCPs developed for the Twin Cities, Duluth and Rochester Metropolitan Areas. In that **Federal Register**, USEPA noted that specific portions of each TCP did not meet all of the requirements for a Part D SIP revision. USEPA proposed to approve the TCP for the Duluth and Rochester Area and the CO component of the TCP for the Twin Cities if during the public comment period the State adequately corrected the specified deficiencies. A sixty day public comment period was provided for interested parties to submit written comments on the proposed revisions or on USEPA's proposed approval.

The public comment period ended on January 28, 1980. During that time the USEPA recieved comments only from the State of Minnesota. Additionally, after the close of the public comment period, the USEPA received a comment from the U.S. Department of Transportation—Federal Highway Administration (USDOT-FHWA). The comments from the State and USDOT-FHWA, as well as USEPA's response, are summarized below.

I. Reporting of Progress Requirements (Duluth, Rochester, and Minneapolis-St. Paul TCPs)

One of the requirements for an approvable TCP is that it include a procedure for performing an annual evaluation of the consistency and conformity of the TCP with the SIP. In the November 27, 1979 **Federal Register**, the USEPA noted that the TCPs for each of the three metropolitan areas did not include such procedures. Therefore, USEPA stated that for the individual TCPs to be approvable as revisions to the SIP, the State needed to submit to USEPA during the public comment period the procedures for the annual evaluation process for each metropolitan area's TCP.

Commentor—On January 30, 1980, the USEPA received a letter from USDOT-FHWA. In this letter USDOT-FHWA expressed the concern that approval by USEPA of the procedures for the annual evaluation of consistency/conformity of the TCPs with the SIP may be interpreted by the public as an approval of these procedures to meet the FHWA requirements of 23 U.S.C. 109(j).

USEPA's Response—USEPA recognizes that the procedures are intended to meet the requirements of both 176(c) of the Clean Air Act (Act) and 109(j) of 23 U.S.C. 109(j). Approval of these procedures in this rulemaking satisfies section 2176(c) of the Act. USEPA's approval is not intended to change any FHWA requirements.

State's Response—On January 25, 1980, the State submitted its procedure to be used in the annual consistency/conformity determination process for these three urbanized areas. The procedure utilizes portions of USEPA and DOT guidance and the Region V USEPA-FHWA-UMTA Standard Operating Procedures of November 1978. The Minnesota procedure was developed with input from the FHWA-Minnesota Division, the Minnesota DOT and the local metropolitan planning organizations (MPOs).

USEPA's Response—The USEPA has reviewed the procedures submitted by the State for each metropolitan area's TCP and has determined that they are sufficient to correct the deficiency.

II. Implementor Commitment Requirements (Duluth and Minneapolis-St. Paul TCPs)

A. Duluth Metropolitan Area TCP

In the November 27, 1979 **Federal Register**, the USEPA noted that the Duluth Metropolitan Area TCP did not contain a commitment from the Minnesota DOT to implement a strategy for which it is responsible. This strategy is for the synchronization of the traffic signals on 3rd Street to maintain a progressive flow of traffic.

State's Response—Included in the State's January 25, 1980 response was a copy of a letter dated January 8, 1980 from the Minnesota DOT. In the January 8, 1980, letter the Minnesota DOT formally committed itself to provide funding for the completion of the project during the 1980 construction season.

USEPA's Response—USEPA has reviewed the letter from the Minnesota DOT and has determined that it satisfies the deficiency noted in the Implementor Commitment portion of the Duluth TCP.

B. Minneapolis-St. Paul Metropolitan Area TCP

USEPA stated in the November 27, 1979 **Federal Register** that the Minneapolis-St. Paul TCP did not contain the necessary commitments from the City of Minneapolis and the Metropolitan Transit Commission (MTC) to implement specific strategies listed in the TCP. In particular, the City of Minneapolis had not committed itself to the development of Hennepin and First Avenue North as one-way pairs. Additionally, MTC had not committed itself to implement certain transit improvements and other projects specified in the TCP as their responsibility.

State's Response—In the January 25, 1980, letter the State submitted a copy of a Minneapolis City ordinance passed on December 4, 1979. This ordinance approves the implementation of the one-way pair project on a time frame that ensures emission reductions will occur prior to December 31, 1982. Additionally, the State included an MTC report and explanatory material from the Metropolitan Council. This material indicates that the MTC is currently implementing projects identified in the TCP.

USEPA's Response—USEPA has reviewed the Minneapolis City ordinance and the supplementary information submitted by the MTC and the Metropolitan Council and has determined that the deficiencies noted in the November 27, 1979 **Federal Register** for the Implementor Commitments portion of the Minneapolis-St. Paul TCP have been adequately corrected.

III. Technical Assessments Requirements (Minneapolis-St. Paul TCP)

In the Minneapolis-St. Paul TCP the State indicated that a small percentage of total carbon monoxide emissions was attributed to stationary sources. In the carbon monoxide emissions inventory however, the State did not quantify the amount of these emissions. USEPA noted in the November 27, 1979 **Federal Register**, that without the quantification of the stationary source emissions the carbon monoxide emissions inventory was incomplete and an accurate assessment of the adequacy of the TCP could not be completed.

State's Response—Along with the January 25, 1980 letter the State submitted data which indicate that the total contribution of carbon monoxide from stationary sources in the Minneapolis-St. Paul Metropolitan Area is only 62 tons per year (TPY).

USEPA's Response—The data submitted by the State corrects the deficiency noted by USEPA. USEPA believes that the stationary source contribution of carbon monoxide is minimal and that the carbon monioxide reductions predicted in the TCP will be sufficient to attain the carbon monoxide NAAQS in the Minneapolis-St. Paul nonattainment area by December 31, 1982.

As discussed above the USEPA has reviewed the State's response to the November 27, 1979 **Federal Register** and has determined that the State has adequately corrected the deficiencies noted in the Rochester, Duluth and Twin Cities Metropolitan Area TCPs. Therefore, USEPA has determined that these TCPs, proposed as revisions to the SIP, now satisfy the requirements of the Clean Air Act for transportation portions of a SIP.

Having determined that these TCPs satisfy the requirements of the Clean Air Act, the Administrator approves these revisions to the Minnesota SIP. The Rochester, Duluth and Minneapolis-St. Paul Metropolitan Area must attain and continue to maintain the carbon monoxide NAAQS by December 31, 1982. USEPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the Clean Air Act will be lifted from the State of Minnesota. These restrictions are imposed for failure to have a State Implementation Plan which meets the requirements of Part D after the final date for SIP approval specified in the Act. USEPA has determined that these revisions to the Minnesota State Implementation Plan meet the requirements of Part D for carbon monoxide nonattainment areas. Therefore it would be contrary to the public interest to continue the restrictions on industrial growth in these carbon monoxide nonattainment areas for thirty days after the publication of this notice (July 16, 1980).

The 1978 edition of 40 CFR Part 52 lists in the subpart for each state the applicable deadlines for attaining ambient standards (attainment dates) required by section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadline required by section 172(a) of the Act, the new deadlines will be substituted on the attainment date charts. The earlier attainment dates under section 10(a)(2)(A) will be referenced in a footnote to the charts. Sources subject to plan requirements and deadlines established under section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new section 172 plan requirements.

Congress established new deadlines under section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. If these new deadlines were permitted to supersede the deadlines established prior to the 1977 Amendments, sources that failed to comply with pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply only to new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air

quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D.

(123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement fully Congress' intention that sources remain subject to pre-existing plan requirements, sources, cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, EPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a section 172 plan imposes new, more stringent control requirements that are incompatable with controls required to meet the pre-existing regulations, the pre-existing requirements and deadlines may be revised if a State makes a case-by-case demonstration that a relaxation or revocation is necessary. Any such exemption granted by a State will be reviewed and acted upon by USEPA as a SIP revision. In addition, as discussed in the April 4, 1979 **Federal Register** (44 FR 20373), an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

Under Executive Order 12044, USEPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Dated: June 9, 1980.

Douglas Costle,

Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52, is amended as follows:

1. Section 52.1220(c) is amended by adding new subparagraph (15) to read as follows:

§ 52.1220 Identification of Plan

* * * * *

(c) * * *

(15) Transportation control plans for the Metropolitan Areas of Duluth, Rochester and Minneapolis-St. Paul were submitted on July 3, 1979 and July 23, 1979 by the Minnesota Pollution Control Agency.

2. Section 52.1223 is revised to read as follows:

§ 52.1223 Approval Status.

With the exceptions set forth in this subpart, the Administrator approves Minnesota's plans for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

3. Section 52.1226 is revised to read as follows:

§ 52.1226 Attainment Dates for National Standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Minnesota's plan except where noted.

Air quality control region and nonattainment area	TSP		SO_2		NO_x	CO	O_3
	Primary	Secondary	Primary	Secondary			
Central Minnesota Interstate (AQCR-127):							
a. Primary/Secondary Nonattainment Areas	*j*	h	h	h	h	f	*j*
b. Remainder of AQCR	c	*a*	d	d	d	d	d
Southeast Minnestoa-Lacrosse (Wisconsin Interstate (AQCR-128):							
a. Primary/Secondary Nonattainment Areas	h	i	*j*	h	h	f	*j*
b. Remainder of AQCR	c	*a*	*a*	*a*	d	d	d
Duluth (Minnesota)-Superior (Wisconsin) Interstate (AQCR-129):							
a. Primary/Secondary Nonattainment Areas	h	i	h	h	h	f	*j*
b. Remainder of AQCR	*a*	*a*	c	*a*	d	d	d
Metropolitan Fargo (North Dakota)-Moorhead (Minnesota) Interstate (AQCR-130):							
a. Primary/Secondary Nonattainment Areas	h	h	h	h	h	h	h
b. Remainder of AQCR	c	*a*	d	d	d	d	d
Minneapolis-St. Paul Interstate (AQCR-131)	*j*	*j*	*j*	h	h	*f*	*j*
Northwest Minnesota Interstate (AQCR-132):							
a. Primary/Secondary Nonattainment Areas	h	i	h	h	h	h	h
b. Remainder of AQCR	c	*a*	d	d	d	d	d
Southwest Minnesota Intrastate (AQCR-133)	d	d	d	d	d	d	d

a. July 1975.
b. 5 years from plan approval or promulgation.
c. Air quality levels presently below primary standards or area is unclassifiable.
d. Air quality levels presently below secondary standards or area is unclassifiable.
e. Transportation and/or land use control strategy to be submitted no later than April 15, 1978.
f. December 31, 1982.
g. December 31, 1987.
h. Not applicable.
i. 18-month extension granted.
j. Attainment dates to be specified in the future.

NOTE.—For actual nonattainment designations, refer to 40 CFR Part 81.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1226 (1978).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Scholarships for First-Year Students of Exceptional Financial Need

AGENCY: Public Health Service, HHS.

ACTION: Final regulations.

SUMMARY: These regulations govern the award of grants to health professions schools for scholarships for full-time first-year students of exceptional financial need. The regulations will implement provisions of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1967.

EFFECTIVE DATE: These regulations are effective June 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Alice Swift, Associate Director for Planning, Evaluation, and Legislation, Division of Health Professions Training Support, Bureau of Health Professions, Health Resources Administration, 3700

East-West Highway, Center Building, Room G-66, Hyattsville, Md. 20782 (telephone 301-436-6788).

SUPPLEMENTARY INFORMATION: In the Federal Register of August 22, 1978 (43 FR 37199), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, added Subpart OC entitled, "Scholarships for First-Year Students of Exceptional Financial Need" to part 57 of Title 42 of the Code of Federal Regulations.

These regulations implemented section 758 of the Public Health Service Act (the Act).

Section 758 authorizes the Secretary to make grants to public or private nonprofit schools of medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, or veterinary medicine for scholarships to be awarded by the individual schools to full-time first-year students of exceptional financial need. As required by statute, the regulations give preference in funding to schools of medicine, osteopathy, and dentistry.

Due to the need to implement requirements for the allocation of funds for the 1978–79 school year, these regulations were published as interim-final regulations, without the benefit of proposed rulemaking procedures. Notwithstanding the omission of these rulemaking procedures, interested persons were invited to submit comments not later than October 23, 1978. Following the close of the comment period, the regulations were to be revised as warranted by public comments received. Nine persons responded within this period. For clarity, the comments and responses are arranged according to the section numbers and titles of the interim-final regulations to which they pertain.

§ 57.2802 Definitions.

One respondent requested that the Department expand the definition of "health professions school" to include schools of allied health and add the degree of physician associate to the degrees eligible for scholarships in those schools.

The Department cannot accept this suggestion because section 758(a) of the Act determines which schools and degrees are eligible for support under this program. Since this statute does not include allied health schools or the physician associate degree, the Department made no change in this section.

§ 57.2803 Application.

One respondent suggested that the regulations should require applicant schools to submit a list of scholarship applicants at the school in order of greatest financial need.

In order to assure the distribution of scholarships in order of greatest financial need of the applicants, the Department has adopted this suggestion.

§ 57.2804 Eligibility of students for scholarships.

Many of the respondents commented on the provision for determining the "exceptional financial need" of scholarship applicants. The interim-final regulation provided that to be of exceptional financial need a student could have *no* financial resources to meet the cost of the first year of study at the school. Most of the commenters objected to this criteria as being overly restrictive.

In response to the concerns expressed in these comments, the Department has modified this requirement in the final regulation to permit a student who has resources of not more than the lesser of $5,000 or 50 percent of the cost of education at his or her school to be eligible for a scholarship.

Some respondents proposed that the Department adopt the criteria for determining exceptional financial need which are applied under the Supplemental Educational Opportunity Grants Program authorized in section 413c(a)(2)(C) of the Higher Education Act, as amended. The regulations implementing that program define a student as being in exceptional financial need if "his or her expected family contribution does not exceed 50 percent of his or her cost of education." (45 CFR 176.9(b)(1)). It was also suggested that the provision should require the establishment of a funding order by ranking student applicants according to greatest financial need up to an eligibility cut-off point based on the percentage of the cost of education at his or her school which the student's resources constitute.

As pointed out above, the Department has revised the definition of exceptional financial need. The modified provision differs from that of the Supplemental Educational Opportunity Grants Program in that the eligibility cutoff point for the amount of resources which a student may have is the lesser of $5,000 or 50 percent of the cost of education at his or her school. The Department has chosen $5,000 as the eligibility limitation based on the determination that $5,000 is approximately one-half of the average cost of attendance at health professions schools. Because of the high cost of attendance at some of the health professions schools, without this dollar limit, the 50 percent figure could result in the funding of students other than those for whom this Scholarship Program was designed to benefit. Furthermore, in order to afford priority to students of greatest financial need, § 57.2806 of the regulations requires the award of Scholarships according to students with *no* financial resources first. Depending upon the level of appropriations, after those students have been awarded scholarships, support will be available based on student resources in increments of $500. Information on the maximum allowable resources for which support will be available will be distributed on an annual basis through school application materials.

Some respondents objected to the provision for determining the "exceptional financial need" of scholarship applicants because it does not allow financial aid officers sufficient discretion in determining eligible students. In response to these comments, the Department has revised this section to permit the school to use one of the national needs analysis systems approved by the Secretary of Education and any additional information which the school has regarding the student's financial status, including student assets, in determining resources available to the student. Student summer earnings, educational loans, veterans (G.I.) benefits and student earnings during the school year will not be considered resources.

The Department has also revised this section to clarify the fact that in determining a student's resources, the school must take into account the expected contribution of parents, spouse, and other family members (regardless of the tax status of the student). The Department believes that where a student may reasonably be expected to receive necessary support from family members, the student should not receive a scholarship in view of the limited resources available in this program.

§ 57.2805 Amount of scholarship award.

One respondent requested that this section be amended to include "dental instruments." Since the amount of the scholarship award includes the cost of dental intruments as "other reasonable educational expenses" for a dental student, the Department made no change in this provision.

§ 57.2806 Grant award.

Two respondents requested clarification of this section, which provides for the allocation of grant funds. They also suggested that the regulations should require use of a system which would be subject to audit. One commenter recommended that the grant award system use a list of eligible scholarship recipients in order of greatest financial need which could be required under § 57.2803 entitled, "Application." The Department has accepted these suggestions and has revised this section accordingly.

In addition, the Department has modified this provision to allow each school of medicine, dentistry, or osteopathy and then all other eligible schools, an equal chance of receiving grant funds, regardless of the number of scholarship applicants at each school. The Department made this change to prevent exaggerated estimates of the number of scholarship requests of each school.

This section has also been revised to implement the legislative intent to award scholarships to students of greatest financial need. It provides that the Secretary will first fulfill scholarship requests for students with no financial resources for the first year of study at the school. Then, with any remaining funds the Secretary will fulfill scholarship requests for other eligible students based on student resources in increments of $500.

§ 57.2810 Records, audit, and inspection.

Two respondents objected to the requirement of this section that the grantee carry out an annual audit by an independent, certified public accountant.

The section has been revised to delete this requirement, in accordance with the amendment of section 705 of the Act by the Health Services Research, Health Statistics, and Health Care Technology Act of 1978, Pub. L. 95-623. The regulations now refer the grantee to § 705, which requires a biennial, rather than annual audit and no longer requires that a certified public accountant perform this audit.

The final regulations have been restructured based on "Operation Common Sense", the Department's initiative to improve the quality and readability of its regulations. The grants administration and nondiscrimination provisions have either been revised to reflect current policy or deleted as duplicative of the Department's grants administration regulation (45 CFR Part 74). All provisions have been reorganized into a standardized format for health professions grants regulations.

Accordingly, Subpart CC of 42 CFR Part 57 is adopted as set forth below.

Date: May 23, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: June 9, 1980.

Patricia Roberts Harris,

Secretary.

PART 57—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS AND STUDENT LOANS

Subpart CC—Scholarships for First-Year Students of Exceptional Financial Need

Sec.

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); sec. 758, Public Health Service Act, 90 Stat. 2289 (42 U.S.C. 294z).

§ 57.2801 To what programs do these regulations apply?

These regulations apply to grants under section 758 of the Public Health Service Act (42 U.S.C. 294z) for scholarships for full-time first-year students of exceptional financial need.

§ 57.2802 Definitions.

"Act" means the Public Health Service Act, as amended.

"First year of study" means the student's first year of post baccalaureate study at a health professions school leading to a degree specified in section 701(4) of the Act. For a health professions school with a course of study of more than 4 years, only the last 4 years will be considered as professional years and the first year of study will be the first of the last 4 years.

"Full-time student" means a student enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a degree from a health professions school, as specified in section 701(4) of the Act.

"Health professions school" or "school" means a public or private nonprofit school of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine providing a course of study, or a portion thereof, as defined in section 701(4) of the Act.

"National of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States, as defined in the Immigration and Nationality Act, at 8 U.S.C. 1101(a)(22).

"Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department to whom the authority involved has been delegated.

"State" means in addition to the several States, only the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.2803 How to apply for a grant.

(a) Any health professions school located in a State may apply for a grant.

(b) In addition to other information that the Secretary may require, an application must contain:

(1) A listing of eligible scholarship recipients in order of greatest financial need, indicating resident or nonresident status as well.

(2) The name of the need analysis service used in evaluating the financial status of applicants.

§ 57.2804. Students eligible for scholarships.

(a) A scholarship may be awarded only to a student who:

(1) Is a national of the United States, or a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands or a lawful permanent resident of the United States, Puerto Rico, the Virgin Islands, or Guam.

(2) Has been accepted for enrollment as a full-time student in the first year of study by a health professions school.

(3) Has exceptional financial need as determined under paragraph (b) of this section.

(b)(1) For the purpose of this subpart, a student will have exceptional financial need if the school determines that his or her resources, as described in (b)(2) of this section, do not exceed the lesser of

$5,000 or one-half of the cost of attendance at the school.

(2) The school will determine the financial resources of a student by using one of the national need analysis systems or any other procedure approved by the Secretary of Education and published under 45 CFR 144.13 and other information which the school has regarding the student's financial status. The school must take into account, regardless of the tax status of the student, the expected contribution from parents, spouse, or other family members. Student summer earnings, educational loans, veterans (G.I) benefits and earnings during the school year will not be considered resources for purposes of this subpart.

(3) The school will determine cost of attendance at the school by considering expenses reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis. The school must document the criteria used for determining these costs.

(c) A recipient of a National Health Service Corps Scholarship, under section 751 of the Act, or an Indian Health Scholarship, under section 757 of the Act, is ineligible for a scholarship under this subpart.

§ 57.2805 Amount of scholarship award.

A scholarship will consist of:

(a) The tuition of the student for the first year of study;

(b) The cost of all other reasonable educational expenses including fees, books, and laboratory expenses of the student for the school year; and

(c) A stipend of $400 per month (adjusted in accordance with section 751(g)(3) of the Act) for 12 consecutive months beginning with the first month of the school year.

§ 57.2806 How is the amount of grant award determined?

(a) A school which receives a grant under this subpart must award each scholarship successively to the eligible individual as specified in § 57.2803(b)(1) of greatest financial need at that school.

(b) The Secretary will make a randomized list of all eligible applicant schools of medicine, dentistry and osteopathy and a second randomized list of all remaining eligible applicant schools. To the extent of available funds, the Secretary will award grant funds sufficient for one scholarship to each eligible applicant school on the first list, and then proceed to the list of all other eligible applicant schools and award one scholarship to each school in the same manner. These scholarships must go to students who have no financial resources for the first year of study at the school, as determined under § 57.2804. The Secretary will then allocate any remaining funds according to paragraph (c) of this section.

(c)(1) Proceeding in sequence through the list of schools of medicine, dentistry and osteopathy, the Secretary will award each school of medicine, dentistry, and osteopathy sufficient grant funds for a second scholarship which must be given to a student with no financial resources for the first year of study at the school, as determined under § 57.2804. This procedure will be repeated until all the scholarship requests of the applicant schools of medicine, osteopathy, and dentistry for scholarships for students with no financial resources have been satisfied or until all the available grant funds have been allocated. If there are additional grant funds, the Secretary will then proceed to the list of all other eligible applicant schools and will allocate scholarships for students with no financial resources using the same procedure.

(2) If additional grant funds remain after fulfilling all requests for scholarships for students with no financial resources at all eligible applicant schools, using the method described in paragraph (1) of this section the Secretary will allocate funds for scholarships to students who have resources from one to 500 dollars. With any remaining funds after completion of these awards, the Secretary will, in the same manner, award grants for scholarships to students with resources in increments of $500 until all grant funds are awarded or students who have $5,000 in resources or 50 percent of the cost of education at the school have received awards.

§ 57.2807 For what purposes may grant funds be spent?

(a) A grantee shall only spend funds it receives under this subpart according to the approved application, the authorizing legislation, terms and conditions of the grant award, and these regulations.

(b) The grantee must discontinue all scholarship payments and remit the unused balance of the scholarship to the Federal Government in the event that a recipient ceases to be a full-time student at the school.

§ 57.2808 What additional Department regulations apply to grantees?

Several other regulations apply to these grants. They include, but are not limited to:

42 CFR Part 50—PHS grant appeals process
45 CFR Part 16—Department grant appeals process
45 CFR Part 74—Administration of grants
45 CFR Part 80—Nondiscrimination under programs receiving Federal Assistance from the Department—Implements Title VI of the Civil Rights Act of 1964
45 CFR Part 81—Practice and procedure for hearings under Part 80
45 CFR Part 83—Nondiscrimination on the basis of sex in the admission of individuals to training programs
45 CFR Part 84—Nondiscrimination on the basis of handicap in Federally assisted programs
45 CFR Part 86—Nondiscrimination on the basis of sex in Federally assisted education programs
45 CFR Part 91 [1]—Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance

§ 57.2809 What other records, audit, and inspection requirements apply to grantees?

(a) Each grantee must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act concerning recordkeeping, audit, and inspection.

(b) The grantee must also maintain: (1) A record of all applications for scholarships, and the basis for approving or disapproving each application, including a copy of the total need analysis and determination of resources for each applicant and documentation for any changes made to the need analysis report used by the school; (2) A record of the amount of funds awarded to each recipient.

§ 57.2810 Additional conditions.

The Secretary may impose additional conditions on any grant award before or at the time of an award if he or she determines that these conditions are necessary to assure or protect the advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

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[1] When issued.