

30 CFR Part 71**Mandatory Health Standards—Surface Coal Mines and Surface Work Areas of Underground Coal Mines; Correction**

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule; correction.

SUMMARY: The Department of Labor's mandatory health standard for surface coal mines and surface work areas of underground coal mines, 30 CFR Part 71, was amended at 45 FR 80746 (December 5, 1980). This document corrects an error which appeared in the final rule.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Chief, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-1910.

SUPPLEMENTARY INFORMATION: This correction is intended to correct the amendatory language in 30 CFR Part 71 which was published as a revised final rule on December 5, 1980. As the correction is nonsubstantive in nature, it is exempt from notice and comment procedures under 5 U.S.C. 553(b)(B).

The Mine Safety and Health Administration corrects FR Doc. 80-37865, 30 CFR Part 71, which appeared as a final rule at 45 FR 80746:

On page 80756, column 1, the amendatory language is corrected by adding a paragraph 2 to read as follows:

"2. The subject heading for 30 CFR Part 71 is amended as set forth below."

Dated: June 25, 1981.

Frank A. White,
Chief, Office of Standards, Regulations and Variances.

[FR Doc. 81-19227 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF DEFENSE**Department of the Army****32 CFR Part 581****Personnel Review Boards; Procedures and Standards of the Army Board for Correction of Military Records**

AGENCY: Army Board for Correction of Military Records.

ACTION: Final rule.

SUMMARY: On March 20, 1980, the Department of the Army published in the Federal Register an amendment to 32 CFR 581.3 by adding a new paragraph

(h)(5) (45 FR 17990). Paragraph (h)(5)(iii) stated that the Department of the Army is presently seeking to appeal the District Court order that requires promulgation of paragraphs (h)(5)(i) and (h)(5)(ii), and that applications submitted pursuant thereto may be revised or revoked as a result of the appeal. Appellate review has been completed as to the content of paragraphs (h)(5)(i) and (h)(5)(ii), and no change has resulted in the District Court order. Therefore, paragraph (h)(5)(iii) must now be rescinded.

EFFECTIVE DATE: This amendment is effective immediately (June 30, 1981).

FOR FURTHER INFORMATION CONTACT: Mr. John W. Matthews, Army Board for Correction of Military Records, Room 1E-512, Pentagon, Washington, DC 20310, (202) 697-4254; Mr. Elwood E. Wilmeth, Army Board for Correction of Military Records.

§ 581.3 [Amended]

Accordingly, the rules of procedure of the Army Board for Correction of Military Records are amended to remove 581.3(h)(5)(iii).

Dated: June 10, 1981.

John O. Roach II,
Army Liaison Officer with the Federal Register.

[FR Doc. 81-19165 Filed 6-29-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Parts 261 and 262****Prohibitions and Rewards and Impoundments**

AGENCY: Forest Service, USDA.

ACTION: Final Rules.

SUMMARY: These rules amend regulations for National Forest System lands relating to 36 CFR Part 261, Prohibitions and Part 262, Rewards and Impoundments. Because of the interrelationship of Part 261 to Part 262, amendments to the rules have been considered simultaneously. The amendments are designed to (1) correct demonstrated weaknesses; (2) make existing regulations more current; and (3) clarify confusing language in existing regulations.

EFFECTIVE DATE: July 30, 1981.

FOR FURTHER INFORMATION CONTACT: Ernie Andersen, Fiscal and Accounting Management Staff, USDA-Forest Service, P.O. Box 2417, Washington, D.C. 20013 (703) 235-8484.

SUPPLEMENTARY INFORMATION: 36 CFR Part 261, Prohibitions, declares the range of unacceptable behavior when visiting and using National Forest System lands. Violations carry law enforcement sanctions. Part 262, Rewards and Impoundments, describes Forest Service authority to pay for information leading to the arrest and conviction of person(s) who start fires and destroy property on National Forest System lands as well as the policy and procedures for impounding or removing unauthorized personal property. The rules would have almost no impact on the economy and would result in no increase in cost or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. The rule would have no effect on competition, employment, investment productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, the final rules are found to be "nonmajor" and not subject to the regulatory impact analysis requirements of Executive Order Number 12291.

The proposed rules amending Part 261, Prohibitions, and Part 262, Rewards and Impoundments, were published in the Federal Register (46 FR 1758) on January 7, 1981. The 60-day public comment period ended on March 9, 1981. Sixteen written replies were received, consisting of fifty comments concerning fifteen sections. Additionally six oral comments were received.

Comments are available for review in room 701, 1621 North Kent Street, Rosslyn Plaza, Building E, Arlington, Virginia, during regular business hours between 9 a.m. and 4 p.m., Monday through Friday.

Regulatory Flexibility Act Determination

The Secretary of Agriculture has determined that this action will not have a significant economic impact on a substantial number of small entities because it imposes no direct or indirect cost on small entities except for the possibility of fine for violation of a prohibited act, it imposes no paperwork or record keeping requirements of small entities, it does not affect the competitive position of small entities in relation to large entities, and it does not affect cash flow, liquidity, or ability to remain in the market for small entities.

Discussion of Comments

The majority of comments support the amendment with only grammatical, typographical, or stylistic changes suggested. The majority of these changes have been accepted. These

changes were not substantive in nature and included, for the most part, reorganizing sentences within a section for improved readability.

Suggested changes involving enforcement jurisdiction over State and private land administered under an agreement, cannot be made at the present time without amendment to Federal law. Other suggested amendments involving State laws and regulations governing vehicle traffic and operation on National Forest System lands require additional study to determine their merit. Because there is a practical need to adopt the revisions in time for the 1981 visitor season, these suggestions are not incorporated here but will be considered for inclusion in the next notice of proposed rulemaking for Parts 261 and 262.

There were fourteen comments with suggestions for improving the clarity of § 261.9 (g) and (h), Destruction of Archaeological Resources. The general consensus of the suggestions was to include historical and paleontological resources in the prohibited act. Both subjects are presently contained at 36 CFR 261.9(e). The suggested subjects were inadvertently omitted from the proposed rule; historical and paleontological resources therefore, are included in the final rule. The remaining suggestion in this subject area proposed including "Historical and Paleontological" in § 261.2, Definitions. This suggestion is accepted to further clarify 261.9 (g) and (h).

Five written comments and a number of oral suggestions concerned § 261.70(a)(10), Alcoholic beverage. The general thrust of these comments was to retain the prohibitive section, and move it from SUBPART C—PROHIBITIONS IN REGIONS, to SUBPART B—PROHIBITIONS IN AREAS. This suggestion is accepted after careful consideration of all comments. We know of no situation where a need exists to apply this rule on a Forest-wide basis. We believe that considered application of this rule in needed areas, on a case by case basis, frequently reviewed for continuing need, will be an effective management tool responsive in a reasonable way to continuing public demand for a safer and more orderly recreation experience.

One comment to move § 261.12(c), "Failing to stop a vehicle when directed to do so by a Forest Officer," from 261.12, Forest Development Roads and Trails, to § 261.10, Occupancy and Use, is accepted. The definition of a vehicle in § 261.2 includes watercraft, snowmobiles, or any device by which any person or property may be transported. By moving the rule to

261.10, its application is broader in scope and is still applicable to 261.12.

One commenter suggested reprinting the penalty section of Title 16 U.S.C. 551 in 36 CFR 261.1, Scope, so the public would be better informed as to the consequences of violating Part 261, Prohibitions. We agree.

One commenter suggested removing 261.16 with the exceptions of, "wagon, cart or other vehicles" which would then be moved to 261.57 for optional use. This is accepted and is reflected in the final rule.

Other than those reflected above, there are no additional changes of substance in the final rule.

For the reasons set out in the preamble, Parts 261 and 262 of chapter II of Title 36 of the Code of Federal Regulations are amended as set forth below.

PART 261—PROHIBITIONS

1. Revise the table of contents by adding 261.1b to read as follows:

Sec.
261.1 Scope.
261.1a Permits.
261.1b Penalties.

2. The authority citation for Part 261 reads as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011, (f)); 82 Stat. 916 (16 U.S.C. 1281, (d)); 82 Stat. 922 (16 U.S.C. 1246, (i)), unless otherwise noted.

Subpart A—General Prohibitions

3. In § 261.1, paragraph (b) is revised to read as follows:

§ 261.1 Scope.

(b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

4. A new § 261.1b, is added to read as follows:

§ 261.1b Penalty.

Any violation to the prohibitions on this Part (261) shall be punished by a fine of not more than \$500 or imprisonment for not more than six months or both pursuant to Title 16 U.S. Code Section 551, unless otherwise provided.

5. Amend § 261.2 by adding the following definitions to read as follows:

§ 261.2 Definitions.

The following definitions apply to this part:

"Archaeological resource" means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

"Camping equipment" means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.

"Damaging" means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.

"Historical resource" means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

"Motorized equipment" means any machine activated by a nonliving power source except small battery-powered, handcarried devices such as flashlights, shavers, Geiger counters, and cameras.

"Motor vehicle" means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries, but not operated on rails.

"Paleontological resource" means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.

"Prehistoric resource" means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.

"Vehicle" means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.

6. Revise the heading of § 261.3, designating the existing paragraph as (a) and adding paragraph (b) to read as follows:

§ 261.3 Interfering with or giving false report to a Forest Officer.

The following are prohibited:

(a) * * *

(b) Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.

7. Revise § 261.4 (a), (b), (c) and add paragraph (d) to read as follows:

§ 261.4 Disorderly conduct.

The following are prohibited:

(a) Engaging in fighting.

(b) Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed.

(c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.

(d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.

8. In § 261.5, revise paragraph (a) to read as follows:

§ 261.5 Fire.

The following are prohibited:

(a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.

9. In § 261.6, revise paragraph (a) to add paragraph (h) to read as follows:

§ 261.6 Timber and other forest products.

The following are prohibited:

(a) Cutting or otherwise damaging any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.

(h) Removing any timber, tree, or other forest product, except as authorized by permit, timber sale contract Federal law or regulation.

10. Revise the introductory paragraph of § 261.8 to read as follows:

§ 261.8 Fish and wildlife.

The following are prohibited to the extent Federal or State law is violated:

11. Revise § 261.9 to read as follows:

§ 261.9 Property.

The following are prohibited:

(a) Damaging any natural feature or other property of the United States.

(b) Removing any natural feature or other property of the United States.

(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.

(d) Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.

(e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public.

(f) Using any herbicide, pesticide or fungicide except for personal use for medical purposes or as an insect repellent or with permission for other minor uses.

(g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic or archaeological resource, structure, site, artifact or property.

(h) Removing any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact or property.

12. In § 261.10, revise paragraphs (c), (d), and (e) and add paragraph (l) to read as follows:

§ 261.10 Occupancy and Use.

The following are prohibited:

(c) Selling or offering for sale any merchandise, conducting any kind of work activity or service unless authorized by Federal law, regulation, or permit.

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.

(e) Abandoning any personal property.

(l) Failing to stop a vehicle when directed to do so by a Forest Officer.

13. In § 261.11, revise paragraphs (a), and (e) to read as follows:

§ 261.11 Sanitation.

The following are prohibited:

(a) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.

(e) Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.

§ 261.12 [Amended]

14. Amend § 261.12 by removing paragraph (c) and relettering paragraphs (d), (e) and (f) as (c), (d), and (e).

15. In § 261.14, revise paragraphs (c), (l), and (m) to read as follows:

§ 261.14 Developed recreation sites.

The following are prohibited:

(c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.

(l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.

(m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.

16. Revise § 261.15 to read as follows:

§ 261.15 Admission, recreation use and special recreation permit fees.

Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100 (Sec. 2, 78 Stat 897, as amended: 16 U.S.C. 460l-6(e)).

17. In § 261.16, revise paragraph (a) to read as follows:

§ 261.16 National Forest Wilderness.

The following are prohibited in a National Forest Wilderness:

(a) Possessing or using a motor vehicle, motorboat, or motorized equipment.

18. Revise § 261.21 to read as follows:

§ 261.21 Wild free-roaming horses and burros.

The following are prohibited:

(a) Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation.

(b) Causing or allowing the inhumane treatment or harassment of a wild free-roaming horse or burro.

(c) Removing or attempting to remove, alter or destroy any official mark used

to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.

(d) Violating any terms or conditions specified in a care and maintenance agreement or permit.

Suppart B—Prohibitions in Areas Designated by Order

19. Amend § 261.50(e) by adding subparagraph (6) to read as follows:

§ 261.50 Orders.

(e) * * *

(6) Any other person meeting exemption requirements specified in the order.

20. In § 261.52, revise paragraph (j) to read as follows:

§ 261.52 Fire.

When provided by an order, the following are prohibited:

* * *

(j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).

* * *

21. Amend § 261.54 by adding paragraph (f) to read as follows:

§ 261.54 Forest development roads.

When provided by an order, the following are prohibited:

* * *

(f) Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.

22. Amend § 261.57 by adding paragraph (h) to read as follows:

§ 261.57 National Forest Wilderness.

When provided by an order, the following are prohibited:

* * *

(h) Possessing or using a bicycle, wagon, cart, or other vehicle.

23. In § 261.58, revise paragraph (g) and add paragraphs (aa) and (bb) to read as follows:

§ 261.58 Occupancy and use.

When provided by an order, the following are prohibited:

* * *

(g) Parking or leaving a vehicle in violation of posted instructions.

* * *

(aa) Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.

(bb) Possessing a beverage which is defined as an alcoholic beverage by State law.

PART 262—REWARDS AND IMPOUNDMENTS

24. The authority citation for Part 262 reads as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526 as amended (7 U.S.C. 1011(f)); 58 Stat. 736 (16 U.S.C. 559(a)), unless otherwise noted.

25. In § 262.1 revise paragraphs (a)(1), (a)(2), and (a)(3) to read as follows:

§ 262.1 Rewards in connection with fire or property prosecutions.

(a) * * *

(1) Not exceeding \$5,000 for information leading to the arrest and conviction of any person on the charge of willfully or maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within the National Forest System or nearby.

(2) Not exceeding \$1,000 for information leading to the arrest and conviction of any person on the charge of having kindled or caused to be kindled a fire on lands of the United States within the National Forest System or nearby, and leaving said fire which escapes before the same has been totally extinguished;

(3) Not exceeding \$5,000 for information leading to the arrest and conviction of any person charged with destroying or stealing any property of the United States; and

* * *

26. Revise § 262.4 by adding paragraph (e) to read as follows:

§ 262.4 Impounding of personal property.

* * *

(e) The provisions of this section shall not apply to the impoundment or disposal of beached logs in Alaska if deemed abandoned under State law.

June 19, 1981.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 81-18779 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical School and Health Manpower Assistance

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These amended regulations implement two laws, the Veterans Health Programs Extension and Improvement Act of 1979, and the Veterans Administration Health Care Amendments of 1980. In addition, certain pertinent sections of two previous laws, the Veterans Omnibus Health Care Act of 1976, and the Veterans Administration Programs Extension Act of 1978 are also implemented. These four laws remove the authority of the Administrator to enter into agreements supporting new State medical schools, delete the requirement for enrollment increases in medical school and other health manpower training institution classes, and extend the appropriations authorization to Fiscal Year 1982. Also, these amended regulations ease the terminal transition period by removing the seven-year limitation on grants to medical schools and other health manpower training institutions.

EFFECTIVE DATE: These regulations are effective June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Chester W. DeLong (202) 389-3072.

SUPPLEMENTARY INFORMATION: On March 23, 1981, these proposed amendments were published in the *Federal Register*, pages 18051-18054. Interested persons were given 30 days to submit comments, suggestions, or objections. No responses were received.

The Agency Head has determined that this proposed regulation is non-major in accordance with the requirements of Executive Order 12291, Federal Regulation.

It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments. The proposed amendments to 38 CFR §§ 17.400 through 17.416 are hereby adopted.

Approved: June 19, 1981.

Donald L. Custis,

Acting Administrator.

38 CFR Part 17 is amended as follows:

Grants and Assistance for Development, Expansion and Improvement of Medical and Allied Health Education

1. Section 17.400 is amended by adding four new citations after "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972" so that the revised section reads as follows:

§ 17.400 Purpose and scope of the program.

The provisions of §§ 17.400 through 17.416 are applicable to a program of grants and other forms of assistance under the "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972" as amended by the Veterans Omnibus Health Care Act of 1976 (Pub. L. 94-581), the Veterans' Administration Programs Extension Act of 1978 (Pub. L. 95-520), the Veterans Health Programs Extension and Improvement Act of 1979 (Pub. L. 96-151), and the Veterans' Administration Health Care Amendments of 1980 (Pub. L. 96-330) (38 U.S.C. Chapter 82). This Act authorizes the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; and for other purposes.

2. § 17.402, paragraph (c), paragraphs (f) (1), (2), and (3), and (g)(1) are revised to read as follows:

§ 17.402 Definitions.

For the purpose of §§ 17.400 through 17.416 the term:

(c) "Program period" means the time for which the grant assistance has been approved as specified in the agreement or grant document.

(f) For the purposes of 38 U.S.C. 5071-5074: (1) "Colleges" means nonprofit institutions of higher learning, which are primarily supported by the State, and are authorized to offer, and are offering a formal program of college level studies leading to the baccalaureate degree and

are accredited or approved by an accrediting body or bodies recognized for such purposes by the Secretary of the Department of Education.

(2) "Universities" means educational institutions, which are primarily supported by the State; which are comprised of one or more undergraduate colleges or professional schools, each appropriately accredited or approved by an accrediting body or bodies recognized for such purposes by the Secretary of the Department of Education; and which are authorized to confer degrees.

(3) "Medical school" means a nonprofit school of medicine or osteopathy which provides a complete course of study which culminates in a degree of doctor of medicine or doctor or osteopathy; and with regard to which there has been a finding made of reasonable assurance that such a school can proceed to full accreditation as determined by the body or bodies recognized for such purposes by the Secretary of the Department of Education.

(g) For the purposes of 38 U.S.C. 5081-5083: (1) "Medical school" means a nonprofit school of medicine or osteopathy which provides a course of study of not less than 2 years, which forms a part or whole of the necessary requirements leading to a degree of doctor of medicine or doctor of osteopathy, and which has been reviewed and accredited for its stage of development by an appropriate accrediting agency recognized for such purpose by the Secretary of the Department of Education.

3. In § 17.403, paragraph (a)(3) is amended by changing the words "he may require" to read "as may be required" so the revised material reads as follows:

§ 17.403 Eligibility.

(a) To be eligible to receive assistance under 38 U.S.C. 5071-5074, the applicant must:

(3) Furnish the Administrator with such evidence as may be required that the college or university has prepared and presented a plan for the proposed new school of medicine or osteopathy; and that in a letter dated not earlier than October 24, 1972, has received reasonable assurance of accreditation of the new school as defined in § 17.402(f)(3).

4. In § 17.405, the introductory portions of (a)(1), (b)(1) and (c)(1) and

paragraphs (a)(2) (ii) and (iii), (b)(2) and (c)(2) are amended by changing the word "his" to "the Administrator's" wherever it appears and new paragraph (a)(4) is added. In paragraph (b)(1)(iii) the words "including the accomplishment of the increased enrollment of full-time students" are removed. In paragraph (c)(1)(iii) the words "including the increase in enrollment of students," are removed and the title of the Commissioner of Education for the Department of Health, Education and Welfare is revised. In paragraph (d)(1) the words "(not to exceed 7 years.)" are removed. The revised and added material reads as follows:

§ 17.405 Agreements and grant awards.

(a) For the purposes of 38 U.S.C. 5071-5074: (1) Within the limits of funds available each year for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may enter into, or continue with, agreements to provide assistance to a total of not more than eight applicants whose proposals in the Administrator's judgment best achieve the purposes of 38 U.S.C. 5071, taking into consideration:

(2) The terms of any agreement and the amount of any funds to be awarded shall be determined by the Administrator on the basis of:

(ii) The Administrator's estimate of the sums necessary to accomplish the adequate extension, alteration, remodeling, improvement, or repair of the building or structures to be leased; and to adequately equip such buildings or structures for the purposes proposed; and

(iii) The Administrator's estimate to the amounts necessary to assist in the payment of the cost of the salaries of faculty, the proportion will not exceed 90 percent of the salaries for the first year of operation, and a like percentage for the second and third years; 80 percent for the fourth year, 70 percent for the fifth year, 60 percent for the sixth year; and 50 percent for the seventh year.

(4) Notwithstanding any other provision concerning this program set forth in §§ 17.400 through 17.416, the Administrator may not enter into any agreement under Subchapter I of Chapter 82, Title 38, United States Code, after September 30, 1979. This is not to be interpreted as interfering with the

continued administration of existing agreements under Subchapter I.

(b) For the purposes of 38 U.S.C. 5081-5083: (1) Within the limits of funds available for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants and other assistance to those applicants whose projects or programs will in the Administrator's judgment best promote the purposes of 38 U.S.C. 5081, taking into consideration:

(iii) The capability of the applicant to carry out the proposed program of project, without threat to its accreditation as required in § 17.402(g)(1):

(2) The amount of any award shall be determined by the Administrator on the basis of the Administrator's estimate of the sum necessary for the cost of the applicant's approved program or project.

(c) For the purposes of 38 U.S.C. 5091-5093: (1) Within the limits of funds available for such purpose, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants to those applicants whose projects or programs will in the Administrator's judgment best promote the purposes of 38 U.S.C. 5091, taking into consideration:

(iii) The capability of the applicant to carry out the proposed program or project under circumstances which will not compromise the quality of education at the institution nor jeopardize the accreditation of the training program by the appropriate body or bodies recognized for such purposes by the Secretary of the Department of Education.

(2) The amount of any award shall be determined by the Administrator on the basis of the Administrator's estimate of the sum necessary for the cost of the applicant's approved program or project.

(d) For the purposes of any grant program of 38 U.S.C. Chapter 82: (1) All grant awards shall be in writing, shall set forth the total amount of assistance awarded and the total period for which it will be available for obligation by the grantee.

5. In § 17.407, paragraph (b) is amended by changing the word "and" which appears after the word "expansion" to "or", and by replacing the words "to increase the production"

with "in the training" so that the revised paragraph reads as follows:

§ 17.407 Expenditure of grant funds.

(b) For the purposes of 38 U.S.C. 5081-5083, any funds granted shall be expended solely for the expansion or improvement of the training capacities of medical schools affiliated with the Veterans Administration and to permit such schools to cooperate with other public and nonprofit institutions of higher learning, hospitals and other health manpower institutions affiliated with the Veterans Administration in the training of professional and other health personnel in accordance with the applicable provisions of 38 U.S.C. Chapter 82, §§ 17.400 through 17.416, and the terms and conditions of the grant award.

6. In § 17.408, paragraph (a) is amended by updating the title of the Department of Health, Education and Welfare so that the revised paragraph reads as follows:

§ 17.408 Nondiscrimination.

(a) Grants made under 38 U.S.C. Chapter 82 shall be subject to Title IX of the "Education Amendments Act of 1972" (effective July 1, 1972) and regulations promulgated by the Department of Education. Such title prohibits sex discrimination in all federally assisted education programs.

7. In § 17.410, paragraph (c) is amended by adding the word "revised," after the words "No. A-87" so that the revised paragraph reads as follows:

§ 17.410 Accountability.

(c) For the purposes of 38 U.S.C. 5081-5083 and 5091-5093, indirect costs may be computed on a percentage basis or on the basis of a negotiated lump-sum allowance in accordance with the principles set forth in the Office of Management and Budget Circulars No. A-88, No. A-87 revised, and No. A-21. In the method of computation used, only indirect costs shall be included which bear a reasonable relationship to the program funded by the grant and shall not exceed a percentage greater than the total institutional indirect cost is of the total direct salaries and wages paid by the institution.

8. Sections 17.412, 17.413, and paragraph (a) of § 17.414 are amended by replacing the word "his" with the words "the Administrator's" wherever it appears. The revised sections read as follows:

§ 17.412 Additional conditions.

The Administrator may with respect to any grant award impose additional conditions prior to or at the time of any award when in the Administrator's judgment such conditions are necessary to assure or protect advancement of the grant purposes, the interest of the Veterans Administration or the conservation of grant funds. All construction, and alterations of buildings and structures, related to the award of a grant or other assistance will be subject to section 102(2)(C) of the National Environmental Policy Act.

§ 17.413 Early termination and withholding of payments.

Whenever the Administrator finds that a grantee has failed in a material respect to comply with the applicable provisions of 38 U.S.C. Chapter 82, §§ 17.400 through 17.416, or the terms of the grant, the Administrator may, on reasonable notice to the grantee withhold further payments and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of 38 U.S.C. Chapter 82 and §§ 17.400 through 17.416. Non-cancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 17.414 Recapture provision.

(a) If the Administrator determines that any school established with assistance under §§ 17.400 through 17.416

(1) Is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

(2) Is accredited but fails substantially to carry out the term of the agreement entered into under 38 U.S.C. Chapter 82; or

(3) Is no longer operated for the purpose for which such assistance was granted,

the Administrator shall be entitled to recover from the recipient of assistance the facilities of such school which were established with assistance under §§ 17.400 through 17.416. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in which such facilities are situated.

(38 U.S.C. 210(c))

[FR Doc. 81-19172 Filed 6-29-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1869-6]

Virginia and Delaware State Implementation Plan; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of final rulemaking.

SUMMARY: This Notice corrects several errors in the codification of the Virginia and Delaware State Implementation Plans (SIP) regarding the delegation of authority for the Prevention of Significant Deterioration (PSD) program.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszcak (3AH13), Air Media and Energy Branch, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Phone: (215) 597-8186.

SUPPLEMENTARY INFORMATION: On June 15, 1981 (46 FR 31261), EPA published final approval for delegation of authority to implement technical and administrative review and enforcement of PSD provisions to the State of Delaware. These provisions were incorrectly codified under Subpart VV Section 52.2451 which is the codification for the Commonwealth of Virginia's PSD program. This action resulted in deleting Virginia's program and placing Delaware's program in the wrong section of the CFR.

This notice serves to correct the above errors. Since it does not alter previously approved revisions but only the codification of said revisions, EPA finds that a notice and comment period are unnecessary. See 5 U.S.C. 522(b)(1)(B).

(42 U.S.C. 7401-7642)

Dated: June 19, 1981.

Alvin R. Morris,

Acting Regional Administrator.

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

Subpart I—Delaware

1. Section 52.432, new paragraph (c) is added to read as follows:

§ 52.432 Significant deterioration of air quality.

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the State of Delaware as of June 15, 1981. All applications submitted as of that date and supporting information

required pursuant to § 52.21 from sources located in the State of Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

Subpart VV—Virginia

1. Section 52.2451, new paragraph (c) is added to read as follows:

§ 52.2451 Significant deterioration of air quality.

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the Commonwealth of Virginia as of June 3, 1981. All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the Commonwealth of Virginia shall be submitted to: Division of Compliance, State Air Pollution Control Board, Commonwealth of Virginia, Room 1116, Ninth Street Office Building, Richmond, Virginia 23214.

[FR Doc. 81-19170 Filed 6-29-81; 8:45 am]

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40 CFR Parts 52 and 81

[A-1-FRL-1870-2]

Approval and Promulgation of Implementation Plans—Massachusetts, Vermont, and Maine; and Designation of Areas for Air Quality Planning Purposes—New Hampshire and Maine; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Corrections to final rules.

SUMMARY: This document corrects several errors in the designations of attainment and nonattainment areas published in 40 CFR Part 81 as required by Section 107 of the Clean Air Act and also corrects attainment dates published in 40 CFR Part 52. The changes being made reflect errors and omissions and do not represent any new information submitted by the states.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

SUPPLEMENTARY INFORMATION: The corrections being made to 40 CFR Part 81 are as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—NEW HAMPSHIRE AND MAINE

§ 81.320 [Corrected]

1. In § 81.320 "Maine", the table entitled "Maine-TSP" is corrected by placing an "x" on the line "Rockland" under the column "Cannot Be Classified".

§ 81.330 [Corrected]

2. In § 81.330 "New Hampshire" the table entitled "New Hampshire-TSP" is corrected as follows:

a. The line entitled "Metropolitan Keene, Manchester" is corrected by removing the word "Manchester."

b. A new line entitled "Metropolitan Manchester" is inserted between the lines entitled "Metropolitan Keene" and "Remainder of New Hampshire Portion of So. N.H.M.V. AQCR 121." An "x" is placed on this new line under the column entitled "Does Not Meet Secondary Standards."

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS, VERMONT, AND MAINE

The corrections being made to 40 CFR Part 52 are as follows:

Subpart U—Maine

§ 52.1024 [Corrected]

1. In § 52.1024 "Attainment Dates for National Standards" the table entitled "Pollutant" in F.R. Doc. 81-5051 appearing at page 10774 in the Federal Register of February 19, 1980 is corrected by replacing the "a" on the line "Millinocket" under the column "Primary SO₂" with a "d" and, on the same line, replacing the "b" under the column "Secondary SO₂" with a "d."

Subpart W—Massachusetts

§ 52.1127 [Corrected]

2. In § 52.1127 "Attainment Dates for National Standards" the table entitled "Pollutant" in FR Doc. 80-841 appearing at page 61304 in the Federal Register of September 16, 1980 is corrected by:

a. Inserting a new line entitled "Swampscott" between the lines "Revere" and "Waltham". A "g" is placed under the column "TSP Secondary" and an "a" under the column "TSP Primary" for this line.

b. Placing an "a" on the line "Lawrence" under the column "TSP Primary" and a "g" under the column "TSP Secondary".