Dated: March 5, 1985.

Nancy C. McCoy,

Chief, Directives Management Division.

SUPPLEMENTARY INFORMATION: Accordingly the Veterans Administration is correcting the regulation published on October 18, 1984 (49 FR 40810) as follows:

1. The amendatory instruction on page 40814 should have read "The table of contents for Subpart A of Part 21 is revised to read as follows:".

2. An amendment is added after the table of contents on page 40815 to read as follows: "The authority citation for 38 CFR Part 21, Subpart A, is revised to read as follows:

"**Authority**: 38 U.S.C. 210(c) and as otherwise noted."

3. In § 21.1, paragraph (a) is corrected by inserting the word "to" preceding the words "provide to eligible veterans".

4. In § 21.35(i)(1)(ii), the word following "employment;" should be changed from "or" to "and".

5. In § 21.40, paragraph (a)(1) is corrected by removing the word "a" preceding "retired pay".

6. Section 21.41 is corrected by inserting the word "during" following "rehabilitation services".

7. In the introductory paragraph of § 21.42, insert the words "begin to" following "eligibility does not".

8. In § 21.51(g) remove the word "delete".

9. In § 21.70(b)(1)(ii) remove the word "or" following "suitable employment;".

10. In § 21.84(b)(6) delete the words "is included".

11. In § 21.120(c)(1)(iii) insert word "or" following "distance;"

12. In § 21.123(b) the authority cite , should read "38 U.S.C. 1504(a)(7)".

13. In § 21.124 (a)(4) and (b)(4) the authority cites should read "38 U.S.C. 1504(a)(7)".

14. In § 21.126(e)(2) the authority cite should read "38 U.S.C. 1504(a)(7)".

15. In § 21.196(c), insert the words "under § 21.284" following "'rehabilitated' status".

16. In § 21.214(e) remove the word "subject which may be furnished,".

17. In § 21.250(c)(1), the cite "§ 21.52" should read "§ 21.51".

18. In § 21.256(b)(2), the cite "§ 21.290" should read "§ 21.292".

19. In § 21.258(b) the cite § 21.254(e) should read "§ 21.214(e)".

20. In § 21.260 the cite "38 U.S.C. 1508(b)" should follow the footnotes on the chart in paragraph (b).

21. In § 21.272(d)(2) delete the word "services".

22. Instruction line 55 should read: "The center heading "Termination of Training" and §§ 21.280, 21.281, 21.283, 21.286, 21.287 and 21.288 are removed.

23. In § 21.294(c) insert the title: "Use of facilities."

24. Section 21.296(a)(8) should read: (8) Agree to pay the veteran during training (except as provided in paragraph (b) of this section) a salary or wage rate;

25. In § 21.298(b) the last word of the introductory text should be "farm" not "firm".

26. In § 21.332(c)(2) the word "unstitution" should read "institution".

27. In § 21.342(b) change the word "of" to "or" preceding "family problems".

28. In § 21.370(b)(2)(xi) the cite should read "(38 U.S.C. 111)".

29. In § 21.374(c)(1)(ii) the cite should read "(5 U.S.C. chapter 57)".

[FR Doc. 85-5583 Filed 3-8-85; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Merchandise Return Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This document establishes final regulations for various changes to the Merchandise Return Service, effective June 30, 1985. The rule prescribes changes intended to make the service more attractive to merchandise return permit holders, to simplify mailing by the recipient, to streamline postage payment procedures, and to extend the control of the permit application to the Management Sectional Center (MSC) level. These changes will:

1. Replace the current dual label system with a one-part label to eliminate confusion by permit holders, the designated customers, and postal employees.

2. Replace dual mailing procedures and allow designated customers to deposit merchandise return mail according to the current method used for the one-part label.

3. Replace the permit application, Form 3625, *Merchandise Return Permit Application*, with one that requires approval by the MSC manager. The postmaster would continue to issue the permit.

EFFECTIVE DATE: June 30, 1985.

FOR FURTHER INFORMATION CONTACT: F.E. Gardner, (202) 245-4565.

SUPPLEMENTARY INFORMATION: A detailed explanation of the nature and background of the proposed rule, including the reasons for its proposed adoption and a discussion of the major changes, accompanied its publication in the **Federal Register** on December 24, 1984 (49 FR 49859).

Two letters were received with comments on the proposed regulations. The comments and the Postal Service response are as follows:

1. One commenter suggested that 919.61 should be amended so that merchandise return parcels may also be mailed in "any mail deposit receptacle," since this would be in keeping with the previous deposit procedures under the previous one part label. We agree, and have revised 919.61 as suggested. We also made a similar conforming change to 919.16. The commenter also requested that the Postal Service postmark all merchandise return parcels so that, if the return address should not be on the parcel, the postmark could be used as the point of origin to determine the correct postage rate. We are not adopting this suggestion. The Postal Service postmarks merchandise return parcels only when they require ancillary services such as insurance or a certificate of mailing. In such cases the parcel must be mailed at a post office so that it can be processed, including postmarking, by an acceptance clerk. Merchandise return parcels requiring no ancillary services may be mailed at a post office or in any mail deposit receptacle; they need no special processing at the mailing point by an acceptance clerk. If we were to adopt the commenter's suggestion all merchandise return parcels would have to be specially processed at their point of mailing, thereby increasing costs for all who use the service. We believe it would not be in the interest of merchandise return mailers generally or the Postal Service to impose this requirement.

2. The other commenter requested that a core set of acceptance instructions be printed on the side of merchandise return labels to eliminate any difficulties some acceptance employees may have with the labels. The merchandise return label lacks space for additional core instructions. We have, however, added a reference on the label to 919.6 of the Domestic Mail Manual, where the complete instructions may be found. The commenter also noticed an erroneous cross reference in 919.443. We are pleased to change the reference from 724.1 to 764.11.

In order to obtain a new permit after revocation of the old one for failure to follow format requirements, 919.243b establishes certain requirements. In the final rule we added in this section the suggestion that funds to cover at least two weeks normal returns should be maintained in the permit holder's advance deposit account; this is a non-mandatory interpretation of the requirement that "sufficient funds" be maintained in such accounts. See 919.332.

Consistent with the new rates and fees that went into effect on February 17, 1985 (50 FR 2787, 2816), we changed the annual fee in 919.31 for each permit issued to $50, and the transaction fee in 919.32 for each item returned to 30¢ per parcel.

For the reasons given and after careful consideration, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations.

See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

Part 919, Domestic Mail Manual (DMM) is revised to read as follows:

DMM 919 MERCHANDISE RETURN

919.1 Description.

.11 General. Merchandise Return Service allows authorized permit holders to pay the postage and fees on First-Class (Priority), third-class, and fourth-class mail to be returned by their designated customers.

.12 Activation. The service is activated by the use of labels which are provided by permit holders to those designated customers they authorize to use the service.

.13 Merchandise Return Label. The label used for this service must contain: The delivery address of the postage due unit at the post office where the permit is held, the address of the permit holder, and a space for the return address of the designated customer. It must also identify the class of mail (see 919.4).

.14 Label Instructions. The permit holder must provide written instructions with the label to advise the designated customer how to use the label and how to mail the parcel.

.15 Distribution. Merchandise return labels may be distributed by permit holders for return to the postage due unit at a post office where a merchandise return permit is held. Merchandise Return Service may be established at the post offices in the United States, its territories and possessions, and at military post offices overseas. Service is not available for any foreign country.

.16 Acceptance. Designated customers may mail parcels using merchandise return labels at any post office, at any place locally designated by the postmaster for the receipt of mail, or in any mail deposit receptacle.

919.2 Permits

.21 General. A merchandise return permit is required at every post office where parcels mailed under the service will be returned.

.22 Application. A form 3625, *Merchandise Return Permit Application* (see Exhibit 919.2), must be submitted at each post office where the mail will be returned. Permit holders must furnish copies of their labels and instructions for approval with the application, and before changes are made.

.23 Processing Application. Upon receipt of the application and the annual permit fee, the postmaster will complete the indicated section and forward it to the MSC manager for approval. Upon approval by the MSC manager, the application must be returned to the postmaster for issuance of the permit. The postmaster will complete and give the customer its part of Form 3625. The permit is valid for one calendar year ending December 31.

.231 Filing Forms. Post offices file Form 3625 by permit holder in alphabetical order.

.232 Annual Permit Renewals. The permit holder must renew the permit by sending the annual fee to the post office issuing the permit by December 31.

.233 Nonrenewed Permits. When records indicate a permit was not renewed, the permit holder will be informed in writing by certified mail with a return receipt that if the permit is not renewed all merchandise return mail will be held for ten days and then returned to the sender. The following methods will be followed if the permit is not renewed after the mailer has been notified in writing and ten days have elapsed.

a. Merchandise return mail will be returned to the sender.

b. Merchandise return mail that does not contain the sender's return address will be forwarded to the nearest dead parcel branch for proper handling with the endorsement "Permit Cancelled."

.24 Cancellation of Permit. A permit may be cancelled by the postmaster, with the approval of the MSC manager, for any violation of postal regulations, including:

.241 Refusal to Pay. Refusal to accept and pay the required charges for merchandise return offered for delivery.

.242 Insufficient Funds. Failure to maintain sufficient funds in the advance deposit account to cover postage and fees chargeable on return parcels.

.243 Nonconforming Labels. Distributing merchandise return labels which do not conform to Postal Service specification.

a. The permit holder will be notified in writing by certified mail of specific errors when merchandise return formats do not meet current postal requirements. He will be allowed ten days to respond. The permit holder is responsible for correcting merchandise return formats and ensuring that future formats meet specifications.

b. To obtain a new permit after a merchandise return permit has been revoked for failure to follow merchandise return format requirements, a new application (Form 3625) must be completed, a new merchandise return permit fee must be paid, and two samples of all merchandise return formats must be submitted annually to the appropriate post office for approval. In addition, funds to cover at least two weeks' normal returns should be maintained in the advance deposit account (see .332) at all times.

.244 Receipt of Parcels After Cancellation. When a permit is cancelled, parcels received after the cancellation will be treated the same as in 919.233 a and b.

919.3 Postage and Fees.

.31 Annual Fee. An annual fee of $50 will be charged for each calendar year or part thereof for each permit issued.

.32 Transaction Fee. The fee for each item returned is 30¢ per parcel in addition to the postage and insurance fees.

.33 Postage Payment.

.311 Applicable Rate. The applicable postage for the single-piece First-Class (Priority), third-class, or fourth-class rate will be charged on each piece returned under the Merchandise Return Service.

.332 Advance Deposit Account. Postage and fees must be paid through a postage due advance deposit account. Parcels will be delivered under this service only when sufficient funds are in an advance deposit account to pay applicable postage and fees. Permit holders may use the same advance deposit for this service as they use for other postage due mail (see 146.34).

919.4 Format.

* * * * *

.42 Required Format Elements.

.421 Preprinted Endorsements.

* * * * *

d. The following information must be shown in capital letters above the merchandise return legend (see Exhibit 919.4):

DELIVERY POST OFFICE

COMPUTE POSTAGE DUE

(SEE 919 DOMESTIC MAIL MANUAL)

ACCEPTANCE POST OFFICE

FOR ANCILLARY SERVICES ONLY

ADD: POSTAGE ______

MERCHANDISE RETURN FEE ______

INSURANCE FEE, IF ANY ______

TOTAL POSTAGE DUE ______

(SEE 919.6 DOMESTIC MAIL MANUAL)

.422 Required Markings. Horizontal bars as prescibed in 917.526 must be placed on labels. A Facing Identification Mark (FIM) as prescribed in 917.527 is not required on this label.

.43 Addressing of Merchandise Return Labels. Space in the upper left corner of the label must contain the return address of the person who sends the matter to the permit holder. The merchandise return label must bear the address of the postage due unit of the post office where the permit is held. The address must be arranged in the manner prescribed in 122.2. A margin of at least one inch is required between the left edge of the piece and the address. The address must contain the following information:

First line in capital letters at least 3/16 of an inch high	Postage Due Unit
Second line	U.S. Postal Service
Third line	(Post Office, State and ZIP Code of the post office)

.44 Class of Mail Endorsement

.441 If endorsement of class of mail appears the parcel will be accepted at the applicable single piece third-class or fourth-class parcel post rate according to weight.

.442 Parcels will be returned as First-Class Mail if the permit holder endorses the label "First-Class". The endorsements must be in letters at least ¼ of an inch high and must be printed or rubber stamped to the left of the merchandise return legend and above the address.

Note.—First-Class Mail cannot be insured unless the contents contain third- or fourth-class matter and are so labeled.

.443 Parcels qualifying for special rate fourth-class or library rate will be returned at those rates provided the appropriate identifying endorsement prescribed in 725.1, 764.11 or 767.1 is preprinted or rubber stamped in letters at least ¼ of an inch high to the left of the "Merchandise Return Label" legend and above the address on the label.

.45 Illustration of Merchandise Return Label. Permit holder's requirements and resources for making labels may vary. Exhibit 919.4 is a suggested example which would meet all address and endorsement requirements.

919.5 Ancillary Services.

.51 Insured Mail Service.

.511 Only the permit holder may obtain insured mail service in conjunction with merchandise return service. The recipient may not obtain insured mail service. To request insured mail service, the permit holder must place the following endorsement and information on the merchandise return label to be attached or affixed to the parcel:

Insurance Desired by Shipper for $ (value)

The endorsement must be printed or rubber stamped to the left and above the *Merchandise Return Label* legend and below the return address. The permit holder must indicate the specific dollar amount of insurance applicable to the parcel.

Note.—First-Class (Priority) Mail cannot be insured unless the parcel contains third- or fourth-class matter and is so labeled.

.512 When a Merchandise Return Service parcel contains the insurance indorsement the article must be presented at a post office for rating.

.513 When a merchandise return article is presented at a post office for return to the permit holder, the accepting Postal Service employee will take the following actions if the return label is endorsed with the *insurance requested* endorsement.

a. Look at the endorsement to see how much insurance is desired by the permit holder and enter the appropriate insurance fee for the coverage desired on the mailing lable on the *Add Insurance Fee If Any* line.

b. If the article is to be insured for $25.00 or less, stamp the article *Insured,* complete a Form 3813, *Receipt for Domestic Insured Parcel,* and give the receipt to the recipient, and instruct the recipient to keep the receipt as evidence of mailing the insured article.

c. If the article is to be insured for more than $25.00 complete a Form 3813–P, *Receipt for Insured Mail, Domestic-International,* affix the insured label with the insurance number on it to the article, give the receipt portion of the Form 3813–P to the recipient, and instruct the recipient to keep the receipt as evidence of mailing the insured article.

.52 Certificate of Mailing.

.521 The designated customer mailing a Merchandise Return Service article may obtain a certificate of mailing at his own expense at the time of mailing.

.522 When the designated customer desires a certificate of mailing, he must present it at a post office to obtain the receipt.

919.6 Acceptance.

.61 General. Merchandise Return Service parcels requiring no ancillary services must be mailed at the designated customer's return address post office, at a place designated by the postmaster for receipt of mail, or in any mail deposit receptacle.

.62 Ancillary Services. Merchandise Return Service parcels requiring insurance or a certificate of mailing must be mailed at a post office so that they can be processed by an acceptance clerk. The accepting employee will:

a. Accept the parcel and verify that the label has been filled out completely.

b. Check to see if an insurance endorsement is preprinted on the label. (See DMM 919.51)

c. Check for the class of mail endorsement by the permit holder. (See DMM 919.44)

d. Compute the postage and fees for the parcel, following all normal procedures required for insured mail service if requested, and apply any required endorsements or labels to the parcel.

e. Record the postage and verify the insurance fee, if applicable, in the spaces provided on the portion of the label to be affixed or attached to the parcel.

f. Total the postage and fees, including the merchandise return fee, and fill in the appropriate spaces on the portion of the label to be affixed to the parcel.

g. Postmark the label in the space directly above the merchandise return legend.

h. Provide a receipt for the insurance or the certificate of mailing to the recipient mailer when that service is requested.

919.7 Delivery. When the parcel is received at the postage due unit, the postage due unit will:

a. Compute the postage and fees.

b. Withdraw the amount due from the permit holder's advance deposit account.

c. Dispatch the parcel for delivery to the permit holder.

d. When numbered insured merchandise return articles are delivered, the delivery Postal Service employee will obtain a delivery receipt for the articles on Form 3849–A, *Delivery Notice or Receipt,* Form 3849–

B, *Delivery Reminder or Receipt,* or Form 3883, *Firm Delivery Book—Registered, Certified and Numbered and Insured Mail.*

Note.—Parcels received without a return address or postmark will be charged the appropriate single piece First-Class (Priority), third-class or fourth-class rate for zone 4 in addition to other required fees. Special fourth-class and Library Rate parcels will be charged the appropriate postage.

A transmittal letter making these changes in the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401, 404(a)(1))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

BILLING CODE 7710-12-M

U.S. POSTAL SERVICE

MERCHANDISE RETURN PERMIT APPLICATION

Application is made to use merchandise return service for return of parcels without prepayment of postage and fees under DMM 919. All postage and fees will be paid by the permit holder on all pieces returned under this privilege. Applicant agrees to prepare merchandise return labels in accordance with DMM 919.4 or 919.5, and understands that failure to conform with those requirements may be considered basis for cancellation of this permit. The annual merchandise return permit fee must accompany this request.

NAME AND ADDRESS OF APPLICANT (Print or type)	NAME		TELEPHONE NO.
	STREET	CITY AND STATE	ZIP CODE

PERMIT FOR PRIORITY ______, THIRD-CLASS ______, FOURTH-CLASS ______ (SUB-CLASS ______)

POST OFFICE TO WHICH SUBMITTED (City, State and ZIP Code)	SIGNATURE AND TITLE OF APPLICANT	DATE

TO BE COMPLETED BY POSTMASTER

☐ RECOMMEND APPROVAL ☐ RECOMMEND NON-APPROVAL DATE

REASON FOR RECOMMENDING NON-APPROVAL

TO BE COMPLETED BY MSC MANAGER

☐ APPLICATION APPROVED ☐ APPLICATION DENIED DATE

REASON FOR DENIAL

DATE OF ISSUANCE	DATE OF EXPIRATION	SIGNATURE OF POSTMASTER

PS Form 3625

POSTMASTER: Retain application in your file. After application has been approved, deliver authorization to permit holder.

U.S. POSTAL SERVICE

MERCHANDISE RETURN PERMIT AUTHORIZATION

PERMIT NUMBER	DATE OF ISSUANCE	DATE OF EXPIRATION	SIGNATURE OF POSTMASTER

You are authorized to use merchandise return service under the provisions of DMM 919. Your permit number must be shown on each label. Please notify this office of any change of name, address or abandonment of permit. Only mail properly prepared in the format described in DMM 919.4 or 919.5 will be accepted. Annual permit renewal fee must be received by the post office issuing the permit by December 31.

Enter name of permit holder, street address, city, state and ZIP Code	POST OFFICE, State and ZIP Code

Exhibit 919.2

BILLING CODE 7710-12-C

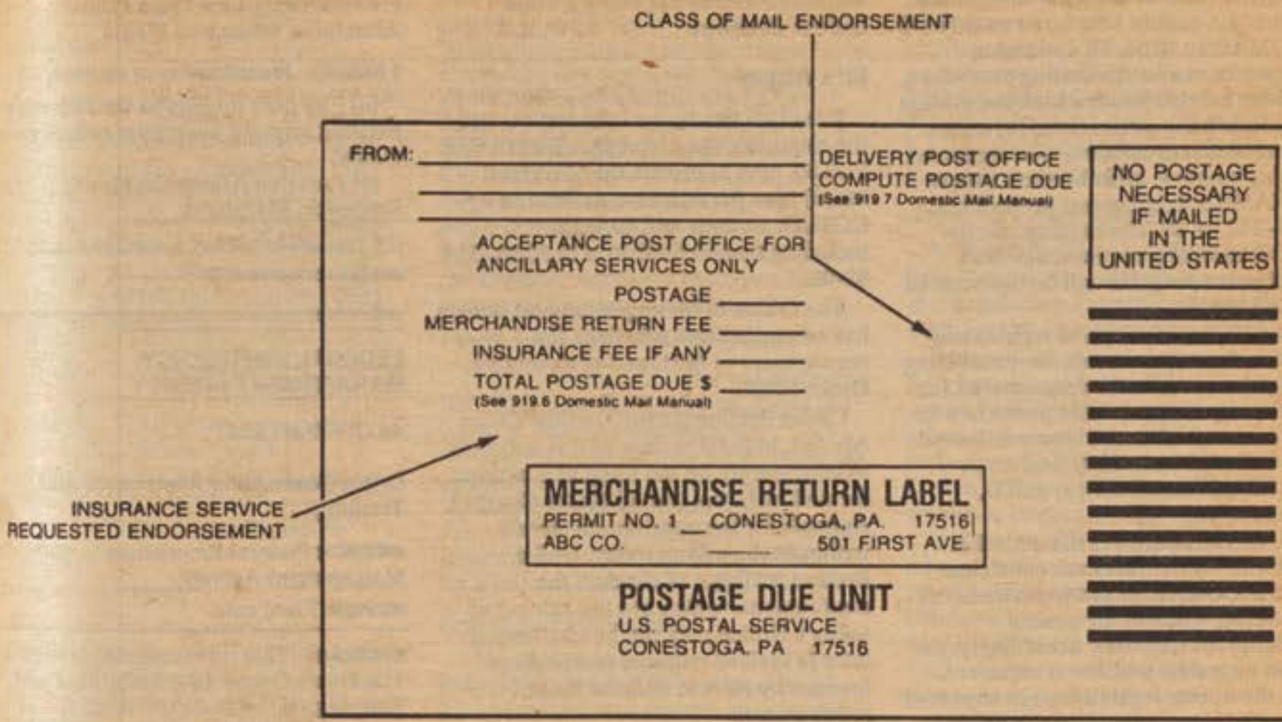

EXHIBIT 919.4

[FR Doc. 85-4270 Filed 3-8-85; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA Docket No. AM204MD; A-3-FRI-279-25]

Approval of State Plans for Designated Facilities and Pollutants; Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves the State of Maryland Air Management Administration's plan for the control of total fluoride emissions from primary aluminum reduction plants as required under Section 111(d) of the Clean Air Act. The plan is applicable statewide, but affects only the Eastalco Aluminum plant located in Frederick County. This plan is approvable as it meets all of the applicable requirements of Section 111(d) of the Clean Air Act and 40 CFR Part 60.

EFFECTIVE DATE: April 10, 1985.

ADDRESSES: Copies of the 111(d) plan, as well as accompanying support documentation submitted by the Maryland Air Management Administration (MAMA) and interested citizens, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division (3AM10), Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: James B. Topsale, P.E.

Maryland Department of Health and Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, MD 21201, Attn: George P. Ferreri

FOR FURTHER INFORMATION CONTACT: Mr. James B. Topsale, (3AM13), 215/597-4553 or at the EPA Region III address indicated above.

SUPPLEMENTARY INFORMATION:

Background

In accordance with Section 111 of the Clean Air Act, "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for new sources of criteria pollutants (pollutants for which National Ambient Air Quality Standards have been published) and non-criteria (or designated) pollutants. Paragraph (d) of Section 111 requires states to develop control plans for designated pollutant emissions from existing stationary sources of the type regulated by standards of performance for new sources of designated pollutants. The requirements for such plans are set forth in Subpart B of 40 CFR Part 60.

On January 24, 1984, the State of Maryland submitted a plan for controlling fluoride emissions from primary aluminum plants. EPA proposed approval of this plan in the Federal Register on August 27, 1984 (49 FR 33905). Today, EPA is giving final approval to the Maryland 111(d) Plan.

Primary Aluminum Fluoride Plan

The plan for controlling emissions of fluorides from existing primary aluminum plants specifies the following emission limits:

(1) Total fluoride emissions discharged from all potlines shall not exceed a quarterly average of 2.5 lbs/ton of aluminum produced.

(2) Total fluoride emissions discharged from an anode bake plant shall not exceed a quarterly average of 0.1 lbs/ton of aluminum produced.

The Eastalco Aluminum reduction plant may not cause or permit the discharge of fluoride emissions which will cause a violation of either the above emission standards as defined in the Code of Maryland Regulations

(COMAR) 10.18.06.07B(2) or the fluoride ambient air quality standards as defined in COMAR 10.18.04. To determine compliance, a specific testing procedure has been established for both the potline and anode bake oven control systems. The stack test procedure, also approved in today's notice, adds Method 1014 to the MAMA's existing test procedures, AMA-TM 83-05. The manner, scope, and duration of a required ambient surveillance program will be determined by the MAMA.

In addition, two revised regulations relocate the requirements for conducting a fluoride surveillance program and for developing an approvable procedure for records maintenance. These are moved from COMAR 10.18.01.04 and .05 to COMAR 10.18.06.07B(1)(b) and D, respectively.

The MAMA believes the emission standards for fluorides are consistent with the COMAR 10.18.04 requirements for meeting ambient air quality standards for fluorides; accordingly, no impact on public welfare is expected. Also, the above regulations are expected to have minimal impact on the affected industry.

Response to Comments

No comments were received during the official 30-day comment period ending September 26, 1984. However, comments were received later from two private citizens and from a Congresswoman on behalf of one of her constituents.

Both citizens were concerned about any impacts that the plan could have on them in the local area, and expressed their desire not to see the plan approved.

The Congresswoman's constituent felt that the fluoride plan would allow primary aluminum reduction plants to emit more fluorides than in the past.

EPA responded to both commenters, reassuring them that the fluoride emission standards proposed by the MAMA are well within EPA's guidelines, and are also consistent with the COMAR 10.18.04 requirements for meeting ambient air quality standards. Accordingly, no impact on public welfare is expected.

In regards to the Congresswoman's letter, EPA explained how the Maryland 111(d) plan now contains a Federally enforceable regulation which sets emission standards for fluorides. Previously, there had been no regulations of this kind at all. EPA believes that the Maryland 111(d) fluoride plan, together with the Maryland Ambient Air Regulations, form a complete strategy on fluoride control and does not allow a more lenient standard.

EPA Action

Based on the above information and the requirements of Subpart B of 40 CFR Part 60, EPA approves the Maryland 111(d) Plan for fluorides defined in COMAR 10.18.04 and 10.18.06.07, including test Method 1014 in AMA-TM 83-05.

The Office of Management and Budget has exempted this rule from the requirement of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from today. Under Section 307(b)(2) of the Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting requirements, Phosphate.

(42 U.S.C. 7411)

Dated: March 1, 1985.

Lee M. Thomas,

Administrator.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart V—Maryland

1. Section 62.5100 is amended by adding paragraphs (b)(3) and (c)(3) to read as follows:

§ 62.5100 Identification of plan.

* * * * *

(b) * * *

(3) Control of fluoride emissions from primary aluminum reduction plants, submitted by the Secretary of Health and Mental Hygiene, State of Maryland on January 26, 1984.

(c) * * *

(3) Primary aluminum reduction plants.

2. An undesignated center heading and § 62.5103 are added as follows:

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.5103 Identification of sources.

(a) The plan applies to the following existing primary aluminum reduction plants:

(1) Eastalco Aluminum Plant, Frederick, Maryland.

[FR Doc. 85-5579 Filed 3-8-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

Crisis Counseling Assistance and Training

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule implements section 413, Crisis Counseling Assistance and Training, of the Disaster Relief Act of 1974, which provides for a program of assistance for States in meeting the emotional needs of victims of major disasters. This rule replaces that currently published by the Department of Health and Human Services (HHS) (42 CFR Part 38), which is canceled by separate publication by HHS.

EFFECTIVE DATE: April 10, 1985.

ADDRESS: Federal Emergency Management Agency, 500 C Street, S.W., Room 710, Washington, D.C. 20472, 202-646-3662.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Individual Assistance Division, Office of Disaster Assistance Programs, 202-646-3662.

SUPPLEMENTARY INFORMATION: On Tuesday, September 4, 1984, FEMA published a proposed rule, and accepted comments until November 5, 1984. Comments were received from seven parties, and replies are being sent directly to the commenters. The Department of Human Resources in North Carolina sent supportive comments, and no changes to the rule were requested or necessary. The Chief Administrative Officer of the County of Los Angeles also sent supportive comments, one of which requested a clarification of the advisory role of the National Institute of Mental Health (NIMH). It was felt that paragraph (e)(2) stated the advisory and other NIMH roles very clearly, and no changes were made. The rest of the comments were from FEMA regional office staff. Two of these supported the rule with no comment. The other three had the following substantive comments, grouped according to their subject matter.

Length of the Program

This comment dealt with the "short-term" nature of the program, and the stated nine-month time period, which did not appear short to the commenter. The proposed rule changes the time period from six months to nine months, because it was felt that programs could not gear up fast enough to take care of the short-term problems and phase into longer-term ongoing programs within the six-month time. Also, experience showed that FEMA often granted a three-month extension, since the program could not be completed in six months. In comparison with ongoing therapy modes, nine months is still relatively short.

Immediate Services

One comment indicated that immediate services should not include payment for assessment work. It does not; the assessment is performed by the Governor and not funded by the grant. Another comment requested information on how the FEMA Regional Director is to know whether the States' resources are insufficient and crisis counseling should be provided. The answer is, by reviewing the Governor's assessment and the recommendation of NIMH. No particular FEMA expertise in mental health resource identification or planning is expected or assumed. The same commenter wanted to know what justification would be required for the obligation and advance of FEMA funds. The answer is stated in paragraph (d)(2), wherein it is determined that State resources are insufficient in a disaster of severe proportions. This commenter also asked whether there is a limit to the amount which can be spent for immediate services. FEMA has set no limit on these funds; the amount will be determined based on the requirements for immediate staffing. Another comment questioned the consequences of a regular program denial after initial approval of immediate services. FEMA intends no adverse consequences of such action. If regular program services were found not to be necessary, the State will have had the benefit of the immediate services award. Another comment about immediate services funds was a question as to whether the immediate services funds were to be included in the overall grant. The answer is that funding for both the immediate services portion and the regular services portion will be from the same fund account, and the obligations and advances will be totaled, but the regular program grant is a separate transaction from the immediate services grant. The last comment requested confirmation of whether the FEMA Regional Director had the authority to approve immediate services funding. The answer is yes. In relation to the Regional Director's authority, the definition of "Regional Director" has been revised to include his/her delegate, the Disaster Recovery Manager, in response to several comments.

FEMA Regional Office Resources

One commenter asked what resources the FEMA national office expected the regional office to use on crisis counseling program functions during the application/funding cycle. The answer is that FEMA assumes no special expertise in needs assessment or other program functions; this role is assumed by NIMH as FEMA's technical advisor.

Reporting Requirements

One commenter requested that the State Coordinating Officer also be provided the same reports as received by the Federal Coordinating Officer and the Secretary of Health and Human Services. We agree, and have revised paragraph (i) accordingly.

Administrative Expenses

A question arose as to whether FEMA would be responsible for any administrative expenses incurred in conjunction with administering a crisis counseling program, including training. The major costs for the grantee (overhead, office space, etc.) are part of the grant, as is the training program cost. Any FEMA staff time in conjunction with the program operation is part of FEMA's normal role in monitoring disaster program delivery.

Qualifications for Program Professionals

One comment stated: "There are no minimum qualifications required for any of the positions for administering the program. The program manager should at least have clinical experience." The rule itself does not address positions which are to be filled by the State, or any qualifications for such positions. This gives the State flexibility to determine what kind of staff it needs to administer the program. If the qualifications listed in the grant proposal for certain State positions do not meet NIMH's approval upon review, NIMH will recommend disapproval until the deficiencies are corrected.

Environmental Considerations

This regulation is procedural and FEMA has determined that there will be no significant impact on the environment caused by its implementation. Recently, an amendment to FEMA's final rule on Environmental Considerations (44 CFR Part 10) was published, which provided a categorical exclusion for Crisis Counseling Assistance and Training.

Regulatory Flexibility Act

This rule has been determined not to be a "major rule" within the meaning of the Regulatory Flexibility Act (5 USC 601), for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more;

(2) It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) It will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, an initial regulatory flexibility analysis will not be prepared.

Authority

This rule is issued under the authority of section 602 of the Disaster Relief Act of 1974 (Pub. L. 93-288).

Content of the Rule

The rule implements section 413 of the Disaster Relief Act of 1974. It states procedures for obtaining financial assistance for providing crisis counseling services to victims of a major disaster declared under the Act.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, Housing and community development.

PART 205—[AMENDED]

Accordingly, FEMA revises 44 CFR 205.59, as follows:

§ 205.59 Crisis Counseling Assistance and Training.

(a) *Purpose.* This section establishes the policy, standards, and procedures for implementing section 413 of the Act, Crisis Counseling Assistance and Training. FEMA will look to the Director, National Institute of Mental Health (NIMH), as the delegate of the Secretary of Health and Human Services (HHS).

(b) *Definitions.* (1) "Assistant Associate Director" means the head of the Office of Disaster Assistance Programs, FEMA; the official who approves or disapproves a request for assistance under section 413 of the Act.

(2) "Crisis" means any life situation resulting from a major disaster or its aftermath which so affects the emotional and mental equilibrium of a disaster victim that professional mental health counseling services should be provided to help preclude possible damaging physical or psychological effects.

(3) "Crisis counseling" means the application of individual and group treatment procedures which are designed to ameliorate the mental and emotional crises and their subsequent psychological and behavioral conditions resulting from a major disaster or its aftermath.

(4) "Federal Coordinating Officer (FCO)" means the person appointed by the Associate Director to coordinate Federal assistance in an emergency or a major disaster.

(5) "Grantee" means the State mental health agency or other local or private mental health organization which is designated by the Governor to receive funds under section 413 of the Act.

(6) "Immediate services" means those screening or diagnostic techniques which can be applied to meet mental health needs immediately after a major disaster such as those which may be provided at disaster assistance centers. Funds for immediate services may be provided directly by the Regional Director to the State or local mental health agency, prior to and separate from the regular application process of crisis counseling assistance.

(7) "Major disaster" means any hurricane, tornado, storm, flood, highwater, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of State and local governments, and disaster relief organizations alleviating the damage, loss, hardship, or suffering caused thereby.

(8) "Project Officer" means the person assigned by the Secretary, HHS, to monitor a crisis counseling program, provide technical assistance and guidance, and be the contact point within HHS for program matters.

(9) "Regional Director" means the director of a regional office of FEMA, or the Disaster Recovery Manager, as the delegate of the Regional Director.

(10) "Secretary" means the Secretary of HHS or his/her delegate.

(11) "State Coordinating Officer (SCO)" means the person appointed by the Governor to act in cooperation with the FCO.

(c) *Agency Policy.* (1) It is agency policy to provide crisis counseling services, when required, to victims of a major disaster for the purpose of relieving mental health problems caused or aggravated by a major disaster or its aftermath. Assistance provided under this section is short-term in nature and is provided at no cost to eligible disaster victims.

(2) The Regional Director and Assistant Associate Director, in fulfilling their responsibilities under this section, shall coordinate with the Secretary.

(3) In meeting the responsibilities under this section, the Secretary or his/her delegate will coordinate with the Assistant Associate Director.

(d) *State Initiation of the Crisis Counseling Program.* (1) Assessment. To obtain assistance under this section, the Governor or his/her authorized representative must initiate an assessment of the need for crisis counseling within 10 days of the date of the major disaster declaration. The purpose of the assessment is to provide an estimate of the size and cost of the program needed and to determine if supplemental assistance is required. The factors in the assessment must include those described in paragraph (d)(3)(ii) (C) and (D) of this section.

(2) *Immediate Services.* If, during the course of the assessment, the State determines that immediate mental health services are required because of the severity and magnitude of the disaster, and if State or local resources are insufficient to provide these services, the State may request and the Regional Director, upon determining that Stated resources are insufficient, may provide funds to the State, separate from the application process described in the remainder of this section. The Regional Director shall consult with the Secretary in evaluating the need for immediate services and the State's capability for providing the services. Immediate services are not intended to be a replacement for the regular program. Therefore, funding shall be granted only for that period of time that does not exceed 60 days following the declaration of the disaster, except that if an application for the regular program under paragraph (d)(3) of this section has been submitted, funding for immediate services may continue until a decision has been made on that application.

(3) Application for Regular Program Assistance under section 413 is provided primarily in the form of a grant to a State, local or private mental health organization designated by the Governor to administer the crisis counseling program. The Governor or his/her authorized representative shall submit an application to the Assistant Associate Director, through the Regional Director, and simultaneously to the Secretary, not later than 60 days following the declaration of the major disaster.

(i) The application represents the Governor's agreement and/or certification:

(A) That the requirements are beyond the State and local governments' capabilities;

(B) That the program, if approved, will be implemented according to a plan approved by the Assistant Associate Director;

(C) To maintain close coordination with and provide reports to the Regional Director, the Assistant Associate Director, and the Secretary; and

(D) To include mental health disaster planning in the State's emergency plan prepared under Title II, Pub. L. 93-288.

(ii) The application must include:

(A) Standard Form 424;

(B) The geographical areas within the designated disaster area for which services will be supplied;

(C) An estimate of the number of disaster victims requiring assistance. This documentation of need should include the extent of physical, psychological, and social problems observed, the types of mental health problems encountered by victims, and a description of how the estimate was made;

(D) A description of the State and local resources and capabilities, and an explanation of why these resources cannot meet the need; and

(E) A plan of services as described in paragraph (d)(4) of this section.

(4) Plan of Services. (i) State administered programs. In accordance with paragraph (d)(3)(ii)(D) of this section, the Governor must submit a plan of services to the Regional Director. The plan of services must include:

(A) The manner in which the program will address the needs of the affected population, including the types of services to be offered, an estimate of the length of time for which mental health services will be required, and the manner in which long-term cases will be handled;

(B) A description of the organizational structure of the program, including designation by the Governor of an individual to serve as administrator of the program. If more than one agency will be delivering services, the plan to coordinate services must also be described;

(C) Training plans. If a training program for staff is planned, it must be described, and the number of workers needing such training must be indicated;

(D) Facilities to be utilized, including plans for securing office space if necessary to the project; and

(E) A detailed budget, including identification of the resources the State and local governments will commit to both services and training, proposed funding levels for the different agencies if more than one is involved, and an estimate of the required Federal contribution.

(ii) Public or private mental health agency programs. If the Governor determines during the assessment that because of unusual circumstances or serious conditions within the State or local mental health network, the State cannot carry out the crisis counseling program, he/she may identify a public or private mental health agency or organization to carry out the program or request the Regional Director to identify, with the assistance of the Secretary, such an agency or organization. Preference should be given to the extent feasible and practicable to those public and private agencies or organizations which are located in or do business primarily in the major disaster area. In order to obtain the financial assistance requested by the Governor, this agency or organization must submit a plan of services, as in paragraph (d)(4) of this section. The Governor's application is not complete without this plan of services.

(e) *Assignment of Responsibilities.* (1) The Regional Director shall:

(i) In the case of a request for immediate services, acknowledge receipt of the request, verify (with assistance from the Secretary) that State resources are insufficient, approve or disapprove the State's request, and obligate and advance funds for this purpose;

(ii) In the case of a regular program application:

(A) Acknowledge receipt of the request;

(B) Request the Secretary to conduct a review to determine the extent to which assistance requested by the Governor or his/her authorized representative is warranted;

(C) Based on the recommendation of the Secretary, recommend approval or disapproval of the application for assistance under this section; and forward the recommendation and documentation to the Assistant Associate Director;

(D) Assist the State in preliminary surveys and provide guidance and technical assistance (through the Secretary) if requested to do so; and

(E) Look to the Secretary for program oversight and monitoring.

(2) The Secretary shall:

(i) Provide technical assistance to the Regional Director in reviewing a State's application, to a State during program implementation and development, and to mental health agencies, as appropriate;

(ii) At the request of the Regional Director, conduct a review to verify the extent to which the requested assistance is needed and provide a recommendation on the need for supplementary Federal assistance. The review must include:

(A) A verification of the need for services with an indication of how the verification was conducted;

(B) Identification of the Federal mental health programs in the area, and the extent to which such existing programs can help alleviate the need;

(C) An identification of State, local, and private mental health resources, and the extent to which these resources can assume the workload without assistance under this section, and the extent to which supplemental assistance is warranted;

(D) A description of the needs; and

(E) A determination of whether the plan adequately addresses the mental health needs;

(iii) If the application is approved, provide grant assistance to States or the designated public or private entities;

(iv) If the application is approved, monitor the progress of the program and perform program oversight;

(v) Coordinate with, and provide program reports to, the Regional Director and the Assistant Associate Director; and

(vi) Make the appeal determination involving allowable costs and termination for cause as described in paragraph (h)(3) of this section.

(3) The Assistant Associate Director shall:

(i) Approve or disapprove a State's request for assistance based on recommendations of the Regional Director and the Secretary;

(ii) Obligate funds and authorize advances of funds to the Department of Health and Human Services;

(iii) Request that the Secretary designate a Project Officer; and

(iv) Maintain liaison with the Secretary.

(f) *Time Limitations.* (1) Application filing. The Governor or his/her authorized representative must, not later than 60 days from the date of declaration of a major disaster, submit an application to the Regional Director.

(2) Program period. The authorized program period shall not exceed nine months from the first day disaster crisis counselors are trained, or if training is not part of the program, the first day services are provided, except that upon the request of the Regional Director and the Secretary, the Assistant Associate Director may authorize up to 90 days of additional program period because of documented extenuating circumstances.

(g) *Eligibility Guidelines.* (1) For services. An individual may be eligible for crisis counseling services if he/she was a resident of the designated major disaster areas or was located in the area at the time of the major disaster and if:

(i) He/she has a mental health problem which was caused or aggravated by the major disaster or its aftermath; or

(ii) He/she may benefit from preventive care techniques.

(2) For training. (i) Those mental health specialists who are employed under or are consultants to the crisis counseling program are eligible for the specific instruction that may be required to enable them to provide professional mental health crisis counseling to eligible individuals.

(ii) All Federal, State and local disaster workers responsible for assisting disaster victims are eligible for general instruction designed to enable them to deal effectively and humanely with disaster victims.

(h) *Grant Awards.* (1) The amount of any regular program grant award shall be determined on the basis of the Secretary's estimate of the sum necessary to carry out the grant purpose. The Assistant Associate Director will, depending on availability of funds, advance funds to HHS for regular program funding. The Regional Director may advance funds to a State for immediate services.

(2) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of any approved application.

(3) Several other regulations of the Department of Health and Human Services apply to grants under this

section. These include, but are not limited to:

45 CFR Part 16—HHS grant appeals procedures
42 CFR Part 50, Subpart D—PHS grant appeals procedures
45 CFR Part 74—Administration of grants
45 CFR Part 75—Informal grant appeals procedures (indirect cost rates and other cost allocations)
45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services (effectuation of Title VI of the Civil Rights Act of 1964)
45 CFR Part 81—Practice and procedure for hearings under Part 80
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 programs
45 CFR Part 91—Nondiscrimination on the basis of age in Federally-assisted programs.

(4) Any funds granted pursuant to this section shall be expended solely for the purposes specified in the approved application and budget, these regulations, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(i) *Reporting Requirements.* (1) Grantees (States, public or private agencies). The grantees shall submit the following reports to the Secretary, the Regional Director, and the State Coordinating Officer:

(i) Quarterly progress reports, as required by the Regional Director or the Secretary;

(ii) A final program report, to be submitted within 45 days after the end of the program period;

(iii) An interim accounting of funds, to be submitted with the final program report;

(iv) A final accounting of funds, if required, upon completion of the audit; and

(v) Such additional reports as the FCO, SCO, or Secretary may require.

(2) The Secretary. As part of project monitoring responsibilities, the Secretary shall report to the Assistant Associate Director and to the Regional director at least quarterly on the progress of crisis counseling programs, in a report format jointly agreed upon by the Secretary may also be required to provide special reports, as requested by the FCO. The Secretary shall require progress reports and other reports from the grantee to facilitate his/her project monitoring responsibilities.

(j) *Financial Accountability.* All Federal funds made available to grantees under this section shall be properly accounted for as Federal funds in the accounts of the grantees. The Secretary is accountable to FEMA for funds made available to the Department under section 413. The Secretary shall, within 90 days of completion of a program, submit to the Assistant Associate Director a final accounting of all expenditures for the program and return to FEMA all excess funds. Attention is called to the requirements of 44 CFR Subpart I, relating to the reimbursement of Federal agencies by FEMA.

(k) *Federal Audits.* The crisis counseling program is subject to Federal audit. The Associate Director, the Regional Director, the FEMA Inspector General, the Secretary, and the Comptroller General of the United States, or their duly authorized representatives, shall have access to any books, documents, papers, and records that pertain to Federal funds, equipment, and supplies received under this section for the purpose of audit and examination.

Dated: February 13, 1985.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85-5560 Filed 3-8-85; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

List of OMB Control Numbers Assigned Pursuant to the Paperwork Reduction Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Commission's list of OMB approved information collection requirements contained in the Commission's Rules.

This action is necessary to comply with the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget for each agency information collection requirement.

This action will provide the public with a current list of information collection requirements in the Commission's Rules which have OMB approval.

EFFECTIVE DATE: March 11, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jerry Cowden, Office of Managing Director (202) 632-7513.

SUPPLEMENTARY INFORMATION: List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies), Reporting and recordkeeping requirements.

Order

In the matter of editorial amendment of § 0.408 of the Commission's Rules.

Adopted: March 4, 1985.
Released: March 5, 1985.

1. Section 3507(f) of the Paperwork Reduction Act of 1980 requires agencies to display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

2. Section 0.408 of the Commission's Rules displays the OMB control numbers assigned to the information collection requirements contained in the Commission's Rules. OMB control numbers assigned to Commission forms are not listed in this section since those numbers appear on the forms.

3. This Order amends § 0.408 to remove listings of information collections which the Commission has eliminated or to add listings of new information collections which OMB has approved.

4. Authority for this action is contained in section 4(i) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules. Since this amendment is editorial in nature, the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

5. Accordingly, it is ordered, that § 0.408 of the rules is amended in accordance with the attached appendix, effective on the date of publication in the **Federal Register**.

6. Persons having questions on this matter should contact Jerry Cowden at (202) 632-7513.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Appendix

PART 0—[AMENDED]

47 CFR Part 0 is amended to read as follows: