

Change: In accordance with the comments, the phrase "professional productivity" is deleted. This sentence will now read "Education, experience, and training in fields related to the objectives of the project."

Comment: One commenter was concerned that § 778.22(g), *Adequacy of Resources*, now suggests as a criterion a willingness on the part of the institution to share costs. Clarification of this point was sought, along with the level at which the institution would need to show this willingness.

Discussion: There is no significant change in this criterion from the previous regulations except that two separate items were combined into one. There is no new requirement for any level of cost-sharing or matching funds. The application narrative should describe the resources available to the applicant and what will be utilized during the project. This is not a formal cost-sharing requirement.

Change: None.

Additional Factors the Secretary may Consider

Comment: The Secretary received numerous comments on § 778.23 concerning the provision to expand the Secretary's discretion in improving geographical distribution of awards. One commenter stated that equitable geographical distribution as a criterion constitutes unfair competition and that superior proposals from qualified research libraries should be the overriding criterion. They also stated that peer review becomes meaningless with

this rule. Many commenters were concerned with the statement that the Secretary may consider the geographical distribution of projects funded during the preceding five years or the current competition only. The majority of the commenters were opposed to the provision to include review of the current year's proposals only as this would lead to support of weaker proposals simply for reasons of geographical distribution of awards. One commenter suggested that this change would leave the program vulnerable to political exigencies of particular States or regions of the country. Another commenter stated that this would inflict arbitrary and unacceptable restrictions on grants and has no basis in the statute.

Discussion: Section 232 of the Act directs the Secretary "to achieve broad and equitable geographical distribution throughout the Nation" regarding grants under this program. In light of this directive, the Secretary has no choice but to consider whether grants are broadly and equitably distributed. In prior years, this assessment was based primarily on the distribution of awards over the preceding five year period of time, and factors such as the current year's distribution were not considered. The Secretary had decided that the geographical distribution of projects during the preceding five fiscal years, and the impact of current awards on the needs of the research community should be sufficient factors for the Secretary to discharge his statutory responsibilities under section 232 of the Act.

Change: The Secretary has revised the proposed regulations by deleting § 778.23(b)(1) which permitted consideration of the current year's geographical distribution only in endeavoring to achieve broad and equitable distribution of projects and, instead, will consider the geographical distribution of the projects during the preceding five fiscal years and the impact of current awards on the needs of the research community.

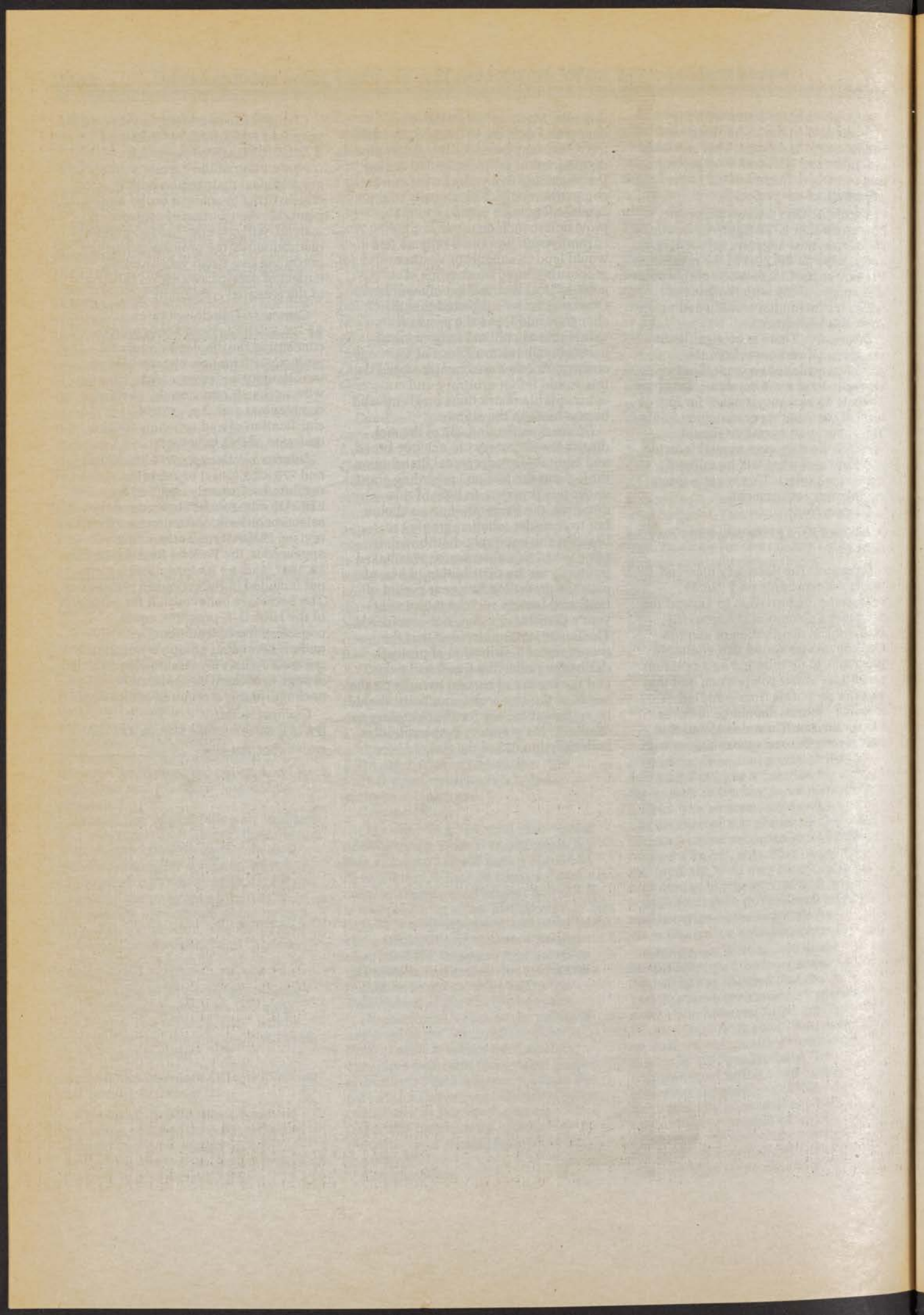
Comment: Deletion of prior §§ 778.32(c)(2)(v) and 778.32(d)(2)(iv) concerning the employment of and project participation by members of traditionally underrepresented groups was a cause for concern by several commenters and they sought clarification of and rationale for the omission of this language.

Discussion: Sections 778.32(c)(2)(v) and 778.32(d)(2)(iv) of the prior regulations, formerly required by EDGAR as essential elements of the selection criteria, were dropped from the revised EDGAR regulations that appeared in the *Federal Register* on July 24, 1987, and, as a consequence, were not included in the proposed regulations. The Secretary believes that for purposes of the HEA II-C program, equal consideration of traditionally underrepresented groups is adequately covered by Part IV, Assurances, which is page G of the II-C application package, and is a required submission.

Change: None.

[FR Doc. 88-10795 Filed 5-12-88; 8:45 am]

BILLING CODE 4900-01-M



Register

Friday,
May 13, 1988

Part IV

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 172, 173, 174, and 177 Molten Sulfur; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Parts 172, 173, 174, and 177

[Docket No. HM-198, Amdt. Nos. 172-112,
173-205, 174-64, 177-72]

Molten Sulfur

AGENCY: Research and Special Programs
Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: RSPA is amending the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-179) to regulate molten sulfur as an ORM-C material. This material would be subjected to the hazard communication, general packaging and incident reporting requirements contained in the HMR. These changes are necessary to provide emergency response personnel with sufficient hazard identification information to respond to transportation incidents, and to increase the overall safety in the transport of this material.

EFFECTIVE DATE: These amendments are effective on January 2, 1989. However, compliance with the regulations as amended herein is authorized as of June 13, 1988.

FOR FURTHER INFORMATION CONTACT:

Helen L. Engrum, Regulations Development Branch, DHM-11, Standards Division, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590, (202) 366-4488.

SUPPLEMENTARY INFORMATION:

I. Background

On November 21, 1986, RSPA published a notice of proposed rulemaking (NPRM) in the *Federal Register*, under Docket HM-198, Notice No. 86-6 (51 FR 42114). In Notice 86-6, RSPA proposed to add molten sulfur to the § 172.101 Table, with a hazard class of "flammable solid" and a packaging reference to § 173.24. A "+" symbol appeared in Column 1 of the § 172.101 Table to indicate that this material would be regulated as a flammable solid even though it did not meet the definition for "flammable solid" in § 173.150. This action to regulate molten sulfur was based on RSPA's belief that molten sulfur may pose an unreasonable risk to health and safety or property when transported in commerce.

Several incidents involving the transport of molten sulfur, including three in the state of California since 1985, have emphasized the need for

regulation of this material. Accidents involving spills near Barstow County and Culver City in 1986, and another in Benecia in 1985, demonstrated a lack of hazard communication. In each of these incidents, lack of swift and accurate identification of the material led to delays in handling the incidents and, in at least two instances, contributed to injuries sustained by persons on the scene. Molten sulfur will burn persons coming in contact with it and may present a toxic hazard due to the presence of limited quantities of hydrogen sulfide gas. If molten sulfur is ignited, it produces large quantities of toxic sulfur dioxide and may cause a fire to spread as a result of the burning liquid's tendency to flow quite readily. The Benecia, California incident resulted in two persons being killed and twenty-six persons being injured by the spill and closure of a major transportation artery for twenty-four hours. The interested reader is directed to Notice No. 86-6 for additional background information concerning the Benecia, California incident.

Notice No. 86-6 consisted of two parts: An NPRM addressed to molten sulfur and an advance notice of proposed rulemaking, consisting of a series of eleven questions, addressed to other molten materials, such as molten aluminum. This final rule addresses only molten sulfur. RSPA will address other molten materials in a future rulemaking action.

In response to the NPRM, RSPA received 36 comments addressed to molten sulfur. Five commenters supported the proposed actions, essentially as proposed, citing the need for hazard communication requirements and general packaging requirements. Several of these commenters stated that the flammable solid hazard class was appropriate for consistency with the classification of molten sulfur in the United Nations Recommendations on the Transport of Dangerous Goods (UN Recommendations).

Ten commenters opposed any regulation of molten sulfur. These commenters contended that regulation was inappropriate, some on the basis that the hazards posed by the material do not justify regulation and others on the basis that the material does not meet the definition of a flammable solid.

Twenty-one commenters were in favor of regulating molten sulfur but opposed its classification as a flammable solid. Several commenters representing rail concerns stated that classification of molten sulfur as a flammable solid would subject rail cars transporting the material to train placement requirements. In addition,

commenters contended that this would significantly increase the costs incurred by rail carriers and shippers of molten sulfur. Based on information provided by commenters, RSPA estimated that over 90,000 rail carloads of molten sulfur are transported each year.

Several commenters argued that, because molten sulfur does not meet the definition in § 173.150 for a flammable solid, it is inappropriate, and potentially confusing, to classify it as a flammable solid. Commenters suggested that molten sulfur be classed as an ORM-C, rather than a flammable solid.

RSPA's primary reason for initiating this rulemaking action was to extend the hazard communication requirements to molten sulfur. RSPA proposed to class the material as a flammable solid, rather than an ORM-C, because shipping papers and markings are normally required for shipments of flammable solids, but not for ORM-C materials in all instances. RSPA believes that the need for both shipping paper and markings is essential to communicate the hazards of molten sulfur.

RSPA agrees with the commenters that molten sulfur does not meet the definition in § 173.150 for a flammable solid, nor does it meet the defining criteria for flammable solids in the UN Recommendations. However, there are many hazardous materials which do not meet the defining criteria of the hazard class to which they are assigned. These materials appear in the § 172.101 Table with a "+" symbol in column 1.

After consideration of the merits of the comments submitted, RSPA agrees with the commenters that classing of molten sulfur as a flammable solid may be inappropriate. With regard to the hazards posed by molten sulfur, it appears that molten sulfur poses a lesser degree of hazard than other materials regulated as flammable solids. Also, it appears that any safety benefits that might be attributable to requiring FLAMMABLE SOLID placards on transport vehicles, and train placement requirements for tank cars of molten sulfur, would be outweighed by the costs of these regulatory requirements.

RSPA believes that an appropriate level of safety, with regard to the hazard communication requirements, can be achieved by placing molten sulfur in the ORM-C hazard class, by requiring shipping papers in all modes of transport, and by requiring bulk packagings to be marked with the proper shipping name "MOLTEN SULFUR" and with identification numbers as prescribed in § 172.332. Therefore, in this final rule, RSPA is amending the HMR as follows. A new

entry is added to the § 172.101 Table to provide for Sulfur, molten, classed as an ORM-C. Section 172.200(b) is revised to require shipping papers for ORM materials when transported in a regulated mode. Section 173.1080 is revised to provide for packaging of molten sulfur in conformance with § 173.510 and to require the marking of bulk packages containing the material. Sections 174.24(b) and 177.817(d) are amended for consistency with the changes made in § 172.200.

The revision to § 172.200(b) affects materials other than molten sulfur and clarifies the application of shipping paper requirements to ORM-A, B, and C materials. Most ORM-A, B, and C materials are regulated only for transportation by aircraft or vessel, or both, as indicated in the § 172.101 Table by the appearance of the symbols, "A" and "W" in Column 1. Under the language originally adopted in Docket HM-103/112 (41 FR 16044), ORM-A, B, and C materials were subject to shipping paper requirements only when transported in a regulated mode, i.e., in the air or water modes. Subsequent amendments to the HMR added ORM-B and C materials (e.g., gallium and asbestos, respectively) that are regulated in all modes of transportation. These subsequent amendments were intended to subject these materials to shipping paper requirements when transported in any mode when there is no "A" or "W" in Column 1 of the § 172.101 Table. In Docket HM-137 (41 FR 37114), wherein gallium metal, liquid, and gallium metal, solid, were subjected to regulation under the HMR, it was specifically stated that " * * * the provisions of 49 CFR Part 172, Subparts C and D (relating to shipping papers and markings) * * * are applicable to shipments of gallium metal * * *". Inadvertently, § 172.200(b) was not revised at that time to clarify that shipping papers are required any time an ORM-A, B, or C material is transported in a regulated mode. This error is corrected in this final rule. In addition, the language of §§ 174.24(b) and 177.817(d) is revised for consistency with the revised § 172.200(b).

Most commenters contended that specific packaging requirements are not needed for molten sulfur and that § 173.24 should be referenced for general packaging requirements. In this rule, RSPA specifies packaging in accordance

with the general packaging requirements of § 173.510, which, in effect, requires conformance with § 173.24. RSPA believes that reference to general packaging requirements in §§ 173.510 and 173.24, instead of adoption of more specific packaging requirements, is acceptable for the present time. RSPA anticipates further consideration of the need for more specific packaging requirements as part of RSPA's consideration of the need for packaging standards for molten materials in general which, as previously mentioned, will be addressed in a future NPRM.

Several commenters contended that RSPA should create a distinct hazard class for molten sulfur and other molten materials. RSPA desires to avoid a proliferation of hazard classes to address materials with unique characteristics and believes that the actions taken in this final rule address the safety issues in a practicable manner. However, RSPA wishes to note that Docket HM-181 (Notice No. 87-4; 52 FR 42772) contains a proposal to eliminate the ORM-C hazard class in favor of the internationally recognized Class 9 for miscellaneous hazardous materials. Therefore, this issue will be given further consideration in future rulemaking action. Also, since molten sulfur is classed as a flammable solid (i.e., Division 4.1), rather than a Class 9 material, in the United Nations Recommendations on the Transport of Dangerous Goods and the International Maritime Dangerous Goods Code, RSPA may propose a change in this classification.

Administrative Notices

Executive Order 12291

The RSPA has determined that this final rule (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). A regulatory evaluation is available for review in the Docket.

Executive Order 12612

This action has been analyzed in accordance with the principles and

criteria contained in Executive Order 12612, and it has been determined that the proposed final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Impact on Small Entities

Based on limited information concerning size and nature of entities likely to be affected by this final rule, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Information collection requirements contained in the current § 172.200 pertaining to shipping papers have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned control number, OMB No. 2137-034 (expiration date 11-30-90).

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Shipping papers, Marking and labeling.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Rail carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, and 1806; 49 CFR Part 1, unless otherwise noted.

2. In § 172.101, the Hazardous Materials Table is amended by adding a new entry in appropriate alphabetical sequence, as follows:

§ 172.101 Hazardous Materials Table.

+ /E/ A/W	Hazardous materials description and proper shipping names	Hazard class	Identifi- cation No.	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep- tions	Specific require- ments	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo ves- sel	Pas- senger vessel	Other requirements
(1)	(2)	(3)	(3(a))	(4)	(5(a))	(5(b))	(6(a))	(6(b))	(7(a))	(7(b))	(7(c))
	(Add) Sulfur, molten	ORM-C	UN2448	None	173.505	173.1080	Forbidden....	Forbidden....	1	1	Stow away from oxidizers and living quarters.

3. In § 172.200, paragraph (b) is revised to read as follows:

§ 172.200 Applicability.

(b) This subpart does not apply to any material, other than a hazardous waste or a hazardous substance, that is—

(1) Identified by the letter "A" in Column 1 of the § 172.101 Table, except when the material is offered or intended for transportation by air; or

(2) Identified by the letter "W" in Column 1 of the § 172.101 Table, except when the material is offered or intended for transportation by water; or

(3) An ORM-D, except when the material is offered or intended for transportation by air.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, and 1808; 49 CFR Part 1, unless otherwise noted.

5. Section 173.1080 is revised to read as follows:

§ 173.1080 Sulfur, molten or solid.

(a) *Solid sulfur.* When offered for transportation by water, solid sulfur, including flowers of sulfur (sulfur flower), must be packaged in conformance with § 173.510 in packagings as follows:

- (1) Metal barrel or drum;
- (2) Wooden barrel or keg;
- (3) Wooden or fiberboard box;
- (4) Sift-proof multi-wall paper bag;
- (5) Sift-proof paper-lined burlap bag;
- (6) Sift-proof rail car; or
- (7) Sift-proof or lined freight container.

(b) *Molten sulfur.* Packagings for molten sulfur must—

- (1) Conform to the requirements of § 173.510; and
- (2) For bulk packagings, be marked "MOLTEN SULFUR" in the manner prescribed in Subpart D of Part 172 of this subchapter.

PART 174—CARRIAGE BY RAIL

6. The authority citation for Part 174 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

7. In § 174.24, paragraph (b) is revised to read as follows:

§ 174.24 Shipping papers.

(b) This subpart does not apply to a material that is excepted from shipping paper requirements as specified in § 172.200 of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

8. The authority citation for Part 177 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805; 49 CFR Part 1, unless otherwise noted.

9. In § 177.817, paragraph (d) is revised to read as follows:

§ 177.817 Shipping papers.

(d) This subpart does not apply to a material that is excepted from shipping paper requirements as specified in § 172.200 of this subchapter.

Issued in Washington, DC, on May 10, 1988, under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 88-10802 Filed 5-12-88; 8:45 am]

BILLING CODE 4910-60-M

Best Start Federal Report

Friday
May 13, 1988

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair
Housing and Equal Opportunity

Availability of Funding Under the
Community Housing Resource Board
Program; Competitive Solicitation; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Fair Housing and Equal Opportunity**

[Docket No. N-88-1797, FR-2485]

Availability of Funding Under the Community Housing Resource Board Program; Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of funds availability.

SUMMARY: HUD is soliciting applications from eligible Community Housing Resource Boards (CHRBs) for funding under the CHRB Program. CHRBs must meet certain eligibility criteria in order to qualify for consideration.

DATE: Applications are to be received not later than June 28, 1988, 3:00 p.m. Local time at the place designated for the receipt of applications in accordance with the CHRB Request for Grant Applications.

FOR FURTHER INFORMATION CONTACT: The appropriate Regional Director for Fair Housing and Equal Opportunity is also the Grant Officer (GO) and is located at the HUD Regional Office. Application kits are available to eligible CHRB applicants upon written (preferably certified mail) request from the office listed below which is responsible for serving the State in which the Resource Board is located. *Collect calls will not be accepted.* These kits are available from:

Region I:

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut
Department of Housing and Urban Development
Attention: Robert Laplante
Director, Regional Office of Fair Housing and Equal Opportunity, 1E
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 308
Boston, MA 02222-1092
Phone: 617/565-5304

Region II:

New York and New Jersey
Department of Housing and Urban Development
Attention: Stanley Seidenfeld
Director, Regional Office of Fair Housing and Equal Opportunity, 2E
26 Federal Plaza, Room 3532
New York, NY 10278-0068
Phone: 212/264-1290

Region III:

Pennsylvania, Delaware, Maryland, Virginia, West Virginia and Washington, DC
Department of Housing and Urban Development
Attention: Raymond J. Solecki
Director, Regional Office of Fair Housing and Equal Opportunity, 3E
Liberty Square Building
105 South 7th Street, 3rd floor
Philadelphia, PA 19106-3392
Phone: 215/597-2338

Region IV:

Georgia, North Carolina, South Carolina, Florida, Tennessee, Alabama, Mississippi and Kentucky
Department of Housing and Urban Development
Attention: Augustus L. Clay
Director, Regional Office of Fair Housing and Equal Opportunity, 4E
Richard B. Russell Federal Building, Room 524
75 Spring Street, SW.
Atlanta, GA 30303-3388
Phone: 404/331-5140

Region V:

Illinois, Ohio, Michigan, Minnesota, Indiana and Wisconsin
Department of Housing and Urban Development
Attention: Thomas Higginbotham
Director, Regional Office of Fair Housing and Equal Opportunity, 5E
Room 2110
300 South Wacker Drive
Chicago, IL 60606-6765
Phone: 312/353-7776

Region VI:

Texas, Oklahoma, Louisiana, Arkansas and New Mexico
Department of Housing and Urban Development
Attention: John E. Wright
Director, Regional Office of Fair Housing and Equal Opportunity, 6E
1600 Throckmorton Street, Room 501
P.O. Box 2905
Fort Worth, TX 76113-2905
Phone: 817/885-5491

Region VII:

Kansas, Iowa, Nebraska and Missouri
Department of Housing and Urban Development
Attention: J.B. Littlejohn
Director, Regional Office of Fair Housing and Equal Opportunity, 7E
Professional Building, Room 1102
1103 Grand Avenue
Kansas City, MO 64106-2496
Phone: 816/374-2685

Region VIII:

Colorado, Wyoming, North Dakota, South Dakota, Montana and Utah
Department of Housing and Urban Development
Attention: Lloyd Miller
Director, Regional Office of Fair Housing and Equal Opportunity, 8E
Executive Tower Building
1405 Curtis Street, 27th Floor
Denver, CO 80202-2349
Phone: 303/844-4751

Region IX:

California, Nevada, Arizona and Hawaii
Department of Housing and Urban Development
Attention: Lavera Gillespie
Director, Regional Office of Fair Housing and Equal Opportunity, 9E
Phillip Burton Federal Building, Room 8001
450 Golden Gate Avenue
P.O. Box 36003
San Francisco, CA 94102-3448
Phone: 415/556-6826

Region X:

Washington, Oregon, Alaska and Idaho
Department of Housing and Urban Development
Attention: James Brown
Director, Regional Office of Fair Housing and Equal Opportunity, 10E
1321 Second Avenue, 8th Floor
Seattle, WA 98101-2054
Phone: 206/442-0226

SUPPLEMENTARY INFORMATION. This Notice of Funds Availability is issued under the regulations for the CHRB Program, codified at 24 CFR Part 120. Interested CHRBs are urged to review these regulations and the factors for award in the application kit to determine whether they should apply under this program.

The program has two categories of funding: (1) Maintenance, and (2) Improvement. A CHRB should apply for Maintenance funding when its activities have resulted in full implementation of the terms of the Voluntary Affirmative Marketing Agreement (VAMA). CHRBs in this category will be provided funds to maintain their efforts in promoting continued accomplishment of the goals of the VAMA.

A CHRB should apply for Improvement funding when the terms of the VAMA have not been fully implemented. CHRBs in this category will be provided funds to improve their capacity to help other housing industry groups to achieve the goals of the VAMA.

Eligible CHRBs may apply for funds under one category only.

Program Background

Section 808(e) (3) and (5) of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3608) requires the Secretary to "cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices * * *" and to "administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title."

Section 809 of the Act requires that "the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title * * * shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement."

In order to promote the achievement of the goal of fair housing throughout the United States, the Department of Housing and Urban Development has developed the Voluntary Affirmative Marketing Agreement (VAMA) Program. This nationwide program focuses on local efforts to assure nondiscrimination in connection with the sale, rental and financing of housing and the provision of services and facilities in connection with those activities. The Program goal is to promote achievement of a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing regardless of their race, color, religion, sex or national origin.

Consistent with its responsibilities under Title VIII, HUD has negotiated VAMAs with the National Association of Realtors, the National Association of Real Estate Brokers, the National Association of Real Estate License Law Officials and the National Association of the Home Builders. These agreements are intended to promote a broad equal opportunity program designed to assure that housing will be marketed on a nondiscriminatory basis. Signatories to a VAMA agree to conduct certain programs and activities to acquaint communities with equal housing opportunity, to establish office procedures to ensure that there is no denial of equal professional service and to make materials available which explain the commitment of signatories to the goal of fair housing.

The VAMAs, approved by housing industry associations at the national level, are implemented by member firms at the local level. In addition to providing a program to promote fair housing efforts, the VAMAs commit HUD to provide technical assistance to local housing industry groups that become signatories to the agreements. Assistance in implementing VAMA commitments is provided to the local housing industry groups through HUD-established Community Housing Resource Boards (CHRBs) composed of volunteer representatives of community organizations dedicated to equal housing opportunity.

Eligible Applicants

To be eligible for funding, each applicant must be a CHRB consisting of HUD appointed representatives from community organizations or agencies formed to fulfill HUD's obligation to provide technical assistance to local real estate boards in the implementation and monitoring of the VAMA; must have been in existence for at least six months before the publication of this notice; and must otherwise meet the criteria contained in 24 CFR Part 120.

Applicants that have been in existence for more than one year must have received a satisfactory performance rating in the most recent field office evaluation of the CHRB. (The evaluation methodology is explained in the application kit.)

A CHRB that received initial funding under the FY-1987 NOFA may be eligible for funding in FY-1988 if the CHRB's request under the 1987 NOFA was within the maximum funding limitation for FY-1987 and the amount awarded in FY-1987 was less than the amount requested. Under this NOFA, such applicants will be eligible to receive a grant equal to the amount requested in FY-1987 less the amount of the grant awarded in FY-1987. For example, a CHRB in a jurisdiction of over 50,000 persons that requested an award of \$25,000 in FY-1987 and received \$15,000 would be eligible for up to \$10,000 under this NOFA. (CHRBs that received full funding during 1987 are not eligible for funding under this NOFA.)

CHRBs that received funding in fiscal years 1982, 1983, 1984 (including New Horizons CHRBs), 1985 and 1986 may apply for funding under this notice. In addition to the requirements stated above, to be eligible for funding such CHRBs:

—Must have successfully completed their previous grant; submitted a requisition for final payment of the grants; and received a notification from

the Government Technical Representative by May 24, 1988 stating that their final payment voucher has been approved; and

—Must submit evidence demonstrating that during the grant year it completed at least two activities that specifically addressed the goals of the VAMA; engaged in the identification of local problems and issues that impeded equal housing opportunity; and assessed local housing industry group performance under the VAMA.

Method of Distribution

Maximum funding amounts, except as modified above for CHRBs funded in FY-1987 will be as follows:

(a) CHRBs in jurisdictions with populations under 50,000 may apply for grants of up to \$15,000.

(b) CHRBs in jurisdictions with populations of 50,000 or more may apply for grants of up to \$25,000.

Sixty percent of the funds to be awarded will be allocated to proposals from CHRBs seeking granting for improvement funding. Forty percent of the funds will be for proposals from CHRBs seeking maintenance funding. If funds remain in either category (improvement or maintenance) after all acceptable proposals have been funded, the remaining funds may be used for the other category.

Approximately \$1,000,000 is available under this notice. Each of HUD's ten Regions has been assigned an allocation (see below) from these funds based on the number of CHRBs expected to apply weighed against our funding limitation. Both large and small jurisdictions are considered. A Headquarters reserve of \$100,000 has been set aside.

The following are the Regional allocations:

Region and Allocation

I—\$75,000
II—\$85,000
III—\$103,000
IV—\$103,000
V—\$103,000
VI—\$103,000
VII—\$75,000
VIII—\$75,000
IX—\$103,000
X—\$75,000

Headquarters Reserve—\$100,000

The reserve will be allocated by the Assistant Secretary to address such special circumstances as geographic distribution and minority concentration after all applications are rated and ranked. Any funds not utilized by a particular region will be returned to the Headquarters reserve.

Application Information

Applicants for funding must submit all information required in the application kit, including letters of financial or in-kind support from the private sector, and/or from State or local governmental entities, a budget, all forms that are required, a one-page synopsis of the proposed projects and a recommendation letter from at least one of the housing industry groups that the CHRB works with in promoting the Voluntary Affirmative Marketing Agreement. *If an applicant does not submit all information required in the Request for Grant Applications (RFGA), the application will be considered non-responsive to the RFGA and will not be rated.*

Kits will be provided to each applicant CHRB by the servicing Regional Office upon written request. Each applicant will receive the same application kit. Where the factors for award differ for maintenance or improvement funding, the difference in the application requirements will be explained in the kit. Questions not addressed in the kit may be directed to the appropriate HUD Field or Regional Office, to the attention of the Director of Fair Housing and Equal Opportunity.

Since training is an essential part of this program, all proposed budgets must set aside 5% of grant funds for training purposes. Further information on training requirements will be provided by HUD Regional Offices during the funding year.

It is important to note that, although funds may be used for operating costs associated with the specific funded activities of the CHRB program, applicants should propose to use the major portion (greater than 50 percent) of funds for program costs (as opposed to administrative costs).

Each CHRB must submit a detailed 12-month schedule of events coordinated with the local housing industry group and HUD, showing how the CHRB intends to assess, assist, monitor and evaluate the implementation of the VAMA. In the event problems of coordination with the local housing industry group are encountered, the CHRB should describe the difficulty in the submission.

Applications for funding must be received by the appropriate Regional Office by 3:00 p.m. Regional Office time, June 28, 1988. (See Grant Application Kit Section C-2, Submission of Application, for further clarification.) See Further Information Section of this NOFA for addresses.

Section Criteria

Applications will be reviewed, scored and ranked by selected staff personnel from HUD Regional Offices. Each Regional Administrator has also been delegated the responsibility for making grant awards to selected CHRBs from the funds which he/she has been allocated. Projects will be evaluated for funding separately within each category, to avoid a disadvantage to less experienced or first-time applicant CHRBs.

Projects will be ranked on the basis of the following five criteria:

1. The relationship of the proposed project to the goals of the VAMA. The principal purposes of the CHRB are to monitor progress, provide technical assistance, and recommend and promote solutions to problems associated with the implementation of the VAMA. Prior year projects have consisted of much outreach and education activity. Although HUD has appreciated these fair housing initiatives, not enough attention has been given to the VAMA and the housing industry. CHRBs were created to work with the housing industry group, and to monitor, train and evaluate them in their efforts to carry out their VAMA commitments. Therefore, this notice places a priority on these later activities. Applications stressing outreach and education activities will receive fewer points under the selection criteria. HUD, therefore, gives greater weight to projects that emphasize VAMA implementation and monitoring activities.

Accordingly, eligible projects that can earn the maximum number of points under this first criterion are those that:

- (a) Annually assess the effectiveness of the VAMA;

- (b) Seek cooperative solutions to problems associated with implementation of the VAMA and provide assistance to the local housing industry group;

- (c) Seek to expand minority involvement in some phase of the housing industry;

- (d) Describe and identify the rental housing supply within the CHRB's jurisdiction, determine existing housing discrimination problems, and develop pertinent solutions. Eligible projects that will receive a lower priority (i.e., ones that less completely meet the goals of the VAMA) are those that:

- (a) Inform the public regarding the goals of fair housing and the VAMA;

- (b) Assess community fair housing needs and problems or successes;

- (c) Expand public awareness of housing opportunities in the community.

Since the VAMA does not permit CHRBs to sponsor, conduct, or fund programs of real estate testing, projects relating to such programs are not acceptable.

2. The extent to which the proposed project will affect the groups the VAMA is designed to reach; e.g., the extent to which the project(s) will have significant positive impact in areas with substantial minority population or on a particular housing industry group.

3. The commitment of the CHRB members, as indicated through regular attendance at meetings (verified by copies of meeting minutes), by demonstrated results of activities, as described in correspondence, news reports, editorials, testimonials, etc. (for CHRBs requesting maintenance funding), and by expected results of activities, based upon a thoughtful and reasoned analysis of goals and problems and the related actions needed to address them (for CHRBs requesting improvement funding).

4. The amount of relevant professional or organizational experience, including experience in fair housing, available to the CHRB among its membership, its community contacts and working relationships, or staffing, to implement the proposed projects.

5. The extent to which the proposed project does not duplicate other community efforts.

Proposals must be specific and address each criterion. Any reports, documentation and correspondence included with the application must be clear and legible and will not be returned, as these *will be retained* for record purposes.

The relative weights of the criteria for selection will be:

Criteria	Points
Relationship of projects to VAMA goals.....	30
The extent to which the proposed project will affect the groups the VAMAs are designed to reach.....	25
Documentation of Resource Board Commitment.....	15
Experience available to implement projects.....	20
Extent to which projects do not duplicate other community efforts.....	10
Total.....	100

Notification of Applicants

HUD will notify all successful applicants upon selection. Unsuccessful applicants will be notified after the awards have been made. No information will be made available to applicants during the period of HUD review and evaluation, except for notification to

those applicants that are declared ineligible or late.

This program is listed in the Catalog of Federal Domestic Assistance under program number 14.403, Community Housing Resource Board Program. The requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504 (h)) have been met, and the information collection requirements contained in this notice have been approved under OMB Control Number 2529-0022.

Authority: Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601-3619).

Date: April 26, 1988.

Judith Y. Brachman,

Assistant Secretary for Fair Housing and Equal Opportunity.

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