

25, 1979 public hearing or submitted during the written comment period.

EPA also has reviewed the latest air quality data available from the State. Where questions of validity of the monitoring sites were raised, EPA performed a microscopy analysis of the filters. Based on the above mentioned evaluation, EPA responds to the points mentioned by the commentors:

1. EPA has determined that the modeling data submitted by the State is valid in its assumptions, and therefore, the air basin should at least remain nonattainment for the secondary TSP standard.

2. EPA has also determined that the Bethlehem East monitor is considered to be valid monitor for assessing ambient TSP levels in the Bethlehem area. EPA has reached this conclusion based on an optical microscopy analysis of samples drawn from fifteen randomly selected filters collected from the Bethlehem East monitor and which represent observations between May 5, 1978 and April 27, 1979, including three observations collected during the construction period. This analysis concluded that "emissions from various operations of an iron and steel processing complex were identified as the main causes of elevated TSP levels at the TSP monitoring site (Bethlehem East) adjacent to the complex." Of the 15 samples, two represented days on which the secondary 24-hour TSP standard ($150 \mu/m^3$) was exceeded. An analysis of the filters collected on these two days (one of which was collected during the construction period) revealed that particle types from industrial iron and steel processing emission made up significant portions of the TSP sample and were "most directly responsible for the TSP standard excursions." The analysis further concludes that "oil combustion sources were not major causes of elevated TSP levels at this site." The analysis also concludes that the slag particles found on the filters is primarily from a slag handling operation rather than traffic-related or construction-related fugitive emissions.

In view of the fact that EPA considers the Bethlehem East monitor site to be valid, the air quality data collected from this site can be used to assess the proper designation status with respect to TSP.

3. EPA policy states that the most recently available eight quarters (two years) of TSP data would be used. The most recently available air quality data, which covers all of calendar years 1978 and 1979, shows a violation of the annual primary TSP standard ($75 \mu/m^3$) at three sites in the Allentown-

Bethlehem Easton Air Basin: Bethlehem East, Northampton and Nazareth.

4. While EPA has approved Section 107 redesignations which reduce the size of a nonattainment area, the Administrator believes that a size reduction of this primary TSP nonattainment area (currently the entire air basin) is not warranted because of the fact that violations of the annual primary TSP standard have been recorded at three different sites within the air basin, each located several miles from the others.

EPA Actions

Based on the Administrator's evaluation of the testimony received at both the June 25, 1979 public hearing and the subsequent written comment period, EPA designates the Allentown-Bethlehem-Easton Air Basin as a primary nonattainment area for TSP as it affects the petitioners in *Bethlehem Steel Corp. v. EPA* effective October 8, 1980. The existing designation of nonattainment of primary TSP standards as to all other persons is not affected by this action.

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 of September 8, 1980. Under Section 307(b)(2) of the Clean Air 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.

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

Therefore the effectiveness of § 81.339 is reaffirmed as it applies to the listing for "Allentown, Bethlehem, Easton Air Basin" in the table entitled "Pennsylvania-TSP".

(Sections 107(d), 171(2), 301(a), of the Clean Air Act, As Amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: September 2, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-27508 Filed 9-5-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 409

[FRL 1598-7]

Sugar Processing Point Source Category; Effluent Limitations Guidelines; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of Correction.

SUMMARY: EPA is correcting a coding error in the November 8, 1979, Federal Register (44 FR 64080) notice of final BPT effluent limitations for the Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory.

FOR FURTHER INFORMATION CONTACT: Mark L. Mjones, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone (202) 426-2554.

Correction

In the Federal Register notice published on November 8, 1979, (44 FR 64080), five stars should have been printed directly above the table containing the final BPT effluent limitations. The stars indicate that only the table beneath them is to be changed in § 409.62 of the Code of Federal Regulations. The inclusion of the five stars provides that paragraphs (a) and (b) of § 409.62 will not be deleted from publication in the Code of Federal Regulations. Paragraphs (a) and (b) of § 409.62 have previously been published in the Federal Register and therefore are not being reproduced at this time.

The final regulations for § 409.62 should read:

§ 409.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Effluent characteristics	Maximum for any 1 day		Average of daily values for 30 consecutive days shall not exceed	
	kg	lb	kg	lb
	kg gross cane	1000 lb gross cane	kg gross cane	1000 lb gross cane
BOD5.....	No limitations		No limitations	
TSS.....	9.9	9.9	3.8	3.8
pH.....	No limitations		No limitations	

Dated: August 29, 1980.

Eckardt C. Beck,
Assistant Administrator for Water and Waste
Management.

[FR Doc. 80-27509 Filed 9-5-80; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration 42 CFR Part 405

Medicare Program; Reimbursement for Costs of Approved Internship and Residency Programs

Correction

In FR Doc. 80-23370, appearing at
page 51783, in the issue of Tuesday,
August 5, 1980, make the following
correction:

On page 51786, third column, in the
fourth line of the second paragraph
below: "*Application to Medicaid
Payments*", the reference to paragraphs
"[d](2)" should have read "(b)(2)".

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1050 and 1068

Procurement Standards

AGENCY: Community Services
Administration.

ACTION: Final amendment to a rule.

SUMMARY: The Community Services
Administration (CSA) is amending its
policy statement governing grantee
procurement standards (45 CFR 1050,
Subpart P) published in the Federal
Register on April 28, 1980. CSA has
determined that there is a need for
Federal oversight of separate business
entities established by its grantees.
CSA's goals in amending the rule are to
assure that the assets of these separate
business entities remain in the
community, that their hiring and
procuring practices are consistent with
federal standards, that their activities
are subject to public scrutiny and that
business-like financial management
practices are observed.

EFFECTIVE DATE: October 8, 1980.

FOR FURTHER INFORMATION CONTACT:
Timothy P. McTighe, Community
Services Administration, Office of
Community Action, 1200 19th Street,
N.W., Washington, D.C. 20506; telephone
(202) 254-5047; teletypewriter (202) 254-
6218.

SUPPLEMENTARY INFORMATION: On June
5, 1980, CSA published in the Federal
Register a proposed amendment to its
policy statement governing grantee
procurement standards. We received
two responses to the proposed
amendment. One respondent asks
whether the amendment applies only to
contractors doing business with the
procuring party or to any non-Federal
account of a grantee's which "does
business" with the organization's
Federal grants. The amendment itself
applies only to the contracts for the
procurement of goods and services. It
does not apply to intra-agency billings
so long as they take place within the
same corporate entity and are not
formalized in a contract. But this
question, let us add, requires a more
complete answer. If a grantee has a non-
Federal account which "does business"
with its Federal grants, any money
which is paid to the non-Federal account
in excess of actual costs is considered
program income, as defined in Subpart E
of Part 1050. CSA determines whether
the program income will be
reprogrammed by the grantee or will be
deducted from the Federal share of the
grant.

The second respondent remarks that
sole-source contracts made between
state associations and other CSA
grantees should not require prior CSA
approval even if they exceed \$5,000 in a
twelve-month period. If prior approval
for such contracts is required, the
respondent continues, it should be
required only once if the relationship is
to continue on a yearly basis. The need
for prior approval of contracts
exceeding \$5,000 in a twelve-month
period was not the subject of the
amendment, but is provided for in OMB
Circular A-110, which CSA implemented
in its policy statement adopted on April
28, 1980. This requirement is more
liberal than CSA's previous policy on
sole-source contracts. CSA maintains
the need to review *all* sole-source
contracts for the procurement of goods
and services which are expected to
exceed \$5,000 in a twelve-month period.

The amendment is adopted as
proposed, with minor changes in
language. We thank those two people
who took the time to comment on the
proposed amendment.

At the same time, CSA is deleting
Subpart 1068.41, Standard Form for
Professional or Technical Services to a
Community Action Program. This
Subpart by oversight was not removed
when Subpart P to Part 1050 was
adopted on April 28, 1980.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C.
2942.

Robert S. Landmann,
Acting Director.

1. 45 CFR 1050.160 is amended by
§ 1050.160-8(h) to read as follows:

§ 1050.160 [Amended]

(h) Any proposed sole source contract,
or proposed contract where only one bid
or proposal is received by a
nongovernmental procuring party, shall
be subject to prior approval by the
appropriate CSA administering office if
the aggregate expenditure for all items
procured from the contractor will
exceed \$5,000 in a 12-month period. In
addition, for any procurement contract
in which payment will be made by the
procuring party in whole or in part with
Title II grant funds, if the proposed
contractor does the major part of its
business with the procuring party and/
or if the proposed contractor is a firm
established or controlled by a member
or members of the procuring party's staff
or board, CSA approval will be based
on, but not be limited to, the following:

(1) Evidence that the proposed
contractor is a non-profit corporation
whose income and assets would, in
event of failure of the procuring party,
continue to be used to benefit low-
income individuals;

(2) Evidence that the hiring and
procurement policies of the proposed
contractor include the same prohibitions
against nepotism and conflict of interest
as those found in 160-6 of this subpart;

(3) Inclusion in the contract of a
provision that the management,
financial, and procurement records of
the proposed contractor must be made
available for inspection and
examination to those parties and on the
same basis as required for private
nonprofit grantees in Subpart D of this
Part;

(4) Submission by the proposed
contractor of an audited revenue and
expenditures statement and balance
sheet dated within the last twelve
months; and

(5) Submission of supporting
documentation that the prices being
charged are competitive with prices
being charged for similar items and/or
services by other businesses.

§§ 1068.41-1, 1068.41-2, 1068.41-3, and
Appendix A [Deleted]

2. Part 1068 is amended by deleting
Subpart 1068.41, Standard Form for
Professional or Technical Services to a
Community Action Program, §§ 1068.41-
1, 1068.41-2, and 1068.41-3 and