

within the range of its target amount derived from the apportionment formula. The target amount will be provided to each applicant in the Request for Application letter.

(b) *Project period.* The project period typically will be twelve months.

(c) *Submission procedures.* Each applicant shall comply with the following submission procedures:

(1) *Issuance of Request for Application.* Each designated State agency will receive a Request for Application package from the State's respective Federal Emergency Management Agency Regional Director.

(2) *How to submit.* Each State shall submit the original application and three copies to its respective Federal Emergency Management Agency Regional Office.

(3) *Application package.* The application package for the State Assistance Program shall consist of the following:

(i) A letter of transmittal signed by the chief executive officer of the State or the designated State agency.

(ii) A copy of the Agreement Articles for Cooperative Agreement:

(iii) Standard Form 424, Federal Assistance, prescribed by OMB Circular No. A-102. (Non-construction, long-form.)

(iv) A detailed Program Narrative Statement developed according to the Special Instructions provided as part of the Request for Application package provided to the States.

(v) Budget information on OMB Form 80-R0186.

(vi) Standard Form 270 "Request for Advance or Reimbursement," as required by OMB Circular A-102 and FEMA General Provisions for Cooperative Agreements.

(vii) A copy of A-95 review comments or documentation of no comment and full review period.

(viii) A copy of Assurances as required by the FEMA General Provisions for Cooperative Agreement (provided to each State as part of the Request for Application package).

(d) *Reporting requirements.* (1) *Project Performance Reporting Requirements.* Each State shall submit a narrative evaluation of its level of achievement of project objectives. Each State shall report actual levels of performance standards achieved for project objectives against levels expressed by the State as desirable in its application. In addition, each State shall compare percentages of tasks accomplished against percentages projected for each month in the State's application. These narrative reports shall be submitted at

intervals specified in the Agreement Articles for Cooperative Agreement.

(2) *Financial Reporting Requirements.*

(i) Standard Form 270 "Request for Advance or Reimbursement" is the voucher form to be submitted for all bills for reimbursement.

(ii) Standard Form 272 "Federal Cash Transactions Report" must be submitted each reporting period.

(iii) Standard Form 269 "Financial Status Report" must be submitted each reporting period.

(iv) A narrative report projecting the percentage of cost expended per task by month must be submitted each reporting period.

(3) *Project Completion Reporting Requirements.* At the conclusion of the project the State must submit the following:

(i) Final Standard Forms 272 and 269.

(ii) A narrative report which included an analysis of the project's success in achieving the Project Objectives.

(e) *Agreement Articles for Cooperative Agreement under the State Assistance Program.* The Agreement Articles shall be the basic terms to which the State and FEMA agree. The Agreement Articles shall become part of the Cooperative Agreement.

**§ 76.5 General provisions for cooperative agreement.**

The legal funding instrument for the State Assistance Program for the National Flood Insurance Program shall be cooperative agreement. All States will be required to comply with FEMA General Provisions for Cooperative Agreement. The General Provisions for Cooperative Agreement shall be provided to the States as part of the Request for Application Package. The General Provisions shall become part of the Cooperative Agreement.

**§ 76.6 Ineligible tasks.**

The following is a list of tasks which are ineligible under most circumstances and serves as a general guide regarding ineligible tasks. This list of examples of ineligible tasks is merely illustrative and does not constitute a list of all ineligible tasks.

(a) *Public works, facilities and site or other improvement.* The general rule is that public works, facilities and site or other improvements are ineligible to be acquired, constructed, reconstructed, rehabilitated or installed.

(b) *Purchase of equipment.* The purchase of equipment is generally ineligible.

(c) *Analysis of NFIP or its products.* Tasks choices shall in no way analyze or recommend changes to the NFIP or its products. For example, proposed tasks

shall not duplicate or potentially conflict with hydrologic and hydraulic engineering activities performed by the Federal Insurance Administration.

(d) *Flood Insurance Studies.* Flood Insurance Studies shall not be conducted under the State Assistance Program.

(e) Any task which is not within the general scope of the State Assistance Program's objectives.

Issued: May 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-15388 Filed 5-16-80; 8:45 am]

BILLING CODE 6718-01-M

## COMMUNITY SERVICES ADMINISTRATION

### 45 CFR Part 1061

#### Community Food and Nutrition Program

AGENCY: Community Services Administration.

ACTION: Notice of publication of final rule.

**SUMMARY:** The Community Services Administration gives notice that regulations concerning the Community Food and Nutrition Program (CFNP) will be published Tuesday, May 20, 1980 in Part IV of the Federal Register.

**FOR FURTHER INFORMATION:** Contact Harold L. Gore, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. telephone: (202) 632-6694.

Thomas J. Mack,

Deputy General Counsel.

[FR Doc. 80-15425 Filed 5-16-80; 8:45 am]

BILLING CODE 6315-01-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 107 and 175

[Docket No. HM-166-E; Amdt. Nos. 107-7, 175-14]

#### Shipment of Hazardous Materials by Air; Miscellaneous Amendments

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

**SUMMARY:** The purpose of these amendments to the Department's Hazardous Materials Regulations is to incorporate the Federal Aviation

Administration's (FAA) change in the hazardous materials function from the various District Offices to the Office of Civil Aviation Security. This action is being taken to reflect the organizational changes of the hazardous materials function within the FAA.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, DC 20590, Phone 202-472-2726.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration's hazardous materials function is now assigned to the Office of Civil Aviation Security. Required training of security field personnel will be completed on or before July 1, 1980 in order to transfer the field hazardous materials function.

Since these amendments do not impose additional requirements, public notice has not been provided and this amendment is effective on July 1, 1980. The MTB has determined that the environmental and economic impact associated with these amendments is minimal.

In consideration of the foregoing, 49 CFR Parts 107 and 175 are amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

Appendix A [Amended]

1. In Part 107, Appendix A, the introductory text and the first two paragraphs are revised to read:

Appendix A

LIST OF DEPARTMENT OF TRANSPORTATION OFFICIAL THROUGH WHOM APPLICATION FOR EXEMPTIONS SEEKING PRIORITY TREATMENT ON THE BASIS OF EXISTING EMERGENCIES MAY BE INITIATED BY TELEPHONE. CERTIFICATE HOLDING AIRCRAFT OPERATORS

The Federal Aviation Administration Civil Aviation Security Office which serves the place where the flight(s) will originate or which is responsible for the operators overall aviation security program.

NONCERTIFICATE HOLDING AIRCRAFT OPERATORS (OPERATORS OPERATING UNDER FAR PART 91)

The Federal Aviation Administration Civil Aviation Security Office which serves the place where the flight(s) will originate. The nearest Civil Aviation Security Office may be located by calling the FAA Duty Officer. Day or Night, 202-426-3333.

\* \* \* \* \*

Appendix B [Amended]

2. In Part 107, paragraphs 5, 7, and 8 of Appendix B are revised to read:

Appendix B

\* \* \* \* \*

(5) If the aircraft is being operated by a holder of a certificate issued under Part 121 or Part 135 of Title 14, CFR, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under Part 91 of Title 14, CFR, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the Civil Aviation Security Office responsible for the operator's overall aviation security program.

\* \* \* \* \*

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA Civil Aviation Security Office responsible for the operator's overall aviation security program or the FAA Civil Aviation Security Office serving the place where the material is to be loaded.

(8) When Class A explosives are carried aboard a cargo aircraft under the provisions of Subchapter C, the aircraft operator shall take all possible action to insure that routes over heavily populated areas are avoided commensurate with considerations of flight safety. During the approach and landing phase, the aircraft operator shall request appropriate vectors when under radar control to avoid heavily populated areas.

PART 175—CARRIAGE BY AIRCRAFT

3. In § 175.10 paragraphs (a)(12)(ii) and (a)(12)(v) are revised to read:

§ 175.10 Exceptions.

- (a) \* \* \*
(12) \* \* \*
(i) \* \* \*

(ii) Each operator shall prepare and keep current a manual containing operational guidelines and handling procedures, for the use and guidance of flight, maintenance, and ground personnel concerned in the dispensing or expending of hazardous materials. The manual must be approved by the FAA Civil Aviation Security Office responsible for the operator's overall aviation security program or the FAA Civil Aviation Security Office in the region where the operator is located. Each operation must be conducted in accordance with the manual.

\* \* \* \* \*

(v) When dynamite and blasting caps are carried for avalanche control flights, the explosives must be handled and, at all times, be under the control of the blaster who is licensed under a state or local authority identified in writing to the FAA Civil Aviation Security Office responsible for the operator's overall

aviation security program or the FAA Civil Aviation Security Office in the region where the operator is located.

4. In § 175.45 the introductory text of paragraph (a) is revised to read:

§ 175.45 Reporting hazardous materials incidents.

(a) Each operator who transports hazardous materials shall report to the nearest FAA Civil Aviation Security Office by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which as a direct result of any hazardous materials:

\* \* \* \* \*

5. In § 175.320 paragraphs (b)(5), and (b)(7) are revised to read:

§ 175.320 Cargo-only aircraft; only means of transportation.

\* \* \* \* \*

(b) \* \* \*

(5) If the aircraft is being operated by a holder of a certificate issued under 14 CFR Part 121, Part 127 or Part 135, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under 14 CFR Part 91, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the Civil Aviation Security Office serving the operator's location or the place where the material is to be loaded.

\* \* \* \* \*

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA Civil Aviation Security Office responsible for the operator's overall aviation security program or the appropriate FAA Civil Aviation Security Office serving the place where the material is to be loaded.

\* \* \* \* \*

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT Implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on May 8, 1980.

L. D. Santman,  
Director, Materials Transportation Bureau.  
[FR Doc. 80-15130 Filed 5-16-80; 8:45 am]  
BILLING CODE 4910-60-M

#### 49 CFR Parts 171, 173, 174, 177

[Docket No. HM-163-D; Amdt. Nos. 171-54; 173-138; 174-38; 177-49]

#### Hazardous Materials Regulations; Withdrawal of Certain Bureau of Explosives Delegations of Authority

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

**SUMMARY:** The purpose of these amendments to the Department's Hazardous Materials Regulations is to withdraw or cancel the remaining delegations of authority to the Bureau of Explosives (B of E) in Part 173 (except for § 173.34(d) and § 173.303(a)) of 49 CFR. However, the B of E will continue to play a role in the testing of explosives and other hazardous materials for MTB. This action is being taken to conform existing programs with the purposes of the Hazardous Materials Transportation Act.

**EFFECTIVE DATE:** May 19, 1980.

**FOR FURTHER INFORMATION CONTACT:** Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, DC 20590, phone 202-472-2726.

**SUPPLEMENTARY INFORMATION:** On November 26, 1979, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-163D; Notice 79-15 (44 FR 67476) which proposed these amendments. The background and the basis for incorporating these amendments into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of January 15, 1980.

The MTB received eight comments on Notice 79-15.

The main objections received were in reference to § 171.20 and § 173.86. The objections were (1) no time limitation on the approval response from the Associate Director for OE after an application for approval has been submitted, (2) no mention of an appellate review in the event that the Associate Director for OE denies an approval, and (3) the economic hardship and excessive time delay that would

occur if the present authority now delegated to the Department of Defense and the Department of Energy was withdrawn.

In response to the first objection, the MTB has and will continue to rely on the expertise and recommendations of the B of E. Therefore, we do not visualize the need to incorporate a time period for the Associate Director for OE to respond to an approval request at this time. All applications received for approval will be processed as expeditiously as possible. If actual practice dictates the need for a time limit at a later date, the MTB will consider the issuance of a notice of proposed rulemaking for public comment.

In reference to the second objection, § 171.20 has been revised by adding paragraph (c) to allow any applicant to file an appeal with the Director, MTB in the same manner as provided in § 107.121 for an exemption.

The proposed changes in § 173.86 were not intended to disrupt or change the present authority delegated to the Department of Defense and the Department of Energy. Therefore, § 173.86(b) has been revised to require OE approval only on those items examined by the B of E.

Two paragraphs in Part 174 and three paragraphs in Part 177 have been revised and included in this rulemaking to coincide with similar changes made in Part 173. The changes proposed for § 173.34(d) and § 173.303(a) have been withdrawn from this rulemaking and will be republished in a separate notice of proposed rulemaking in the near future. In addition to § 173.34(d) and § 173.303(a) the MTB believes that the only remaining delegation of authority to the B of E in Parts 173, 174, 177 and 178 that has not been changed is § 177.821(e). The MTB will include these three proposed changes in the same notice.

Primary drafters of these amendments are Darrell L. Raines, Exemptions and Regulations Termination Branch, and George W. Tenley, Office of the Chief Counsel, Research and Special Programs Administration.

#### PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

In consideration of the foregoing, 49 CFR Parts 171, 173, 174, and 177 are amended as follows:

1. Section 171.20 is added to read:

##### § 171.20 Submission of Examination Reports.

(a) When it is required in this subchapter that the issuance of an approval by the Associate Director for OE be based on an examination by the

Bureau of Explosives (or any other test facility recognized by MTB), it is the responsibility of the applicant to submit the results of the examination to the Associate Director for OE.

(b) Applications for approval submitted under paragraph (a) of this section, must be submitted to the Associate Director for Operations and Enforcement, Materials Transportation Bureau, Washington, D.C. 20590.

(c) Any applicant for an approval aggrieved by an action taken by the Associate Director for OE, under this subpart may file an appeal with the Director, MTB within 30 days of service of notification of a denial.

#### PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.28 paragraph (h)(1) is deleted:

##### § 173.28 Reuse of containers.

\* \* \* \* \*  
(h) \* \* \*  
(1) [Deleted]  
\* \* \* \* \*

3. In § 173.31 paragraph (d)(4) Table footnote <sup>1</sup> is revised to read:

##### § 173.31 Qualification, maintenance, and use of tank cars.

\* \* \* \* \*  
(d) \* \* \*  
(4) \* \* \*  
\* \* \* \* \*

<sup>1</sup>Tanks and safety relief devices in hydrocyanic acid service must be retested and inspected by a written procedure filed with and approved by the Associate Director for OE.

4. In § 173.32 paragraph (b)(3) is revised to read:

##### § 173.32 Qualification, maintenance, and use of portable tanks.

\* \* \* \* \*  
(b) \* \* \*  
(3) Tanks having capacities of

between 750 pounds and 1,000 pounds of water shall be considered as portable tank containers for the purposes of this part. In lieu of using safety relief valves on such containers they may be equipped with fusible plugs only when the container is filled by weight. Size, number, and location, as well as character and physical properties of fusible plugs shall be examined by the Bureau of Explosives and approved by the Associate Director for OE. These containers shall be marked "DOT Specification 51S."

\* \* \* \* \*  
5. In § 173.34 paragraphs (c)(3)(i), introductory text of paragraph (g)(4)(ii), the introductory text of paragraph (i),