

than 110 percent of the number of milligrams of penicillamine that it is represented to contain. The loss on drying is not more than 3.0 percent. Each tablet contains not more than 0.1 unit of penicillin activity. The tablets disintegrate within 30 minutes. The penicillamine used conforms to the standards prescribed by § 440.51(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirement of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The penicillamine used in making the batch for penicillamine content, safety, loss on drying, pH, penicillin activity, residue on ignition, heavy metals, specific rotation, and identity.

(b) The batch for penicillamine content, loss on drying, penicillin activity, and disintegration time.

(ii) Samples required:

(a) The penicillamine used making the batch: 10 packages, each containing approximately 1 gram.

(b) The batch: A minimum of 40 tablets.

(b) *Tests and methods of assay—(1) Penicillamine content.* Proceed as directed in § 440.51(b)(1), except prepare the sample for assay as follows: Grind not less than 10 tablets, using a mortar and pestle. Weigh and mix the powder. Calculate the average tablet weight and dissolve an accurately weighed quantity of the mixed tablet powder equivalent to about 300 milligrams of penicillamine in 200 milliliters of water. Filter the solution. Calculate the penicillamine content for the sample used and determine the penicillamine content for the average tablet weight.

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *Penicillin activity.* Proceed as directed in § 436.104 of this chapter, except use 2 ground tablets in lieu of 1.0 gram of the sample.

(4) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

Because the conditions prerequisite to providing for certification of these drugs have been complied with and because the matter is noncontroversial, the Commissioner finds for good cause that prior notice and public procedure are unnecessary, and that the amendment may become effective upon the day of publication. Interested persons may, on or before May 14, 1979, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600

Fishers Lane, Rockville, MD 20857, written comments, in four copies identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date. This regulation shall be effective April 13, 1979.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: April 5, 1979.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[Docket No. 78N-0430; 78-3311]

[FR Doc. 79-11311 Filed 4-12-79; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 448

Peptide Antibiotic Drugs; Sterile Colistimethate Sodium Revised Chemical Tests; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 79-5208 appearing at page 10380 in the Federal Register for Tuesday, February 20, 1979, in column two of page 10381, § 448.20a(a)(1)(v) and (vi) is corrected by changing the word "that" to read "than".

FOR FURTHER INFORMATION CONTACT:

John Richards, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

Dated: April 4, 1979.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[Docket No. 78N-0028; 79-156]

[FR Doc. 79-11310 Filed 4-12-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

24 CFR Parts 1710, 1715

Land Registration, Advertising, Sales Practices, and Posting of Notices of Suspension

Correction

In FR Doc. 79-10552 appearing at page 21441 as the Part II of the issue of

Tuesday, April 10, 1979, in the first column on page 21442, under the paragraph "DATES", the effective date now reading "May 10, 1979" should read "June 11, 1979."

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 575; Agricultural Employment of 10- and 11-Year-Old Minors in Hand Harvesting of Short Season Crops; Application for and Granting of Waiver and Restrictions on Use of Pesticides and Other Chemicals

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rules.

SUMMARY: Current regulations, as amended August 18, 1978 (43 F.R. 36623), provide for the issuance of waivers permitting the employment of 10- and 11-year-old minors in the hand harvesting of short season crops upon the representation by the employer applying for a waiver, that, among other specified conditions, the minimum preharvest intervals for the use of certain pesticides and other chemicals listed therein for use on certain crops have been followed. The Secretary of Labor has undertaken a continuing study of the effect of the level and type of pesticides and other chemicals used on the health and well-being of 10- and 11-year-old minors to whom a waiver would apply. This document establishes the permissible "level" of the pesticides or other chemicals listed. It withdraws two of the pesticides listed for use with respect to strawberries, i.e., Dicofol(Kelthane) and Captan, and one with respect to potatoes, Chlorthalonil(Bravo), which have been determined to be suspected carcinogens. This document also serves to alert an employer interested in applying for a waiver that the use of these suspected carcinogens, Dicofol(Kelthane), Captan, and Chlorthalonil(Bravo), will preclude the issuance of a waiver. This document also lists pesticides and chemicals being reviewed, use of which would require supporting data to establish safe reentry times. It also clarifies the area to be considered with respect to the objective data to be submitted.

EFFECTIVE DATE: April 13, 1979.

FOR FURTHER INFORMATION CONTACT:

Lucille C. Pinkett, Chief, Branch of Child Labor, Room S3022, New Department of Labor Building, 200 Constitution Avenue

NW., Washington, D.C. 20210, 202-523-8412.

SUPPLEMENTARY INFORMATION:

Paragraph (d) of § 575.5 as published on June 21, 1978, provided that an applicant for a waiver to permit employment of 10- and 11-year-old minors in hand harvesting of short season crops would either have to submit a statement that no pesticides or other chemicals were used on the crop to be harvested or submit data which upon study by the Secretary or the Secretary's designee established safe reentry times for 10- and 11-year-olds. It provided that if such data, or additional studies conducted by the Secretary or the Secretary's designee, established safe reentry standards for 10- and 11-year-olds, this section would be amended to include such standards and the applicant would then need only identify the type and level of pesticides or chemicals used and the date of last application of same prior to harvest.

This section was amended on August 18, 1978 to add a provision establishing safe preharvest intervals for the use of certain pesticides and other chemicals for two crops, specifically strawberries and potatoes. This document clarifies the information to be submitted in this regard. This document also clarifies the standard for the "level" of pesticides or other chemicals used to mean the level of application set forth in the directions for use on the manufacturer's label.

The Secretary of Labor, in view of this concern for the health and well-being of 10- and 11-year-old hand harvesters, is undertaking an extensive study of the use and effect of pesticides and other chemicals. In the course of the Secretary's continuing study of the list of pesticides for use with respect to strawberries, in § 575.5(d)(2), it has recently been determined that two of the pesticides, Dicofol(Kelthane) and Captan, are suspected carcinogens and should be deleted from the list. Thus, this document deletes Dicofol(Kelthane) and Captan from that list. With respect to the list of pesticides for use on potatoes, in § 575.5(d)(3), it has recently been determined that one of the pesticides, Chlorthalonil(Bravo), is a suspected carcinogen and should be deleted from the list. Thus, this document deletes Chlorthalonil(Bravo) from the list. The Secretary finds that, with respect to 10- and 11-year-old minors exposed to carcinogenic substances, re-entry times cannot be set for assurance of safety. This document thus establishes a list of pesticides and chemicals considered to be suspected carcinogens, the use of any one of which

will preclude the issuance of a waiver. For those pesticides which are being deleted from the permissible list by this amendment, i.e., Dicofol(Kelthane), Captan, and Chlorthalonil(Bravo), use prior to the effective date of this change will not preclude issuance of a waiver for the 1979 strawberry harvest which will not begin before late May or early June. Protection from the effects of these pesticides, particularly Dicofol(Kelthane) and Captan, determined to be suspected carcinogens, on 10- and 11-year-old minors employed in the hand harvesting of short season crops during the 1979 harvest season is necessary for the health and well-being of the children. As use of suspected carcinogens from the effective date of this amendment will preclude the issuance of a waiver it is necessary that interested persons be informed of this restriction before submitting an application for a waiver with respect to the 1979 strawberry crop. Therefore, I find that notice and public procedure on these regulations are impractical, and contrary to the public interest. For these same reasons this regulation shall be effective upon publication in the **Federal Register**. Nothing herein, however, will preclude an employer or group of employers from submitting data which would warrant reconsideration of this determination.

This document also lists certain pesticides and chemicals currently being reviewed by the Secretary, use of which would require supporting data to establish safe reentry times.

Paragraph (g) of § 575.5 of this part is revised to provide that the geographic area such as the entire county of the employer or group of employers, may be considered with respect to all of the objective data, except that with respect to pesticides or other chemicals to be submitted with an application for a waiver, including employment data.

These regulations have been developed under the direction and control of Donald Elisburg, Assistant Secretary for Employment Standards, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, § 575.5 (d) and (g) of Part 575, Title 29 of the Code of Federal Regulations are revised as follows:

§ 575.5 Supporting data to accompany application.

* * * * *

(d)(1)(i) The "level and type of pesticides and other chemicals used would not have an adverse effect on the health or well-being of' minors employed under the waiver. The safe

reentry standards established by the Environmental Protection Agency, and followed by other Federal and State agencies, were established for adult workers and have not been shown to be safe for 10- and 11-year-olds. Therefore, the applicant, in order to satisfy this condition, will: (A) have to submit a statement that no pesticides or other chemicals were used on the crop to be harvested; (B) submit data which upon study by the Secretary or the Secretary's designee establishes safe reentry times for 10- and 11-year-olds; or (C) specify from lists provided in subparagraph (2) or (3) of this paragraph the type and level of pesticides or chemicals used and the date of last application of same prior to harvest. If additional studies conducted by the Secretary or the Secretary's designee, establish safe reentry standards (designated for purposes of this regulation as "preharvest intervals") for 10- and 11-year-olds, this section will be amended to include such standards.

(ii) The "level" of pesticides or other chemicals used shall mean the level of application set forth in the directions for use on the manufacturer's label.

(2) On the basis of studies conducted at the direction of the Secretary it has been determined that in harvesting strawberries the following pesticides or other chemicals would not have an adverse effect on the health or well-being of 10- and 11-year-old hand-harvesters if applied at not less than the indicated preharvest intervals:

Pesticide:	Preharvest interval for 10- and 11-year- olds (days)
Benomyl (Bentlate).....	2
Endosulfan (Thiodan).....	10
Demeton-methyl (meta-Systox R).....	28
Demeton (Systox).....	42
Carbaryl (Sevin).....	7
Diazinon.....	10

(3) On the basis of studies conducted at the direction of the Secretary it has been determined that in harvesting potatoes the following pesticides or other chemicals would not have an adverse effect on the health or well-being of 10- and 11-year-old hand-harvesters if applied at not less than the indicated preharvest intervals:

Pesticide:	Preharvest interval for 10- and 11-year- olds (days)
Aldicarb (Temik).....	100
Disulfoton (Di Syston).....	90
Carbofuran (Furadan).....	2
Endosulfan (Thiodan).....	4
Demeton (Systox).....	42
Carbaryl (Sevin).....	5
Demeton-methyl (Meta-Systox R).....	14
Monitor.....	28
Methomyl (Lanate-L).....	28
Captan (Difolatan).....	2
Triphenyltin hydroxide (Duter).....	16 and 66
Pirimicarb (Pirimor).....	2
EPTC (Eptam).....	90
Alachlor (Lasso).....	45
Linuron (Lorax).....	45

Metribuzin (Sencor).....	45
Delapon.....	45

¹For aerial and ground application.

²For irrigation application.

(4) The following pesticides or chemicals have been identified as suspected carcinogens and their use will preclude the issuance of a waiver:

Captan
Chlorothalonil (Bravo)
Dicofol (Kelthane)

(5) The following pesticides or chemicals have been preliminarily reviewed by the Secretary or the Secretary's designee but at this time there does not appear to be sufficient scientific data upon which to base safe reentry times:

Maneb
Metiram-Polyram

An application indicating the use of either of these pesticides or chemicals must be accompanied with data which upon study by the Secretary or the Secretary's designee establishes safe reentry times for 10- and 11-year-olds, as provided in paragraph (d)(1)(i)(B) of this section.

(g) When supporting data required by this section are submitted by an employer or group of employers, the objective data required by paragraph (d) of this section shall be submitted on the basis of each individual employer. However, objective data required by paragraphs (a), (b), (c), (e), and (f) of this section may be submitted for the specific geographic area, e.g., an entire county, of the employer or group of employers.

Signed at Washington, D.C. this 10th day of April 1979.

Donald Elisburg,

Assistant Secretary, Employment Standards.

[FR Doc. 79-11614 Filed 4-12-79; 8:45 am]

BILLING CODE 4510-27-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 921

Planning and Design Objectives, Controls, and Standards on Square 291

AGENCY: Pennsylvania Avenue
Development Corporation.

ACTION: Interim Rule; request for
comment.

SUMMARY: The Pennsylvania Avenue
Development Corporation proposes
regulations relating to controls and

standards for Square 291, a block in the District of Columbia which is scheduled for development and rejuvenation under The Pennsylvania Avenue Plan—1974. The regulations address such areas as height, development massing, pedestrian amenities and related subjects. The controls and standards are intended to implement The Pennsylvania Avenue Plan—1974, as amended. Public comment is invited.

DATES: Effective date: April 13, 1979. Comments must be received on or before May 14, 1979.

ADDRESS: Send comments to Jerry Smedley, Chief of Real Estate Operations, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: David W. Briggs, Attorney, (202) 566-1078, or Yong-Duk Chyun, Architect, (202) 566-1218, Pennsylvania Avenue Development Corporation.

SUPPLEMENTARY INFORMATION: The Pennsylvania Avenue Development Corporation (the Corporation) is a wholly owned government corporation of the United States with authority to develop and rejuvenate 21 blocks along Pennsylvania Avenue, NW., Washington, D.C. The Corporation has prepared a development plan, The Pennsylvania Avenue Plan—1974, which has been adopted by Congress. In order to facilitate development in accordance with the Plan, the Corporation will be preparing Controls and Standards for many of the blocks under its jurisdiction.

This interim rule sets forth the first of these documents, new Part 921. The Controls and Standards set forth both required and recommended features applicable to new development on Square 291, a block in the District of Columbia, as recorded by the Surveyor, District of Columbia. The Controls and Standards will be distributed to affected property owners and potential developers, and will become the basis on which development proposals and related actions will be reviewed and approved by the Corporation.

The Controls and Standards set forth required controls and standards for height, development massing, pedestrian amenities, land parcelization, and related subjects. The document also specifies recommended development controls and standards, in such areas as uses, energy conservation, and off-street loading and parking access.

To simplify the access to the Controls and Standards in the Federal Register and the Code of Federal Regulations,

Chapter IX of Title 36 is being separated into two Subchapters. Subchapter B of Chapter IX will be entitled "Planning and Design Objectives, Controls and Standards" and will contain, on a block by block basis, the individual controls and standards as they are promulgated. General Administrative Regulations of the Corporation, such as its bylaws and its standards of conduct will be contained in Subchapter A of Chapter IX.

36 CFR Chapter IX is amended by adding a new Part 921 "Square 291" to read as follows:

PART 921—SQUARE 291

Subpart A—General

Sec.

921.1 Definitions.

Subpart B—Planning and Design Objectives

921.10 Comprehensive development.

921.11 General land use.

921.12 Activities at ground level.

921.13 High standard of architecture and planning.

Subpart C—Required Planning and Design Controls and Standards

921.20 Required controls and standards:

Development parcels and
interconnection of buildings.

921.21 Required controls and standards:
Pennsylvania Avenue building restriction
line and sidewalk setback (see diagram
No. 1).

921.22 Required controls and standards:
Build-to-line (see diagram No. 2).

921.23 Required controls and standards:
Height of development (see diagrams No.
2 and No. 3).

921.24 Required controls and standards:
Build-to-height.

921.25 Required controls and standards:
Rooftop uses.

921.26 Required controls and standards:
Building projection of development.

921.27 Required controls and standards:
Subsurface restrictions.

921.28 Required controls and standards:
Gross floor area of development.

921.29 Required controls and standards:
Uses.

921.30 Required controls and standards:
Provisions for the handicapped.

921.31 Required controls and standards:
Curb-cuts.

921.32 Required controls and standards:
Off-street parking.

921.33 Required controls and standards:
Off-street loading.

921.34 Required controls and standards:
Historic preservation.

921.35 Required controls and standards:
Pedestrian features.

921.36 Required controls and standards:
Building exterior illumination.

Subpart D—Recommended Planning and Design Controls and Standards

921.50 Recommended controls and
standards: Uses.

Sec.

- 921.51 Recommended controls and standards: Pedestrian features.
- 921.52 Recommended controls and standards: Building projection.
- 921.53 Recommended controls and standards: Energy conservation.
- 921.54 Recommended controls and standards: Fine arts.
- 921.55 Recommended controls and standards: Access for off-street parking and loading.
- 921.56 Recommended controls and standards: Off-street loading.
- 921.57 Recommended controls and standards: Special design considerations.

Authority: Section 6(8) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 875(8)).

Subpart A—General

§ 921.1 Definitions.

In addition to the words and phrases defined in this section, the words and phrases as defined in Section 1202 of the Zoning Regulations of the District of Columbia, as amended, are applicable to this part. Where a conflict arises in terminology or interpretation between this section and Section 1202 of the Zoning Regulations, this section shall control.

"Buildable area" means that portion, as specified by the Corporation, of the established development parcel, which is utilized to compute the maximum gross floor area of the development. Generally, this area is bounded by any applicable building restriction lines, right-of-way lines and development parcel lines relevant to the specific parcel for which the maximum gross floor area is being computed.

"Building restriction line" means a line beyond which an exterior wall of any building of a development may not be constructed or project, except that architectural articulation, minor architectural embellishments, and subsurface projections are permitted.

"Build-to-height" means an approximate height to which the exterior wall of a building in a development must rise.

"Build-to-line" means a line with which the exterior wall of a building in a development is required to coincide.

"Development" means any or all new undertakings necessary for planning, land acquisition, demolition, construction, or equipment of a building, planned unit development, or project consistent with the objectives and goals of the Plan.

"Development parcel" means an area of land established by the Corporation to be a minimum developable site under The Pennsylvania Avenue Plan—1974, as amended, and any applicable

Standards and Controls adopted by the Corporation.

"Gross floor area" is defined in section 1202, Zoning Regulations of the District of Columbia and generally means the sum of the gross horizontal areas of the several floors of all buildings of a development occurring on a lot measured from the exterior faces of exterior walls and from the center line of walls separating two buildings.

"Height of development" means the vertical distance measured from a point at the curb level of Pennsylvania Avenue to the highest point of the roof or parapet inclusive of all structures on the roof not otherwise excluded herein. The measurement shall be taken at the middle of the development parcel's frontage on Pennsylvania Avenue. All controls on height specified in these Controls and Standards shall be measured from the appropriate specified point.

"Parcel A" means a development parcel consisting of Lot 818 on Square 291 as recorded on the records of the Surveyor, District of Columbia.

"Parcel B" means a development parcel consisting of the remaining portion of Square 291 after the exclusion of Parcel A.

"The Plan" means The Pennsylvania Avenue Plan—1974, as amended, and prepared pursuant to Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871).

"Sidewalk setback" means that area between a building restriction line and the right-of-way of a street into which projections except architectural articulations, minor architectural embellishments, and subsurface structures, are prohibited. The area is to be dedicated to open space activities related to the public improvements program of the Pennsylvania Avenue Development Corporation. Subsurface structures may intrude into the area if they are in compliance with the standards and controls specified herein.

Subpart B—Planning and Design Objectives

§ 921.10 Comprehensive development.

To treat Square 291 as a unified entity in order to (a) maximize development potential, (b) create coordinated loading and parking facilities, and (c) provide integrated pedestrian features at ground level.

§ 921.11 General land use.

To develop Square 291 with a program for offices, hotel, residences, or a combination of any of these and as many ground floor retail, entertainment, and eating establishments as possible.

§ 921.12 Activities at ground level.

To select and arrange type of uses on the ground level that will stimulate and enhance pedestrian activities along the widened and landscaped Pennsylvania Avenue sidewalk and along other streets bordering the square during the day, evening, and weekend.

§ 921.13 High standard of architecture and planning.

To introduce new buildings representative of the best contemporary architectural and planning concepts, particularly with respect to:

- (a) Pedestrian features on the ground level;
- (b) Direct access to ground level retail spaces from sidewalks and pedestrian passageways and spaces;
- (c) Facade design in relation to the Western Plaza, surrounding buildings, and Pennsylvania Avenue;
- (d) Interior environment of the building for occupants;
- (e) Off-street parking and loading access;
- (f) Provisions for the physically handicapped; and
- (g) Energy conservation.

Subpart C—Required Planning and Design Controls and Standards

§ 921.20 Required controls and standards: Development parcels and interconnection of buildings.

(a) Development of Square 291 as a single development parcel is preferred, but development of the Square as Parcel A and Parcel B is permitted.

(b) Where separate development occurs on Parcel A and Parcel B, each development shall be designed, at a minimum, to permit the two developments to be connected with respect to pedestrian features and to have consolidated access for off-street parking and loading facilities.

(c) In the event that Parcel A is not subject to a development, development on Parcel B does not have to be directly connected to the existing building on Parcel A, although such a connection is preferred and encouraged. Provisions shall be made in the design of a development on Parcel B for future connection with any subsequent development on Parcel A as contemplated by paragraph (b) of this section.

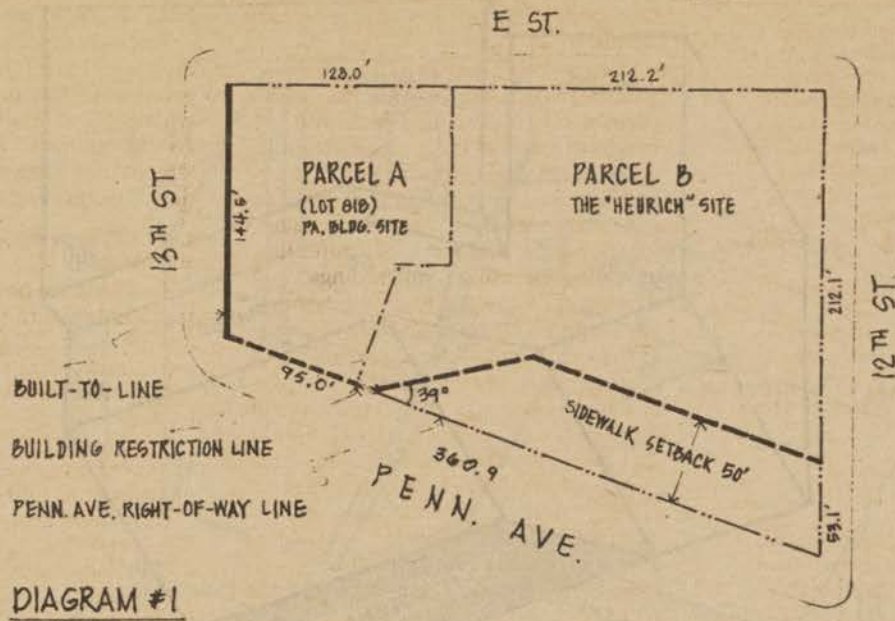


DIAGRAM #1

§ 921.21 Required Controls and Standards: Pennsylvania Avenue Building Restriction Line and Sidewalk Setback (See Diagram No. 1).

(a) Any development fronting on Pennsylvania Avenue shall observe the Pennsylvania Avenue building restriction line.

(b) The Pennsylvania Avenue building restriction line begins at a point at the intersection of the right-of-way line of 13th Street, NW. and the north right-of-way line of Pennsylvania Avenue. Following the Pennsylvania Avenue right-of-way line southeasterly for a distance of approximately 95 feet, the building restriction line diverges northeasterly from the Pennsylvania Avenue right-of-way line at an angle of 39 degrees. The building restriction line turns southeasterly at an angle of approximately 141 degrees, locating the line a distance of 50 feet perpendicular and parallel to the Pennsylvania Avenue right-of-way line, creating a sidewalk

setback on Parcel B. The building restriction line terminates at its intersection with the right-of-way line of 12th Street, NW.

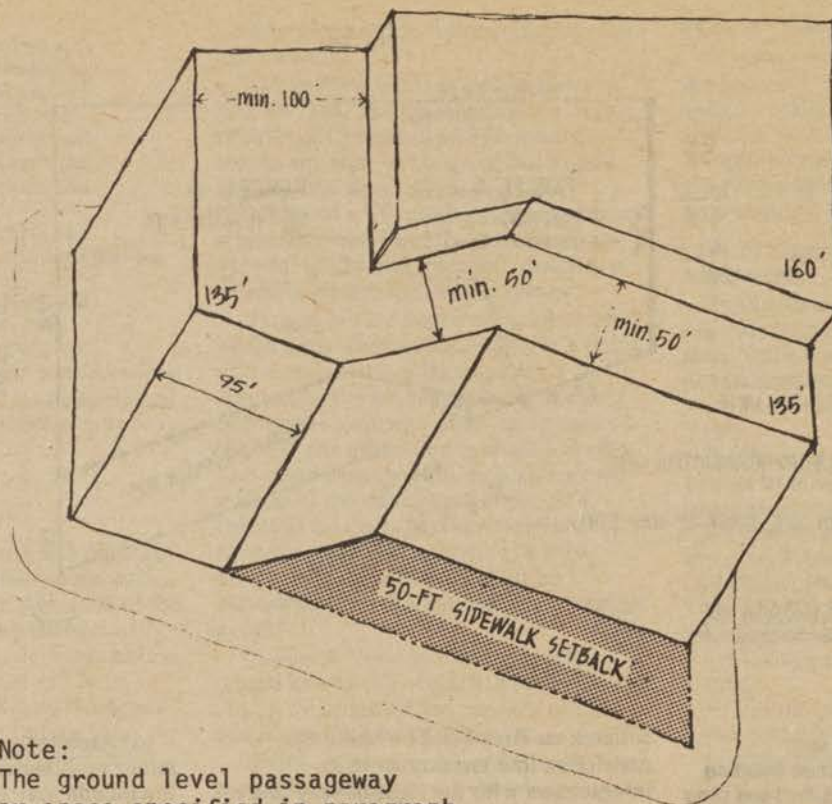
(c) The sidewalk setback on Parcel B shall be directly accessible to passageways or spaces through developments located on Parcel A and Parcel B. These passageways or spaces shall be:

- (1) Of a number and size to permit adequate pedestrian circulation between the sidewalk setback and the public sidewalk of 13th Street;
- (2) Attractive and of a high quality design inviting pedestrians to utilize these passageways and spaces;
- (3) Designed so as to complement the facade designs of the developments on Parcel A and Parcel B and to harmonize with the concepts underlying the creation of the Western Plaza, located between 13th and 14th Streets, NW.; and
- (4) Illuminated at sufficient levels to be aesthetically pleasing, as well as offering ample safety precautions.

(d) Architectural articulations and minor architectural embellishments of the facade may project into the airspace above the sidewalk setback. Canopies and other building elements incidental to pedestrian weather protection and uses are permitted at ground level on the sidewalk setback. Subsurface projections of the development are permitted consistent with § 921.27.

§ 921.22 Required Controls and Standards: Build-to-line (See Diagram No. 2).

(a) A build-to-line for development on Parcel A is established at the right-of-way line of 13th Street, NW. for its entire length between Pennsylvania Avenue and E Street. The build-to-line of Parcel A also extends along both the right-of-way line of E Street, NW. and the Pennsylvania Avenue building restriction line for a distance sufficient to visually anchor development on Parcel A to the build-to-line on 13th Street, NW.



Note:
The ground level passageway
or space specified in paragraph
b(5) is not depicted in this diagram

DIAGRAM #2

(b) A build-to-line for development on Parcel B is established at the southeast corner of the Parcel to extend from that point along both the Pennsylvania Avenue building restriction line and the right-of-way line of 12th Street, NW., for a distance sufficient to visually anchor the development on Parcel B.

(c) Where a build-to-line is established, that portion of any development subject to the requirement shall rise to its full height at the build-to-line, except that special architectural treatments of the development such as a covered pedestrian space, arcades, recesses, niches, entrances, or other articulations of the facade are permitted.

§ 921.23 Required Controls and Standards: Height of Development. (See Diagrams 2 and 3)

(a) The maximum height of development permitted shall be 160 feet.

(b) Above the 135 foot level, all exterior walls of development fronting on Pennsylvania Avenue shall be set back not less than 50 feet measured perpendicularly from and parallel to the Pennsylvania Avenue building restriction lines. No roof structures may occupy this roof setback of development, except those structures incidental to rooftop uses.

(c) Above the 135 foot level, all exterior walls of any development fronting on 13th Street, NW., shall be set back not less than 100 feet measured perpendicularly from and parallel to the build-to-line on 13th Street, NW. Only roof structures incidental to elevator penthouses and roof access stairs may occupy this setback of development, provided that they are set back from those edges of the roof fronting on a street four inches for every inch of height above the roof.

(d) Along 12th and E Streets, NW., any development above the 135 foot level shall be so designed as to minimize the visual impact of the additional height and mass above that level.

(e) Mechanical and elevator penthouses shall not be permitted above the maximum height of development of 160 feet.

(f) A stairway penthouse is permitted above the maximum height of development, but this penthouse may not exceed 8 feet in height above the roof plane on which the structure is located. And,

(g) Structures incidental to atrium skylights, cornices, and architectural embellishments may rise insignificantly above the maximum height of development, so long as these structures serve no functional use to the operation of the development.

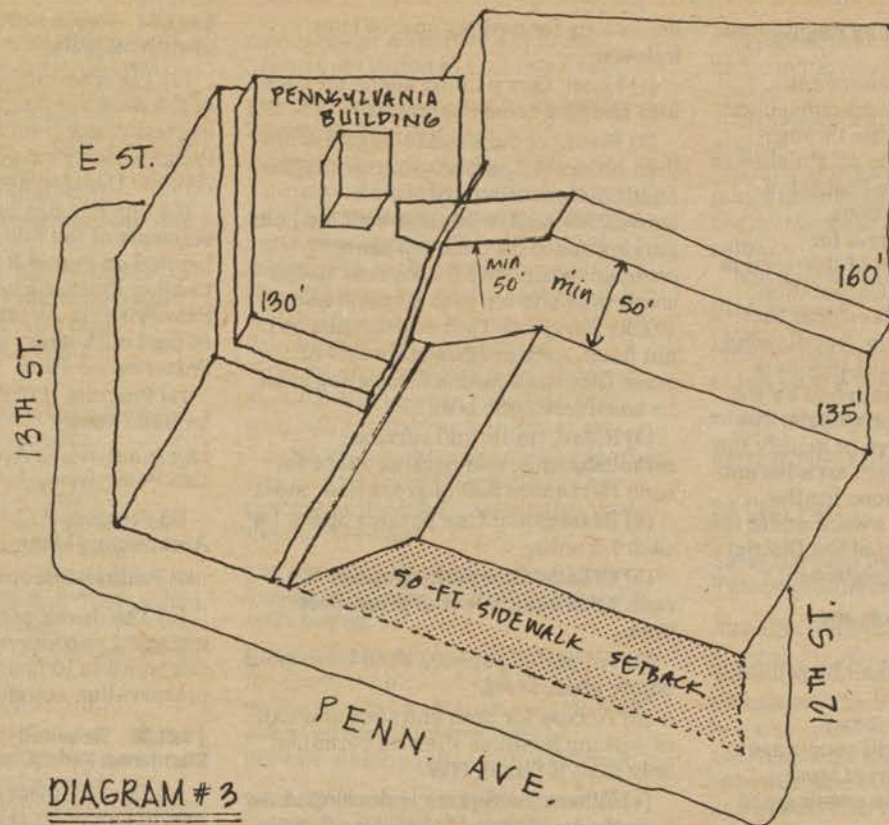


DIAGRAM #3

§ 921.24 Required Controls and Standards: Build-to-height.

That portion of development on Parcel A subject to a build-to-line shall be built to a height of approximately 135 feet at that line.

§ 921.25 Required Controls and Standards: Rooftop Uses.

(a) Rooftop uses such as cafes, restaurants, gardens, and recreational uses are permitted and encouraged on roof setbacks, created at the 135-foot level and on any roof level where not in violation with the Height of Buildings Act of 1910 (5 D.C.C. 405).

(b) Structures incidental to rooftop uses shall be seasonal and of temporary construction.

(c) Structures incidental to rooftop uses, which are in excess of four feet in height, shall be set back from any edge of the roof fronting on a street a distance equal to their respective heights above the roof.

§ 921.26 Required Controls and Standards: Building Projection of Development.

(a) On Parcel B, a building projection of the development beyond the right-of-way line of 12th Street, NW., is permitted.

(b) The building projection may not extend more than 12 feet beyond that right-of-way line.

(c) The building projection may not extend below a horizontal plane 20 feet above the highest elevation of the 12th Street sidewalk.

(d) The building projection recognizes a hypothetical extension of the Pennsylvania Avenue building restriction line.

(e) The building projection may not exceed a height of development of 135 feet.

(f) The District of Columbia awards the projection pursuant to the District of Columbia Building Code.

§ 921.27 Required Controls and Standards: Subsurface Restrictions.

(a) Subsurface projections of the development under the sidewalk setback are permitted.

(b) Where provided, subsurface projections shall comply with the following criteria:

(1) For a distance approximately 20 feet, measured perpendicularly to and back from the curb line of Pennsylvania Avenue and 13th Street, NW., subsurface structures are prohibited.

(2) Behind this line 20 feet in back of the curb line of Pennsylvania Avenue and 13th Street, NW., the outer face, including any layer of construction materials related to waterproofing, of a subsurface structure may not extend upward beyond a plane established 7 feet below the surface of that sidewalk and the Pennsylvania Avenue sidewalk setback.

§ 921.28 Required Controls and Standards: Gross Floor Area of Development.

(a) Maximum gross floor area

limitation of a development shall be determined by multiplying the buildable area of the development parcel by a factor of 11.0.

(b) In computing the gross floor area of a development to determine if the development complies with the maximum gross floor area limitation, specified above, the following exclusions of floor area from the computation may be made:

(1) Floor area of a development not normally computed as part of gross floor area for purposes of the District of Columbia Zoning Regulations;

(2) Floor area of a development devoted to an off-street loading facility and its access;

(3) Floor area of a development devoted to mechanical equipment rooms for HVAC and elevators (The amount of floor area which may be excluded under this item may not exceed a factor of 0.37 times the buildable area of the development parcel.);

(4) Floor area of a development which extends beyond a right-of-way line, such as a building projection, or which extends beyond a building restriction line, such as architectural articulations and minor architectural embellishments of the facade;

(5) Floor area of a development devoted to an open arcade which meets or exceeds the open arcade criteria established in paragraph 5307.121 of the

District of Columbia Zoning Regulations; and,

(6) Floor area of a development devoted to a through-square-connection which meets or exceeds the through-square-connection criteria established in paragraph 5307.123 of the District of Columbia Zoning Regulations.

(c) The applicable criteria for paragraphs (b) (5) and (6) of this section may be modified by the Corporation upon a showing by the developer that the goals of quality design, free-flowing pedestrian circulation, and adequate weather protection are satisfied by the developer's alternative proposals. The Corporation cannot waive or modify the applicable criteria for open arcades and through-square-connections for the purpose of obtaining an award under the bonus incentive program of the District of Columbia Zoning Regulations.

§ 921.29 Required Controls and Standards: Uses.

(a) The ground level shall be primarily devoted to a mix of retail, entertainment, restaurant and institutional uses that will encourage lively activities at the street level especially throughout the evening and weekend.

(b) All retail spaces on the ground level fronting on streets or pedestrian related passages and spaces shall be made directly accessible from those areas.

§ 921.30 Required Controls and Standards: Provisions for the Handicapped.

Development shall incorporate features that will make the development readily accessible by the physically handicapped. The specifications published by the American National Standards Institute, Inc. (ANSI A117.1 Revised 1971) titled "Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" should be used as guidelines.

§ 921.31 Required Controls and Standards: Curb-Cuts.

Vehicular curb-cuts are prohibited along Pennsylvania Avenue, 12th Street, NW., and 13th Street, NW.

§ 921.32 Required Controls and Standards: Off-Street Parking.

(a) Off-street parking as a principal use is prohibited. Off-street parking as an accessory use in a development is permitted.

(b) The maximum number of parking spaces for a development may not exceed the aggregate of the number of parking spaces allowed for each use within the development. The schedule of

limitations for parking spaces is as follows:

(1) Hotel: One parking space for each four sleeping rooms or suites;

(2) Places of public assemblage other than hotels: (i.e., arena, armory, theater, auditorium, community center, convention center, concert hall, etc.) one parking space for each ten seats of occupancy capacity for the first 10,000 seats, plus one for each 20 seats above 10,000: *Provided*, That where seats are not fixed, each seven square feet of gross floor area usable for seating shall be considered one seat;

(3) Retail, trade, and service establishments: one parking space for each 750 square feet of gross floor area;

(4) Residential: One parking space for each 1.2 units;

(5) Offices: One parking space for each 1,800 square feet of gross floor area.

(c) All parking spaces shall be located below grade level.

(d) Access for both entrance and exit to parking facilities shall be permitted only from E Street, NW.

(e) Where the Square is developed as a single development parcel, parking facilities shall be serviced by a single parking access for both entrance and exit.

(f) Where Parcel A and Parcel B are developed separately, each parcel may have its own parking facility and access for entrance and exit, but the access for each parcel and access for off-street loading shall be consolidated so as to minimize the size and number of curb-cuts along E Street.

§ 921.33 Required Controls and Standards: Off-Street Loading.

(a) An off-street loading facility shall comply with the requirements of the Zoning Regulations of the District of Columbia.

(b) All off-street loading access for entrance and exit shall be from E Street.

(c) Where the Square is developed as a single development parcel, a single off-street loading facility is required with a single access for entrance and exit.

(d) Where Parcel A and Parcel B are separately developed, each parcel shall have an off-street loading facility with an access for entrance and exit. The access to the off-street loading facility for Parcel A and Parcel B must be adjacent and contiguous with each other, and coordinated with access to off-street parking facilities. Curb-cuts and intrusions across the sidewalk of E Street shall be minimized.

§ 921.34 Required Controls and Standards: Historic Preservation.

(a) The historic preservation aspects of the development will be implemented in accordance with the Historic Preservation Plan of the Pennsylvania Avenue Development Corporation.

(b) The facades or architectural elements of the following three buildings located on Parcel B are to be relocated to other locations within the Pennsylvania Avenue development area as part of Program II of the Historic Preservation Plan.

(1) Program II B: Building Facades to be Relocated:

1201 Pennsylvania Avenue, NW.
1205 Pennsylvania Avenue, NW.

(2) Program II C: Salvage of Architectural Elements:

1203 Pennsylvania Avenue, NW.

(c) The developer of Parcel B is expected to cooperate with the Corporation to facilitate this preservation activity.

§ 921.35 Required Controls and Standards: Pedestrian Features.

(a) Development on Parcel A shall provide an open arcade along the entire length of the build-to-line of 13th Street, NW.

(b) The open arcade shall comply with the criteria applicable to open arcades as set forth in section 5307.121 of the District of Columbia Zoning Regulations, except that the Corporation may modify those criteria upon a showing by the developer that the goals of quality design, free-flowing pedestrian circulation, and adequate weather protection are satisfied by the developer's proposals. The Corporation cannot waive or modify the applicable criteria for open arcades for the purpose of obtaining an award under the bonus incentive program of the District of Columbia Zoning Regulations.

§ 921.36 Required Controls and Standards: Building Exterior Illumination.

Exterior illumination shall be in conformance with the Pennsylvania Avenue Lighting Plan and any general plan of the Pennsylvania Avenue Development Corporation for building illumination.

Subpart D—Recommended Planning and Design Controls and Standards

§ 921.50 Recommended Controls and Standards: Uses.

(a) Along the ground level frontages of Pennsylvania Avenue and 13th Street, NW., uses which generate a low level of activities or engage in business for a

limited period of time during the day such as banks, airline ticket offices, travel bureaus, etc., are discouraged.

(b) Shops and restaurants are recommended along the ground level of 12th Street, NW. to reinforce 12th Street as one of the major north-south pedestrian ways between the Mall and F Street retail core.

(c) Cafes in the sidewalk setback on Pennsylvania Avenue are encouraged.

(d) Rooftop uses such as cafe, restaurant, and roof-garden are encouraged.

§ 921.51 Recommended Controls and Standards: Pedestrian Features.

(a) Open arcades:

(1) An open arcade is highly recommended along the Pennsylvania Avenue building restriction line;

(2) An open arcade in Parcel B is desirable along 12th Street, if a building projection is not provided;

(3) An open arcade is desirable along E Street.

(b) Ground level pedestrian passageways or spaces:

(1) Ground level pedestrian passageways or spaces should be exterior spaces of the development open to the public on a 24 hour basis;

(2) These passageways or spaces should be generous in size and insure free-flowing pedestrian circulation between the sidewalk setback on Pennsylvania Avenue and the sidewalk of 13th Street, NW.;

(3) A sense of a continuous promenade along Pennsylvania Avenue is highly desired;

(4) These passageways or spaces should permit direct access to retail and similar uses which front on them; and

(5) The present building on Parcel "A" should be modified or altered to establish a pedestrian passageway or space satisfying the desire expressed in paragraph (b)(3)(ii) of this section.

(c) Provisions for the construction of a second level pedestrian walkway across E Street to future development on Square 290 is desirable in order to permit direct covered connection from Square 291 to the Metro Center South Station entrance at 12th and F Streets.

§ 921.52 Recommended Controls and Standards: Building Projection.

A building projection along 12th Street is recommended.

§ 921.53 Recommended Controls and Standards: Energy Conservation.

All new buildings should be designed as economical in energy use as possible. The conservation standards of ASHRAE 90-75 should be used as guidelines, until the District of Columbia enacts

standards as a supplement to the District of Columbia Building Code.

§ 921.54 Recommended Controls and Standards: Fine Arts.

(a) Fine arts, including sculpture, paintings, decorative windows, bas-reliefs, ornamental fountains, murals, tapestries, and the like, should be included in each development project. Commissions for original works of art which are appropriate for the development are encouraged.

(b) The Corporation is available to assist a developer in selecting and evaluating artists and works of art.

(c) A reasonable expenditure for fine arts is deemed to be one-half of one percent of the total construction cost of the development.

§ 921.55 Recommended Controls and Standards: Access for Off-Street Parking and Loading.

It is highly recommended that access for off-street parking and loading for the entire square be through a single curb-cut to minimize interruption of pedestrian circulation along E Street.

§ 921.56 Recommended Controls and Standards: Off-Street Loading.

Where separate development occurs on Parcel A and Parcel B it is desirable that the required off-street loading facilities for each parcel be consolidated into a single facility serving the entire square.

§ 921.57 Recommended Controls and Standards: Special Design Considerations.

The following elements are considered critical to the design of any development on the Square in that they will define the space and the character of Western Plaza, Pennsylvania Avenue, 12th Street, and E Street. The architect of any development on the Square is expected to work closely with the staff of the Corporation in treating these design elements:

(a) The facade along 13th Street facing Western Plaza, particularly with regard to a cornice, edges, and open arcade, entrances, and store fronts.

(b) The ground level pedestrian passageways or spaces connecting the sidewalk setback of Pennsylvania Avenue with the sidewalk of 13th Street.

(c) That portion of development at the corner of 12th Street and Pennsylvania Avenue.

(d) Building projection over 12th Street, if provided.

(e) The building mass above the 135 foot level along 12th and E Streets.

(f) Structures and planting incidental to rooftop uses.

(g) Mechanical penthouses equipment and cooling tower location and visual design.

(h) Off-street parking and loading access.

(i) Architectural articulations and minor architectural embellishments of the facade fronting on the sidewalk setback.

Issued in Washington, D.C.

Joseph B. Danzanaky,
Chairman.

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VETERANS ADMINISTRATION

38 CFR Part 1

Safeguarding Personal Information in Veterans Administration Records

AGENCY: Veterans Administration.

ACTION: Final Regulation.

SUMMARY: The Veterans Administration has amended its regulation concerning use of social security numbers in veterans' benefits matters. Prior to this amendment the regulation stipulated that no one would be denied any right, benefit, or privilege provided by law because of refusal to disclose to the Veterans Administration a social security number. This amendment now provides authority for requiring mandatory disclosure of a claimant's or beneficiary's social security number as a condition precedent to the receipt or continued receipt of Veterans Administration periodic monetary benefits. This change is needed to insure the fiscal integrity of the Veterans Administration benefits program. The effect of this action is to provide for verification of social security benefit data furnished in connection with a claim for Veterans Administration benefits.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. 202-389-3005.

SUPPLEMENTARY INFORMATION: On pages 57923 and 57924 of the Federal Register of December 11, 1978, there was published a notice of proposed regulatory change to amend § 1.575. This is the regulation which governs use of social security numbers in veterans' benefits matters.

Interested persons were given 30 days in which to submit comments, suggestions, or objections to the proposed amendment. One letter was received. The writer only wanted information about the authority of the Veterans Administration to require