State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Massachusetts	Worcester	Gardner, city of	250305-A	Sept. 4, 1975, emergency, Mar. 31, 1979, suspended, May 18, 1979, reinstated.	Sept. 6, 1974 and Mar. 12, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: May 21, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-16596 Filed 5-25-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 870]

Restriction on Garnishment

AGENCY: Wage and Hour Division, Labor.

ACTION: Final interpretative rule.

SUMMARY: The Tax Reduction and Simplification Act, which amends the Consumer Credit Protection Act, has in the case of multiple garnishments resulted in problems relating to the priorities of the garnishments. The CCPA does not define such priorities, leaving that question to other Federal and State laws. This document will assist the public in understanding the application of the CCPA to situations where various creditors are attempting to garnish a debtor's wages.

DATE: This rule shall be effective on May 29, 1979.

FOR FURTHER INFORMATION CONTACT: Paul E. Myerson, Counsel, General Legal Services, Office of the Solicitor, Room N2464, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone No. 202–523–8244.

SUPPLEMENTARY INFORMATION: The Tax Reduction and Simplification Act of 1977 amended section 303(b) of the Consumer Credit Protection Act to restrict the amount of an individual's disposable earnings which may be garnished for the support of any person (child support and alimony). Prior to this amendment there were no Federal limitations on the amount of earnings which could be garnished for this purpose. Section 303(b) now provides that the maximum amount of an individual's disposable earnings which may be garnished for support is as follows:

(1) 50% is garnishable if the individual is supporting his spouse or a dependent child, and the garnishment for support concerns someone else (i.e. a former spouse and/or another dependent child);

(2) 60% is garnishable if the individual is not supporting any such additional person(s);

(3) these percentages are increased to 55% and 65% respectively, if the garnishment order concerns support payments more than 12 weeks in arrears.

Section 303(b) continues to provide that there are no limitations on the amount that may be garnished for debts for State or Federal taxes or for withholdings pursuant to Title XIII of the Bankruptcy Act which are, for the purposes of this law, classified as garnishments. Section 303(a) continues to provide that garnishments for all other debts (other than those for support, State or Federal taxes, and Title XIII bankruptcy) are limited to 25% of disposable earnings.

As the CCPA does not contain any provisions concerning the priority of garnishments, problems of priority have arisen when there is more than one garnishment. Such priority is a matter for determination under other Federal laws or State laws. In view of the diversity of State laws and the possibility of amendment of Federal or State laws the examples given in this section are based on stated assumptions of what the priorities are.

Where there is a garnishment for support as well as a garnishment for taxes or Title XIII bankruptcy, and if this latter type of garnishment has priority, this priority garnishment will absorb disposable earnings which otherwise would be withheld to satisfy the garnishment for support. This means that although garnishments for Federal and State taxes and Title XIII bankruptcy can be in any amount, if these garnishments have priority, then a garnishment for support can require a withholding only if these other garnishments absorb an amount less than the applicable ceiling for the support garnishment (50–65%). If that is the case, then the garnishment for support can take only the difference between the applicable ceiling and the amounts withheld pursuant to the garnishments with priority.

Where there is a garnishment for support as well as a garnishment for other debts subject to the 25% limitation in section 303(a), the priority of the garnishments is generally a matter of applicable state law. If the garnishment for support has priority and results in the withholding of 25% more of the debtor's disposable earnings, then the garnishment for the other debt takes nothing. If the garnishment for the other debt has priority, it is subject to the 25% limitation and the combined amount subject to garnishment for this debt and the support debt may not exceed the 50% to 65% maximum applicable percentage.

With the addition of § 870.11, it is necessary to amend the Title of § 870.10 to reflect its coverage of section 303(a) only.

This document was prepared under the direction and control of the Associate Solicitor for General Legal Services, Office of the Solicitor, Department of Labor.

To effectuate the above changes paragraph (a) of § 870.1 is revised, the title to § 870.10 is amended, and a new § 870.11 is added, as follows:

1. Paragraph (a) of § 870.1 is amended as follows:

§ 870.1 Purpose and scope.

(a) This part sets forth the procedures and any policies, determinations, and interpretations of general application whereby the Secretary of Labor carries out his duties under section 303 of the CCPA dealing with restrictions on garnishment of earnings, and section 305 permitting exemptions for State-regulated garnishments in certain situations. While the Secretary's duties under section 303 include insuring that certain amounts of earnings are

protected, such duties do not include establishing priorities among multiple garnishments, as such priorities are determined by other Federal statutes or by State law.

* * * * *

2. The title of § 870.10 is amended to read as follows:

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment under section 303(a).

* * * * *

3. A new § 870.11 is added which reads as follows:

§ 870.11 Exceptions to the restrictions provided by section 303(a) of the CCPA and priorities among garnishments.

(a)(1) Section 303(b) of the Consumer Credit Protection Act provides that the restrictions in section 303(a) do not apply to:

(i) Any debt due for any State or Federal tax, or

(ii) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act.

(2) Accordingly the Consumer Credit Protection Act does not restrict in any way the amount which may be withheld for State or Federal taxes or in Chapter XIII Bankruptcy Act proceedings.

(b)(1) Section 303(b) provides the following restrictions on the amount that may be withheld for the support of any person (e.g. alimony or child support):

"(A) Where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is issued), 50 per centum of such individual's disposable earnings for that week; and

"(B) Where such individual is not supporting such a spouse or dependent child described in clause (A), 60 per centum of such individual's disposable earnings for that week; except that, with respect to the disposable earnings of any individual for any workweek, the 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve week period which ends with the beginning of such workweek."

(2) Compliance with the provisions of section 303(a) and (b) may offer problems when there is more than one garnishment. In that event the priority is determined by State law or other Federal laws as the CCPA contains no provisions controlling the priorities of garnishments. However, in no event may the amount of any individual's disposable earnings which may be garnished exceed the percentages specified in section 303. To illustrate:

(i) If 45% of an individual's disposable earnings were garnished for taxes, and this garnishment has priority, the Consumer Credit Protection Act permits garnishment for the support of any person of only the difference between 45% and the applicable percentage (50 to 65%) in the above quoted section 303(b).

(ii) If 70% of an individual's disposable earnings were garnished for taxes and/or a Title XIII Bankruptcy debt, and these garnishments have priority, the Consumer Credit Protection Act does not permit garnishment either for the support of any person or for other debts.

(iii) If 25% of an individual's disposable earnings were withheld pursuant to an ordinary garnishment which is subject to the restrictions of section 303(a), and the garnishment has priority in accordance with State law, the Consumer Credit Protection Act permits the additional garnishment for the support of any person of only the difference between 25% and the applicable percentage (50–65%) in the above quoted section 303(b).

(iv) If 25% or more of an individual's disposable earnings were withheld pursuant to a garnishment for support, and the support garnishment has priority in accordance with State law, the Consumer Credit Protection Act does not permit the withholding of any additional amounts pursuant to an ordinary garnishment which is subject to the restrictions of section 303(a).

(Secs. 303, 306, 82 Stat. 163, 164; 15 U.S.C. 1673, 1676; as amended by 91 Stat. 158)

Signed at Washington, D.C., on this 22nd day of May 1979.

C. Lamar Johnson,

Deputy Administrator, Wage and Hour Division.

[FR Doc. 79-16707 Filed 5-25-79; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 223

Correction of Revision of Regulations Which Govern Surety Companies Doing Business With the United States

AGENCY: Bureau of Government Financial Operations, Department of the Treasury.

ACTION: Authority citation correction.

SUMMARY: This corrects an oversight by adding an authority citation to a final rule published in FR Doc. 78-24671 on September 1, 1978, at 43 FR 39088 and 39089. The final rule amended 31 CFR 223.3 and 223.11.

EFFECTIVE DATE: September 1, 1978.

FOR FURTHER INFORMATION CONTACT: Mr. John Newell, Audit Staff, Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634-5978.

SUPPLEMENTARY INFORMATION: The authorities for 31 CFR Part 223, and for the above referenced September 1, 1978 amendments of that Part, are 80 Stat. 379; 5 U.S.C. 301 and 6 U.S.C. 8.

Dated: May 21, 1979.

D. A. Pagliai,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 79-16546 Filed 5-25-79; 8:45 a.m.]

BILLING CODE 4810-35-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 744

Policies and Procedures for the Protection of Proprietary Rights in Technical Information Proposed for Release to Foreign Governments; Miscellaneous Amendments and Deletions

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending 32 CFR Part 744 relating to the protection of proprietary rights in connection with the exchange, for defense purposes, of technical information between the United States and foreign governments. These amendments and deletions are being made in order to remove material which unnecessarily duplicates certain provisions of 32 CFR Part 264, which Part 744 implements. Additionally, references to deleted portions of Part 744 are changed to appropriate provisions in 32 CFR Part 264. The intended effect of these amendments and deletions is to improve 32 CFR by removing duplicative material.

EFFECTIVE DATE: May 29, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Gerald J. Kirkpatrick, JAGC, U.S. Navy, Regulations Branch Attorney (Code 133.1), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370, telephone number (202) 694-5267.

SUPPLEMENTARY INFORMATION: In accordance with the Presidential objective of assuring that Federal regulations are as effective, reasonable, and understandable as possible, and pursuant to a Department of Defense project to, among other things, make title 32 of the *Code of Federal Regulations* (CFR) a more useful guide for members of the public, the Department of the Navy has determined, under guidance issued by the General Counsel of the Department of Defense, that certain provisions of 32 CFR Part 744 can be deleted because they unnecessarily duplicate provisions of 32 CFR Part 264. The source documents for the deleted CFR provisions are not cancelled and thus remain in effect. The amendments and deletions have been determined to be nonsubstantive in nature. Invitation for public comment prior to adoption has been determined to be impractical, unnecessary, and contrary to the public interest, and is thus not required under the rule-making provisions in Parts 296 and 701 of 32 CFR.

§§ 744.2, 744.3, 744.4, 744.5, 744.7, and 744.8 [Deleted]

Accordingly, 32 CFR Part 744 is amended as follows:

1. Section 744.2, 744.3, 744.4, 744.5, 744.7, and 744.8 are deleted.

§ 744.6 [Amended]

2. In the seventh line of paragraph (a) of § 744.6, "§ 744.5(b)(3)" is changed to "§ 264.4(d)(3)."

3. In the fifth line of paragraph (b) of § 744.6, "§ 744.5(d)" is changed to "§ 264.4(f)."

(Sec. 301, 80 Stat. 379, secs. 5031, 6011, 70A Stat. 278, 375 as amended; 5 U.S.C. 301, 10 U.S.C. 5031, 6011. Interpret or apply the Mutual Security Act of 1954 (68 Stat. 832) as amended, 22 U.S.C. 1750 et seq., and Act of Sept. 4, 1961 (Public Law 87–195, 75 Stat. 424), 22 U.S.C. 2151–2406 (2351, 2356).

4. In the eighth line of paragraph (c) of § 744.6, "§ 744.5(b)(3)" is changed to "§ 264.4(d)(3)."

Dated: May 22, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-16676 Filed 5-25-79; 8:45 am]

BILLING CODE 3810-71-M

POSTAL SERVICE

39 CFR Part 3

Bylaws—Matter Reserved for Decision by the Board

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The bylaws of the Board of Governors are revised so as to reserve for Board decision the salaries of officers of the Postal Service. The term "officers" includes Assistant Postmasters General and above, as well as a small number of ancillary positions.

This revision became necessary because the new Postal Career Executive Service is not structured on the basis of grades for senior officers and executives in the Postal Service, as is the existing compensation system. Thus, an existing bylaw reserves to Board decision compensation for officers and executives "in PES grade 34 and above". Such a bylaw had to be changed.

EFFECTIVE DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245–4638.

Accordingly, 39 CFR is amended as follows:

In § 3.4 revise paragraph (p) to read as follows:

§ 3.4 Matters reserved for decision by the Board.

* * * * *

(p) Compensation of officers of the Postal Service whose positions are included in Level II of the Postal Career Executive Service, including the Senior Assistant Postmasters General, Assistant Postmasters General, Regional Postmasters General, General Counsel, Chief Inspector, Controller, Treasurer, Consumer Advocate, Executive Assistant to the Postmaster General, and Judicial Officer.

(39 U.S.C. 205, 401, 1003)

Louis A. Cox,

General Counsel.

[FR Doc. 79-16581 Filed 5-25-79; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 171

[Docket No. HM-22; Amdt. No. 171-47]

Matter Incorporated by Reference

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

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendments 14–76 and 15–77 to the Code.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, 2100 Second Street, SW, Washington, D.C. 20590, telephone (202) 426–0656.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendments 14–76 and 15–77 to the IMCO Code which have recently been published by the Inter-Governmental Maritime Consultative Organization (IMCO). These amendments promulgate numerous miscellaneous changes to the IMCO Code and address matters such as listing, classification, labeling, and packaging of dangerous goods. IMCO has established July 1, 1979, as the implementation date for these amendments. Since this rule does not impose additional requirements, notice and public procedure thereon are unnecessary. The primary drafter of this document is Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation.

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17) is revised to read as follows: