

FOR FURTHER INFORMATION CONTACT: Mr. Joseph H. Linsely, Phone: 202-447-4057.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration deletes Subchapter C including Parts 1831, 1832 and 1833 of Chapter XVIII, Title 7 in the Code of Federal Regulations. Parts 1831 and 1832 are simply "Reserved" Parts and contain no regulations. Part 1833, "Economic Opportunity Loans to Individuals" contains the regulations which implemented Title III, Part A, § 302 of the Economic Opportunity Act of 1964 (Pub. L. 88-452). The authority to administer this program was given to the Department of Agriculture by the Director of the Office of Economic Opportunity (29 FR 14764). A revolving fund was set up in § 306 of the Act to carry out this program. The capital of the fund was to consist of amounts advanced from money appropriated pursuant to § 321 of the Act. Section 321 provided for the duration of the program and appropriations for the program, and was repealed in 1978 by Pub. L. 95-568, § 8(a)(2), 92 Stat. 2428.

Executive Order 12044 (43 FR 12661) told executive agencies to review their existing regulations and consider whether or not there is a continued need for the regulations. As part of an overall review of its regulations, FmHA has determined that Part 1833 is no longer needed and should be eliminated. No loans have been made under this program since 1971, and that section of the Act which provided for the duration of the program and funding for the program has been repealed. Because there are no other FmHA regulations in the Subchapter, FmHA is also deleting the Subchapter from the CFR at this time.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This deletion, however, is not published for proposed rulemaking since the change will have no effect on the public. This determination has been made by Mr. Gordon Cavanaugh, Administrator.

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES [DELETED]

PARTS 1831, 1832 and 1833 [DELETED]

Therefore, Subchapter C, "Loans Primarily for Production Purposes" including Parts 1831 and 1832 which are reserved and Part 1833, "Economic Opportunity Loans to Individuals" is

hereby deleted from Title 7 in the Code of Federal Regulations.

Note.—This action has not been determined significant under the USDA criteria implementing Executive Order 12044

A copy of the Final Impact Analysis is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250.

Note.—This document has been reviewed in accordance with FmHA Instruction 1901-C "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, and Environmental Impact Statement is not required.

(5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: July 9, 1979.

W. J. Nagle,
Acting Administrator, Farmers Home Administration.

[FR Doc. 79-22047 Filed 7-16-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of ALIA—The Royal Jordanian Airline to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment of the regulations of the Immigration and Naturalization Service to add a carrier to the list of transportation lines which have entered into agreements with the Commissioner of Immigration and Naturalization to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATE: June 7, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published

pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendment contained in this order adds a transportation line to the listing and is editorial in nature.

On June 7, 1979, the Commissioner of Immigration and Naturalization concluded an agreement with ALIA—The Royal Jordanian Airline to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries pursuant to section 238(d) of the Immigration and Nationality Act and 8 CFR 238. Accordingly, 8 CFR 238.3(b) will be amended by adding "ALIA—The Royal Jordanian Airline" to the listing in alphabetical sequence.

In the light of the foregoing, the following amendment is hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding in alphabetical sequence, "ALIA—The Royal Jordanian Airline."

(Secs. 103 and 238(d), 8 U.S.C. 1103 and 1228(d).)

Effective date: The amendment contained in this order becomes effective on June 7, 1979.

Dated: July 11, 1979.

Leonel J. Castillo,
Commissioner of Immigration and Naturalization.

[FR Doc. 79-21986 Filed 7-16-79; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 0

Conduct of Employees; Ownership of Stocks, Bonds, and Other Security Interests by NRC Employees

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission has revised its regulations governing the ownership of stocks, bonds, and other security interests by NRC employees.

EFFECTIVE DATE: July 17, 1979.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202 634-1465).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has conducted a thorough review of its regulations governing the ownership of stocks, bonds, and other security interests by NRC employees and determined that several changes should be made to 10 CFR 0.735-21 and 0.735-29. NRC employees and the National Treasury Employees Union commented on these proposed changes and the final rule adopted by the Commission incorporates most of the comments.

The amendments to 10 CFR 0.735-29 are best understood by briefly summarizing the origin of that section. Added to Part 0 on December 19, 1973, § 0.735-29 prohibited Atomic Energy Commission (The Commission's predecessor agency) employees involved in licensing and regulatory activities from owning security interests in the following types of entities: (a) Any publicly or privately owned utility company engaged in the generation, distribution or sale of electric energy, or parent company of such company; (b) any company manufacturing or selling nuclear power or test reactors; (c) any architectural-engineering company primarily engaged in the design or construction of nuclear power or test reactor facilities; and (d) any company whose business consists substantially of serving as a consultant to companies engaged in activities licensed or regulated by the Commission. Upon creation of the Nuclear Regulatory Commission (which acceded to the Atomic Energy Commission's regulatory authority), the decision was made to apply the prohibition of § 0.735-29 to all full-time NRC employees as well as to certain special government employees.

The Commission is amending § 0.735-29 to better reflect the Commission's regulatory responsibilities and an individual employee's role within the agency. NRC employees will for the first time be permitted to own stock, bonds or other security interests in electric utilities which have not been authorized by the Commission to construct or operate a nuclear reactor or do not have

applications pending before the Commission seeking early site review or authorization to construct or operate a nuclear reactor. The Commission does not have jurisdiction over non-nuclear electric utilities and accordingly, we find little justification for prohibiting NRC employees from owning stock in those companies. Of course, once a utility files an application seeking early site review or authorization to construct a nuclear reactor, employees would be prohibited from owning securities issued by that company and employees would be required to divest themselves of any security interests held in that company. The Commission will continue to prohibit its employees from owning bonds issued by state and local governmental entities in those cases where the primary purpose of the bond is to raise funds to operate or construct a nuclear reactor. The Commission is also retaining its prohibition on security interests issued by companies manufacturing or selling nuclear power or test reactors. The Commission is revising its prohibition on architectural-engineering companies so that it will be easier to provide employees with a list of firms whose securities they may not own. Commission employees will be prohibited from owning securities issued by architectural-engineering companies that have been engaged to provide services relating to a nuclear facility by an applicant for a construction permit, a holder of a construction permit, or an applicant for an operating license. In addition, employees will be prohibited from owning securities issued by architectural-engineering companies which have filed a standard reference design that is under Commission review, or has been approved by the Commission and is currently effective.

The Commission will also for the first time prohibit its employees from owning securities issued by fuel cycle applicants or licensees (companies engaged in milling, converting, fabricating, reprocessing, storing, or disposing of source or special nuclear material). This category is added because a large number of Commission employees are involved in regulatory activities related to the nuclear fuel cycle.

The Commission is deleting the bar against owning securities issued by companies whose business consists substantially of serving as consultants to companies engaged in NRC regulated activities. Most of the consulting firms are partnerships or small corporations which do not issue public securities, and therefore the prohibition had little effect. Furthermore, it was impossible to provide employees with a list of the

companies covered by the prohibition because the Commission was unable to define what constituted "substantially" serving as a consultant to companies engaged in NRC regulated activities.

The foregoing security ownership prohibitions will be applicable to all NRC employees occupying positions at the GS-13 level or above, and as well as all other employees who provide input into the decision-making process. (These employees will be designated by the Commission according to their occupational code.) The security ownership prohibitions will apply to the NRC employee, and to the employee's spouse, minor children, and any other member of the employee's household. The Commission considered applying the prohibitions as is done presently to all Commission employees. The Commission decided not to do so because many employees, such as clerical personnel, do not participate in the decision-making process. A far-ranging restriction on their personal investing freedom is unnecessary. This, however, does not create a regulatory gap which could allow these employees to profit from inside information gained as an NRC employee. NRC regulations prohibit all employees from directly or indirectly using or allowing the use of official information, obtained through or in connection with their government employment, which has not been made available to the general public, to further a private interest. 10 CFR 0.735-41.

To implement these provisions, NRC employees subject to this restriction will be given a list twice a year of those securities which they are prohibited from purchasing. Employees will be given 365 days from the time the list is published to divest themselves of any prohibited security interest. Employees will not be permitted to work on matters affecting an entity until they have divested themselves of the prohibited security, notwithstanding the provision of § 0.735-21(c), discussed below. Employees will for the first time be required to certify annually that they are in compliance with § 0.735-29. Employees will also sign such a certification within thirty days after commencing NRC employment. This codifies existing NRC practice.

With respect to securities which NRC employees are not prohibited from owning, § 0.735-21 of the Commission's regulations permits NRC employees, including special government employees, to work on matters affecting the issuing entity provided that the current market value of the security interests held by the employee and

members of his immediate household do not exceed \$7,500. The Commission is reducing that \$7,500 figure to \$1,000. The Commission believes that in some cases \$7,500 may be a significant portion of an employee's liquid assets and that an investment of that size could conceivably affect an employee's judgment. Accordingly, we are reducing the *de minimis* figure.

Commissioner Bradford does not concur in several of the amendments adopted by the Commission. He believes that the security ownership prohibition should be applied to all NRC employees. He would extend the security ownership prohibition to all electric utilities and to the major consulting firms which the Commission would designate. Finally, he believes that employees should not be permitted to work on matters affecting an entity in which they or members of their household have a financial interest, regardless of the amount.

Because these amendments relate solely to matters of agency management or personnel, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary, and for making the amendments effective July 17, 1979.

Pursuant to section 2201(p) of Title 42 of the United States Code, Executive Order 11222 of May 8, 1965, 5 CFR 735.104, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 0, are published as a document subject to codification, to be effective July 17, 1979.

1. Section 0.735-21(c)(1) is revised to read as follows:

§ 0.735-21 Acts affecting a personal financial interest (based on 18 U.S.C. 208).

(c) *Exemption of remote or inconsequential financial interests.*—(1) in accordance with the provisions of 18 U.S.C. 208(b)(2) the NRC has exempted the following financial interests from paragraph (a) of this section and from the requirements of paragraph (b) of this section, upon the ground that such interests are too remote or too inconsequential to affect the integrity of its employees' services:

(i) Financial interests in an enterprise in the form of shares in the ownership thereof, including preferred and common stocks whether voting or nonvoting, and warrants to purchase such shares;

(ii) Financial interests in an enterprise in the form of bonds, notes, or other evidence of indebtedness;

(iii) Investments in State or local government bonds and investments in shares of a widely held diversified mutual fund or regulated investment company, except holdings in mutual investment funds or regulated investment companies dealing primarily in atomic energy stocks;

Provided, That in the case of subdivisions (i) and (ii) of this subparagraph:

(A) The total market value of the financial interests described in said subdivisions with respect to any individual enterprise does not exceed \$1000; and

(B) the holdings in any class of shares, or bonds, or other evidences of indebtedness, of the enterprise do not exceed 1 percent of the dollar value of the outstanding shares, or bonds or other evidences of indebtedness in said class.

* * * * *

2. Section 0.735-29 is amended to read as follows:

§ 0.735-29 Restriction against ownership of certain security interests by Commissioners, certain staff members and other related personnel

(a) No Commissioner or employee, including special government employees who are members of the Advisory Committee on Reactor Safeguards, the Atomic Safety and Licensing Board Panel or the Atomic Safety and Licensing Appeal Panel, who occupies a position at or above GS-13 or its equivalent, shall own any stocks, bonds, or other security interests issued by any entity falling within the categories set forth in paragraph (b)(1) of this section. This prohibition also applies to employees who occupy positions below the GS-13 level that fall within occupational codes designated by the Commission. The restrictions set forth in this section apply to spouse, minor child, or other members of the immediate household of a Commissioner, employee, or special government employee. In cases where the entity covered by the prohibition is a subsidiary of another corporation, the prohibition extends to the parent company.

(b) The Commission will publish twice yearly a list of stocks, bonds, and other security interests which employees covered by this section may not own.

(1) These are stocks, bonds, or other security interests issued by:

(i) Publicly or privately owned utilities which have filed an application with the Commission requesting an early site review, or seeking authorization to construct or operate a facility for the

generation of electric energy by means of a nuclear reactor and those utilities which have received a construction permit or an operating license from the Commission that is currently effective.

(ii) State or local governments, if the primary purpose of the security is to finance the construction or operation of a nuclear reactor.

(iii) Companies manufacturing or selling nuclear power or test reactors.

(iv) Architectural-engineering companies that have been engaged to provide services relating to a nuclear facility by an applicant for a construction permit or an applicant for an operating license, and architectural-engineering companies which have filed a standard reference design that is under Commission review or has been approved by the Commission and is currently effective.

(v) Companies licensed by the Commission to mill, convert, enrich, fabricate, store, or dispose of source or special nuclear material, or applicants for such licenses.

(2)(i) An individual covered by this section who owns securities described in paragraph (a)(1) of this section shall dispose of them no later than 365 days after the entities first appear on the list described in paragraph (a) of this section. Notwithstanding the provisions of § 0.735-21(c), no employee may participate personally and substantially in a particular matter affecting any entity that appears on the list as long as the employee or his spouse, minor child, or other members of his immediate household owns the security interest.

(ii) An individual newly employed by NRC who is covered by this section shall dispose of any securities described in paragraph (a)(1) of this section that the employee may own no later than 30 days after his entrance on duty and within the same period shall ensure and sign a certification that neither the employee nor any individual who is covered by this section through relationship with him owns any securities described in that paragraph.

(c) Each individual employed by NRC who is covered by this section shall each year sign either (1) a certification that neither he nor any individual covered by this section through relationship with him owns any securities described in paragraph (a)(1) of this section or, if he or any such individual in fact owns securities therein described, (2) a certification identifying them, disclosing how and when they were acquired and stating approximately when they will be disposed of.

(d) Securities described in paragraph (b)(1) of this section that are acquired by an individual who is covered by this section through gift, inheritance or other similar involuntary manner shall be disposed of within a reasonable time.

(e) The Commission may exempt an employee from the restrictions of this section where divestiture of the stock, bond, or other security interest is determined to be inequitable by the Commission.

Dated at Washington, D.C., this 10th day of July 1979.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79-21802 Filed 7-16-79; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF STATE

Agency for International Development

22 CFR Part 202

Overseas Shipments of Supplies by Voluntary Nonprofit Relief Agencies

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: AID Regulation 2 is being revised to incorporate a 1978 amendment to the Foreign Assistance Act of 1961, as amended (the "Act"). This amendment contained in Section 123 of the Act expands the circumstances under which AID may reimburse ocean freight costs incurred by voluntary non-profit relief agencies on overseas shipments of voluntary contributions in support of development, relief and rehabilitation programs.

The authority for reimbursement of ocean freight costs was broadened to permit payment to inland points of entry not only in the case of landlocked countries (previously authorized) but also (1) when ports cannot be used effectively because of natural or other disturbances, (2) when ocean carriers to a specified country are unavailable, or (3) when a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

Other changes include addition of a new section (202.5) which provides for AID approval of PVO programs prior to reimbursement of freight charges. This section was formerly included in AID Regulation 3, 22 CFR Part 203.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Robert S. McCluskey, Chief, Public Liaison Division, Office of Private and

Voluntary Cooperation, Bureau for Private and Development Cooperation, Agency for International Development, Department of State, Washington, DC 20523 (703-235-1844).

SUPPLEMENTARY INFORMATION: This notice announces certain amendments to AID Regulation 2, overseas shipments of supplies by voluntary nonprofit relief agencies, Title 22, Code of Federal Regulations, Chapter II, Part 202, which was last published in its entirety in the Federal Register of August 10, 1977.

AID Regulation 2, 22 CFR Part 202, overseas shipments of supplies by voluntary nonprofit relief agencies, establishes the procedures by which voluntary, nonprofit agencies can qualify for and receive, in accordance with Section 123 of the Foreign Assistance Act of 1961, as amended, reimbursement from AID for ocean freight costs they incur on overseas shipments of voluntary contributions in support of development, relief and rehabilitation programs.

Accordingly, 22 CFR Part 202 is amended as follows:

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID Reg. 2]

PART 202—OVERSEAS SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT RELIEF AGENCIES

A.I.D. Regulation 2 is hereby revised as follows:

Sec.

- 202.1 Definition of terms.
- 202.2 Shipments eligible for reimbursement of freight charges.
- 202.3 Freight Reimbursement limitations.
- 202.4 Certificates.
- 202.5 Approval of programs, projects and services.
- 202.6 Applications for reimbursement of freight charges.
- 202.7 Documentation required for reimbursement.
- 202.8 Refund by suppliers and/or agencies.
- 202.9 Waiver authority.

Authority: 202.1 to 202.9 issued under sec. 621, 75 Stat. 424, as amended; 22 U.S.C. 2151. Interpret or apply secs. 102, 92 Stat. 937, 22 U.S.C. 2151a; E.O. 10973, 26 FR 10469, 3 CFR 1961 Supp.

§ 202.1 Definition of terms.

(a) "The Administrator" means the Administrator of the Agency for International Development.

(b) "The Committee" means the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development.

(c) "Supplies" means development, relief and rehabilitation supplies shipped in support of programs approved by AID as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agency.

(d) "Agency" or "agencies" means the American Red Cross and any United States voluntary non-profit relief agency registered with and approved by the Committee.

(e) "Duty free" means exempt from all customs duties, and other duties, tolls, and taxes of any kind.

(f) "Recipient country" means any country or area in which voluntary non-profit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid have programs approved by AID.

(g) "Reimbursement" means (1) payment directly to an agency by AID, or (2) payment to an agency by a banking institution in the United States acting under letter of commitment issued by AID guaranteeing subsequent reimbursement to the banking institution of such payment.

(h) "Port of entry" means an ocean port in the recipient country.

(i) "Point of entry" means the first customs point, or any otherwise designated point in a recipient country which receives imported commodities via an ocean port not located in the recipient country.

§ 202.2 Shipments eligible for reimbursement of freight charges.

(a) In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation in nations or areas designated by the Administrator of AID from time to time, agencies may be reimbursed by AID within specified limitations for freight charges incurred and paid in transporting supplies donated to or purchased by such agencies from United States ports or, in the case of excess or surplus property supplied by the United States, from foreign ports to ports of entry in the recipient country or to points of entry in the recipient country in cases (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

(b) Shipments shall be eligible for reimbursement of freight charges only as

authorized by the issuance by AID of a Procurement Authorization (Form AID 1180-4).

(c) The Office of Commodity Management, Bureau for Program and Management Services, AID, shall be responsible for determining when carriers are "unavailable."

§ 202.3 Freight reimbursement limitations.

Economic utilization of AID funds available for reimbursement to agencies for freight charges incurred and paid by such agencies for the shipment of donated or purchased supplies to a recipient country requires the following limitations on amounts reimbursable:

(a) *Ocean freight.* The amount of ocean freight charges reimbursable to an agency is limited to the actual cost of transportation of the supplies as assessed by the delivering carrier either in accordance with its applicable tariff for delivery to the discharge port or in accordance with the applicable charter or booking contract at a rate not exceeding the prevailing rate, if any, for similar freight services, or the rate paid to the supplier of ocean transportation for similar services by other customers similarly situated, as attested to by the supplier in Block 13 of Form AID 1550-1, entitled "Voluntary Agency and Carrier Certificate." (See § 202.4(a).)

(b) *Inland freight.* The amount of inland freight charges reimbursable to an agency is limited to the actual cost of transportation of supplies from pickup point in initial port of discharge to designated point of entry in the recipient country at a rate negotiated by the agency representative as attested to by such agency representative in Block 14 of Form AID 1550-1, entitled "Voluntary Agency and Carrier Certificate." (See § 202.4(b).)

(c) *Related shipping costs.* Where inland freight charges are reimbursed, expenses incurred in transferring supplies from ocean carrier to inland carrier may be reimbursed to the agency when such expenses are not for account of the ship nor included in the inland transportation charges.

§ 202.4 Certificates.

Certificates will be required as follows:

(a) *Ocean transportation.* The supplier of ocean transportation will execute Form AID 1550-1, entitled "Voluntary Agency and Carrier Certificate," in an original and two copies.

(b) *Inland transportation and related shipping costs.* Where inland transportation, including related shipping costs, is reimbursable under provisions of § 202.3, the representative

of the agency will execute Form AID 1550-1, entitled "Voluntary Agency and Carrier Certificate," in an original and two copies when, in the absence of published tariffs or a prevailing rate, it is necessary to negotiate for the shipment of the supplies.

§ 202.5 Approval of programs, projects and services.

(a) Prior to applying for reimbursement for freight charges, an agency must obtain AID's written approval of its programs by submitting the following information to the Chief, Public Liaison Division, Office of Private and Voluntary Cooperation, Bureau for Private and Development Cooperation, Agency for International Development, Department of State, Washington, D.C. 20523.

(1) A narrative description detailing the agency's specific country programs, objectives, projects, or services of relief, rehabilitation, disaster assistance, development assistance and welfare;

(2) Except as provided for in paragraph (b) of this section, evidence that written assurances have been obtained from the government of the recipient country that:

(i) Appropriate facilities are or will be afforded for the necessary and economical operations of the program, project, or service;

(ii) The specific program, project, or service has been accepted;

(iii) The supplies provided in support of the program, project or service will be free of customs duties, other duties, tolls and taxes;

(iv) The supplies will be treated as a supplementary resource;

(v) The supplies will be identified, to the extent practicable, as being of United States origin; and

(vi) Insofar as practicable, the supplies will be received, unloaded, warehoused, and transported cost-free to points of distribution;

(3) Evidence that:

(i) Shipments will be made only to consignees reported to AID, and full responsibility is assumed by the agency for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them, or in special cases and following notice to AID, for the sale to recipients at nominal cost or as payment for work performed to promote projects of self-help and economic development, but in no case shall supplies be withheld from needy persons because of their inability to pay or work; and

(ii) Distribution is made solely on the basis of need without regard to race, color, religion, sex or national origin;

(iii) That paragraph (a)(3)(i) and (ii) of this section are conducted under the supervision of the agency's representative specifically charged with responsibility for the program or project.

(b) Compliance with paragraph (a)(2) of this section is not required when the specific program, project, or service is within the scope of any agreement that has been concluded between the U.S. Government and the Government of the recipient country which furthers the operations of an agency acceptable to the recipient country.

(c) On approval of the agency's programs written notice thereof will be issued by AID to the agency.

§ 202.6 Application for reimbursement of freight charges.

(a) Any agency may make application for reimbursement of freight charges incurred and paid on shipments eligible under § 202.2 provided:

(1) The agency has received AID's written approval of the programs, projects, and services in accordance with § 202.5.

(2) The application for reimbursement of freight charges together with documentation required under § 202.7 is submitted to the Agency for International Development, Attention: Banking and Finance Division, Office of Financial Management, Washington, D.C. 20523, or to a U.S. bank holding an AID letter of commitment.

(b) In the case of ocean transportation, the application must be submitted within 60 days of the date of the related ocean bill of lading. In the case of inland transportation the application must be submitted within 180 days of the date of the related ocean bill of lading.

§ 202.7 Documentation required for reimbursement.

Claims for reimbursement of freight charges must be supported by the following documents:

(a) *Voucher SF 1034.* "Public Voucher for Purchases and Services Other than Personal"—Voucher SF 1034 in original and three copies to be prepared by the agency requesting reimbursement of freight charges.

(b) *Bills of lading—*

(1) *To ports of entry.* Where the shipment is made to a port of entry, ocean or charter party bill of lading (or photostat) evidencing shipment from an eligible port of export as prescribed in § 202.2(a) to the port of entry. The bill of lading shall indicate the carrier's complete statement of charges including all relevant weights, cubic

measurements, rates, and any applicable tariff surcharges.

(2) *To points of entry.* (i) Where the shipment is made to a point of entry and through bills of lading to designated point of entry are not issued, an ocean or charter party bill of lading (or photostat) evidencing shipment from an eligible port of export as prescribed in § 202.2(a) to the port of discharge, and a receipted copy of the rail, truck, or barge bills of lading (or other acceptable commercial document) covering the transportation of the supplies from the ocean carrier's point of delivery at port of discharge to point of entry in recipient country, correctly assessed at time of loading by the land carrier for freight on a weight, measurement, or unit basis to point of entry in recipient country and from point of entry to point of delivery in the recipient country. The bill of lading shall indicate the carrier's complete statement of charges including all relevant weights, cubic measurements, rates and any applicable tariff surcharges.

(ii) Where shipment is made to point of entry and through bills of lading are issued, a receipted copy of the through bill of lading evidencing shipment from an eligible port of export as prescribed in § 202.2(a) to point of entry in the recipient country. The bill of lading shall include the carrier's complete statement of charges including all relevant weights, cubic measurements, rates, and any applicable tariff surcharges.

(c) *Receipted invoices.* One copy (or photostat) of the detailed invoice of the supplier of the transportation evidencing payment by the agency to the carrier. If the bills of lading required by paragraph (b) of this section meet the requirements of this subparagraph, no invoice is required.

(d) *Voluntary Agency and Carrier Certificate, Form AID 1550-1.* (i) As provided in § 202.4(a), the original and two copies of the Voluntary Agency and Carrier Certificate executed by the supplier of ocean transportation, and

(ii) As provided in § 202.4(b), the original and two copies of the Voluntary Agency and Carrier Certificate executed by the Agency.

§ 202.8 Refund by suppliers and/or agencies.

(a) *By suppliers.* Any supplier of freight to whom freight charges have been financed by AID will promptly refund to AID upon demand the entire amount, or any lesser amount specified, of such freight charges determined by AID to be in excess of the prevailing rate at time of shipment, if any, or the rate paid the supplier for similar

services by other customers similarly situated.

(b) *By agencies.* Any agency to which freight charges have been paid or reimbursed under this Regulation will promptly refund to AID upon demand the entire amount, or any lesser amount specified, of inland transportation and/or related shipping costs, (1) whenever AID determines that the reimbursements were improper as being in violation of the provisions of the Foreign Assistance Act of 1961, and relevant appropriation acts, or any rules, regulations, or procedures of AID promulgated under any of these acts, or (2) whenever it is determined by the agency or AID that any of the supplies for which reimbursement was made have not been accorded duty-free status by the recipient country.

§ 202.9 Waiver authority.

The Administrator may waive, withdraw, or amend from time to time any or all of the provisions of this part.

The revised regulation shall be effective August 1, 1979.

Robert H. Nooter,

Acting Administrator, Agency for International Development.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Safety and Health Standards; Occupational Exposure to Chlorine; Lifting of Administrative Stay

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Lifting of Administrative Stay of Final Rule.

SUMMARY: This notice reinstates the 1 ppm ceiling exposure limit for chlorine (Table Z-1 of 29 CFR 1910.1000). After careful evaluation of the comments submitted in response to the Federal Register notice of February 6, 1979 (44 FR 7140) which stayed the 1 ppm ceiling exposure limit for chlorine, OSHA has concluded that a permanent suspension of the ceiling limit is unwarranted and that the stay issued on that date should be lifted.

EFFECTIVE DATE: October 15, 1979.

FOR FURTHER INFORMATION CONTACT: Flo H. Ryer, Director, Office of Special Standards Programs, Room N-3663,

Occupational Safety and Health Administration, Third Street and Constitution Avenue, NW., Washington, D.C. 20210 (202-523-7174).

SUPPLEMENTARY INFORMATION: On December 8, 1978, the Occupational Safety and Health Administration (OSHA) published a final rule in the Federal Register which corrected a number of errors and omissions in the tables of exposure limits for airborne contaminants contained in 29 CFR 1910.1000, Tables Z-1, Z-2, and Z-3 (43 FR 57601). Included in the corrections was the insertion of a "C", designating a ceiling limit, in front of the listing for chlorine in Table Z-1 (correction number 4, 43 FR 57603). This action corrected the permissible exposure limit for chlorine from 1 part chlorine per million parts of air (1 ppm) as an eight-hour time weighted average (TWA) to a ceiling exposure limit of 1 ppm.

On February 6, 1979, OSHA administratively stayed the correction of the permissible exposure limit for chlorine (44 FR 7140, 7141). Thirty written comments were received in response to the administrative stay and request for comments and information. These comments addressed the following issues:

(1) Whether OSHA adopted a ceiling or a TWA permissible exposure limit for chlorine under section 6(a) of the Act;

(2) the documentation used to support the exposure limit recommended by NIOSH.

A discussion of these issues is presented in the following section.

1. The exposure limits listed for substances in Table Z-1 of 29 CFR 1910.1000 were originally adopted under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 *et seq.*). These Walsh-Healey safety and health standards incorporated by reference the Threshold Limit Values (TLVs) of Airborne Contaminants for 1968 of the American Conference of Governmental Industrial Hygienists (ACGIH), published at 34 FR 7946, 7953, May 20, 1969, and codified in 41 CFR 50-204.50. The Secretary of Labor determined that these Walsh-Healey standards were "established Federal standards" within the meaning of section 3(10) of the Occupational Safety and Health Act of 1970 (the Act) and therefore adopted them as OSHA standards under section 6(a) of the Act (36 FR 10466, 10504, May 29, 1971). See 29 CFR 1910.1499.

As stated above, the 1968 ACGIH threshold limit values were merely incorporated by reference in the Walsh-Healey standards. In adopting these established Federal standards, OSHA