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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 402

Raisin Crop Insurance Regulations; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Correction of Typographical Error.

SUMMARY: This action corrects a typographical error in the Raisin Crop Insurance Regulations as published in the **Federal Register** on Monday, June 25, 1979 (44 FR 36929), as final rule.

EFFECTIVE DATE: July 23, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3325.

SUPPLEMENTARY INFORMATION: On April 6, 1979, the Board of Directors of the Federal Crop Insurance Corporation adopted regulations for insuring raisins effective with the 1979 and succeeding crop years. These regulations were published in the **Federal Register** as a final rule on June 25, 1979 (44 FR 36929). A typographical error was noted and is hereby corrected as follows:

On page 36932, section 12(a) is corrected in the 11th line thereof to read "(b) of this section and section 6 of the * * *"

Dated: July 16, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79–22691 Filed 7–20–79; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 417

Sugarcane Crop Insurance Regulations; Corrections

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Corrections of Omission Errors.

SUMMARY: This action corrects two omissions in the Sugarcane Crop Insurance Regulations as published in the **Federal Register** on Thursday, June 21, 1979 (44 FR 36161), as Final Rule.

EFFECTIVE DATE: July 23, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3325.

SUPPLEMENTARY INFORMATION: On June 8, 1979, the Board of Directors of the Federal Crop Insurance Corporation adopted regulations for insuring sugarcane crops effective with the 1980 and succeeding crop years. These regulations were published in the **Federal Register** as a final rule on June 21, 1979 (44 FR 36161). Two ommissions were noted and are herby corrected, as follows:

1. On page 36164, section 8(b)(1) is corrected to read "multiplying the insurable acreage of standard sugarcane on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit."

2. On page 36165, section 1(k) of the Appendix is corrected to read "'Standard sugarcane' means net sugarcane containing the percent sucrose in the normal juice or in the cane and, where applicable, the percent purity factor in normal juice as shown on the actuarial table."

Dated: July 16, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 79–22690 Filed 7–20–79; 8:45 am]

BILLING CODE 3410–08–M

Agriculture Marketing Service

7 CFR Part 965

Tomatoes Grown in the Lower Rio Grande Valley in Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the Texas Valley Tomato Committee. It enables the committee to finance a marketing research and development project from operating reserve funds.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447–5432.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 965, as amended (7 CFR Part 965), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr and Willacy in the State of Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon other information, it is found that the expenses which follow will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments or to engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553). No requirements are being imposed as the funds in the operating reserve had been collected several seasons ago. The time when the need for this project became known versus the time it must begin to be effective is too short to allow such an extended schedule. Handlers and other interested persons were given an opportunity to submit information and views on the expenses at an open public meeting of the committee held July 2, 1979, in McAllen. To effectuate the declared purposes of the act it is necessary to make these provisions effective as specified.

Note.—The budget has not been determined significant under the USDA criteria for implementing Executive Order 12044.

7 CFR Part 965 is amended by adding a new § 965.214 as follows:

§ 965.214 Expenses.

The reasonable expenses that are likely to be incurred during the period beginning July 1, 1979, by the Texas Valley Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $1,250.

Terms used in this section have the same meaning as when used in Marketing Order No. 965.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 17, 1979.

D. S. Kuryloski,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-22650 Filed 7-20-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Number 79-CE-12-AD; Amdt. 39-3517]

Airworthiness Directives; Cessna Models 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210 and P210 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) applicable to Cessna Models 205, 206, U206/TU206, P206/TP206, 207/T207, 210/T210 and P210 airplanes. It requires installation of a placard and a special procedure card or revision to the Pilot's Operating Handbook, as applicable. This AD provides the pilot with information that will aid him during instances of fuel flow fluctuations or power interruptions due to fuel system vapor. This action is necessary because vapor blockage of the fuel system may occur and total engine power loss may result.

EFFECTIVE DATE: July 26, 1979. Compliance: Within 25 hours time-in-service after the effective date of this AD.

ADDRESSES: Cessna Single Engine Customer Care Service Information Letter SE 79–25, dated April 30, 1979, and Supplement No. 1 thereto dated June 4, 1979, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685–9111. Copies of the service letter and supplement cited above are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Jack Pearson, Wichita Engineering and Manufacturing District Office, FAA, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942–7927.

SUPPLEMENTARY INFORMATION: Instances of fuel flow fluctuations, power interruptions, forced landings and accidents have occurred on the airplanes that are the subject matter of this AD. Investigations and testing by the manufacturer and the FAA have demonstrated the inability of the fuel system on these airplanes to purge itself of vapor and air under certain circumstances. To provide the pilot with information which will enable him to recognize an impending fuel system vapor lock and operating procedures to preclude power loss, the manufacturer has issued Cessna Single Engine Customer Care Service Information Letter SE 79–25 dated April 30, 1979, and Supplement No. 1 thereto dated June 4, 1979. This information is incorporated on a placard and a special procedure card or revision to the Pilot's Operating Handbook, as applicable. Further study is in process which may result in additional regulatory action. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, the FAA is issuing an AD making compliance with the substance of aforementioned service letter and supplement mandatory.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Cessna: Applies to:

Model 205 (210–5) Series (Serial Numbers 641, 205–0001 through 205–0577) airplanes;

Model 206 (Serial Numbers 206–0001 through 206–0275) airplanes;

Model U206/TU206 Series (Serial Numbers U206–0276 through U206–1444, U20601445 through U20604287, U20604289, U20604290, U20604292 through U20604335, U20604337 through U20604389, U20604391 through U20604787, U20604789 through U20604894, U20604896 through U20604906, U20604908 through U20604911, U20604913 through U20604958, U20604960 through U20604963, U20604965 through U20604973, U20604975 through U20604977, U20604980 through U20604985, U20604987 through U20604990, U20604992, U20604993, U20604995 through U20604998, U20605000 through U20605018, U20605020 through U20605058, U20605060, U20605061, U20605063, U20605066, U20605069,U20605071 through U20605073, U20605075, U20605077, U20605078, U20605083, U20605085, U20605086, U20605088, U20605095, U20605097, U20605100, U20605102, U20605105, U20605107 and U20605110) airplanes;

Model P206/TP206 Series (Serial Numbers P206–0001 through P206–0603, P20600604 through P20600647) airplanes;

Model 207/T207 Series (Serial Numbers 20700001 through 20700530) airplanes;

Model T210 Series (Serial Numbers T210–0001 through T210–0454) airplanes;

Model 210/T210 Series (Serial Numbers 21057841 through 21063013, 21063015 through 21063086, 21063088 through 21063228, 21063230 through 21063287, 21063289 through 21063298, 21063300 through 21063324, 21063326 through 21063389 21063391 through 21063393, 21063396 through 21063399, 21063401, 21063403 through 21063407, 21063412, 21063413, 21063419, 21063424 and 21063426) airplanes;

Model P210 Series (Serial Numbers P21000001 through P21000255, P21000257 through P21000273, P21000275 through P21000279, P21000281 through P21000283, P21000287, P21000290 and P21000292) airplanes.

Compliance: Required as indicated unless already accomplished.

To provide instructions for recognition of fuel system vapor blockage and operating procedures to restore normal fuel flow, within the next 25 hours time-in-service after the effective date of this AD, accomplish the following:

(A) On Model 205 (210–5) series (Serial Numbers 641, 205–0001 through 205–0555); Model 206 (Serial Numbers 206–0001 through 206–0137); Model 210 (Serial Numbers

21057841 through 21058351) airplanes, examine the airplane and its maintenance record to determine whether Cessna Service Kit SK 205–5 or SK 206–2 has been installed. If neither of these kits is installed, make an entry in the maintenance records indicating this AD is not applicable to the airplane and no further action is required. If Cessna Service Kit SK 205–5 or SK 206–2 has been installed, accomplish Paragraphs (B) 1 and 2 of this AD.

(B) On affected (see Applicability Statement) Model 205 (210–5) series airplanes having serial numbers between 205–0556 through 205–0577 inclusive, Model 206 series airplanes having serial numbers between 206–0138 through 206–0275 inclusive, Model U206/TU206 series airplanes having serial numbers between U206–0276 through U206–1444 inclusive and U20601445 through U20604649 inclusive, Model P206/TP206 series airplanes having serial numbers between P206–0001 through P206–0603 inclusive and P20600604 through P20600647 inclusive, Model 207/T207 series airplanes having serial numbers between 20700001 through 20700482 inclusive, Model 210/T210 series airplanes having serial numbers between 21058352 through 21062954 inclusive, Model T210 series airplanes having serial numbers between T210–0001 through T210–0454 inclusive and Model P210 series airplanes having serial numbers between P21000001 through P21000150 inclusive;

1. Install Cessna P/N 1205252–2 placard next to the fuel flow indicator which reads as follows:

"Major fuel flow fluctuations/power surges:

1. Aux fuel pump—ON, adjust mixture.
2. Select opposite tank.
3. When fuel flow steady, resume normal operations. See procedure card D1189–13 for expanded instructions."

2. Place Cessna special procedure card P/N D1189–13 in the airplane at a location accessible to the pilot at all times when he is in the pilot's seat and revise the aircraft Equipment List by adding this card as a required item of equipment.

(C) On affected (See Applicability Statement) Model U206/TU206 series airplanes having serial numbers between U20604650 and U20605110 inclusive, Model 207/T207 series airplanes having Serial Numbers between 20700483 through 20700530 inclusive, Model 210/T210 series airplanes having Serial Numbers between 21062955 through 21063426 inclusive and Model P210 series airplanes having Serial Numbers between P21000151 through P21000292 inclusive;

1. Install Cessna P/N 1205252–1 placard next to the fuel flow indicator which reads as follows:

"Major fuel flow fluctuations/power surges:

1. Aux fuel pump—ON, adjust mixture.
2. Select opposite tank.
3. When fuel flow steady, resume normal operations. See P.O.H. for expanded instructions."

2. Revise the Pilot's Operating Handbook for the following airplanes by inserting the revision specified below:

Airplane model	Revision	Cessna part number
U206G	Rev 1 22 May 1979	D1147R1–13PH
TU206G	Rev 2 22 May 1979	D1148R2–13PH
207A	Rev 1 22 May 1979	D1149R1–13PH
T207A	Rev 2 22 May 1979	D1150R2–13PH
210N	Rev 3 22 May 1979	D1151R3–13PH
T210N	Rev 3 22 May 1979	D1152R3–13PH
P210N	Rev 3 22 May 1979	D1153R3–13PH

(D) The modification required by this AD may be accomplished by owner/operator authorized to perform preventive maintenance under FAR 43. An entry should be made in the aircraft maintenance record indicating compliance; i.e., "AD 79–15–1 complied with by installing placard P/N 1205252–2 and Special Procedure Card P/N D1189–13 this date ———" or "AD 79–15–1 complied with by installing placard P/N 1205252–1 and Pilot's Operating Handbook Rev ——— dated ———, Cessna P/N ——— this date ———."

(E) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(F) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 E. 12th Street, Kansas City, Missouri 64106.

Cessna Service Letter SE 79–25, dated April 30, 1979, and Supplement No. 1 thereto dated June 4, 1979, pertains to the subject matter of this Airworthiness Directive. Cessna Aircraft Company has mailed copies to all owners of record. Additional copies may be obtained from: Cessna Aircraft Co., Marketing Division, Attn: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 689–9111.

This Amendment becomes effective July 26, 1979.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note: The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374–3446.

Issued in Kansas City, Missouri on July 9, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79–22676 Filed 7–20–79; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Totalization Agreements and International Totalization Agreements

AGENCY: Social Security Administration, HEW.

ACTION: Final Rule.

SUMMARY: These final regulations implement section 317 of the Social Security Amendments of 1977. This provision authorizes the President to enter into bilateral agreements with other countries to provide for coordination between the social security systems of the United States (U.S.) and of other countries. The bilateral agreements are generally known as totalization agreements. The purposes of a totalization agreement are (1) to permit each country to establish entitlement to and the amount of old-age, survivors, disability, or derivative benefits by combining a person's periods of coverage under the social security systems of both countries, and (2) to preclude dual coverage and dual social security taxation for work covered under both systems.

DATES: The final rule is effective July 23, 1979.

FOR FURTHER INFORMATION CONTACT: John W. Modler, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7337.

SUPPLEMENTARY INFORMATION:

A. Background

On December 27, 1978, we published a proposed rule in the **Federal Register** (43 FR 60292) which adds Subpart T to 20 CFR Part 404. The rule implements the international agreements provisions of the Social Security Amendments of 1977 (Pub. L. 95–216). By adding section 233 to the Social Security Act, section 317 in Pub. L. 95–216 provides the President with the authority for entering into agreements with other countries to provide for coordination between the social security systems of the U.S. and of other countries.

B. Explanation of Provisions

These regulations provide definitions and principles for the negotiation and administration of totalization agreements. These principles cover (1) general provisions, (2) benefits, (3) coverage, (4) computations, (5) applications, (6) evidence, (7) appeals, (8) effect of the alien non-payment

provision, (9) overpayments, and (10) disclosure of information.

While these definitions and principles are intended to ensure consistent and equitable treatment of all individuals affected by the agreements, they will necessarily apply to foreign social security systems with diverse characteristics. We will, where necessary to accomplish the purposes of totalization, apply these definitions and principles, as appropriate and within the limits of the law, to accommodate the diverse characteristics of these systems.

1. General Provisions

An agreement will be negotiated with the national government of the foreign country for the entire country. However, agreements may only be negotiated with foreign countries that have a social security system of general application in effect. We will consider a system in effect if it is collecting social security taxes or paying social security benefits.

An agreement may provide that the provisions of the social security system of each country will apply equally to the nationals of both countries (regardless of where they reside). For this purpose, refugees, stateless persons, and other nonnationals who derive benefit rights from nationals, refugees, or stateless persons may be treated as nationals if they reside within one of the countries.

An agreement will become effective on any date, provided in the agreement, which occurs after the expiration of a period specified in section 233(e) of the Act. This period begins when the President transmits the agreement to the Congress and ends when each House of Congress has been in session thereafter on each of 90 days. The agreement will become effective unless one of the Houses of Congress adopts a resolution of disapproval within the 90-day period.

Each agreement will contain provisions for its possible termination. If an agreement is terminated, rights regarding entitlement to benefits and coverage acquired by an individual before termination shall be retained. The agreement will provide for notification of termination to the other party and the effective date of termination.

Provisions on amendments of totalization agreements are not included in these regulations. If we find that regulations are necessary, we will publish them at a later date.

2. Benefits

As a result of a totalization agreement, a person who has at least 6 quarters of coverage (QCs) (see §§ 404.103 and 404.103a) under the U.S. system may have foreign periods of coverage combined with U.S. coverage to determine entitlement to and the amount of benefits payable under the U.S. system. No credit will be given, however, for foreign periods of coverage acquired before January 1, 1937.

Generally, a person will be credited with a QC for every 3 months (or equivalent period), or remaining fraction of 3 months, of coverage in each reporting period certified by the foreign system. A reporting period used by a foreign country may be one calendar year or some other period of time. QCs based on foreign periods of coverage may be credited only to calendar quarters not already QCs under the U.S. system. The QCs will be assigned chronologically beginning with the first calendar quarter (not already a QC under the U.S. system) within the reporting period and continuing until all the QCs are assigned, or the reporting period ends. An example illustrating this provision is provided in § 404.1908(b)(1).

A person may fail to meet the requirements for a currently insured status or the insured status needed to establish a period of disability solely because of the assignment of QCs based on foreign coverage to calendar quarters on a chronological basis. If this occurs, the QCs based on foreign coverage may be assigned to different calendar quarters (not already QCs under the U.S. system) within the beginning and ending dates of the reporting period certified by the foreign country.

An agreement will not provide for combining periods of coverage under more than two social security systems. A person, however, may qualify for benefits under more than one agreement. If this occurs, the person will receive benefits only under the agreement affording the most favorable treatment. In the absence of evidence to the contrary, the agreement that provides the higher benefit will be considered as affording the most favorable treatment.

A person may not become entitled to hospital insurance benefits under section 226 or section 226A of the Social Security Act by combining periods of coverage under the U.S. system with those under the foreign system. Entitlement to hospital insurance benefits is not precluded if the person otherwise meets the requirements.

3. Coverage

An agreement will contain provisions precluding dual coverage. Employment or self-employment (or service recognized as equivalent under the U.S. system or the foreign system) will, on or after the effective date of the agreement, result in a period of coverage under either the U.S. or foreign system, but not under both. Methods will be described in the agreement for determining under which system the service will result in a period of coverage.

Although an agreement may modify coverage provisions of title II of the Act, it should do so by exemptions from coverage rather than by extensions of coverage under title II. Generally, a worker will be covered by the country in which he or she is working. However, an agreement may provide exceptions to this principle so that a worker will be covered by the country to which he or she has the greater attachment. Examples illustrating this principle are provided in §§ 404.1913(b)(3) and 404.1913(b)(4).

Agreements may provide for variations from the general principles for precluding dual coverage to avoid inequitable or anomalous coverage situations for certain workers. However, in all cases coverage must be provided by one of the countries.

An agreement will contain provisions precluding dual payment of contributions or taxes. On or after the effective date of an agreement, any employment or self-employment (or service recognized as equivalent under the U.S. social security system or the foreign system) which is covered under the agreement will be subject to taxes or contributions under the U.S. system or the foreign system, but not under both (see section 317(b) of Pub. L. 95-216).

4. Computations

An agreement will contain a provision regarding the method of computing the benefits payable under the U.S. system if entitlement is established based on combined periods of coverage under the U.S. system and under the foreign system. The benefit payable under the U.S. system will be based on the proportion of the person's periods of coverage credited under the U.S. system.

To determine the benefit payable under an agreement, a "theoretical" primary insurance amount (PIA) will be computed like other title II PIA's, but by combining the person's earnings amounts under both the U.S. and the foreign systems (see § 404.203(a) for the definition of the PIA). Earnings amounts certified by the foreign agency may be actual earnings amounts or deemed earnings amounts derived, for example, from amounts of contributions to the foreign system or from the national average wage under the foreign system. Foreign earnings will be added to any covered U.S. earnings only to the extent

that the combined earnings do not exceed the maximum annual earnings limitation under U.S. law (see § 404.1027). Foreign earnings may be assigned to a calendar quarter only if that quarter is a QC based on foreign coverage (see § 404.1908 on crediting foreign periods of coverage). A pro rata PIA will then be derived from the theoretical PIA. The pro rata PIA is the product of (1) the theoretical PIA and (2) the ratio of (a) the periods of coverage credited under the U.S. system to (b) the combined periods of coverage credited under both the U.S. system and the foreign system. In deriving the pro rata PIA from the theoretical PIA, periods of coverage after the last computation base year, as defined in § 404.203(e), will not be considered. An example illustrating this provision is provided in § 404.1918(a).

Auxiliary and survivors benefit amounts will be determined on the basis of the pro rata PIA. The regular reductions for age under section 202(q) of the Act will apply to the pro rata benefits of the wage earner and to any auxiliaries or survivors. Benefits will be payable subject to the family maximum (see § 404.403) derived from the pro rata PIA. If the pro rata PIA is less than the minimum PIA, the family maximum will be 1½ times the pro rata PIA.

The pro rate PIA will be recomputed only if the inclusion of the additional earnings will result in an increase in both the theoretical PIA and the benefits payable by the U.S. to all persons receiving benefits on the basis of the worker's earnings, unless otherwise provided by the agreement. Subject to these limitations, the pro rata PIA will be automatically recomputed, as provided in § 404.244, to include additional earnings under the U.S. system. An application, however, must be filed to have the pro rata PIA recomputed to include additional foreign earnings.

A U.S. resident may receive benefits under an agreement from both the U.S. and from the foreign country. The total amount of the resident's two benefits, however, may be less than the amount for which the resident would qualify under the U.S. system based on the minimum PIA. A totalization agreement may provide that the U.S. will supplement the total amount to raise it to the amount for which the resident would have qualified under the U.S. system based on the minimum PIA.

5. Applications

We will consider an application (or a written statement requesting benefits) filed with the foreign system to be filed with the Social Security Administration (SSA) as of the date it is filed with the foreign system if certain requirements are met. First, an applicant must express or imply an intent to claim benefits from the U.S. under an agreement. Second, the applicant must file an application that meets the requirements in Subpart G of Regulations No. 4, even if the filing of this application is not specifically provided for in the agreement. Benefits will not be payable on the basis of an application filed before the effective date of the agreement.

6. Evidence

SSA shall consider evidence submitted to the social security system of the foreign country as evidence submitted to SSA. SSA will use the rules in §§ 404.708 and 404.709, which were published as a final rule in the **Federal Register** on June 7, 1978 (43 FR 24794), to determine if the evidence submitted is sufficient or if additional evidence is needed to prove initial or continuing entitlement to benefits.

If an application is filed for disability insurance benefits, SSA will consider medical evidence, if any, submitted to the foreign system as if it were submitted to the U.S. system. We will use the rules in Subpart P of Regulations No. 4, for making a disability determination.

7. Appeals

SSA will consider a request for reconsideration, hearing, or Appeals Council review of a determination made by SSA that is filed with the foreign system within the 60-day time period applicable for these requests to be timely filed with SSA. We will apply the provisions in Subpart J of Regulations No. 4 in adjudicating the request.

8. Effect of the Alien Non-Payment Provision

An agreement may provide that a person entitled to benefits under the U.S. system may receive those benefits while residing in the foreign country party to an agreement, regardless of the alien non-payment provision (see § 404.460).

9. Overpayments

Section 204 of the Act, § 404.502 of the regulations, provides for adjusting payments if a person has received more than the correct payment under title II. Payments made by a foreign country, however, are not considered payments under title II. Therefore, title II benefits may not be adjusted under section 204 of the Act to recover an overpayment made by the foreign system of a country party to a totalization agreement. Section 233 of the Act provides that an "agreement may contain other provisions which are not inconsistent with other provisions of this title* * *" If an agreement authorized the adjustment of title II benefits to recover an overpayment made by the foreign country, the provisions would be "inconsistent with" sections 205(i) and 207 of the Act. Therefore, a totalization agreement may not authorize the adjustment of title II benefits to recover an overpayment made by the foreign system. Section 404.1929 reflects these adjustment prohibitions.

10. Disclosure of Information

The use of information furnished under an agreement generally will be governed by the national statutes on confidentiality and disclosure of information of the county that has been furnished the information. In negotiating an agreement, consideration should be given to the compatibility of the other country's laws on confidentiality and disclosure with those of the U.S. To the extent possible, information exchanged between the U.S. and the other country should be exclusively for purposes of implementing the agreement and the laws to which the agreement pertains.

C. Existing Agreements

The U.S. signed totalization agreements with Italy in 1973 and with the Federal Republic of Germany in 1976. The Italian agreement has already been through the Congressional review process and became effective on November 1, 1978. The President sent the agreement with the Federal Republic of Germany to Congress on September 21, 1978, but Congress adjourned before the 90-day review period elapsed. Therefore, the President resubmitted the agreement to Congress on February 28, 1979. The agreements entered into with Italy and the Federal Republic of Germany are consistent with these final regulations. As agreements become effective, we will notify the public of their availability in the **Federal Register.**

D. Discussion of Comments

We received four responses to the proposed rule. One commenter recommended that the proposed rules be adopted as published. Another commenter objected, in principle, to all international agreements. An attorney representing Italian nationals employed in the United States by an Italian employer objected to the manner in which we will determine pro rata title II benefits under the Italian and other agreements. Also, several comments on

the proposed regulations were received from an actuary. These comments are addressed below.

1. *Procedure for crediting periods of coverage established by the social security system of a foreign country.*—Two comments were received concerning proposed § 404.1908, which explains the procedure we will use in crediting periods of coverage established under the social security system of a foreign country.

One comment expressed concern that the QCs based on foreign coverage would be assigned to almost any quarter advantageous to the individual—even in different years than when the QCs were earned. We have revised the final regulation to indicate that QCs based on foreign coverage will only be creditied to calendar quarters within the reporting period used by a foreign country. A reporting period may be one calendar year or some other period of time. When certifying periods of foreign coverage to us, foreign countries are generally able to identify the number of months of coverage within their reporting period, but depending upon their reporting system, they may not be able to identify the specific months in which the coverage was earned. Our procedure will be to determine first how many QCs were earned in the reporting period certified by the foreign country using the rule stated in § 404.1908(b)(1). We will then assign the QCs earned in the reporting period on a chronological basis beginning with the first calendar quarter (not already a QC under the U.S. system) within that period and continuing until all the QCs based on foreign coverage are assigned or the reporting period ends. Because some foreign countries may not be able to identify the specific months in the reporting period in which the coverage was earned, § 404.1908(b)(2) provides an alternative method for assigning the QCs in the reporting period, if a person is disadvantaged as a result of the QCs being assigned on a chronological basis.

The other comment on proposed § 404.1908 concerned how we would treat a remaining fraction of 3 months in a reporting period certified by the agency of the other country. For example, if the foreign country certifies that a person worked during the 8-month period of February–September 1961, the person will receive three QCs. We have revised § 404.1908(b)(1) to reflect this procedure.

2. *Precluding dual coverage.*—A commenter noted that proposed § 404.1913(b)(3) was unclear in that it first indicates that work would be covered only by the U.S. and not the foreign country, and then explains that the work would be covered by the foreign country. We have completely revised § 404.1913(b). Paragraph (b)(3) of § 404.1913 explains that, generally, an agreement will provide that a worker will be covered in the country in which he or she is working. Paragraph (b)(4) of § 404.1913 explains that an agreement may provide exceptions to the principle in paragraph (b)(3) of § 404.1913 so that a worker will be covered by the country to which he or she has the greater attachment.

3. *Computation of benefits.*—We received several comments of proposed § 404.1918 concerning the computation of benefits under an agreement.

One commenter recommended that we include a statement explaining that the procedure for converting foreign currency into U.S. dollars will be established in the agreements. We believe, and our experience has shown, that this is a matter more appropriately determined at operational meetings with representatives of the foreign country. As we do not intend to include a provision for this purpose in the agreements, the recommendation of the commenter has not been adopted.

Another commenter felt that the computation of benefits under § 404.1918 was not consistent with Article 8.2 of the Italian agreement. We do not agree with this comment. Article 8.2 relates to insured status and provides that if completion of periods of coverage is a requirement for eligibility for benefits under the laws of either the U.S. or Italy, each State will independently take into account, if necessary to establish eligibility, the periods of coverage completed under the laws of the other State. This provision of the Italian agreement is consistent with § 404.1908 of the regulations. Article 9.2 of the Italian agreement explains how benefits will be prorated. It provides that both the U.S. and Italy will compute a theoretical basic benefit amount (the theoretical PIA in the U.S.) by considering the total periods of coverage completed under the laws of the two States. Then under Article 9.2 each State is to determine the pro rata basic benefit amount (the pro rata PIA in the U.S.) according to the following formula:

$$\frac{\text{Periods of coverage in State A}}{\text{Total periods of coverage in both States}} \times \text{Theoretical basic benefit amount in State A} = \text{Pro rata basic benefit amount in State A}$$

This procedure is the same as the procedure set out in § 404.1918 of the regulations, and we do not agree that it is inconsistent with any of the provisions of the Italian agreement.

Another comment questioned how the pro rata PIA would be determined when there are overlapping QCs in one or more calendar years. It was suggested by the commenter that where there are overlapping QCs, all of them for a particular calendar year be used to determine the pro rata PIA. Because we do not credit a QC based on foreign coverage to a calendar quarter that is already a QC under title II, there are no overlapping QCs. However, in response to this and other comments, we have revised the section to clarify how title II benefits are computed under an agreement.

E. Other Changes

A number of editorial changes were made in the final regulation. These changes are to clarify the provisions. We have also revised § 404.1925 to indicate that an individual seeking benefits under an agreement will always be required to complete an SSA application form that meets the requirements of Subpart G of SSA Regulations No. 4.

Accordingly, we are adopting the proposed rule as revised and set out below.

(Catalog of Federal Domestic Assistance Programs No. 13.802, Social Security—Disability Insurance; No. 13.803, Social Security-Retirement Insurance; and No. 13.805, Social Security-Survivors Insurance)

Dated: June 1, 1979.

Robert P. Bynum,

Acting Commissioner of Social Security.

Approved: July 16, 1979.

Joseph A. Califano, Jr.,

Secretary of Health, Education, and Welfare.

Part 404 of chapter III of Title 20 of the Code of Federal Regulations is amended by adding:

Subpart T to read as follows:

Subpart T—Totalization Agreements

General Provisions

Sec.

Authority: Sec. 205, 233, and 1102; 53 Stat. 1368, 91 Stat. 1538, and 49 Stat. 647, as amended; (42 U.S.C. 405, 433, 1302)

Subpart T—Totalization Agreements

General Provisions

§ 404.1901 Introduction.

(a) Under section 233 of the Social Security Act, the President may enter into an agreement establishing a totalization arrangement between the social security system of the United States and the social security system of a foreign country. An agreement permits entitlement to and the amount of old-age, survivors, disability, or derivative benefits to be based on a combination of a person's periods of coverage under the social security system of the United States and the social security system of the foreign country. An agreement also provides for the precluding of dual coverage and dual social security taxation for work covered under both systems. An agreement may provide that the provisions of the social security system of each country will apply equally to the nationals of both countries (regardless of where they reside). For this purpose, refugees, stateless persons, and other nonnationals who derive benefit rights from nationals, refugees, or stateless persons may be treated as nationals if they reside within one of the countries.

(b) The regulations in this subpart provide definitions and principles for the negotiation and administration of totalization agreements. Where necessary to accomplish the purposes of totalization, we will apply these definitions and principles, as appropriate and within the limits of the law, to accommodate the widely diverse characteristics of foreign social security systems.

§ 404.1902 Definitions.

For purposes of this subpart—

"Act" means the Social Security Act (42 U.S.C. 301 et. seq.).

"Agency" means the agency responsible for the specific administration of a social security system including responsibility for implementing an agreement; the Social Security Administration (SSA) is the "agency" in the U.S.

"Agreement" means the agreement negotiated to provide coordination between the social security systems of the countries party to the agreement. The term agreement includes any administrative agreements concluded for purposes of administering the agreement.

"Competent authority" means the official with overall responsibility for administration of a country's social security system including applicable laws and international social security agreements; the Secretary of HEW is the "competent authority" in the U.S.

"Period of coverage" means a period of payment of contributions or a period of earnings based on wages for employment or on self-employment income, or any similar period recognized as equivalent under the social security system of the U.S. or under the social security system of the foreign country which is a party to an agreement.

"Residence" or "ordinarily resides," when used in agreements, has the following meaning for the U.S. "Residence" or "ordinarily resides" in a country means that a person has established a home in that country intending to remain there permanently or for an indefinite period of time. Generally, a person will be considered to have established a home in a country if that person assumes certain economic burdens, such as the purchase of a dwelling or establishment of a business, and participates in the social and cultural activities of the community. If residence in a country is established, it may continue even though the person is temporarily absent from that country. Generally, an absence of six months or less will be considered temporary. If an absence is for more than six months, residence in the country will generally be considered to continue only if there is sufficient evidence to establish that the person intends to maintain the residence. Sufficient evidence would include the maintenance of a home or apartment in that country, the departure from the country with a reentry permit, or similar acts. The existence of business or family associations sufficient to warrant the person's return would also be considered.

"Social security system" means a social insurance or pension system which is of general application and which provides for paying periodic benefits, or the actuarial equivalent, because of old-age, death, or disability.

§ 404.1903 Negotiating totalization agreements.

An agreement shall be negotiated with the national government of the foreign country for the entire country. However, agreements may only be negotiated with foreign countries that have a social security system of general application in effect. The system shall be considered to be in effect if it is collecting social security taxes or paying social security benefits.

§ 404.1904 Effective date of a totalization agreement.

A totalization agreement shall become effective on any date provided in the agreement if—

(a) The date occurs after the expiration of a period during which each House of Congress has been in session on each of 90 days following the date on which the agreement is transmitted to Congress by the President; and

(b) Neither House of Congress adopts a resolution of disapproval of the agreement within the 90-day period described in paragraph (a) of this section.

§ 404.1905 Termination of agreements.

Each agreement shall contain provisions for its possible termination. If an agreement is terminated, entitlement to benefits and coverage acquired by an individual before termination shall be retained. The agreement shall provide for notification of termination to the other party and the effective date of termination.

Benefit Provisions

§ 404.1908 Crediting foreign periods of coverage.

(a) *General.* To have foreign periods of coverage combined with U.S. periods of coverage for purposes of determining entitlement to and the amount of benefits payable under title II, an individual must have at least 6 quarters of coverage, as defined in section 213 of the Social Security Act, under the U.S. system. As a rule, SSA will accept

foreign coverage information, as certified by the foreign country's agency, unless otherwise specified by the agreement. No credit will be given, however, for periods of coverage acquired before January 1, 1937.

(b) *For quarters of coverage purposes.* (1) Generally, a quarter of coverage (QC) will be credited for every 3 months (or equivalent period), or remaining fraction of 3 months, of coverage in a reporting period certified to SSA by the other country's agency. A reporting period used by a foreign country may be one calendar year or some other period of time. QCs based on foreign periods of coverage may be credited as QCs only to calender quarters not already QCs under title II. The QCs will be assigned chronologically beginning with the first calendar quarter (not already a QC under title II) within the reporting period and continuing until all the QCs are assigned, or the reporting period ends. Example: Country XYZ, which has an annual reporting period, certifies to SSA that a worker has 8 months of coverage in 1975, from January 1 to August 25. The worker has no QCs under title II in that year. Since 8 months divided by 3 months equals 2 QCs with a remainder of 2 months, the U.S. will credit the worker with 3 QCs. The QCs will be credited to the first 3 calendar quarters in 1975.

(2) If an individual fails to meet the requirements for currently insured status or the insured status needed for establishing a period of disability solely because of the assignment of QCs based on foreign coverage to calendar quarters chronologically, the QCs based on foreign coverage may be assigned to different calendar quarters within the beginning and ending dates of the reporting period certified by the foreign country, but only as permitted under paragraph (b)(1) of this section.

§ 404.1910 Person qualifies under more than one totalization agreement.

(a) An agreement may not provide for combining periods of coverage under more than two social security systems.

(b) If a person qualifies under more than one agreement, the person will receive benefits from the U.S. only under the agreement affording the most favorable treatment.

(c) In the absence of evidence to the contrary, the agreement that provides the higher benefit will be considered as affording the most favorable treatment for purposes of paragraph (b) of this section.

§ 404.1911 Effects of a totalization agreement on entitlement to hospital insurance benefits.

A person may not become entitled to hospital insurance benefits under section 226 or section 226A of the Act by combining the person's periods of coverage under the social security system of the United States with the person's periods of coverage under the social security system of the foreign country. Entitlement to hospital insurance benefits is not precluded if the person otherwise meets the requirements.

Coverage Provisions

§ 404.1913 Precluding dual coverage.

(a) *General.* Employment or self-employment or services recognized as equivalent under the Act or the social security system of the foreign country shall, on or after the effective date of the agreement, result in a period of coverage under the U.S. system or under the foreign system, but not under both. Methods shall be set forth in the agreement for determining under which system the employment, self-employment, or other service shall result in a period of coverage.

(b) *Principles for precluding dual coverage.* (1) Although an agreement may modify coverage provisions of title II of the Act, it should do so by exemptions from coverage rather than by extensions of coverage under title II. Therefore, if a person performs services that are not now covered under the U.S. system, an agreement should not provide U.S. coverage of these services.

(2) If the work would otherwise be covered by both countries, an agreement will exempt it from coverage by one of the countries.

(3) Generally, an agreement will provide that a worker will be covered by the country in which he or she is employed and will be exempt from coverage by the other country.

Example: A U.S. national employed in XYZ country by an employer located in the United States will be covered by XYZ country and exempt from U.S. coverage.

(4) An agreement may provide exceptions to the principle stated in paragraph (b)(3) of this section so that a worker will be covered by the country to which he or she has the greater attachment.

Example: A U.S. national sent by his employer located in the United States to work temporarily for that employer in XYZ country will be covered by the United States and will be exempt from coverage by XYZ country.

(5) Generally, if a national of either country resides in one country and has self employment income that is covered by both countries, an agreement will provide that the person will be covered by the country in which he or she resides and will be exempt from coverage by the other country.

(6) Agreements may provide for variations from the general principles for precluding dual coverage to avoid inequitable or anomalous coverage situations for certain workers. However, in all cases coverage must be provided by one of the countries.

§ 404.1914 Certificate of coverage.

Under some agreements, proof of coverage under one social security system may be required before the individual may be exempt from coverage under the other system. Requests for certificates of coverage under the U.S. system may be submitted by the employer, employee, or self-employed individual to SSA.

§ 404.1915 Payment of contributions.

On or after the effective date of the agreement, to the extent that employment or self-employment (or service recognized as equivalent) under the U.S. social security system or foreign system is covered under the agreement, the agreement shall provide that the work or equivalent service be subject to payment of contributions or taxes under only one system (see sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1954). The system under which contributions or taxes are to be paid is the system under which there is coverage pursuant to the agreement.

Computation Provisions

§ 404.1918 How benefits are computed.

(a)(1) To determine the benefit payable under an agreement, a theoretical primary insurance amount shall be computed like other title II PIA's, but by combining the person's earnings amounts under both the U.S. and the foreign systems (see § 404.203(a) for the definition of the PIA). Earnings amounts certified by the foreign agency may be actual earnings amounts or deemed earnings amounts derived, for example, from amounts of contributions to the foreign system or from the national average wage under the foreign system. Foreign earnings will be added to any covered U.S. earnings subject to the maximum yearly limitation in U.S. law (see § 404.1027). Earnings under the foreign system may be assigned only to those calendar quarters where a QC has been credited based on foreign coverage

(see § 404.1908). A pro rata PIA will then be derived from the theoretical PIA. The pro rata PIA is the product of—

(i) The theoretical PIA; and

(ii) The ratio of the periods of coverage credited under the U.S. system to the combined periods of coverage credited under both the U.S. system and the foreign system.

(2) In determining the ratio described in paragraph (a)(1)(ii) of this section, periods of coverage after the last computation base year, as defined in § 404.203(e), will not be considered.

Example: A person needs 25 QCs to be insured, but has only 5 years of work (20 QCs), under the U.S. system. The person, however, worked under the social security system of a foreign country that is a party to a totalization agreement, and has 10 years of foreign work (40 QCs) combined, as described in § 404.1908, with his or her work under the U.S. system. The combined coverage gives the person insured status. The theoretical PIA is computed on the basis of combined earnings under both the U.S. and foreign systems. This amount is then multiplied by the ratio of (1) the periods of coverage credited under the U.S. system to (2) the combined periods of coverage credited under both the U.S. and foreign systems to derive the pro rata PIA. If the theoretical PIA is $270, the computation shall be as follows:

$270 (Theoretical PIA) × 20 (U.S. QCs/60 (20 U.S. + 40 Foreign QCs = $90 (Pro rata PIA)

(b)(1) If first eligibility or death occurs before 1979, the pro rata PIA, as described in paragraph (a) of this section, may not correspond to a PIA in column IV of the table of benefits contained in (or deemed to be contained in) section 215(a) of the Act, as in effect in December 1978. If this occurs, the pro rata PIA will be rounded—

(i) To the nearest PIA in the table;

(ii) To the higher PIA, if it falls exactly between two PIA's in the table; or

(iii) To the next higher multiple of $.10, if it is not a multiple of $.10 and it is less than the minimum PIA contained in the table (see section 215(g) of the Act).

(2) If first eligibility or death occurs after 1978, the pro rata PIA, as described in paragraph (a) of this section, will be rounded to the next higher multiple of $.10, if it is not a multiple of $.10 (see section 215(g) of the Act).

(c) Auxiliary and survivors benefit amounts (see Subpart D) shall be determined on the basis of the pro rata PIA. The regular reductions for age under section 202(q) of the Act shall apply to the benefits of the worker or to any auxiliaries or survivors which are based on the pro rata PIA. Benefits shall be payable subject to the family maximum (see § 404.403) derived from the pro rata PIA. If the pro rata PIA is less than the minimum PIA, the family maximum shall be 1½ times the pro rata PIA.

§ 404.1919 How benefits are recomputed.

The pro rata PIA shall be recomputed only if the inclusion of the additional earnings results in an increase in both the theoretical PIA and the benefits payable by the U.S. to all persons receiving benefits on the basis of the worker's earnings, unless otherwise provided by the agreement. Subject to these limitations, the pro rata PIA will be automatically recomputed (see § 404.244) to include additional earnings under the U.S. system. An application, however, must be filed to have the pro rata PIA recomputed to include additional earnings under the foreign system.

§ 404.1920 Supplementing the U.S. benefit if the total amount of the combined benefits is less than the U.S. minimum benefit.

If a resident of the U.S. receives benefits under an agreement from both the U.S. and from the foreign country, the total amount of the two benefits may be less than the amount for which the resident would qualify under the U.S. system based on the minimum PIA. An agreement may provide that the U.S. shall supplement the total amount to raise it to the amount for which the resident would have qualified under the U.S. system based on the minimum PIA. (The minimum benefit shall be based on the first figure in column IV in the table in section 215(a) of the Act for a person becoming eligible for the benefit before January 1, 1979, or the primary insurance amount determined under section 215(a)(1)(C)(i)(I) of the Act for a person becoming eligible for the benefit after December 31, 1978.)

§ 404.1921 Benefits of less than $1 due.

If the monthly benefit amount due an individual (or several individuals, e.g., children, where several benefits are combined in one check) as a result of a claim filed under an agreement is less than $1, the benefits may be accumulated until they equal or exceed $5.

Other Provisions

§ 404.1925 Applications.

(a)(1) An application, or written statement requesting benefits, filed with the competent authority or agency of a country with which the U.S. has concluded an agreement shall be considered an application for benefits under title II of the Act as of the date it is filed with the competent authority or agency if—(i) An applicant expresses or implies an intent to claim benefits from the U.S. under an agreement; and

(ii) The applicant files an application that meets the requirements in Subpart G of this part.

(2) The application described in paragraph (a)(1)(ii) of this section must be filed, even if it is not specifically provided for in the agreement.

(b) Benefits under an agreement may not be paid on the basis of an application filed before the effective date of the agreement.

§ 404.1926 Evidence.

(a) An applicant for benefits under an agreement shall submit the evidence needed to establish entitlement, as provided in Subpart H of this part. Special evidence requirements for disability benefits are in Subpart P of this part.

(b) Evidence submitted to the competent authority or agency of a country with which the U.S. has concluded an agreement shall be considered as evidence submitted to SSA. SSA shall use the rules in §§ 404.708 and 404.709 to determine if the evidence submitted is sufficient, or if additional evidence is needed to prove initial or continuing entitlement to benefits.

(c) If an application is filed for disability benefits, SSA shall consider medical evidence submitted to a competent authority or agency, as described in paragraph (b) of this section, and use the rules of Subpart P of this part for making a disability determination.

§ 404.1927 Appeals.

(a) A request for reconsideration, hearing, or Appeals Council review of a determination that is filed with the competent authority or agency of a country with which the U.S. has concluded an agreement, shall be considered to have been timely filed with SSA if it is filed within the 60-day time period provided in §§ 404.911, 404.918, and 404.946.

(b) A request for reconsideration, hearing, or Appeals Council review of a determination made by SSA resulting from a claim filed under an agreement shall be subject to the provisions in Subpart J of this part. The rules governing administrative finality in Subpart J of this part shall also apply.

§ 404.1928 Effect of the alien non-payment provision.

An agreement may provide that a person entitled to benefits under title II of the Social Security Act may receive

those benefits while residing in the foreign country party to the agreement, regardless of the alien non-payment provision (see § 404.460).

§ 404.1929 Overpayments.

An agreement may not authorize the adjustment of title II benefits to recover an overpayment made under the social security system of a foreign country (see § 404.501). Where an overpayment is made under the U.S. system, the provisions in Subpart F of this part will apply.

§ 404.1930 Disclosure of information.

The use of information furnished under an agreement generally shall be governed by the national statutes on confidentiality and disclosure of information of the country that has been furnished the information. (The U.S. will be governed by pertinent provisions of the Social Security Act, the Freedom of Information Act, the Privacy Act, the Tax Reform Act, and other related statutes.) In negotiating an agreement, consideration, should be given to the compatibility of the other country's laws on confidentiality and disclosure to those of the U.S. To the extent possible, information exchanged between the U.S. and the foreign country should be used exclusively for purposes of implementing the agreement and the laws to which the agreement pertains.

[FR Doc. 79-22680 Filed 7-20-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigable Waters; Restricted Area, Sabine River, Tex.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: This rule amends the restricted area in the Sabine River at Orange, Texas by deleting all except an area in the vicinity of Pier No. 10. This action is the result of the disestablishment of the Texas Group, Atlantic Reserve Fleet.

DATE: Effective on July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 693-5070 or write: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: Regulations were promulgated under 33 CFR 207.184 on 29 December 1955 to establish a restricted area in the Sabine River at Orange, Texas, for the Texas Group, Atlantic Reserve Fleet. The Texas Group has been disestablished and the property formerly occupied by that organization is now being used by the Naval and Marine Corps Reserve Center. The only pier under the jurisdiction of the Naval and Marine Corps Reserve Center is Pier 10.

The General Counsel has reviewed this matter and is of the opinion that notice of proposed rulemaking and public procedures thereto are unnecessary since the restricted area was designed to protect Texas Group, Atlantic Reserve Fleet facilities and the only pier remaining under the jurisdiction of the Naval and Marine Corps Reserve and needing the restricted area is Pier 10. The Navy concurs in limiting the restricted area. Accordingly, the restricted areas in the vicinity of piers numbered 1 through 9, 11 and 12 are deleted as set forth below:

§ 207.184 Sabine River at Orange, Tex.; restricted area in vicinity of the Naval and Marine Corps Reserve Center.

(a) The area: The berthing area of the Naval and Marine Corps Reserve Center and the waters adjacent thereto from the mean high tide shoreline to a line drawn parallel to, and 100 feet channelward from lines connecting the pier head of Pier 10 and from a line drawn parallel to, and 200 feet upstream from, Pier 10 to a line drawn parallel to, and 100 feet downstream from Pier 10.

(b) The regulations: (1) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, shall navigate, anchor, or moor in the restricted area. (2) The regulations of this section shall be enforced by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, and such agencies as he may designate.

(40 Stat. 266; 33 U.S.C. 1.)

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Date: June 1, 1979.

Michael Blumenfeld,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 79-22602 Filed 7-20-79; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 192

[Amdt. 192-34; Docket PS-54]

Transportation of Natural and Other Gas by Pipeline; Joining of Plastic Pipe

AGENCY: Materials Transportation Bureau.

ACTION: Final rule.

SUMMARY: This amendment establishes tests for qualifying procedures and personnel to make all types of joints in plastic pipelines used in the transportation of natural and other gas, including heat fusion, solvent cement, adhesive, and mechanical joints. These new requirements are intended to minimize the possibility of joints coming apart and causing gas pipeline failures.

DATES: This amendment becomes effective January 1, 1980. This date gives operators time to assure that joining procedures and persons making joints have been qualified in accordance with this amendment. As further explained in the text, interested persons may submit written comments on certain issues until August 31, 1979.

ADDRESS: Communications should refer to the docket and amendment number and should be sent to: Docket Branch, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Paul J. Cory, 202-426-2392.

SUPPLEMENTARY INFORMATION: On October 18, 1978, the Materials Transportation Bureau (MTB) issued a notice of proposed rulemaking regarding the establishment of new safety regulations in Part 192 for qualifying procedures and personnel to make all types of joints used with both thermoplastic and thermosetting plastic pipe, including heat fusion, solvent cement, adhesive, and mechanical joints (43 FR, 49334, October 23, 1978). The deadline for comments was December 15, 1978, and over 95 persons submitted their views on the proposal. Also, the notice was presented to the Technical Pipeline Safety Standards Committee in accordance with Section 4 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1673). The Committee considered the notice at a meeting in Washington, D.C., on December 5, 1978, but did not make a recommendation on the technical feasibility, reasonableness, and practicability of the proposal.