

Silver City, NM

Within a 6.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56" N., longitude 108°09'15" W.) and within 3 miles either side of the Silver City VORTAC 140° radial extending from the 6.5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

2. To amend 71.181 (14 FR Part 71) as republished (44 FR 442) by altering the Silver City, NM, transition area:

Silver City, NM

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Silver City-Grant County Airport (latitude 32°37'56" N., longitude 108°09'15" W.) and within 3.5 miles either side of the 107° bearing from the Cozey LOM (latitude 32°37'56" N., longitude 108°03'44") extending from the 10.5-mile radius to 8.5 miles east of the LOM.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves and established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on September 11, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-29456 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-WE-12]

Alteration of Control Zone; Santa Maria, Calif., Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In the final rule published in the Federal Register of August 16, 1979, Vol. 44, page 47925, under "Amended" page 47926 which reads following * * * "southeast of the VOR." Add: This control zone * * * "should have read delete all following . . . "southeast of the VOR." and add the following: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be

continuously published in the Airport/Facility Directory.

This section corrects the amendment.

EFFECTIVE DATE: September 24, 1979.

ADDRESSEES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION: Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION: Federal Register Document 79-25020 was published on August 16, 1979, (44 FR 47925) and amended the hours of operation of the control zone. The action herein corrects the amendment.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Federal Register Document 79-25020 as published in the Federal Register on August 16, 1979, starting on page 47925 is amended on page 47926 as follows:

In § 71.171 under Santa Maria, California delete all following * * * "southeast of the VOR." Add: This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, California on September 13, 1979.

William R. Krieger,

Acting Director, Western Region.

[FR Doc. 79-29454 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 79-CE-17]

Designation of Transition Area—Cherokee, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Cherokee, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Cherokee, Iowa Municipal Airport based on the Non-directional Radio Beacon (NDB), a navigational aid being installed on the airport. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Cherokee Municipal Airport, Cherokee, Iowa, is being established based on a Non-directional Radio Beacon (NDB), a navigational aid being installed on the airport by the City of Cherokee. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Cherokee, Iowa at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 42220 and 42221 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations, so as to designate a transition area at Cherokee, Iowa. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA.

No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442), is amended effective 0901 GMT November 29, 1979, by adding the following new transition area:

Cherokee, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Cherokee Municipal Airport (latitude 42°43'55"N, longitude 95°33'22"W), and within 3 miles each side of the 206° true bearing from the Cherokee NDB (latitude 42°43'55"N, longitude 95°33'10"W), extending from the 6½ mile radius area to 8½ miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 12, 1979.

Charles A. Whitfield,

Acting Director, Central Region.

[FR Doc. 79-29461 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 19510; SFAR No. 42]

Requirements for Flight Operations in the Vicinity of the XIII Winter Olympic Games at Lake Placid, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This special regulation establishes for the period January 27 to March 1, 1980, communications requirements for aircraft operating to or from the Clinton County Airport (Plattsburgh, N.Y.) and establishes a temporary flight restriction at Lake Placid, N.Y. These actions are to provide for the safe and efficient use of navigable airspace and safety of persons and property on the ground attendant to the 1980 Winter Olympics. They are in addition to certain local

airspace and nonregulatory actions being taken in conjunction with the conduct of the Winter Olympics.

DATES: Effective date: September 24, 1979. Compliance dates: January 27-March 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Gene Falsetti, Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

In February, 1980, the XIII Winter Olympic Games will be held in the area of Lake Placid, New York, and are expected to generate an appreciable increase in air traffic for the area. Pre-game, game, and post-game activities during January through March, 1980, are expected to generate in excess of several thousand aircraft movements, with the bulk of air traffic demand expected to be felt close-in to the Olympic area in the Lake Placid, Saranac Lake, and Adirondack regions. Neighboring airports are also expected to experience an influx of transient general aviation, air taxi, and air carrier activity. To provide for the safe, orderly, and expeditious movement of this traffic, the FAA has developed and is implementing this Special Federal Aviation Regulation (SFAR).

Temporary Flight Restriction

To enhance safety in connection with the 1980 Winter Olympics and to minimize the possibility of interference with game activities, players, and spectators, a temporary flight restriction is being established over the Lake Placid, New York, area. Circular in shape and with an 8½-mile radius, it encompasses airspace over the games and lodging areas, as well as the designated ground security area which has been determined to be necessary by the New York State Department of Transportation. The temporary flight restriction excludes unauthorized flight in the area up to and including an altitude of 10,000 feet MSL. This altitude will provide at least 5,000 feet of restricted airspace over White Face Mountain, the highest point in the restricted area and the location of numerous Olympic activities. The restriction also provides operational benefit to Air Traffic Control in the movement of IFR traffic arriving at Adirondack Airport by facilitating radar vectoring of ATC-authorized flights for approach to that airport.

The Temporary Flight Restriction will not affect the Lake Placid Airport which lies within the restricted area since it has already been determined by the airport authority that the airport should be closed to fixed-wing traffic during the period covered by this SFAR. The airport's operations will be limited to helicopter support services.

Radio Communications for Clinton County Airport

Clinton County Airport, Plattsburgh, New York, is approximately 30 nautical miles east-northeast of the Olympic area. It is a nontower airport that is open to the public and primarily serves general aviation and air taxi aircraft. A control zone is charted, and instrument approaches are published with approach control and terminal radar services provided by Burlington, Vermont, Tower. Because of its location and facilities, Clinton County is considered one of the neighboring airports likely to attract Olympic visitors.

Clinton County Airport is approximately 3.5 nautical miles northwest of Plattsburgh Air Force Base which is the largest and busiest base in the Strategic Air Command. The proximity of the airports results in a traffic mix of high speed military training and training support aircraft and slower speed general aviation aircraft. With the expected substantial increase of itinerant traffic related to the Olympics, if no corrective action is taken, an environment would exist which could seriously affect flight operations and the safe and efficient use of the affected airspace.

Contributing to this environment is the nature of extensive and ongoing military training, military pilot experience levels and the fact that visiting Clinton County traffic will be generally unfamiliar with local procedures, operations, and geography. Because of this situation the FAA is establishing an additional radio communications requirement for all aircraft arriving or departing Clinton County airport. These aircraft must establish and maintain two-way radio contact with the Plattsburgh Air Force Base Tower while within the Plattsburgh AFB Airport Traffic Area. Supporting the need for this requirement, the military and current users of Clinton County agree that the potential for an unsafe environment can be minimized by Plattsburgh AFB Tower providing traffic information and advisory service via direct radio communication.

Notice of Special Aeronautical Information

A Special Olympic Issue VFR Terminal Area Chart will be published

and made available prior to the effective date of this regulation. Included on the chart are the graphic depiction of:

- The Plattsburgh Air Force Base Airport Traffic Area;
- The temporary flight restriction over the Olympic Games area;
- The temporary control zone at Adirondack Airport being separately developed by FAA's Eastern Region;
- The Burlington, Vermont, terminal radar service area;
- Military training routes that traverse the area;
- The temporary nonregulatory alert area at Plattsburgh;
- VFR reporting points in the Adirondack area; and
- Other special graphics and information needed for safe flight operations.

Printed narrative aeronautical information will include:

- The Clinton County Airport radio communications requirement;
- Radio frequencies for affected ATC facilities;
- ATC facility operating dates and times; and
- Notice that the Airman's Information Manual provides other aeronautical information in graphic and printed form.

The Special Olympic Issue VFR Terminal Area Chart will be published and made available by November 29, 1979. Copies of the chart can be obtained by sending a check or money order for \$1.85, made payable to "NOS, Department of Commerce" to: Distribution Division C-44, Office of Aeronautical Charting and Cartography, National Ocean Survey (NOS), Riverdale, MD. 20840, (phone (301) 436-6990).

Issuance of Regulatory NOTAM

If, during the effective period of this SFAR, a need is found to extend or modify the temporary flight restriction or communications requirement, this will be accomplished in the form of a regulatory Notice to Airmen (NOTAM) pursuant to § 91.91 of the Federal Aviation Regulations.

Need for Immediate Adoption

Issuance of this Special Federal Aviation Regulation is timed to complement and support total administrative and operational services provided by local and State government, Olympic planning representatives, other Federal Agencies, and FAA Services and Offices. The most pertinent aeronautical information available to the pilot for the Olympics, including the provisions of this SFAR, are to be displayed or printed in the Special

Olympic Issue VFR Terminal Area Chart. The chart is a compendium of aeronautical services and facilities available before, during, and after the Olympic Games, and will be made available in late November 1979.

For the reasons described, it has been determined that safety in air commerce requires the immediate adoption of this regulation. Therefore, I find that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective in less than 30 days.

The FAA does, however, intend to review operating experience under this special regulation. Consequently, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this SFAR. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before March 1, 1980, will be considered by the Administrator and this SFAR may be changed in light of the comments received. All comments submitted will be available for examination in the rules docket.

Adoption of the Amendment

Accordingly, the following Special Federal Aviation Regulation No. 42 is adopted, effective Sept. 24, 1979:

Special Federal Aviation Regulation No. 42

Section 1. To provide for the safe and efficient use of the navigable airspace and the safety of persons and property on the ground attendant to the 1980 Winter Olympics, this Special Federal Aviation Regulation is adopted, and applies during the period of January 27 through March 1, 1980.

Section 2. Unless otherwise authorized or required by ATC, no person may, within the Plattsburgh (New York) Air Force Base Airport Traffic Area, operate an aircraft to or from the Clinton County Airport unless two-way radio communication is established and maintained between that aircraft and the Plattsburgh Air Force Base Tower.

Section 3. Unless otherwise authorized or required by the Boston Air Route Traffic Control Center, no person may operate an aircraft at or below an altitude of 10,000 feet MSL in that area within 8½ statute miles of the point located at latitude 44°16'35" N and longitude 73°57'18" W (approximately 1½ statute miles east-northeast of Lake Placid Airport, New York).

Section 4. If necessary, regulatory Notices to Airmen (NOTAMs) may be issued during the effective period of this SFAR to extend or modify the temporary flight restriction or communication requirement established under this regulation

(Sections 307, 313(a), and 601, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), and 1421); Section 6(c), Department of Transportation Act (49 U.S.C. § 1655(c) 14 CFR 11.49 and 11.69.))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 14, 1979.

Langhorne Bond,

Administrator.

[FR Doc. 79-29453 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1212

Protection of Personal Privacy

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule with comments requested.

SUMMARY: The National Aeronautics and Space Administration (NASA) is revising its regulations implementing the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896, which currently appear at 14 CFR Part 1212. The revision largely changes the internal agency organization for handling Privacy Act matters and clarifies the regulations to eliminate unnecessary duplication of the statutory language and to use simpler language for ease of use by the public.

DATE: Comments must be received not later than November 23, 1979. Unless a notice is published in the Federal Register indicating changes to be made, this interim regulation shall take effect as a final regulation on December 1, 1979.

ADDRESS: Office of General Counsel, Code GG-1, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Susan McGuire Smith, 202/755-3924.

SUPPLEMENTARY INFORMATION: This revision of NASA's Privacy Act regulations is a fairly extensive rewrite designed to reduce the volume of the regulations, eliminate repetition from the statute (e.g. in the provisions on definitions, exemptions, and penalties), and use simpler language and format.

Following is a summary of the significant changes:

Subpart 1212.3—Authority and Responsibilities

(a) The Associate Deputy Administrator retains only significant decision-making responsibilities, namely, making final agency decisions on appeals, authorizing exemptions, and authorizing extensions for making final decisions on appeals.

(b) The Associate Administrator for Management Operations is assigned the overall functional responsibility for Privacy Act implementation. That official may name a NASA Privacy Officer and delegate to the Privacy Officer any of these responsibilities. The Privacy Officer shall report to the Associate Administrator for Management Operations.

(c) System and subsystem managers, as identified in system notices, have direct authority for day-to-day decisions involving either their systems or subsystems. This is largely the case now although they receive this authority through written delegations from line officials. Where there are subsystems of records at NASA field installations, system managers have functional responsibilities for the entire system but will have no line authority over the subsystem managers. The practical effect is to establish a direct link from the NASA Privacy Officer to system managers for operational purposes. This eases existing confusion where the NASA Privacy Officer has to go to system managers, Officials-in-Charge of Headquarters offices, installation privacy officers, Center Directors, and sometimes subsystem managers for information, particularly for information required for the annual report.

(d) Center Directors and Officials-in-Charge of Headquarters Offices will no longer have direct operational responsibilities, although they will exercise line authority over system managers in their organizations. Installation privacy officers may be named by the Center Director, if desired.

Changes are made throughout the regulations reflecting these changed responsibilities.

Subpart 1212.4 (§ 1212.401)—Disclosure Accounting

This revised section clarifies that accountings are not required for disclosures made with the subject's consent, or under authority of the "need to know" or Freedom of Information Act exceptions. However, accountings are recommended under these circumstances. Disclosures of records to subject individuals are considered to be

access within the meaning of Subpart 1212.5.

Subpart 1212.2—Maintaining Systems

(a) Systems of other agencies (§ 1212.201) is revised to have more general applicability.

(b) Safeguards (§ 1212.206) is revised to add paragraph (c) indicating that safeguards are not required where the record otherwise is required by law to be released to the public. System notices will so indicate.

The definition of "record" in § 1212.101 is expanded to indicate that identifiers alone do not constitute records. Since the question has occasionally been raised, the clarification is in order.

Subpart 1212.5—Access to Records

(a) Requests for access go to either the installation information center or the responsible system manager. The information center is added to provide a place where individuals may go just for general information when they do not know which system or subsystem manager is involved. The information center is responsible for seeing to it that the request is forwarded to the appropriate system or subsystem manager for response. Or, if the request is too vague or non-specific, the information center will respond, seeking more information or providing information on systems of records and system managers to whom the request should be addressed.

(b) A notarized statement authorizing a representative to see records is no longer an absolute requirement. Instead § 1212.501(b) cross references the identification requirements of § 1212.502, indicating these must be met by both the subject and the representative. The latter section allows requirement of a notarized statement in the system manager's discretion. Experience indicated that requirement of a notarized statement imposes a hardship on the individual that is not necessary in all cases, although the system manager should retain discretion to require it in some cases.

(c) A provision is added to codify advice consistently given when requests cite both the Privacy Act and the Freedom of Information (FOIA). If the request is for records of a third party, FOIA procedures are used; if the request is for an individual's own record, privacy procedures are used. In any case, the individual receives the maximum to which entitled under either law. For example, if releasable under FOIA, but exempt under Privacy then the record must be released.

(d) Section 1212.507 is added to provide for release of records of a deceased individual to the representative of the estate or to next of kin.

Subpart 1212.6—Amendments to Records and Appeals

Rather than requiring the deciding official on an appeal to prepare the NASA addendum to a statement of dispute, the system manager is responsible for this. An addendum is required in each case where a statement of dispute is filed.

14 CFR Part 1212 is revised to read as follows:

PART 1212—PROTECTION OF PERSONAL PRIVACY**Subpart 1212.1—Basic Policy**

Sec.
1212.100 Scope of part.
1212.101 Definitions.
1212.102 General policy.

Subpart 1212.2—Requirements for Maintaining Systems of Records

1212.200 Publication of annual system notices.
1212.201 Systems of records of other agencies under NASA's control.
1212.202 Requirements for maintaining systems of records.
1212.203 Requirements for collecting information.
1212.204 Mailing lists.
1212.205 Social security account numbers.
1212.206 Safeguarding information in systems of records.
1212.207 Duplicate copies of records or portions of records.

Subpart 1212.3—Authority and Responsibilities

1212.300 NASA employees.
1212.301 Associate Deputy Administrator.
1212.302 Associate Administrator for Management Operations.
1212.303 Headquarters and field or component installations.
1212.304 System manager.
1212.305 Director of Procurement.
1212.306 Delegation of authority.

Subpart 1212.4—Disclosure of Records

1212.400* Restrictions on disclosure.
1212.401 Accounting of certain disclosures.
1212.402 Access to disclosure accounting.
1212.403 Review of records for accuracy.
1212.404 Notification of disclosure under compulsory legal process.
1212.405 Notification to prior recipients of corrected or disputed records.

Subpart 1212.5—Access to Records

1212.500 Requests for access or general information.
1212.501 Right of access.
1212.502 Identification procedures.
1212.503 Fee schedule.
1212.504 Procedures for responding to requests for access.

- Sec.
 1212.505 Medical records.
 1212.506 Test materials.
 1212.507 Release of records of deceased individuals.

Subpart 1212.6—Corrections and Amendments to Records and Appeals

- 1212.600 Requests for correction or amendment of a record.
 1212.601 Procedures and time limits for making initial determinations on requests to correct or amend.
 1212.602 Procedures and time limits for appeals.
 1212.603 Action on appeals.
 1212.604 Procedures for appeal of adverse determinations involving records of other agencies.
 1212.605 Time extensions for good cause shown.
 1212.606 Correction or amendment of record.
 1212.607 Statements of dispute.
 1212.608 Disclosure of disputed information.

Subpart 1212.7—Exemptions

- 1212.700 Exemptions.
 1212.701 Systems of records for which exemptions apply.

Subpart 1212.8—Failure to Comply with Requirements of this Part

- 1212.800 Civil remedies.
 1212.801 Criminal penalties.

Authority: The National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473; The Privacy Act of 1974, 88 Stat. 1896, 5 U.S.C. 552a.

Subpart 1212.1—Basic Policy

§ 1212.100 Scope of part.

This Part 1212 implements the Privacy Act of 1974, as amended (5 U.S.C. 552a; referred to as "the Privacy Act"), and establishes the policies, responsibilities, and procedures for the collection, maintenance, use and dissemination by the National Aeronautics and Space Administration (NASA) of personal information contained in a NASA system of records. This part also establishes procedures for a subject individual to have access to and request correction of information in a record. This part applies to systems of records located at or under the cognizance of NASA Headquarters, NASA Field Installations, and NASA Component Installations, as defined in Part 1201.

§ 1212.101 Definitions.

For the purposes of this part, the following definitions shall apply in addition to definitions contained in the Privacy Act:

(a) The term "record" means any item, collection, or grouping of information about an individual including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or the identifying

number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. With the exception of photographs, identifiers alone do not constitute a record.

(b) The term "system or records" means a group of any records from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(c) The term "system manager" means the NASA official who is responsible for a system of records as designated in the system notice of that system of records published in the *Federal Register*. When a system of records includes portions located at more than one NASA installation, the term "system manager" includes any subsystem manager designated in the system notice as being responsible for that portion of the system of records located at the respective installation.

(d) The term "routine use" means, with respect to the disclosure of a record, the use of the record for a purpose which is compatible with the purpose for which it was collected. Disclosure of a record to those officers and employees of NASA who have a need for the record in the performance of their duties shall not be regarded as a "routine use."

(e) The term "NASA employee" or "NASA official," particularly for the purpose of § 1212.400(b)(1) relating to the disclosure of a record to those who have a need for the record in the performance of their duties, includes employees of a NASA contractor which operates or maintains a NASA system of records for or on behalf of NASA.

(f) The term "NASA information center" refers to information centers established to facilitate public access to NASA records under Part 1206. See § 1206.401 for the address of each NASA information center.

§ 1212.102 General policy.

In compliance with the Privacy Act and in accordance with the requirements and procedures of this part, NASA has an obligation to:

(a) Permit an individual to determine whether there are records pertaining to the individual in a system of records maintained by NASA;

(b) Permit an individual to prevent records pertaining to the individual obtained by NASA and placed in a system of records for a particular purpose from being used or made available for another purpose without the individual's consent;

(c) Permit an individual to gain access to information about the individual in a NASA system of records, to have a copy made, and, if appropriate under Subpart 1212.6, to correct or amend the records; and

(d) Maintain any record in a system of records only for a necessary and lawful purpose, assure that the information is current and accurate, and provide adequate safeguards to prevent misuse of the information.

Subpart 1212.2—Requirements for Maintaining Systems of Records

§ 1212.200 Publication of annual system notices.

(a) A system notice for each NASA system of records shall be published annually in the *Federal Register* in the format prescribed by the Office of Management and Budget and the General Services Administration.

(b) In accordance with reporting requirements issued by the Office of Management and Budget, NASA shall provide to Congress and the Office of Management and Budget advance notice of any proposal to establish or significantly alter any NASA system of records.

§ 1212.201 System of records of other agencies under NASA's control.

(a) The procedures concerning maintenance of and access to records of other agencies under NASA's control shall normally be governed by the regulations of the agency publishing the system notice for the particular system of records.

(b) Any system of records maintained by NASA which is in addition to or substantially different from those of a government-wide nature described in the notice published by another agency shall be regarded as a NASA system of records subject to the requirements of this part, and the NASA system notice shall include a reference to the system notice of the other agency.

§ 1212.202 Requirements for maintaining systems of records.

In maintaining systems of records, the following requirements shall be met:

(a) Maintain only information about an individual relevant and necessary to accomplish a purpose or to carry out a function of NASA authorized by law or by Executive Order of the President.

(b) Maintain records used by NASA officials in making any determination about any individual with such accuracy, relevance, timeliness, and completeness reasonably necessary to assure fairness to the individual in making the determination.

(c) Maintain no record describing how an individual exercises rights guaranteed by the First Amendment to the U.S. Constitution unless expressly authorized by statute or by the individual, or unless required by an authorized law enforcement activity.

§ 1212.203 Requirements for collecting information.

In collecting information for systems of records, the following requirements shall be met:

(a) Information shall be collected to the greatest extent practicable directly from the individual, particularly when the information may result in adverse determinations about the individual's rights, benefits, and privileges under Federal programs. Exceptions to this policy may be made under certain circumstances, such as one of the following:

(1) There is need to verify the accuracy of information supplied by an individual.

(2) The information can only be obtained from a third party.

(3) There is no risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned.

(4) Provisions are made to verify with the individual information collected from a third party.

(b) Each individual who is asked to supply information shall be informed of the following:

(1) The authority (whether granted by statute, or by Executive Order of the President) for requesting the information;

(2) Whether disclosure is mandatory or voluntary;

(3) The intended official use of the information;

(4) The routine uses which may be made of the information, as published in the system notices;

(5) The effects on the individual, if any, of not providing all or any part of the requested information.

§ 1212.204 Mailing lists.

(a) NASA may maintain for official purposes lists of individuals, their addresses and telephone numbers, including, if appropriate, home addresses and telephone numbers. These lists are not NASA systems of records for the purposes of this part.

(b) NASA will not sell, rent or otherwise disclose mailing lists to anyone except for official purposes of NASA, unless otherwise required by law.

§ 1212.205 Social security account numbers.

(a) It is unlawful for NASA to deny an individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose the individual's social security account number, except where:

(1) The disclosure is required by law; or

(2) The disclosure is from a system of records in existence and operating before January 1, 1975, and was required under statute or regulation adopted before that date to verify the identity of the individual.

(b) Any time an individual is requested to disclose the social security account number, the official requesting the disclosure shall indicate whether that disclosure is mandatory or voluntary, by what authority the number is requested, and what uses will be made of it.

§ 1212.206 Safeguarding information in systems of records.

(a) Safeguards appropriate for a NASA system of records shall be developed by the system manager in a written plan approved by the installation Security Officer.

(b) When records or copies of records are distributed to persons other than those having custody of the systems of records, they shall be prominently identified as records protected under the Privacy Act and shall be subject to the same safeguard, retention and disposition requirements applicable to the system of records.

(c) Records that are otherwise required by law to be released to the public need not be safeguarded or identified as Privacy Act records. The system notice shall indicate that the records are publicly available.

§ 1212.207 Duplicate copies of records or portions of records.

(a) NASA officials may maintain for official purposes duplicate copies of records or portions of records from a system of records for use within their organizational unit. This practice should occur only where there are justifiable organizational needs for it, e.g., where geographic distances make use of the system of records time consuming or inconvenient. These duplicate copies shall not be considered a separate NASA system of records. For example, an office head or designee may keep duplicate copies of personnel, training, or similar records on employees within the organization for administrative convenience purposes.

(b) No disclosure shall be made from duplicate copies outside of the

organizational unit. Any outside request for disclosure shall be referred to the appropriate system manager for response.

(c) Duplicate copies are subject to the same safeguard requirements applicable to the system of records.

Subpart 1212.3—Authority and Responsibilities

§ 1212.300 NASA employees.

(a) Each NASA employee is responsible for adhering to the requirements of the Privacy Act and this part.

(b) An employee shall not seek or obtain access to a record in a NASA system of records or to copies of any portion of such records under false pretenses. Only those employees with an official "need to know" may seek and obtain access to records pertaining to others.

(c) Employees shall refrain from discussing or disclosing personal information about others which they have obtained because of their official need to know such information in the performance of official duties.

(d) To the extent included in an individual contract which provides for the maintenance by or on behalf of NASA of a system of records to accomplish a function of NASA, the requirements of this section shall apply to contractor employees who work under the contract.

§ 1212.301 Associate Deputy Administrator.

The Associate Deputy Administrator is responsible for:

(a) Making final agency determinations on appeals (§ 1212.603);

(b) Authorizing exemptions § 1212.700); and

(c) Authorizing an extension of up to 30 work days for making a final determination on an appeal (§ 1212.605).

§ 1212.302 Associate Administrator for Management Operations.

(a) The Associate Administrator for Management Operations is responsible for the following:

(1) Providing overall supervision and coordination of NASA's policies and procedures under this part;

(2) Approving system notices for publication in the Federal Register;

(3) Assuring that NASA employees and officials are informed of their responsibilities and that they receive appropriate training for the implementation of these requirements; and

(4) Preparing and submitting the annual and special reports required

under this part, including establishing appropriate reporting procedures.

(b) The Associate Administrator for Management Operations may establish a position of "NASA Privacy Officer" or designate someone to function as such an officer, reporting directly to the Associate Administrator for Management Operations, and delegate to that officer any of the functions described in paragraph (a).

§ 1212.303 Headquarters and field or component installations.

(a) Officials-in-Charge of Headquarters Offices, Directors of NASA Field Installations and Officials-in-Charge of Component Installations are responsible for the following with respect to those systems of records maintained in the organization:

(1) Avoiding the establishment of new systems of records or new routine uses of a system of records without first complying with the requirements of this part;

(2) Ensuring that the requirements of this part and the Privacy Act are followed by all employees;

(3) Ensuring that there is appropriate coordination within NASA before a determination is made to disclose information without the individual's consent under authority of § 1212.400(b); and

(4) Providing appropriate oversight for responsibilities and authorities exercised by system managers under their jurisdiction (§ 1212.304).

(b) Directors of NASA Field Installations and Officials-in-Charge of Component Installations may establish the position of Installation Privacy Officer or designate someone to function as such to assist in carrying out the responsibilities listed in paragraph (a).

§ 1212.304 System manager.

(a) Each system manager is responsible for the following with regard to the system of records over which the system manager has cognizance:

(1) Overall compliance with the Privacy Act and these regulations.

(2) Ensuring that each person involved in the design, development, operation or maintenance of the system of records is instructed with respect to the requirements of this part and the possible penalties for noncompliance;

(3) Submitting a request to the Associate Deputy Administrator for an exemption of the system under Subpart 1212.7, setting forth in proposed rulemaking form the reasons for the exemption and citing the specific provision of the Privacy Act which is believed to authorize the exemption;

(4) After consultation with the Office of the General Counsel or the Chief Counsel, making reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(5) In accordance with the requirements of § 1212.601, making an initial determination on an individual's request to correct or amend a record;

(6) Prior to disclosure of any record about an individual, assuring that the record is first reviewed for accuracy, completeness, timeliness and relevance;

(7) Authorizing disclosures of a record without the individual's consent under § 1212.400(b)(1) through (11);

(8) Responding within the requirements of § 1212.500 to an individual's request for information as to whether the system contains a record pertaining to the individual;

(9) In accordance with the requirements of Subpart 1212.5, responding to an individual's request for access and copying of a record;

(10) Correcting a record under § 1212.606, or filing in an individual's record a statement of dispute and the NASA addendum submitted in accordance with § 1212.607;

(11) Preparing an addendum to an individual's statement of dispute (§ 1212.607);

(12) Maintaining disclosure accountings in accordance with the requirements of § 1212.401;

(13) Notifying persons to whom a record has been disclosed and for which an accounting was made as to disputes and corrections involving the record; and

(14) Developing appropriate safeguards for the system of records.

(b) Where a system of records has subsystems described in the system notice, the subsystem manager will have the responsibilities outlined in paragraph (a). Although the system manager has no line authority over subsystem managers, the system manager does have overall functional responsibility for the total system, and may issue guidance to subsystem managers on implementation of this part. When furnishing information for required reports, the system manager will be responsible for reporting on the entire system of records, including any subsystems.

(c) Exercise of the responsibilities and authorities in paragraph (a) by any system or subsystem managers at a NASA installation shall be subject to any conditions or limitations imposed in

accordance with § 1212.303(a)(4) and (b).

§ 1212.305 Director of procurement.

The Director of Procurement is responsible for developing appropriate procurement regulations and procedures under which NASA contracts requiring the maintenance of a system of records in order to accomplish an agency function are made subject to the requirements of this part.

§ 1212.306 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this Subpart 1212.3 is delegated to the officials named, subject to any conditions or limitations imposed in accordance with § 1212.303 (a)(4) and (b).

Subpart 1212.4—Disclosure of Records

§ 1212.400 Restrictions on disclosure.

(a) No record in a NASA system of records shall be disclosed to any person, or to another agency, except by written request of, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is authorized by paragraph (b) of this section.

(b) Under 5 U.S.C. 552a(b), disclosure of a record in a NASA system of records is authorized without the consent of the subject individual, if the disclosure of the record would be:

(1) To an officer or employee of NASA who has a need for the record in the performance of official duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552) and Part 1206;

(3) For a routine use described in the system notice for the system of records;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, United States Code;

(5) To a recipient who has provided NASA with adequate advance written assurance that the record will be used solely as a statistical record, and the record is transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services Administration or a designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control

of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to NASA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person on a showing of compelling circumstances affecting the health or safety of an individual if notification of the disclosure is sent to the last known address of the subject individual;

(9) To either House of Congress or, to the extent the matter is within its jurisdiction, any committee or subcommittee of Congress, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) By order of a court of competent jurisdiction.

§ 1212.401 Accounting of certain disclosures.

(a) The system manager shall keep a disclosure accounting for each disclosure to a third party of a record from a system of records. Disclosure accountings are not required but are recommended for disclosures made:

(1) With the subject individual's consent, or

(2) Under the authority of § 1212.400(b) (1) or (2).

(b) The disclosure accounting required by paragraph (a) shall include:

(1) The date, nature, and purpose of the disclosure; and

(2) The name and address of the recipient person or agency.

(c) The disclosure accounting shall be retained for at least five years after the disclosure or for the life of the record, whichever is longer.

(d) The disclosure accounting maintained under the requirements of this section is not itself a system of records.

§ 1212.402 Access to disclosure accounting.

Except for disclosures made under the authority of § 1212.400(b)(7) or where the system is exempt (see Subpart 1212.7), the disclosure accounting required under § 1212.401 shall be made available to the subject individual upon request in accordance with Subpart 1212.5

§ 1212.403 Review of records for accuracy.

Before disclosing any record about an individual to any person other than a NASA employee, unless the disclosure

is required under the Freedom of Information Act (see § 1212.400(b)(2)), NASA shall make reasonable efforts to assure that the record is accurate, complete, timely and relevant for NASA purposes.

§ 1212.404 Notification of disclosure under compulsory legal process.

If a record is disclosed to any person under a compulsory legal process, the NASA system manager, after consultation with the Office of the General Counsel or the Chief Counsel, shall make reasonable efforts to serve notice on the subject individual when the compulsory process becomes a matter of public record. The mailing of notice to the individual's last known address constitutes a reasonable effort to notify the individual.

§ 1212.405 Notification to prior recipients of corrected or disputed records.

If any correction or statement of dispute is made or filed in a record under Subpart 1212.6, the NASA system manager shall notify each person or agency to whom that portion of the record had been disclosed, if an accounting of the disclosure exists under § 1212.401, as to the correction or statement of dispute.

Subpart 1212.5—Access to Records

§ 1212.500 Requests for access or general information.

(a) The procedures outlined in this Subpart 1212.5 apply to the following types of requests under the Privacy Act made by individuals concerning records about themselves:

(1) To determine if information on the requester is included in a system of records;

(2) For access to a record; and

(3) For an accounting of disclosures.

(b)(1) Requests must be directed to the appropriate system manager, or, if unknown, to the NASA information center. The request should be identified clearly on the envelope and on the letter as a "Request Under the Privacy Act."

(2) If known, requests should contain the following information to insure timely processing:

(i) Name and address of subject.

(ii) Identity of the system of records.

(iii) Nature of the request. If a request for amendment, a complete and comprehensive description of the amendment.

(iv) Identifying information such as location of the record, if known, full name, birth date, etc., as specified in the applicable system notice to assist in identifying the request.

(c)(1) If a request for access or amendment is received by the

information center, it will record the date of receipt and immediately forward the request to the responsible system manager for handling.

(2) The NASA information center or the system manager, as appropriate, will acknowledge receipt of the request by NASA within 10 work days. If the request is so incomplete or incomprehensible that the requested record cannot be identified, additional information or clarification will be requested in the acknowledgment, and assistance to the individual will be offered as appropriate. If the request is sufficient for processing, the acknowledgment shall identify the responsible system manager.

(d) NASA need not comply with a general request for access to information concerning an individual, e.g., a request to provide copies of "all information contained in your files concerning me," although a good faith effort will be made to locate records if there is reason to believe NASA has records on the individual.

(e) Copies of all current NASA system notices, as well as a copy of these regulations, shall be maintained for public inspection in each NASA information center. An individual may address any general inquiries concerning NASA systems of records and these regulations to the appropriate NASA information center.

§ 1212.501 Right of access.

(a) Upon request in person, and following the identification procedures of § 1212.502, a subject individual and any accompanying representative shall be granted access to his or her record, including the right to request copies, unless the system of records has been determined to be exempt from this requirement under 5 U.S.C. 552a (j) or (k).

(b)(1) Upon a written request of the subject individual, the individual's representative shall be granted access to the subject's record, unless that system of records has been determined to be exempt under 5 U.S.C. 552a (j) or (k). The representative also may request copies of all or a portion of the record.

(2) A written request to allow access by a representative shall be signed by the subject individual and contain his or her address as well as the name and address of the representative being authorized access. The identities of both the subject individual and the representative must be verified following the procedures of § 1212.502.

(c) When an individual submits a request for records citing both the Privacy Act and the Freedom of Information Act, it shall be processed

under Part 1206 if the individual is seeking records pertaining to a third party. If the individual is seeking his or her own records, the request shall be processed under this part. If the records requested are required to be released under the Freedom of Information Act (5 U.S.C. 552(b)), then a Privacy Act exemption may not be invoked to deny access. NASA shall not rely on any exemption contained in the Freedom of Information Act to withhold from an individual any record which is otherwise accessible to the individual under this part.

§ 1212.502 Identification procedures.

(a) Before a copy of a record is sent by mail in response to a written request for access, there must be sufficient evidence to assure that the requester and the subject of the record are the same. NASA reserves the right, at the discretion of the system manager, to require that a certificate of a notary public or equivalent official empowered to administer oaths accompany the request.

(b)(1) Before granting access to records in person, the requester or representative shall present appropriate and satisfactory identification, including:

- (i) A valid unexpired driver's permit; or
- (ii) An official employment identification card or badge; or
- (iii) Any other form of identification which includes the individual's name, signature, or photograph or physical description.

(2) If the individual has no suitable identification, a written statement shall be required asserting the individual's identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor and punishable by a fine of up to \$5,000. A form will be provided by the system manager for this purpose.

(c) No verification of identity will be requested of individuals seeking access to records available to any member of the public under the Freedom of Information Act (5 U.S.C. 552) and Part 1206.

(d) Identity procedures more stringent than those required in this section may be prescribed by the system manager in the system notice when the records are medical or other highly sensitive records.

§ 1212.503 Fee schedule.

The system manager will follow the provisions of Subpart 1206.7 in charging search and duplication fees for records.

§ 1212.504 Procedures for responding to requests for access.

(a)(1) The system manager, in response to a request for access, shall:

- (i) Notify the requester that there is no record on the individual in the system of records; or
- (ii) Make the individual's record available for personal inspection in the presence of a NASA representative, or upon request, promptly provide copies of the record, subject to the fee requirements.

(2) Unless the system manager agrees to another location, personal inspection of the record shall be at the location of the record as identified in the system notice.

(b) Normally, the system manager shall respond to a request for access within 10 work days of receipt of the request and the access shall be provided within 30 work days.

(c) The provisions of paragraph (a) do not apply where the record is subject to additional restrictions as specified in the system notice, or if it is exempt under 5 U.S.C. 552a (j) or (k) and is not otherwise required to be released under the Freedom of Information Act. Under these circumstances, the system manager shall notify the requester within 10 work days.

(d) In the event a request for access to a record is not granted within 30 work days of receipt of the request, the individual shall have the right to appeal. Such an appeal shall be filed and processed under the provisions of Subpart 1212.6. In any determination by a system manager denying an individual's request for access made under this section, the individual shall be informed in writing of:

- (1) The reasons for the refusal; and
- (2) The procedures to be followed to request a review of the refusal by the Associate Deputy Administrator, including the mailing address. (See § 1212.602)

§ 1212.505 Medical records.

Normally, an individual's medical record shall be disclosed to the individual, unless, in the judgment of the system manager, in consultation with a medical doctor, access to the record could have an adverse effect upon the individual. In this case, the system manager shall allow access to the record by a medical doctor designated in writing by the requesting individual. (See § 1212.501(b))

§ 1212.506 Test materials.

Test material and copies of certificates of eligibles and other lists of eligibles, the disclosure of which is proscribed by 5 CFR § 294.501, shall be

removed from an individual's record before granting access.

§ 1212.507 Release of records of deceased individuals.

Records of individuals who are deceased may be released to the executor or administrator of the individual's estate, or, if none, to the individual's next of kin, if the system manager has sufficient evidence to establish that the individual is deceased and if the identity procedures of § 1212.502 have been met by the representative.

Subpart 1212.6—Corrections and Amendments to Records and Appeals

§ 1212.600 Requests for correction or amendment of a record.

A subject individual may request that NASA correct or amend the individual's record. In making a request for correction, the individual must demonstrate why the correction is appropriate. Such a request shall be in writing, addressed to the appropriate system manager, and shall contain the following:

(a) A notation on the envelope and on the letter that it is a "Request for Amendment of Individual Record under the Privacy Act;"

(b) The name of the system of records;

(c) Any information necessary to retrieve the record, as specified in the system notice for the system of records;

(d) A description of that information in the record which is alleged to be incomplete or erroneous; and

(e) The reasons for requesting the change, together with any documentary evidence or material available to support the request.

§ 1212.601 Procedures and time limits for making initial determinations on requests to correct or amend.

(a) Within 10 work days of receipt by the system manager of an individual's request to correct or amend a record, the system manager shall provide the individual with a written determination or a written acknowledgement advising when a report of the action taken may be received.

(b) The system manager shall provide the individual with a written determination within 30 work days of receipt of the request unless unusual circumstances preclude completing action within that time. If the determination is to refuse to correct or amend the record as requested, the written determination shall explain the reasons for the refusal and inform the requester of the procedures to be followed to appeal the determination.

§ 1212.602 Procedures and time limits for appeals.

(a) A subject individual who (1) has requested amendment or correction of a record and has received an adverse initial determination, or (2) has been denied access to a record, or (3) has not been granted within 30 work days of receipt a request (See § 1212.504), may appeal to the Associate Deputy Administrator.

(b) An appeal shall:

(1) Be in writing and addressed to the Associate Deputy Administrator, NASA, Washington, D.C. 20546;

(2) Be identified clearly on the envelope and in the letter as an "Appeal under the Privacy Act;"

(3) Include a copy of any pertinent documents; and

(4) State the reasons for the appeal.

(c) Appeals from adverse initial determinations or denials of access must be submitted within 30 calendar days of the date of receipt of the initial determination. Appeals involving failure to grant access may be submitted any time after the 30 work day period has expired (see § 1212.504).

§ 1212.603 Action on appeals.

(a) Except as provided in § 1212.607, a final determination on an appeal shall be made, and the requester notified, within 30 work days after its receipt.

(b) If a determination to deny access is upheld, the requester will be informed of the right to judicial review under 5 U.S.C. 552a(g).

(c) If a denial of a request to correct or amend a record is upheld, the final determination shall:

(1) Explain the basis for the denial;

(2) Include information as to how the requester goes about filing a statement of dispute under the procedures of § 1212.607; and

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552a(g).

§ 1212.604 Procedures for appeal of adverse determinations involving records of other agencies.

If an individual disagrees with an adverse determination by NASA involving access to or amendment of records belonging to another agency, the individual may seek review of the determination under procedures prescribed by the other agency.

§ 1212.605 Time extensions for good cause shown.

(a) When good cause is shown, the time limits for making a final determination may be extended for up to 30 work days.

(b) If an extension of time under this section is granted, the individual shall be promptly notified in writing of the reasons and the date when a final determination will be sent.

§ 1212.606 Correction or amendment of record.

When any record is corrected or amended under the procedures of this Subpart 1212.6, the correction shall be made by the system manager clearly on the record itself and all inaccurate information shall be deleted and destroyed. The individual shall then be informed in writing that the correction has been made. If the inaccurate or incomplete portion of the record has previously been disclosed and an accounting of the disclosure exists in accordance with the requirements of § 1212.401, then the system manager shall notify those persons or agencies of the corrected or amended information, referencing the prior disclosures (see § 1212.405).

§ 1212.607 Statements of dispute.

(a) If on appeal, a refusal to correct or amend records is upheld, the individual may file a statement of dispute.

(b) A statement of dispute shall:

(1) Be in writing;

(2) Set forth reasons for the individual's disagreement with NASA's refusal to amend the record;

(3) Be concise;

(4) Be addressed to the system manager; and

(5) Be identified on the envelope and in the letter as a "Statement of Dispute under the Privacy Act."

(c) The system manager shall prepare and include an addendum to the statement explaining the basis for NASA's refusal to amend the disputed record. A copy of the addendum shall be provided to the individual.

(d) The system manager shall ensure that the statement of dispute and addendum are either filed with the disputed record or that a notation appears in the record clearly referencing the statement of dispute and addendum so that they may be readily retrieved.

§ 1212.608 Disclosure of disputed information.

(a) The system manager shall promptly provide persons or agencies to whom the disputed portion of a record was previously disclosed and for which an accounting of the disclosure exists under the requirements of § 1212.401, with a copy of the statement of dispute and addendum, along with a statement

referencing the prior disclosure (see § 1212.405). The subject individual shall be notified as to those individuals or agencies which are provided with the statement of dispute and addendum.

(b) Any subsequent disclosure of a disputed record shall clearly note the portion of the record which is disputed and shall be accompanied by a copy of the statement of dispute and addendum.

Subpart 1212.7—Exemptions**§ 1212.700 Exemptions.**

(a) Under the provisions of 5 U.S.C. 552a(j) and (k), the Administrator of NASA is authorized to exempt certain NASA systems from portions of the requirements of this part.

(b) For those NASA systems of records that are determined to be exempt, the system notice shall describe the exemption and the reasons.

(c) Nothing in this part shall allow an individual access to any information compiled by NASA in reasonable anticipation of a civil action or proceeding.

§ 1212.701 Systems of records for which exemptions apply.

Exemptions have been invoked, in accordance with § 1212.700, for the following NASA systems of records:

(a) *Inspections Division Case Files.* (1) *Sections of the Act from which exempted.* The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act (5 U.S.C. 552a) EXCEPT the following: (b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to criminal penalties.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and this Subpart 1212.7 for the reason that the Inspections Division is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

(b) *Security Records System.* (1) *Sections of Act from which exempted.* The Security Records System is exempt from the following sections of the

Privacy Act (5 U.S.C. 552a): (c)(3) relating to access to the disclosure accounting; (d) relating to access to the records; (e)(1) relating to the type of information maintained in the records; (e)(4)(G), (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction, and information as to the categories of sources of records; and (f) relating to developing agency rules for gaining access and making corrections.

(2) *Reasons for exemption.* The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(k) and this Subpart 1212.7 for the following reasons:

(i) Personnel Security Records contained in the system of records which are compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information are exempt under the provisions of 5 U.S.C. 552a(k)(5), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(ii) Criminal Matter Records are contained in the system of records and are exempt under the provisions of 5 U.S.C. 552a(k)(2) to the extent they constitute investigatory material compiled for law enforcement purposes.

(iii) The system of records includes records subject to the provisions of 5 U.S.C. 552(b)(1) (required by Executive order to be kept secret in the interest of national defense or foreign policy), and such records are exempt under 5 U.S.C. 552a(k)(1).

Subpart 1212.8—Failure To Comply With Requirements of This Part

§ 1212.800 Civil remedies.

Failure to comply with the requirements of the Privacy Act and this part could subject NASA to civil suit under the provisions of 5 U.S.C. 552a(g).

§ 1212.801 Criminal penalties.

(a) A NASA employee may be subject to criminal penalties under the provisions of 5 U.S.C. 552a(i) (1) and (2).

(b) An individual who seeks access to a NASA record under false pretenses is subject to criminal penalties under 5 U.S.C. 552a(i)(3).

Robert A. Frosch,
Administrator.

[FR Doc. 79-29518 Filed 9-21-79; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 79-248]

Delay in Effective Date for Implementing Recently Amended Customs Regulations Relating to Statistical and Invoice Requirements

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Delay in effective date.

SUMMARY: Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978", made numerous changes in laws administered by the Customs Service relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures needed to reflect these changes was published as T.D. 79-221 in the *Federal Register* on August 9, 1979 (44 FR 46794).

That document advised that the effective date for implementation of the amendments was September 10, 1979. However, Customs has determined to delay implementation of two of the amended sections, relating to aggregating statistical information, from September 10 to January 1, 1980.

EFFECTIVE DATE: For implementation of amended sections: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: William Slyne, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2957).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 95-410 (92 Stat. 888), the "Customs Procedural Reform and Simplification Act of 1978", approved October 3, 1978, made significant changes in the Customs laws relating to the entry of imported merchandise. A document amending the Customs Regulations to establish new procedures to reflect these changes was published as T.D. 79-221 in the *Federal Register* on August 9, 1979 (44 FR 46794).

Request for Delay

T.D. 79-221 provided that the effective date for implementation of the amendments was to be September 10, 1979. However, Customs has been requested to delay implementation of amended §§ 141.61(e)(1)(i) and (f)(2), Customs Regulations (19 CFR 141.61(e)(1)(i), (f)(2)), relating to aggregating statistical information, to afford customhouse brokers utilizing

automated data processing equipment additional time to program their equipment.

Action

Because the need of automated customhouse brokers for additional time to implement the requirements of § 141.61(e)(1)(i) and (f)(2), as amended by T.D. 79-221, has been established to Customs satisfaction, the effective date for the implementation of these sections is delayed until January 1, 1980.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However personnel from other Customs offices participated in its development.

Dated: September 18, 1979.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 79-29580 Filed 9-21-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-79-666]

Property Improvement and Mobile Home Loans Increase in Loan Amount and Term

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment increases the maximum loan amount and term for property improvement loans for multiple dwellings to \$7,500 per dwelling unit with a maximum loan limitation of \$37,500. The term for such loans is increased to 15 years and 32 days. This increase in amount and terms will allow applicants for multi-family improvement loans to derive more equitable benefits as compared to applicants for loans to improve single-family structures.

EFFECTIVE DATE: October 24, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., (202) 755-6880. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On May 16, 1979, the Secretary of Housing and

Urban Development published a Notice of Proposed Rulemaking (44 FR 28685) to amend 24 CFR Part 201, Section 201.2 and 201.3(b). Comments were invited until July 16, 1979. Subsequently, two public comments were received, both of which favored the action. However, one of the commenters suggested that the loan limit be set at \$50,000 instead of the proposed \$37,500. Title I policy, regarding 1(b) loans, has been to limit financing to no more than five (5) units per structure. The Housing and Community Development Act of 1978 authorized the increase to \$7,500 per unit and \$37,500 per structure, which is five times the amount allowed per unit. In view of this, there are no changes being made to the Final Rule.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. This Finding was submitted with the Proposed Rule. A copy of this document is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, Chapter II is amended as follows:

Subpart A—Property Improvement Loans

1. In § 201.2 paragraph (d)(2)(i)(A) is amended to read as follows:

§ 202.2 Eligible notes.

(d) * * *
(2) Maximum maturity. The maximum permissible maturity of a note evidencing:

(i) * * *
(A) A Class 1(b) or 2(a) loan is 15 years and 32 days.

2. In § 201.3 paragraph (b) is amended to read as follows:

§ 201.3 Maximum amount of loans.

(a) * * *
(b) Class 1(b) loan. A Class 1(b) loan shall not involve a principal amount, exclusive of finance charges in excess of \$7,500 per dwelling unit in the improved structure and shall not exceed \$37,500.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703), as amended.)

Issued in Washington, D.C., on September 14, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal
Housing Commissioner.

[FR Doc. 79-29442 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 240

[Docket No. R-79-714]

Mortgage Insurance on Loans for Fee Title Purchase; Mortgagor Eligibility To Pay a Discount

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This will permit borrowers to pay discounts (finance fees) in order to purchase a leased fee (lessor's interest) from the owner of the land.

EFFECTIVE DATE: October 15, 1979.

FOR FURTHER INFORMATION CONTACT: William L. Halpern, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 6270, Washington, D.C. 20410, Telephone: (202) 755-6720.

SUPPLEMENTARY INFORMATION: Under existing regulations a mortgagee is not permitted to collect a discount from a mortgagor in a transaction involving the purchase of a leased fee (the fee interest held by the lessor or landlord) except in the limited circumstance listed in Regulation 203.27. In some jurisdictions the owner of the leased fee is limited in the price he may demand for the sale of the leased fee. These limitations restrict the use of insured financing because the parties are either precluded from, or unwilling to, pay the discount required by mortgagees. The new regulation will permit the owner of a leasehold interest who is purchasing the fee interest (the lessor's interest) to pay a discount to the mortgagee. This new permission is applicable only to mortgages insured under Section 240 of the National Housing Act; therefore, the amended regulation is added to Part 240 of the regulations.

The regulation permits the mortgagor to pay a discount and relieves an existing restriction; therefore, public comment is not necessary. Numerous mortgagors are negotiating to make such purchases and are currently prevented by the reluctance of the seller to pay the discounts. Thus, in order to facilitate these sales, the Secretary has determined that the regulation be published for immediate effect.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Accordingly, the Department adds a new § 240.19 to read as follows:

§ 240.19 Maximum charges, fees or discounts.

In addition to the provisions of § 203.27 relating to charges, fees or discounts which a mortgagee may collect from the mortgagor, which is incorporated by reference, the mortgagee may collect from the mortgagor a reasonable and customary charge in the nature of a discount.

(Sec. 3, Pub. L. 75-424, 52 Stat. 9 (12 U.S.C. 1715(b)); Sec. 7(d), Pub. L. 89-174, 79 Stat. 670 (42 U.S.C. 3535(d)); Pub. L. 95-557, 92 Stat. 2099, 12 U.S.C. 1715z-5)

Issued at Washington, D.C., September 13, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing—Federal
Housing Commissioner.

[FR Doc. 79-29501 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a rule governing decisions to advance a presumptive release date upon a finding of "superior program achievement". The rule contains a Schedule of Permissible Reductions which sets forth the maximum number of months by which presumptive dates may be reduced. These reductions are intended to produce incentives for constructive use of time by federal prisoners but are kept purposefully limited to avoid reintroducing uncertainty, coercion, and/or gameplaying. This rule is seen as complementary to the Commission's Rescission Guidelines (§ 2.34).

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT:
Barbara Meierhoefer, Research Unit,
United States Parole Commission, 320
First Street, NW., Washington, D.C.
20537 (202-724-3095).

SUPPLEMENTARY INFORMATION:

The Proposal and Its Purpose

On May 30, 1979, the U.S. Parole Commission published in the *Federal Register* (44 FR 31027) a proposal to govern the reduction of previously set presumptive release dates upon a finding of superior program achievement.

The purpose of the proposal was to set forth a preliminary formulation of the weight to be given to sustained positive institutional program achievement in the U.S. Parole Commission's release decision. In the proposal, the Commission set forth its view that while institutional programming achievement should not be the primary consideration in parole release, neither should it be ignored completely.

The Commission considers institutional behavior within the structure of its parole decision-making guidelines and presumptive date procedures. Presently, almost all federal prisoners receive a presumptive release date at a hearing held within 120 days after commitment. This date is set in accord with the Commission's paroling guidelines which consider offense severity and offender risk—the two primary factors in the release decision. This date presumes *good* institutional behavior.

If the prisoner subsequently incurs serious or frequent disciplinary infractions, the date can be moved back in accordance with the Commission's rescission guidelines (see § 2.34). The May 30, 1979 proposed rule was set forth to address those cases where institutional program achievement has clearly been superior.

Since the inception of the presumptive date procedures in September, 1977, the Commission has had the authority to reduce a presumptive date for "clearly exceptional circumstances" [§ 2.14(a)(2)(ii)] at interim hearings. While advancements for superior program achievement would already be allowed under this provision, the Commission wanted to highlight that institutional achievements were to be considered at this time, and that reductions in date would be appropriate where such achievements were of an outstanding nature. The Commission also wanted to add a provision for the reduction of date based on superior program achievement as an appropriate

action to be taken at pre-release reviews.

The proposal also set forth the Commission's belief that in order to avoid reintroducing gameplaying, coerced programming and unnecessary uncertainty into the parole process, the permissible reductions for superior program achievement should be tied to the original presumptive date and should be kept relatively small. While the Commission wishes to provide incentives for the constructive use of prison time, it does not want the size of this reward to be so large that it is the overriding consideration in a prisoner's choice of how to spend his time. However, as a statement of policy, the Commission feels that self-motivated efforts to help oneself can and should be encouraged in prison as they are in other sectors of society.

Public Comment

Thirty-two (32) separate comments were received, some with multiple signatures. The overwhelming majority of the comments (20 letters) was from prisoners. All but one prisoner approved implementation of the proposed rule, though some voiced concern or suggested modifications.

Repeatedly, the prisoners noted that the proposal was long overdue and would impact favorably on prisoner morale and effort; that it would be an effective supplement to existing program incentives; and that it was encouraging that the Commission is willing to "help those who want to help themselves". Nonetheless, two of the prisoners felt that the reductions should be larger, while a third suggested a range of possible reductions. One prisoner cautioned that the rule places a lot of power in the hands of institutional officials, and stated that the Commission should beware of gameplaying by both staff and inmates. A number of prisoners felt that the Commission should try to define "superior program achievement", and should clarify exactly how and who will be making these decisions. The most common question raised by the prisoners was whether or not the Commission has the authority to grant a parole date prior to the expiration of one-third of a regular adult sentence. (The Parole Commission does not have this authority (see Implementation Section)).

One prisoner noted the difficulty of administering this reduction for superior achievement at pre-release reviews. He noted that since most pre-release reviews occur about six months prior to a presumptive date, the reduction could perhaps do no more than cut into time

spent in a community treatment center prior to release. The one prisoner who was not in favor of the proposed rule stated that he felt the rule would simply emphasize the severity of the offense.

One federal judge commented that he was generally in favor of the proposed rule, but pointed out some drafting problems and noted that the Commission should not rely on social psychological theory when proposing rules.

From the probation service, a Chief U.S. Probation Officer was generally in favor of the rule. However, a letter signed by 18 members of another probation office expressed strong opposition to implementation, stating that prisoners already received good time credit from the institution. In response, the reader is referred to the Implementation Section.

Four comments were received from Bureau of Prisons' staff. One case manager was strongly opposed to the rule noting that it would only encourage gameplaying. A correctional treatment specialist was also against implementation, citing the lack of criteria to determine the components of "superior program achievement", the potential for disparate decisions, and a discrepancy in drafting (which will be addressed in the next section on "Changes"). A unit manager and staff psychologist cited the subjective nature of the determination of "superior program achievement". The psychologist also wondered whether the reductions were of sufficient magnitude to be truly rewarding.

An attorney commented that the rule should impact positively on minority groups, while two representatives of the Mexican American Correctional Association feared that the opposite would be true. A representative of the Washington Legal Fund generally supported the thrust of the rule, but argued that the Commission should include programs of restitution as part of a parole plan. The rule was further endorsed by a representative of the Flat-River Jaycees and by a Maryland citizen.

Changes from the Proposal

I. Comment and review of the proposed rule exposed an inconsistency

In subsection (a), it was stated that reductions were to be given to those prisoners who have demonstrated superior program achievement over a period in custody of more than twelve months. However, in the Schedule of Reductions, the reductions were begun for those prisoners who, according to their previously set presumptive dates,

would have to serve a total time of 13 months. These cases would be reviewed by the Commission at a pre-release review approximately six months prior to the presumptive date to see if the conditions of that date have been met.

Therefore, these prisoners would not have been incarcerated for a period of more than twelve months at the time of their review and would therefore not be eligible under subsection (a) for a reduction in time based on superior program achievement. To remedy this inconsistency, both sections of the rule have been altered slightly. The time in custody required under subsection (a) was reduced from more than twelve months to nine months or more. The Schedule of Reductions was altered to begin the range of presumptive dates eligible for the reduction at 15-22 months (previously 13-20), with a conforming change in the next range which now begins at 23 months.

II. Editorial Changes

A. In § 2.60, the language was simplified. For example, all references to "clearly" superior were deleted as the word "superior" itself connotes the uniqueness of achievement which the Commission wishes to recognize.

B. The wording in § 2.14(a) (2)(ii) has been clarified.

Implementation

The effective date of this rule will be November 1, 1979.

While input will naturally be sought from Bureau of Prisons' staff, the final determination of superior program achievement and awarding a reduction for this purpose are decisions which will be made by the Parole Commission. No reduction in term may result in a release date below the prisoner's minimum sentence imposed by the court.

For those cases originally "continued to expiration", the mandatory release date computed under the automatic good time reductions specified in 18 U.S.C. § 4161 is to be used to determine the "Original Presumptive Date" both for purposes of determining the amount of the permissible reduction, and as a base from which the reduction is to be subtracted. If this date has been reduced due to the earning of extra good time, and such reduction is already equal to or exceeding the allowable reduction for superior program achievement, the Commission will not give an additional reduction for superior program achievement.

It should be emphasized that the fact that a prisoner is earning (or has earned) extra good time credits is not, in and of itself, evidence that there has been superior program achievement.

Conversely, the fact that no extra good time has been earned should have no adverse bearing on this determination. The differentiation is made between extra good time and superior program achievement, not only because they are awarded by different agencies, but because: (1) prisoners with certain sentence types are not eligible to earn extra good time; (2) extra good time is vested in certain job or custody placements, regardless of the quality of performance; and (3) extra good time is awarded primarily for performing tasks of importance to the running of the institution.

Further Research

The implementation of this regulation is seen as a first step rather than a culmination of effort regarding the appropriate role of program achievement in the parole release decision. The Commission plans to gather information to aid in further defining what will constitute "superior program achievement". The Commission will content analyze its own decisions in granting reductions for superior program achievement, and plans to conduct a survey of Bureau of Prisons' personnel regarding the types of programs available at each institution. In addition, the Commission will seek input from program administrators as to what types of efforts they would consider "superior". Upon completion of this research, the Commission will endeavor to further specify the indicants of superior program achievement.

Conclusion

Accordingly, pursuant to the provisions of 18 U.S.C. §§ 4204(a)(1) and 4203(a)(6), 28 CFR Chapter 1, Part 2, is amended as set forth below to become effective in the manner described above.

Dated: September 18, 1979.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

1. Section 2.60 is added as follows:

§ 2.60 Superior program achievement.

(a) Prisoners who demonstrate superior program achievement (in addition to a good conduct record) may be considered for a limited advancement of the presumptive date previously set according to the schedule below. Such reduction will normally be considered at an interim hearing or pre-release review. It is to be stressed that a clear conduct record is expected; this reduction applies only to cases with documented sustained superior program achievement over a period of 9 months or more in custody.

(b) Superior program achievement may be demonstrated in areas such as educational, vocational, industry, or counselling programs, and is to be considered in light of the specifics of each case.

(c) Upon a finding of superior program achievement, a previously set presumptive date may be advanced. The normal maximum advancement permissible for superior program achievement during the prisoner's entire term shall be as set forth in the following schedule. It is the intent of the Commission that this maximum be exceeded only in the most clearly exceptional cases.

(d) Partial advancements may be given [for example, a case with both superior program achievement during only part of the term or a case with both superior program achievement and minor disciplinary infraction(s)]. Advancements may be given at different times; however, the limits set forth in the following schedule shall apply to the total combined advancement.

(e) Schedule of Permissible Reductions for Superior Program Achievement.

Total months required by original presumptive date:	Permissible reduction
14 months or less	Not applicable.
15 to 22 months	Up to 1 month.
23 to 30 months	Up to 2 months.
31 to 36 months	Up to 3 months.
37 to 42 months	Up to 4 months.
43 to 48 months	Up to 5 months.
49 to 54 months	Up to 6 months.
55 to 60 months	Up to 7 months.
61 to 66 months	Up to 8 months.
67 to 72 months	Up to 9 months.
73 to 78 months	Up to 10 months.
79 to 84 months	Up to 11 months.
85 to 90 months	Up to 12 months.
91 plus months	Up to 13 months. ¹

¹ Plus up to 1 additional month for each 6 months or fraction thereof, by which the original date exceeds 96 months.

2. Section 2.14 is amended by revising paragraph (a)(2)(ii) and by adding paragraph (b)(2)(iv) as follows:

The following conforming amendments are necessary:

§ 2.14 Subsequent proceedings.

- (a) * * *
- (2) * * *
- (ii) Advance a presumptive release date, or the date of a ten-year reconsideration hearing. However, it shall be the policy of the Commission that once set, a presumptive release date or the date of a ten-year reconsideration hearing shall be advanced only (1) for superior program achievement under the provisions of § 2.60; or (2) for other clearly exceptional circumstances.

- * * * * *
- (b) * * *
- (2) * * *

(iv) Advance the parole date for superior program achievement under the provisions of § 2.60.

[FR Doc. 79-29443 Filed 9-21-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 77-087]

New York Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Deferral of effective date.

SUMMARY: This amendment defers the effective date of the New York Vessel Traffic Service rules for an indefinite period. The rules were to have become effective September 18, 1979. Delays in the installation of certain equipment related to VTS operations necessitate this action. Since a specific date on which the equipment will be functional is not known at this time, a new effective date will be published in a future edition of the *Federal Register*.

EFFECTIVE DATE: This deferral is effective September 17, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Schwer, Office of Marine Environment and Systems (G-WLE/TP16), Room 1606, Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20590, 202-426-4958.

Discussion and Background

On August 2, 1979, the Coast Guard published a rule in the *Federal Register* (44 FR 45381) establishing the operating procedures for the New York Vessel Traffic Service (VTS). The September 18, 1979, effective date of the rule was based upon the Vessel Traffic Center being fully operational on September 3, 1979. However, certain equipment related to VTS operations will not be functional by September 18, 1979.

Specifically, certain communication, closed circuit television, and computerized vessel information systems will not be operational due to delays in installation and construction.

It is estimated these systems will be completed in three or four months. However, given the tentative nature of the estimate and to avoid the necessity of a further deferral a new effective date will be published in the *Federal Register* when a firm completion date is known.

Accordingly, the effective date of §§ 161.501-161.582 of Title 33, Code of Federal Regulations is deferred until further notice.

((33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4))

Dated: September 17, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-29594 Filed 9-21-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1325-2]

Texas; Approval and Promulgation of Implementation Plans

AGENCY: T1 ENVIRONMENTAL PROTECTION AGENCY (EPA).

ACTION: Final rulemaking.

SUMMARY: This rule approves the State submitted revision to the Texas State Implementation Plan (SIP) which was submitted for the purpose of allowing the construction of an ethylene production plant and barge dock by the Corpus Christi Petrochemical Company (CCPC) in Corpus Christi, Texas under the Interpretative Ruling (emission offset policy). Texas Air Control Board (TACB) Order No. 78-6 was adopted for emission reductions from specific existing sources to offset new emissions from the CCPC project.

EFFECTIVE DATE: Effective on September 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: The TACB required that the CCPC sources be controlled to the lowest achievable emission rate as evidenced in Permits C-4682A and C-5633. Using this technology, the proposed CCPC project would emit an estimated 188.7 tons per year of hydrocarbons. Offsetting hydrocarbon emissions totalling an estimated 246.6 tons per year were offered and agreed to by Champlin Petroleum Company from its petroleum refinery located in Corpus Christi, Texas.

These hydrocarbon emission reductions were adopted by the Board as Board Order No. 78-6 on June 28, 1978, so as to satisfy the EPA's requirements under the Interpretative Ruling published December 21, 1976, at 41 FR 55524 and as amended by the Clean Air Act Amendments of August 7, 1977. The Board Order requires the removal from service of a 12,000 barrel

per day (BPD) vacuum distillation unit, and the dedication of gasoline storage tank 91-TK-3 to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. Board Order No. 78-6 was submitted by the Governor of Texas to the EPA on July 24, 1978 for incorporation into the Texas SIP. The State met all requirements of 40 CFR 51.4 and 51.6 for notice and public hearings on State Implementation Plan revisions.

The EPA published notice of proposed approval of the State submitted revision to the Texas SIP in the *Federal Register* on May 23, 1979, at 44 FR 29932. Comments were requested by June 22, 1979. No comments were received.

Current Action

The EPA is approving a revision to the Texas State Implementation Plan which consists of Board Order No. 78-6 under which the Champlin Petroleum Company is required to reduce its hydrocarbon emissions. The source providing offsets does not require control under the currently approved SIP and the emission reductions are creditable as hydrocarbon offsets under the EPA's Interpretative Ruling for the CCPC project in Corpus Christi, Texas. The revisions are being promulgated as proposed.

This final rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: September 18, 1979.

Douglas M. Costle,
Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding paragraph (16) as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(16) Board Order No. 78-6, creditable as emission offsets for the Corpus Christi Petrochemical Company project in Corpus Christi, was submitted by the Governor on July 24, 1978, as amendments to the Texas State Implementation Plan (see § 52.2275).

2. Section 52.2275 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 52.2275 Control Strategy:
Photochemical oxidants (hydrocarbons).

(d) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (e) of this section shall be implemented in accordance with the schedule set forth below.

(e)(1) Removal from service of a 12,000 BPD vacuum distillation unit at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 139 tons per year.

(2) Dedication of gasoline storage tank 91-TK-3 located at the Corpus Christi refinery of the Champlin Petroleum Company, Corpus Christi, Texas to the exclusive storage of No. 2 Fuel Oil or any fluid with a vapor pressure equivalent to, or less than that of No. 2 Fuel Oil, with a final compliance date no later than October 1, 1979. This shall result in an estimated hydrocarbon emission reduction of at least 107.6 tons per year.

[FR Doc. 79-29592 Filed 9-21-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Part 3-26

Procurement Contract Modifications

AGENCY: Department of Health,
Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending the Departmental procurement regulations by deleting Subpart 3-26.4, Novation and Change of Name Agreements, and by reserving Part 3-26, Contract Modifications.

This material is being deleted because it is outdated.

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: H. G. Hubachek, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement,

OASMB-OS, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201 (202-245-6347).

SUPPLEMENTARY INFORMATION: It is the general policy of the Department to allow time for interested parties to participate in the rule making process. However, since the amendment concerns deletion of internal administrative procedures, the public rule making process was deemed unnecessary in this instance.

The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: September 13, 1979.

E. T. Rhodes,
Deputy Assistant Secretary for Grants and Procurement.

PART 3-26—CONTRACT
MODIFICATIONS [Reserved.]

Under Part 3-26, Contract Modifications, Subpart 3-26.4, Novation and Change of Name Agreements, and, specifically, § 3-26.404, Processing Novation and Change of Name Agreements; are deleted in their entirety. In addition, Part 3-26 is reserved.

[FR Doc. 79-29463 Filed 9-21-79; 8:45 am]
BILLING CODE 4110-12-M

FEDERAL EMERGENCY
MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5698]

List of Communities Eligible for the
Sale of Insurance Under the National
Flood Insurance Program

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes

the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Riverside	Coachella, city of	060249	Sept. 11, 1979, emergency.	May 17, 1974.
South Dakota	Douglas	Armour, city of	460234-B	do	Aug. 6, 1976 and Mar. 13, 1979.
Texas	Somervell	Unincorporated areas	481186	do	
New York	Chemung	Baldwin, town of	361054-A	Sept. 13, 1979, emergency.	May 31, 1979.
Do	do	Erin, town of	361374	do	Jan. 10, 1975.
North Dakota	Traill	Elm River, township of	380626—New	do	
California	Riverside	Indio, city of	060255-A	do	May 31, 1974 and Aug. 8, 1975
Kansas	Johnson	Unincorporated areas	200159-A	Sept. 17, 1979, emergency.	Sept. 6, 1977
South Carolina	Sumter	do	450182	do	May 19, 1978.

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

Issued: September 14, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-29334 Filed 9-21-79; 8:45 am]

BILLING CODE 4210-23-M

44 CFR Part 64

[Docket No. FEMA 5697]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the

sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Alabama	Limestone	Athens, city of	010146-B	Apr. 11, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 Aug. 20, 1976	Sept. 26, 1979
Do	Marion	Guin, town of	010182-B	Jan. 17, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 14, 1974 Jan. 2, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Alaska		Anchorage, municipality	020005-A	June 12, 1970, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 28, 1979	Do.
Arkansas	Chicot	Dermott, city of	050026-B	Dec. 31, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Oct. 24, 1975	Do.
Arizona	Gila	Winkelman, town of	040031-B	July 15, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Dec. 26, 1975	Do.
California	Napa	Calistoga, city of	060206-B	June 18, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 10, 1974 Sept. 12, 1975	Do.
Do	Riverside	Indian Wells, city of	060254-C	Apr. 3, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Dec. 5, 1975	Do.
Do	Orange	Laguna Beach, city of	060223-B	Apr. 22, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 July 9, 1976	Do.
Do	Stanislaus	Oakdale, city of	060389-B	Apr. 1, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 7, 1974 Dec. 12, 1975	Do.
Do	Orange	Unincorporated areas	060212-A	Apr. 30, 1971, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 10, 1975	Do.
Do	Riverside	Rancho Mirage, city of	060259-A	June 26, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 26, 1975	Do.
Do	Orange	Santa Ana, city of	060232-B	Jan. 30, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Apr. 9, 1976	Do.
Colorado	Boulder	Superior, town of	080203-A	July 15, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 4, 1976	Do.
Florida	Brevard	Malabar, town of	120024-B	Aug. 28, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 1, 1974 Dec. 19, 1975	Do.
Do	Seminole	Oviedo, city of	120293-B	Apr. 23, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Feb. 13, 1976	Do.
Georgia	Catoosa	Unincorporated areas	130028-B	Dec. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 11, 1978	Do.
Do	Fulton	Fairburn, city of	130314-A	Aug. 21, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 19, 1977	Do.
Do	Walker	Rossville, city of	130183-B	Dec. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 July 23, 1976	Do.
Do	Dade	Trenton, city of	130063-B	Jan. 21, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 July 23, 1976	Do.
Do	Chattooga	Trion, town of	130038-B	Jan. 23, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 3, 1974 Mar. 26, 1976	Do.
Do	Fulton	Union City, city of	130316-A	July 29, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 4, 1975	Do.
Do	Walker	Unincorporated areas	130180-A	Jan. 23, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 3, 1978	Do.
Illinois	Cook	Buffalo Grove, village of	170068-B	Nov. 17, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 11, 1975	Do.
Indiana	Lake	Lake Station, city of	180131-B	Mar. 27, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 July 2, 1976	Do.
Do	Morgan	Mooresville, town of	180334-B	June 4, 1975, emergency, Sept. 5, 1979, regular, Sept. 5, 1979, suspended.	Feb. 1, 1974	Do.
Kansas	Lyons	Empona, city of	200203-B	June 10, 1975, emergency, Oct. 2, 1979, regular, Sept. 28, 1979, suspended.	May 10, 1977	Do.
Kentucky	Fayette	Lexington, city of	210067-B	Aug. 17, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 15, 1974 Mar. 26, 1976	Do.
Do	Kenton	Ludlow, city of	210266-B	Oct. 29, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 Feb. 27, 1976	Do.
Maine	Androscoggin	Lewiston, city of	230004-B	Mar. 21, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 5, 1974 Apr. 1, 1977	Do.
Do	Kennebec	Randolph, town of	230244-A	Aug. 5, 1975, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Jan. 24, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date
Maryland	Allegany	Barton, town of	240002-A	June 13, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 13, 1976	Do.
Massachusetts	Bristol	North Attleborough, town of	250059-B	Feb. 10, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 Aug. 27, 1976	Do.
Do	Norfolk	Wellesley, town of	250255-B	Dec. 22, 1972, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Feb. 11, 1977	Do.
Do	Franklin	Whately, town of	250132-C	July 24, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Sept. 6, 1974 Oct. 22, 1976 June 14, 1977	Do.
Minnesota	Cottonwood	Windom, city of	270090-B	Feb. 19, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Nov. 9, 1973 May 28, 1976	Do.
Mississippi	Marion	Columbia, city of	280111-B	Feb. 6, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 31, 1974 Jan. 16, 1976	Do.
Do	Panola	Crenshaw, town of	280127-A	Mar. 17, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 7, 1974	Do.
Do	Coahoma	Jonestown, town of	280041-A	July 28, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 3, 1976	Do.
Do	Marion	Unincorporated areas	280230-A	Mar. 18, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Dec. 23, 1977	Do.
Do	Madison	Ridgeland, city of	280110-B	Dec. 27, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Sept. 26, 1975	Do.
Do	Yazoo	Unincorporated areas	280199-B	May 14, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 13, 1974 Mar. 3, 1978	Do.
Missouri	Cass	Belton, city of	290062-B	Sept. 3, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	May 24, 1974 Feb. 27, 1976	Do.
Do	Pemiscot	Steele, city of	290279-B	Mar. 13, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Mar. 29, 1974 Jan. 2, 1976	Do.
New Hampshire	Hillsborough	Amherst, town of	330081-B	May 28, 1974, emergency, July 2, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Dec. 24, 1976	Do.
Do	Merrimack	Boscawen, town of	330105-B	Oct. 14, 1976, emergency, July 16, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 Dec. 24, 1976	Do.
Do	do	Franklin, city of	330113-B	July 21, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 8, 1974 Aug. 20, 1976	Do.
New Jersey	Essex	Belleville, town of	340177-B	June 28, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974	Do.
Do	Burlington	Delanco, township of	340093-B	June 27, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 June 11, 1976	Do.
Do	do	Eastampton, township of	340095-B	Mar. 24, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Oct. 5, 1973 Feb. 7, 1975	Do.
Do	Morris	Florham Park, borough of	340342-B	July 21, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 June 4, 1976	Do.
Do	Camden	Gloucester, city of	340132-B	Dec. 19, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 June 4, 1976	Do.
Do	Passaic	Passaic, city of	340403-B	Apr. 9, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 31, 1970	Do.
Do	Ocean	Stafford, township of	340393-A	Sept. 15, 1972, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Sept. 2, 1970	Do.
New York	Dutchess	La Grange, town of	361011-B	Feb. 26, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Nov. 1, 1974 Apr. 16, 1976	Do.
Do	Westchester	Rye, town of	360930-B	July 26, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Dec. 28, 1973 Dec. 26, 1975	Do.
North Carolina	Watauga	Boone, town of	370253-B	Aug. 22, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 21, 1974 Feb. 21, 1975	Do.
Do	Gaston	Mount Holly, city of	370102-B	Jan. 15, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 June 25, 1976	Do.
Do	Carteret	Pine Knoll Shores, town of	370267-A	Oct. 25, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	July 11, 1975	Do.
Do	Iredell	Statesville, city of	370135-A	Feb. 12, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 1, 1975	Do.
Do	Davidson	Thomasville, city of	370082-B	Dec. 3, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 July 2, 1976	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
North Dakota	Ward	Sawyer, city of	380145-A	Sept. 25, 1978, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 31, 1975	Do.
Ohio	Cuyahoga	North Olmstead, city of	390120-A	Dec. 2, 1974, emergency, Sept. 5, 1979, regular, Sept. 28, 1979, suspended.	Apr. 5, 1974	Do.
Oklahoma	Tulsa and Wagoner	Bixby, town of	400207-B	Mar. 6, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 19, 1977	Do.
Do	Muskogee	Boynton, town of	400120-A	June 24, 1976, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 23, 1976	Do.
Do	Canadian	Yukon, city of	400028-B	Mar. 14, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 24, 1974 June 18, 1976	Do.
Pennsylvania	Beaver	Baden, borough of	420103-B	Jan. 14, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1979 May 28, 1976	Do.
Do	Columbia	Catawissa, borough of	420341-B	June 21, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Oct. 12, 1973 Jan. 23, 1976	Do.
Do	do	Catawissa, township of	420342-B	Aug. 20, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 June 24, 1977	Do.
Do	Lycoming	Clinton, township of	420637-B	Apr. 10, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Sept. 14, 1973 Dec. 31, 1976	Do.
Do	Lackawanna	Dunmore, borough of	420529-B	Mar. 19, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 May 7, 1976	Do.
Do	Allegheny	Duquesne, city of	420028-B	Aug. 14, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Apr. 12, 1974 Apr. 16, 1976	Do.
Do	Lancaster	East Hempfield, township of	420548-B	June 6, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	July 19, 1974 May 7, 1976	Do.
Do	do	Lancaster, city of	420552-A	May 12, 1972, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 31, 1973 Nov. 25, 1977	Do.
Do	Northampton	Lower Saucon, township of	420982-B	Jan. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 Sept. 10, 1976	Do.
Do	Lebanon	North Londonderry, township of	420577-B	Aug. 29, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 23, 1974 Jan. 28, 1977	Do.
Do	Lackawanna	Olyphant, borough of	420536-B	Apr. 17, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, emergency.	Sept. 7, 1973 Jan. 21, 1977	Do.
Do	Allegheny	Port Vue, borough of	420066-B	Apr. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 19, 1974 May 21, 1976	Do.
Do	Lebanon	North Annville, township of	420970-B	Oct. 19, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 Nov. 19, 1976	Do.
Do	Lackawanna	Roaring Brook, township of	420999-B	Jan. 30, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	June 28, 1974 July 30, 1976	Do.
Do	Allegheny	Sewickley, borough of	420070-B	Nov. 22, 1974, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 9, 1974 May 28, 1975	Do.
Do	Lackawanna	Throop, borough of	420540-B	Apr. 5, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 31, 1974 Apr. 30, 1976	Do.
Do	Allegheny and Westmoreland	Trafford, borough of	420903-B	May 30, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 30, 1974 Dec. 19, 1975	Do.
Do	Union	White Deer, township of	421034-B	Oct. 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Oct. 18, 1974 June 4, 1976	Do.
Do	Allegheny	White Oak, borough of	420089-B	Jan. 30, 1975, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 16, 1974 Sept. 10, 1976	Do.
Do	Northampton	Williams, township of	421036-B	Dec. 17, 1973, emergency, Sept. 14, 1979, regular, Sept. 28, 1979, suspended.	Jan. 16, 1974 Sept. 10, 1976	Do.
Do	Lycoming	Woodward, township of	420684-A	June 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 15, 1974 July 1, 1977	Do.
South Carolina	Horry	Conway, town of	450106-B	Nov. 7, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 17, 1974 Apr. 30, 1976	Do.
Do	Greenville	Greer, city of	450200-B	Mar. 27, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 17, 1974 Aug. 8, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Do	Lexington	South Congaree, town of	450137-B	July 25, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	May 17, 1974 June 11, 1976	Do.
Texas	Jackson	Ganado, city of	480381-B	Apr. 22, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Apr. 12, 1974 Feb. 20, 1976	Do.
Do	Kimble	Junction, city of	480421-B	Feb. 27, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Mar. 22, 1974 Aug. 27, 1976	Do.
Utah	Utah	Lehi, city of	490209-A	Oct. 18, 1974, emergency, Sept. 14, 1979, regular, Sept. 14, 1979, suspended.	Feb. 7, 1975	Do.
Vermont	Windsor	Windsor, town of	500159-B	Aug. 16, 1974, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Aug. 16, 1974 Nov. 21, 1975	Do.
West Virginia	Brooke and Hancock	Weirton, city of	540014-C	Mar. 20, 1975, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Feb. 1, 1974 Sept. 12, 1975	Do.
Wisconsin	Crawford	Unincorporated areas	555551-B	Mar. 19, 1971, emergency, Apr. 20, 1973, regular, Sept. 28, 1979, suspended.	Apr. 20, 1973	Do.
Mississippi	Sunflower	Unincorporated areas	280195-A	May 4, 1973, emergency, Sept. 28, 1979, regular, Sept. 28, 1979, suspended.	Nov. 11, 1977	Do.

¹ Date certain Federal assistance no longer available in special flood hazard area.

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

Issued: September 14, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-29313 Filed 9-21-79; 8:45 am]
BILLING CODE 4210-23-M

44 CFR Part 65

[Docket No. FEMA 5696]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The

maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§ 65.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
New York	Washington	Town of Kingsbury	September 7, 1979.
New York	Wayne	Town of Lyons	September 7, 1979.
Louisiana	Avoyelles Parish	Village of Plaucheville	September 11, 1979.
New York	Genesee	Town of Le Roy	September 14, 1979.
New York	Orleans	Town of Ridgeway	September 14, 1979.
New York	Columbia	Town of Stuyvesant	September 14, 1979.
Louisiana	Webster Parish	Village of Doynline	September 18, 1979.
Texas	Sabine	City of Hemphill	September 18, 1979.
Washington	Spokane	Town of Spangle	September 18, 1979.
Louisiana	Madison Parish	Village of Delta	September 25, 1979.
Missouri	Mississippi	City of East Prairie	September 25, 1979.
Utah	Garfield	Town of Henrieville	September 25, 1979.
Illinois	Christian	Village of Stonington	September 28, 1979.
Indiana	Warrick	Town of Chandler	September 28, 1979.
Michigan	Ingham	Township of Alaiadon	September 28, 1979.
Michigan	Kalamazoo	Township of Cooper	September 28, 1979.
Michigan	Calhoun	Township of Homer	September 28, 1979.
Michigan	Eaton	City of Potterville	September 28, 1979.
Michigan	Calhoun	City of Springfield	September 28, 1979.
New York	Chemung	Town of Van Etten	September 28, 1979.
Ohio	Richland	Village of Lexington	September 28, 1979.
Pennsylvania	Greene	Borough of Carmichaels	September 28, 1979.
Pennsylvania	York	Borough of Dillsburg	September 28, 1979.
Pennsylvania	Erie	Town of Elgin	September 28, 1979.