2. By redesignating paragraph (c) of § 11.81 as paragraph (d), and adding new paragraph (c) to read as follows:

* * * * *

(c) The authority for issuing Airworthiness Directives is limited to the following persons:

(1) The Director of Airworthiness; and

(2) Regional Directors, for products under the authority of those regions, as determined by the Administrator.

(Sec. 313(a), 314(a), 601 through 610, 1102, the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation that is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since this document imposes no additional burden on any person, the Federal Aviation Administration has determined that the economic impact is so minimal that no economic evaluation is required.

Issued in Washington, D.C., on December 2, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-37962 Filed 12-5-80; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Regulation OR-175 Organization Regulations, Amendment No. 106 to Part 385]

Delegation to the Director, Bureau of Domestic Aviation

Correction

In FR Doc. 80-37492, published at page 79752 in the issue of Tuesday, December 2, 1980, the agency regulation number in the heading should read as set forth above.

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1000

Commission Organization and Functions

AGENCY: Consumer Product Safety Commission.

ACTION: Revision to rule.

SUMMARY: The Commission is publishing a revised list of its Regional and District Offices to reflect organizational changes and address changes made since December 31, 1979. The previous field organization consisted of thirteen Area Offices. The present organization consists of ten Regional Offices and three District Offices, each of which reports to a Regional Office.

DATES: This Subsection is effective December 8, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone 202-634-7770.

SUPPLEMENTARY INFORMATION: Section 1000.4(d), as last published December 31, 1979, 44 FR 77150, listed the Commission's 13 Area Offices, their addresses, and the states they served, as of that time. Since that time ten of the Area Offices have been redesignated as Regional Offices, and the other three have been redesignated as District Offices and report to particular Regional Offices. In addition several of the offices have new addresses. This notice amends § 1000.4(d) to state the Commission's field organization as it presently exists. Since this section deals only with internal agency organization, it is being made effective immediately and comments are not being solicited.

Accordingly 16 CFR Part 1000 is amended by revising § 1000.4(d) to read as follows:

§ 1000.4 Commission addresses.

* * * * *

(d) The Commission has 10 Regional Offices which are located at the following addresses and which serve the states indicated, and 3 District Offices which report to the Regional Offices below which they are listed:

(1) Atlanta Regional Office, 1330 West Peachtree St., NW, Atlanta, Ga. 30309; Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

(2) Boston Regional Office, 100 Summer St., Room 1607, Boston, Mass. 02110; Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont.

(3) Chicago Regional Office, 230 South Dearborn St., Room 2945, Chicago, Ill. 60604; Illinois, Indiana, Minnesota, and Wisconsin.

(i) Twin Cities District Office, Metro Square, Suite 580, 7th and Robert, Saint Paul, Minn. 55101.

(4) Cleveland Reigonal Office, Plaza Nine Building, Room 520, 55 Erieview Plaza, Cleveland, Ohio 44114; Michigan and Ohio.

(5) Dallas Regional Office, 1100 Commerce Street, Room 1C 10, Dallas, Texas 75242; Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

(6) Kansas City Regional Office, Midland Building, Suite 1000, 1221 Baltimore Avenue, Kansas City, Mo. 64105; Iowa, Kansas, Missouri, Nebraska, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

(i) Denver District Office, Guaranty Bank Building, Suite 938, 817 17th St., Denver, Colo. 80202.

(7) Los Angeles Regional Office, 3660 Wilshire Blvd., Suite 1100, Los Angeles, Calif. 90010; Arizona and the following Counties in California: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

(8) New York Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, N.Y. 10048; New Jersey, New York, Puerto Rico, and Virgin Islands.

(9) Philadelphia Regional Office, 400 Market Street, 10th Floor, Philadelphia, Pa. 19106; Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

(10) San Francisco Regional Office, U.S. Customs House, 555 Battery Street, Room 416, San Francisco, Calif. 94111; Hawaii, Nevada, all Counties in California not covered by the Los Angeles Regional Office, Alaska, Idaho, Oregon, and Washington.

(i) Seattle District Office, 3240 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

Dated: December 1, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-37971 Filed 12-5-80; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM80-45]

Recodification of Rules Reflecting the Establishment of the FERC and Certain Rules Concerning its Operation; Correction

December 2, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Erratum notice.

SUMMARY: The FERC is correcting its Rules of Practice and Procedure by reinserting the definitions of "person" and "participant" in § 1.1(f), which were

incorrectly deleted in a previous revision.

FOR FURTHER INFORMATION CONTACT: Stephen Jones, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8113, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-9335.

SUPPLEMENTARY INFORMATION: On March 28, 1980, the Federal Energy Regulatory Commission amended (45 FR 21216, April 1, 1980) its Rules of Practice and Procedure (18 CFR Parts 0, 1, 2, 3, 157, 284, 375, 376). In that amendment the definition of "person" and "participant" were incorrectly deleted from § 1.1(f). Accordingly, paragraph (f) of § 1.1 is corrected to read as follows:

§ 1.1 [Corrected]

* * * * *

(f) *Definitions.* The following definitions apply to all provisions of this Part 1 (other than Subpart A) except as otherwise required by the context of a term.

(1) "Person" means and shall include individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups of persons, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of a State, States of the Union, including the District of Columbia or any territory of the United States, or any agency, authority or instrumentality of the United States, or of any one or more of the foregoing, or any corporation which is wholly owned directly or indirectly, by the United States, or by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

(2) "Participant" means and shall include any party, any person admitted by the Commission to limited participation in a proceeding, and staff counsel.

* * * * *

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37976 Filed 12-5-80; 8:45 am]

BILLING CODE 6450-01-M

---

18 CFR Part 282

[Order No. 113; Docket No. RM80-46]

Rule Adopting Revised Alternative Fuel Price Ceilings for the Month of April 1980; Final Rule

December 1, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) adopts as a final rule an interim rule issued on March 28, 1980 (45 FR 22891, April 4, 1980), revising the incremental pricing alternative fuel price ceilings for the month of April 1980. The final rule amends § 282.204(a) of the Commission's regulations to provide that alternative fuel price ceilings for the month of April 1980 are the ceilings set forth in § 282.204(a), rather than the ceilings published on March 20, 1980, by the Energy Information Administration (EIA) of the Department of Energy. The ceilings published on March 20, 1980, by the EIA did not accurately reflect actual fuel oil prices. The revised ceilings as set forth in the final rule correct the inaccuracy.

DATE: Final rule effective December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Ronald Leach, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 4308A, Washington, D.C. 20426 (202) 357-8133

Barbara Christin, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8602A, Washington, D.C. 20426 (202) 357-5555

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting, as a final rule, an interim rule that amended its incremental pricing regulations (18 CFR Part 282) under the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). The interim rule (Docket No. RM 80-46, issued March 28, 1980, 45 FR 22891, April 4, 1980) amended § 282.204(a) to provide that alternative fuel price ceilings for the month of April 1980 are the ceilings set forth in § 282.404(a), rather than the ceilings published on March 20, 1980, by the Energy Information Administration (EIA) of the Department of Energy. The ceilings published on March 20, 1980, by the EIA did not accurately reflect actual fuel oil prices. The interim amendment corrected the inaccuracy.

II. Background

Title II of the NGPA requires the Commission to prescribe and make effective a program of incremental pricing of natural gas used as industrial boiler fuel. Section 204(e) of the NGPA directs the Commission to establish ceilings on prices charged to incrementally priced users, based on the cost of alternative fuel oils in each region designated by the Commission.

Under the Commission's incremental pricing regulations, ceiling prices for each month are based on the observed price of high-sulfur No. 6 fuel oil in each of the 48 contiguous states. These ceiling prices are published in the **Federal Register** on, or before, the twentieth day of the month preceding their effective date. The collection of data, the calculation of the price ceilings, and the publication of these ceilings is performed by the EIA, in accordance with its statutory responsibilities. (Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Department of Energy Delegation Order No. 0204-3, October 1, 1977).

Pursuant to § 282.404(a) of the Commission's regulations, on March 20, 1980, the EIA published the alternative fuel price ceilings for the month of April (45 FR 18109). Those April prices represented a significant increase over the March prices. Shortly after the ceiling prices were published, the EIA, several pipelines, and other persons notified the Commission that, in some states, the No. 6 fuel oil prices observed for April were significantly lower than the published alternative fuel price ceilings.

The Commission recognized that the normal disparity in some states or regions between the alternative fuel prices published by the EIA and the observed prices had been aggravated by the application of a computational method employed by the EIA that was designed to minimize month-to-month variations in the published alternative fuel price ceilings. Therefore, the Commission requested the EIA to recalculate the alternative fuel price ceilings for the month of April 1980, using a method more responsive to variations in current prices. The recalculated ceilings were significantly lower in a number of states than the previously published April price ceilings.

Accordingly, the Commission issued an interim rule on March 28, 1980, which revised the alternative fuel price ceilings for April 1980, thereby superseding the ceilings published by the EIA on March 20, 1980. In the interim rule, the Commission, in accordance with 5 U.S.C. 553(b) found good cause to waive the normal notice and comment procedures and the rule took effect immediately. On April 14, 1980, a public hearing was held in Washington, D.C. for the presentation of oral comments on the interim rule. Written comments on the interim rule were filed by, among others, pipelines, local distribution companies, and end-users of natural gas.

In addition, a timely petition for rehearing of the interim rule was filed by the Public Service Company of North Carolina, Inc. and North Carolina Natural Gas Corporation (Petitioners).[1] On May 5, 1980, the Commission issued an Order Granting Rehearing Solely for Purposes of Further Consideration. In that order, the Commission announced that it would consider the arguments raised in the application for rehearing in the course of reviewing comments on the interim rule and issuing final regulations. The issue raised in the petition for rehearing is discussed below.

III. Application for Rehearing

In their joint Petition for Rehearing, Petitioners requested a downward adjustment of the $3.45 per MMBtu alternative fuel price ceiling set forth in the interim rule for the State of North Carolina, because the $3.45 ceiling reflected no adjustment from the figure published by the EIA on March 20, 1980.

The interim rule provided that a state's alternative fuel price ceiling for the month of April was to be the *lower* of: (1) The price ceiling published on March 20th by the EIA; or (2) the revised price ceiling calculated by the EIA. In the case of North Carolina, the recalculated price ceiling was $3.45, the same as the figure published on March 20th. Therefore, no adjustment was necessary, and the March 20th figure of $3.45 remained the alternative fuel price ceiling for North Carolina. Accordingly, the Commission denies Petitioners' request.

IV. Discussion of Comments

All of the commenters supported the Commission's prompt issuance of the revised alternative fuel price ceilings.

In addition, a number of commenters suggested that the Commission investigate the methodology used by the EIA to establish alternative fuel price ceilings, pointing to the continuing discrepancies between the price ceilings published by the EIA and the observed market prices. Several commenters also proposed that the Commission adopt a "failsafe mechanism" as an alternative to the present methodology used by the EIA in calculating and publishing alternative fuel price ceilings. The failsafe mechanism would allow a non-exempt user to pay a lower incremental pricing surcharge than that based upon the EIA published price, if the user could certify that a lower price is available to that user.

On November 4, 1980, the Commission issued a Notice of Inquiry in Docket No. RM79-21 (45 FR 74505, November 10, 1980) requesting comments on, among other things, proposed revisions to the methodology used by EIA for the calculation of the alternative fuel price ceilings. The written comments and the testimony given at the public hearing in the instant docket concerning the EIA's methodology and the proposed failsafe mechanism will be incorporated into Docket No. RM79-21 and will be considered in the context of that docket.

[1] The joint application was in the form of an Application for Rehearing, Petition for Immediate Relief, and Comments.

V. Effective Date

This rule is effective as a final rule on December 31, 1980.

The Commission orders:

For the reasons set forth above the Commission orders:

(A) The petition for rehearing of the interim rule is denied; and

(B) Section 282.404(a) of Subpart I of Part 282, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below, effective December 31, 1980.

(Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, (15 U.S.C. 3301 *et seq.*))

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 282.404 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) *General rule.* * * * Such ceilings shall be effective for purposes of this part for the month following the month of publication: *Provided,* That, for the month of April 1980, the following ceilings shall be effective and shall supersede those ceilings published on March 20, 1980:

State	Dollars per million Btu's
Alabama	2.68
Arizona	2.69
Arkansas	2.47
California	2.68
Colorado	2.26
Connecticut	3.13
Delaware	3.60
Florida	2.71
Georgia	3.08
Idaho	2.26
Illinois	2.88
Indiana	3.20
Iowa	2.73
Kansas	2.73
Kentucky	2.88
Louisiana	2.61
Maine	3.67
Maryland	3.40
Massachusetts	2.81
Michigan	3.23
Minnesota	3.15
Mississippi	2.20
Missouri	2.56
Montana	2.26
Nebraska	2.73
Nevada	2.69
New Hampshire	3.80
New Jersey	3.37
New Mexico	2.47
New York	3.20
North Carolina	3.45
North Dakota	2.73
Ohio	3.20
Oklahoma	2.58
Oregon	3.23
Pennsylvania	3.33
Rhode Island	3.13
South Carolina	3.30
South Dakota	2.73
Tennessee	3.10
Texas	2.86
Utah	2.26
Vermont	3.80
Virginia	3.18
Washington	2.79
West Virginia	3.10
Wisconsin	3.13
Wyoming	2.26

* * * * *

[FR Doc. 80-37961 Filed 12-5-80; 8:45 am]
BILLING CODE 6450-01-M

18 CFR Part 282

[Docket No. RM80-24; Order No. 85-B]

Incremental Pricing; Permanent Rule Defining Small Existing Industrial Boiler Fuel Users Exempt From Incremental Pricing Surcharges

Correction

In FR Doc. 80-21372 appearing at page 48111 in the issue for Friday, July 18, 1980, make the following correction:

On page 48114, in the first column, amendatory paragraph 4 should read: "Section 282.204 is amended by revising (d)(2)(i)(B), (d)(2)(ii)(B), and (d)(7) to read as follows:".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

INTERNATIONAL COMMUNICATION AGENCY

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 3

[Departmental Regulation 108.798]

Gifts and Decorations From Foreign Governments; Revised Regulations

AGENCY: Department of State, International Communication Agency, International Development Cooperation Agency, Agency for International Development.

ACTION: Final rule.

SUMMARY: This rule implements legislation which authorizes acceptance and retention of certain gifts and decorations from foreign governments by employees of the United States. This rule provides an internal regulation for employees of the foreign affairs agencies (State, United States International Communication Agency (USICA), United States International Development Cooperation Agency (IDCA), and Agency for International Development (AID)) and members of their families on how to carry out their responsibilities under the law.

EFFECTIVE DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Horace F. Shamwell, Jr., Deputy Assistant Legal Adviser for Management, Office of the Legal Adviser, Department of State, Washington, D.C. 20520, (202) 632-0768; C. N. Poirier, Deputy General Counsel, United States International Communication Agency, Washington, D.C. 20547, (202) 724-9168; Jan Miller, Attorney-Adviser, Office of General Counsel, Agency for International Development, Washington, D.C. 20523, (202) 632-8277.

SUPPLEMENTARY INFORMATION: In accordance with Article I, clause 8, section 9, of the Constitution, the Congress in Pub. L. 95-105, August 17, 1977 (91 Stat. 862), amending 5 U.S.C. 7342 (1976), has given its limited consent to the acceptance of gifts and decorations from foreign governments. This rule provides an internal regulation for employees of the foreign affairs agencies (State, United States International Communication Agency (USICA), United States International Development Cooperation Agency (IDCA), and Agency for International Development (AID)) and members of their families on how to carry out their responsibilities under the law. The regulation is a matter relating to agency personnel, to which 5 U.S.C. is inapplicable.

Of particular significance are the definition of "employee" (to include dependents of employees (§ 3.3a)) and "foreign government" (to include any foreign governmental authority down to the municipal level, as well as international and multinational organizations, the members of which are units of foreign government (§ 3.3b)).

Responsibility for administration of the Act and regulations is as follows: for State, the Chief of Protocol; for USICA, the Director of Personnel Services, and for IDCA and AID, the Director of Management Operations in AID.

Employees of the foreign affairs agencies subject to the regulations include those in the Foreign Service, Civil Service, Presidential appointees, those serving as experts or consultants and anyone else in an employment relationship. Cross-references to this regulation are 22 CFR Part 500 (USICA), Part 200 (AID) and Part 1200 (IDCA).

Accordingly, Part 3 of Chapter 1 of Title 22 CFR is hereby revised to read as set forth below:

PART 3—GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

Sec.

Authority: Section 515(a)(1), 91 Stat. 862, amending 5 U.S.C. 7342 (1976).

§ 3.1 Purpose.

These regulations provide basic standards for employees of the Department of State, the United States International Development Cooperation Agency (IDCA), the Agency for International Development (AID), and the International Communication Agency (USICA), their spouses (unless separated) and their dependents to accept and retain gifts and decorations from foreign governments.

§ 3.2 Authority.

(a) Section 515(a)(1) of the Foreign Relations Authorization Act of 1978 (91 Stat. 862-866), approved August 17, 1977, (hereafter referred to as "the Act") amended Section 7342 of Title 5, U.S. Code (1976), making substantial changes in the law relating to the acceptance and retention of gifts and decorations from foreign governments.

(b) 5 U.S.C. 7342(g) authorizes each employing agency to prescribe regulations as necessary to carry out the new law.

§ 3.3 Definitions.

When used in this part, the following terms have the meanings indicated:

(a) *"Employee"* means (1) an officer or employee of the Department, AID, IDCA, or USICA, including an expert or consultant, however appointed, and (2) a spouse (unless separated) or a dependent of such a person, as defined in section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152).

(b) *"Foreign government"* means: (1) any unit of foreign governmental authority, including any foreign national, State, local, or municipal government; (2) any international or multinational organization whose membership is composed of any unit of foreign government as described in subsection (b)(1) of this section; (3) any agent or representative of any such unit or organization, while acting as such;

(c) *"Gift"* means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

(d) *"Decoration"* means an order, device, medal, badge, insignia, emblem or award tendered by, or received from, a foreign government;

(e) *"Minimal value"* means retail value in the United States at the time of acceptance of $100 or less, except that on January 1, 1981, and at 3-year intervals thereafter, "minimal value" is to be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period.

§ 3.4 Restriction on acceptance of gifts and decorations.

(a) An employee is prohibited from requesting or otherwise encouraging the tender of a gift or decoration from a foreign government. An employee is also prohibited from accepting a gift or decoration from a foreign government, except in accordance with these regulations.

(b) An employee may accept and retain a gift of minimal value tendered and received as a souvenir or mark of courtesy, subject, however, to the following restrictions—

(1) Where more than one tangible item is included in a single presentation, the entire presentation shall be considered as one gift, and the aggregate value of all items taken together must not exceed "minimal value".

(2) the donee is responsible for determining that a gift is of minimal value in the United States at the time of

acceptance. However, should any dispute result from a difference of opinion concerning the value of a gift, the employing agency will secure the services of an outside appraiser to establish whether the gift is one of "minimal value". If, after an appraisal has been made, it is established that the value of the gift in question is $200 or more at retail in the United States, the donee will bear the costs of the appraisal. If, however, the appraised value is established to be less than $200, the employing agency will bear the costs.

(c) An employee may accept a gift of more than minimal value when (1) such gift is in the nature of an educational scholarship or medical treatment, or (2) it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States.

(d) An employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency. Except where the employing agency has specific interests which may be favorably affected by employee travel wholly outside the United States, even though it would not normally authorize its employees to engage in such travel, the standards normally applied to determine when proposed travel will be in the best interests of the employing agency and of the United States Government shall be applied in approving acceptance of travel or travel expenses offered by a foreign government.

(1) There are two circumstances under which employees may accept gifts of travel or expenses:

(i) When the employee is issued official travel orders placing him or her in the position of accepting travel or travel expenses offered by a foreign government which are directly related to the authorized purpose of the travel; or

(ii) When the employee's travel orders specifically anticipate the acceptance of additional travel and travel expenses incident to the authorized travel.

(2) When an employee is traveling under circumstances described in paragraph (d)(1)(i) of this section, that is, without specific instructions authorizing acceptance of additional travel expenses from a foreign government, the employee must file a report with the employing angency under the procedures prescribed in § 3.6.

(e) Since tangible gifts of more than minimal value may not lawfully become the personal property of the donee, all supervisory officials shall, in advising employees of their responsibilities under the regulations, impress upon them their obligation to decline acceptance of such gifts, whenever possible, at the time they are offered, or to return them if they have been sent or delivered without a prior offer. All practical measures, such as periodic briefings, shall be taken to minimize the number of gifts which employees must deposit and which thus become subject to disposal as provided by law and regulation. Employees should not accept gifts of more than minimal value on the assumption that refusal would be likely to "cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States". In many instances it should be possible, by explanation of the prohibition against an employee's retention of such gifts, to avoid consequences of acceptance, including possible return of the gift to the donor. Refusal of the gift at the inception should typically be regarded as in the interest both of the foreign government donor and the U.S. Government.

§ 3.5 Designation of officials and offices responsible for administration of foreign gifts and decorations.

(a) The Act effects a significant degree of decentralization of administration relative to the disposal of foreign gifts and decorations which become U.S. Government property. Each agency is now responsible for receiving from its employees deposits of foreign gifts of more than minimal value, as well as of foreign decorations not meeting the statutory criteria for retention by the recipient. The agency is also responsible for disposing of this property by return to the donor, for retaining it in the agency if official use of it is approved, for reporting to the the General Services Administration within 30 calendar days after deposit items neither disposed of nor retained, and for assuming custody, proper care and handling of such property pending removal from that custody pursuant to disposal arrangements by the General Services Administration. The Secretary of State, however, is made responsible for providing guidance to other executive agencies in the development of their own regulations to implement the Act, as well as for the annual publication of lists of all gifts of more than minimal value deposited by Federal employees during the preceding year. [See § 3.5(c).] Authority for the discharge of the Secretary's responsibilities is delegated by these regulations to the Chief of Protocol.

(b) The Office of the Chief of Protocol retains primary responsibility for administration of the Act within the Department of State. That Office will, however, serve as the depository only for those foreign gifts and decorations which are turned in by State Department employees. The Director of Personnel Services of the USICA will have responsibility for administration of the Act within that agency and will serve as the depository of foreign gifts and decorations. Employees of the other foreign affairs agencies must deposit with their respective agencies any gifts or decorations deposit of which is required by law.

(c) Any questions concerning the implementation of these regulations or interpretation of the law should be directed to the following:

(1) For the Department of State, to the Office of Protocol or to the Office of the Assistant Legal Adviser for Management, as appropriate;

(2) For IDCA, to the Office of the General Counsel;

(3) For AID, to the Assistant General Counsel for Employee and Public Affairs; and

(4) For USICA, to the General Counsel.

§ 3.6 Procedure to be followed by employees in depositing gifts of more than minimal value and reporting acceptance of travel or travel expenses.

(a) An employee who has accepted a tangible gift of more than minimal value shall, within 60 days after acceptance, relinquish it to the designated depository office for the employing agency for disposal or, with the approval of that office, deposit it for official use at a designated location in the employing agency or at a specified Foreign Service post. The designated depository offices are:

(1) For the Department of State, the Office of Protocol;

(2) For IDCA, the General Services Division of the Office of Management Planning in AID;

(3) For AID, the General Services Division of the Office of Management Planning; and

(4) For USICA, the Office of Personnel Services.

(b) At the time that an employee deposits gifts of more than minimal value for disposal or for official use pursuant to paragraph (a) of this section, or within 30 days after accepting a gift of travel or travel expenses as provided in § 3.4(d) (unless the gift of such travel or travel expenses has been accepted in accordance with specific instructions from the Department or agency), the employee shall file a statement with the designated depository office with the following information:

(1) For each tangible gift reported:

(i) The name and position of the employee;

(ii) A brief description of the gift and the circumstances justifying acceptance;

(iii) The identity of the foreign government and the name and position of the individual who presented the gift;

(iv) The date of acceptance of the gift;

(v) The donee's best estimate in specific dollar terms of the value of the gift in the United States at the time of acceptance; and

(vi) Disposition or current location of the gift. (For State Department employees, forms for this purpose are available in the Office of Protocol.)

(2) For each gift of travel or travel expenses:

(i) The name and position of the employee;

(ii) A brief description of the gift and the circumstances justifying acceptance; and

(iii) The identity of the foregign government and the name and position of the individual who presented the gift.

(c) The information contained in the statements called for in paragraph b of this section is needed to comply with the statutory requirement that, not later than Janaury 31 of each year, the Secretary of State publish in the **Federal Register** a comprehensive listing of all such statements filed by Federal employees concerning gifts of more than minimal value received by them during the preceding year.

§ 3.7 Decorations.

(a) Decorations tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance may be accepted, retained, and worn by an employee, subject to the approval of the emplying agency. Without such approval, the dcoration is deemed to have been accepted on behalf of the United States and, like tangible gifts of more than minimal value, must be deposited by the employee with the designated depository office for the employing agency within sixty days after acceptance, for retention for official use or for disposal in accordance with § 3.9.

(b) The decision as to whether a decoration has been awarded for outstanding or unusually meritorious performance will be made:

(1) For the Department of State, by the supervising Assistant Secretary of State or comparable official, except that, in the case of a decoration awarded to an Assistant Secretary or other officer of comparable or higher rank, the decision shall be made by the Office of Protocol;

(2) For IDCA, by the Assistant Director for Administration;

(3) For AID, by the Director of Personnel Management; and

(4) For USICA, by the Supervising Associate Director, the General Counsel, or the Director of the Office of Congressional and Public Liaison (for domestic employees), and by the Director of Area Offices (for overseas employees).

(c) To justify an affirmative decision, a statement from the foreign government, preferably in the form of a citation which shows the specific basis for the tender of the award, should be supplied. An employee who has received or been tendered a decoration should forward to the designated depository office of the employing agency a request for review of the case. This request should contain a statement of circumstances of the award and such documentation from the foreign government as has accompanied it. The depository office will obtain the decision of the cognizant office as to whether the award meets the statutory criteria and thus whether the decoration may be retained and worn. Pending receipt of that decision, the decoration should remain in the custody of the recipient.

§ 3.8 Approval of retention of gifts or decorations with employing agency for official use.

(a) At the request of an overseas post or an office within the employing agency, a gift or decoration deemed to have been accepted on behalf of the United States may be retained for official use. Such retention should be approved:

(1) For the Department of State, by the Chief of Protocol;

(2) For IDCA, by AID's Director of Management Operations;

(3) For AID, by the Director of Management Operations; and

(4) For USICA, by the Associate Director for Management.

However, to qualify for such approval, the gift or decoration should be an item which can be used in the normal conduct of agency business, such as a rug or a tea service, or an art object meriting display, such as a painting or sculpture. Personal gift items, such as wristwatches, jewelry, or wearing apparel, should not be regarded as suitable for "official use". Only under unusual circumstances will retention of a decoration for official use be authorized. Every effort should be made to place each "official use" item in a location that will afford the largest number of employees, and, if feasible, members of the public, the maximum opportunity to receive the benefit of its display, provided the security of the location is adequate.

(b) Items approved for official use must be accounted for and safeguarded as Federal property at all times under standard Federal property management procedures. Within 30 days after the official use of a gift has been terminated, the gift or decoration shall be deposited with the designated depository office of the employing agency to be held pending completion of disposal arrangements by the General Services Administration.

§ 3.9 Disposal of gifts and decorations which become the property of the United States.

(a) Gifts and decorations which have been reported to an employing agency shall either be returned to the donor or kept in safe storage pending receipt of instructions from the General Services Administration for transfer, donation or other disposal under the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and the Federal Property Management Regulations (41 CFR Part 101–49). The employing agency shall examine each gift or decoration and the circumstances surrounding its donation and assess whether any adverse effect upon the foreign relations of the United States might result from a return of the gift (or decoration) to the donor, which shall be the preferred means of disposal. If this is not deemed feasible, the employing agency is required by GSA regulations to report deposit of the gift or decoration within 30 calendar days, using Standard Form 120, Report of Excess Personal Property and, as necessary, Standard Form 120A, Continuation Sheet, and citing Section 7342 of Title 5, U.S. Code (1976), on the reporting document. Such reports shall be submitted to the General Services Administration, Washington National Capital Region (WDPO), Attention: Federal Property Resources Service, Seventh and D Streets, S.W., Washington, D.C. 20407.

(b) No gift or decoration deposited with the General Services Administration for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. When depositing gifts or decorations with the designated depository office of their employing agency, employees may indicate their interest in participating in any subsequent sale of the items by the Government. Before gifts and decorations may be considered for sale by the General Services Administration, however, they must first have been offered for transfer to Federal agencies and for donation to the States. Consequently, employees should understand that there is no assurance that an item will be offered for sale, or, if so offered, that it will be feasible for an employee to participate in the sale. Employees are reminded in this connection that the primary aim of the Act is to discourage employees' acceptance of gifts of more than minimal value.

§ 3.10 Enforcement.

(a) Each employing agency is responsible under the Act for reporting to the Attorney General cases in which there is reason to believe that one of its employees has violated the Act. The Attorney General in turn may file a civil action in any United States District Court against any Federal employee who has knowingly solicited or accepted a gift from a foreign government in violation of the Act, or who has failed to deposit or report such gift, as an Act required by the Act. In such case, the court may assess a maximum penality of the retail value of a gift improperly solicited or received, plus $5,000.

(b) Supervisory officials at all levels within employing agencies shall be responsible for providing periodic reorientation of all employees under their supervision on the basic features of the Act and these regulations, and for ensuring that those employees observe the requirements for timely reporting and deposit of any gifts of more than minimal value they may have accepted.

(c) Employees are advised of the following actions which may result from failure to comply with the requirements of the Act and these regulations:

(1) Any supervisor who has substantial reason to believe that an employee under his or her supervision has violated the reporting or other compliance provisions of the Act shall report the facts and circumstances in writing to the senior official in charge of administration within the cognizant bureau or office or at the post abroad. If that official upon investigation decides that an employee who is the donee of a gift or is the recipient of travel or travel expenses has, through actions within the employee's control, failed to comply with the procedures established by the Act and these regulations, the case shall be referred to the Attorney General for appropriate action.

(2) In cases of confirmed evidence of a violation, whether or not such violation results in the taking of action by the Attorney General, the senior administrative official referred to in § 3.10(c)(1) as responsible for forwarding a violation report to the Attorney General shall institute appropriate disciplinary action against an employee who has failed to (i) Deposit tangible gifts within 60 days after acceptance, (ii) account properly for the acceptance of travel expenses or (iii) comply with the Act's requirements respecting disposal of gifts and decorations retained for official use.

(3) In cases where there is confirmed evidence of a violation, but no evidence that the violation was willful on the part of the employee, the senior administrative official referred to in § 3.10(c)(1) shall institute appropriate disciplinary action of a lesser degree than that called for in § 3.10(c)(2) in order to deter future violations by the same or another employee.

§ 3.11 Responsibility of chief of mission to inform host government of restrictions on employees' receipt of gifts and decorations.

A special provision of the Act requires the President to direct every chief of a United States diplomatic mission to inform the host government that it is a general policy of the United States Government to prohibit its employees from receiving gifts of more than minimal value or decorations that have not been tendered "in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance." Accordingly, all Chiefs of Mission shall in January of each year conduct a thorough and explicit program of orientation aimed at appropriate officials of the host government concerning the operation of the Act.

§ 3.12 Exemption of grants and other foreign government assistance in cultural exchange programs from coverage of foreign gifts and decorations legislation.

The Act specifically excludes from its application grants and other forms of assistance "to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies". See 22 U.S.C. 2558 (a) and (b) for the terms and conditions under which Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such employee in a cultural exchange.

Ben Read,

Under Secretary of State for Management, Department of State.

Fred D. Hawkins,

Associate Director for Management, International Communication Agency.

D. G. MacDonald,

Assistant Administrator for Program and Management Services, Agency for International Development.

Mary Leyland,

Assistant Director for Administration, International Development Cooperation Agency.

[FR Doc. 80-38041 Filed 12-5-80; 8:45 am]
BILLING CODE 4710-20-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2602

Payment of Premiums; Multiemployer Pension Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment increases the premiums payable to the Pension Benefit Guaranty Corporation by plan administrators of multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, as amended. The amendment is necessary to implement changes in the premium rate made by the Multiemployer Pension Plan Amendments Act of 1980. Under the amended regulation, a premium of $1.40 per participant will be charged for plan years beginning after September 26, 1980. The regulation also imposes a revised premium rate for the plan year within which September 26, 1980 falls.

EFFECTIVE DATE: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Terrence M. Deneen, Office of the Executive Director, Policy and Planning, Suite 7100, 2020 K Street NW., Washington, D.C. 20006; 202-254-4895.

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208, (the "Multiemployer Act") became law on September 26, 1980. Section 105 of the Multiemployer Act amended section 4006 of the Employee Retirement Income Security Act of 1974 ("ERISA"), which authorizes the Pension Benefit Guaranty Corporation ("PBGC") to prescribe premium rates and coverage schedules for the application of those rates. The