

Act of 1976, and Title IV of the International Development Cooperation Act of 1979.

The Executive Order also stated: "Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified or terminated by appropriate authority."

Except for technical editorial changes, the regulations concerning employee responsibilities and standards of conduct are the same as those governing the employees of the Department of State, the Agency for International Development, and the International Communications Agency (22 CFR Part 10).

Dated: March 17, 1980.

Thomas Ehrlich,
Director.

1. Accordingly, there is hereby established a new chapter in Title 22 of the Code of Federal Regulations entitled:

CHAPTER XII—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

PART 1203—EMPLOYEE RESPONSIBILITIES AND CONDUCT

2. Pursuant to Executive Order 11222 of May 8, 1965, as amended, and 5 CFR 735.104, the United States International Development Cooperation Agency hereby establishes a new Part 1203, Employee Responsibilities and Conduct, in Chapter XII of 22 CFR.

In establishing Part 1203 of 22 CFR, Employee Responsibilities and Conduct, IDCA adopts the language of the regulations found in 22 CFR 10.735-101 through 10.735-411 as its rules for employee responsibilities and standards of conduct. The regulations in 22 CFR Part 10 remain in place. The regulations are adopted as Part 1203 of 22 CFR Chapter XII with the following amendments:

§ 1203.735-102 [Amended]

3. In § 1203.735-102, paragraph (a) is amended to read: "'Agency' means the United States International Development Cooperation Agency ('IDCA')."

§ 1203.735-103 [Amended]

4. In § 1203.735-103, paragraph (a) is amended by striking the third sentence,

and inserting in lieu thereof: "The Counselor for IDCA is the General Counsel".

§ 1203.735-202 [Amended]

5. In § 1203.735-202, paragraph (c) is amended by replacing "State and ICA" where those words appear with "IDCA".

§ 1203.735-204 [Amended]

6. In § 1203.735-204, paragraph (c) is amended by replacing "(3 FAM 628, for AID see Handbook 18)" with "(see AID Handbook 18)"; and paragraph (e) is amended by replacing the last sentence with "The appropriate officer for IDCA is the Assistant Director for Administration".

§ 1203.735-206 [Amended]

7. In § 1203.735-206, paragraphs (b) and (c) are deleted as inapplicable to IDCA.

§ 1203.735-211 [Amended]

8. In § 1203.735-211, paragraph (a) is amended by replacing "State, AID, or ICA" with "IDCA"; paragraph (e) is amended in subparagraph (1) by replacing in the last sentence "State, AID, and ICA" with "IDCA", and in subparagraph (2) by replacing the last sentence with "The appropriate officer for IDCA is the Assistant Director for Administration"; and paragraph (f) is amended by replacing "State, AID, or ICA" with "IDCA".

§ 1203.735-217 [Amended]

9. In § 1203.735-217, paragraph (a) is amended in the second sentence by inserting "the Director for IDCA", immediately after the colon and by deleting the rest of the sentence.

§ 1203.735-401 [Amended]

10. In § 1203.735-401, the first paragraph is amended by replacing "State, AID, and ICA" with "IDCA"; and paragraph (c)(4) is amended by deleting the lists of position titles for State, AID and ICA immediately after the colon, and by replacing the colon with a period.

§ 1203.735-405 [Amended]

11. In § 1203.735-405, paragraph (b) is amended by deleting, "Form OF-107 for State and ICA, Form AID 4-450 for AID" and inserting in lieu thereof "Form AID 4-450 for IDCA".

§ 1203.735-407 [Amended]

12. In § 1203.735-407, paragraph (b) is amended by striking the last sentence.

The complete text of the regulations as adopted above will appear in Chapter XII of Title 22 of the Code of Federal Regulations.

The table below reflects the section numbers in the newly adopted Part 1203, and the section numbers in Part 10 to which the new Part 1203 provisions correspond.

Part 10	Part 1203
10.735-101	1203.735-101
10.735-102	1203.735-102
10.735-103	1203.735-103
10.735-104	1203.735-104
10.735-105	1203.735-105
10.735-201	1203.735-201
10.735-202	1203.735-202
10.735-203	1203.735-203
10.735-204	1203.735-204
10.735-205	1203.735-205
10.735-206	1203.735-206
10.735-207	1203.735-207
10.735-208	1203.735-208
10.735-209	1203.735-209
10.735-210	1203.735-210
10.735-211	1203.735-211
10.735-212	1203.735-212
10.735-213	1203.735-213
10.735-214	1203.735-214
10.735-215	1203.735-215
10.735-216	1203.735-216
10.735-217	1203.735-217
10.735-301	1203.735-301
10.735-302	1203.735-302
10.735-303	1203.735-303
10.735-304	1203.735-304
10.735-305	1203.735-305
10.735-306	1203.735-306
10.735-401	1203.735-401
10.735-402	1203.735-402
10.735-403	1203.735-403
10.735-404	1203.735-404
10.735-405	1203.735-405
10.735-406	1203.735-406
10.735-407	1203.735-407
10.735-408	1203.735-408
10.735-409	1203.735-409
10.735-410	1203.735-410
10.735-411	1203.735-411

[FR Doc. 80-8779 Filed 3-21-80; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 880

[Docket Number R-80-663]

Section 8 Housing Assistance Payments Program for New Construction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Final rule.

SUMMARY: On October 15, 1979, a revision to the Section 8 new construction program regulation was published which amended Part 880 in its entirety. Subsequent to publication of the final rule, concern was expressed to the Department regarding an incongruity in the provisions of the regulation related to advanced marketing to lower-income families from impacted jurisdictions. A change is now being made to correct this. A change is also

being made to permit increases in the replacement cost limits in high cost areas from 50 percent to an amount not to exceed 75 percent to make the Section 8 program consistent with the HUD mortgage insurance programs in this respect. In addition, several miscellaneous corrections to the October 15, 1979 publication are being made.

EFFECTIVE DATE: April 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Jr., Office of Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, 202-755-5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: A proposed rule for the Section 8 new construction program to amend the program regulations in their entirety was published on June 12, 1979. This rule, among other things, proposed to prohibit residency preferences and required marketing to non-elderly families from impacted jurisdictions in advance of marketing to other prospective tenants in order to expand housing opportunities for lower-income families. These provisions in the proposed rule generated an exceptionally large volume of comments, including many lengthy and thoughtful comments on these specific issues. In light of the comments and concerns expressed by the Congress and others, the provision relative to the prohibition of residency preferences was changed substantially in the final rule published October 15, 1979. The advanced marketing requirement remained essentially the same.

After publication of the final rule, it became apparent that the change relative to residency preferences and its relation to the advanced marketing requirement created a certain incongruity in the potential operation of these two associated provisions.

On November 9, 1979 a Notice of Suspension of Enforcement was published with respect to the requirement for advanced marketing to lower-income families from impacted jurisdictions contained in § 880.601(a)(3) pending issuance of a clarification of the nature and extent of this requirement and its relation to other aspects of the new construction program. Upon further consideration of the concerns expressed over this issue and an examination of the practical mechanics of implementing this rule as originally written or with additional clarification, the Department has determined that a change to the rule offers the best solution and will render unnecessary a clarification as described

in the November 5 Notice of Suspension of Enforcement. The requirement for advanced marketing to families from impacted jurisdictions is, therefore, being deleted. However, the Department does not wish to indicate by this change that there is any lessening of our efforts to meet statutory objectives and requirements to provide increased housing opportunities for lower-income families, particularly minority families.

With respect to the change from 50 percent to 75 percent in the permitted increase in the limitation on replacement cost, Section 314 of the Housing and Community Development Amendments of 1979 amended the National Housing Act to raise the high cost area maximum mortgage amounts for HUD mortgage insurance programs by an amount not to exceed 75 percent. The amendment also permits the Secretary to increase the mortgage amount limitations on a project by project basis by an amount not to exceed 90 percent in such high cost areas.

Because of the Department's desire to make the Section 8 and mortgage insurance programs as consistent as possible in appropriate processing procedures and programmatic requirements, a conforming change is being made to § 880.204(c)(iii) to raise the 50 percent high cost factor to 75 percent. Final implementing regulations for the HUD mortgage insurance programs were published in the *Federal Register* on January 21, 1980, pursuant to the amendment to the National Housing Act. With respect to the Section 8 program, the Department finds it unnecessary to include the provision for a 90 percent high cost factor when warranted on a project by project basis since the Assistant Secretary for Housing may grant waivers to the Section 8 regulation on a case by case basis under current authority. This waiver authority is not found in the mortgage insurance program regulations.

In addition, the October 15, 1979 publication contained several minor errors which are now being corrected.

The undersigned has determined that notice and prior public procedure are unnecessary for this rule because of its history as outlined above. The advanced marketing requirement was subjected to public comment as part of a proposed rule published June 12, 1979. Substantial objection to the provision ultimately resulted in its suspension on November 5, 1979. The requirement is now being withdrawn permanently. There would be no reason to solicit further comment on this action.

It should also be noted that this rule provides benefits and relieves existing

restrictions in regard to replacement cost limits in high cost areas. In light of the current economic situation, it is urgent that these benefits be made available as soon as possible. Publishing a notice of proposed rulemaking and giving the public an opportunity to comment on this rule would cause a substantial delay in making urgently needed benefits available. Therefore, the undersigned also finds that prior notice and public procedure on this rule would be contrary to the public interest and that it is not necessary to delay its effective date for the 30 day period provided in 5 U.S.C. 553(d).

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

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Part 880 is amended as follows:

§ 880.102 [Amended]

1. In § 880.102(c), sixth line, change "that" to "than."
2. Section 880.201, *Definitions*, is revised to delete the definition of "Impractical Jurisdiction."

§ 880.204 [Amended]

3. In § 880.204(c)(iii), the phrase "by up to 50 percent" is changed to "by an amount not to exceed 75 percent."

§ 880.205 [Amended]

4. In § 880.205, the second paragraph (6) should be (b).

§ 880.205 [Amended]

5. In § 880.205(f), fourth line, change "paragraphs (b) through (c)" to "paragraphs (b) through (d)."

§ 880.210 [Amended]

6. In § 880.210(d), ninth line, change "within" to "with."

7. Paragraph (h) of § 880.305, *Contents of preliminary proposal*, is revised as follows:

§ 880.305 Contents of preliminary proposals

* * * * *

- (h) A signed certification on the prescribed form of the owner's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil

Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968, and that the owner will undertake marketing activities as required by § 880.601(a).

§ 880.301 [Amended]

8. In § 880.307(b), twentieth line, delete the semicolon after "extent of displacement" in the phrase "extent of displacement and feasibility of relocation; * * *

9. Paragraph (a)(5) of § 880.308, *Contents of final proposal*, is revised as follows:

§ 880.308 Contents of final proposal.

(a) * * *

(5) A statement of the marketing activities the owner intends to take in accordance with the requirements of § 880.601(a)(3). Such efforts might include: Participation in regional or sub-regional application pools and clearinghouses; establishment of a referral system with PHAs, other public agencies and Section 8 owners/managers in the surrounding area; and contact with and provision of information about the project to employers and their employees, labor unions, State or areawide employment service centers and interested community groups.

§ 880.403 [Amended]

10. In § 880.403, delete the word "or" at the end of paragraph (a)(4), change the period at the end of paragraph (a)(5) to a semicolon, and insert the word "or" at the end of paragraph (a)(5).

§ 880.502 [Amended]

11. In § 880.502(a)(2), sixth line, change "(ii) 30 years, or (iii) 40 years * * *" to "(ii) 30 years, or 40 years * * *"

12. Paragraph (a)(3) of § 880.601, *Responsibilities of Owner*, is revised as follows:

§ 880.601 Responsibilities of Owner.

(a) * * *

(3) With respect to non-elderly family units, the owner must undertake marketing activities in advance of marketing to other prospective tenants in order to provide opportunities to reside in the project to non-elderly families who are least likely to apply, as determined in the Affirmative Fair Housing Marketing Plan, and to non-elderly families expected to reside in the community by reason of current or planned employment.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., March 17, 1980.

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

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[CGD 77-183]

Navigation Safety Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the regulations governing carriage of continuous depth sounding recording equipment and testing of other equipment by vessels of 1600 or more gross tons before entering or getting underway on United States waters on the Great Lakes. The lack of depth contours below 30 feet on charts of the Great Lakes and absence of demonstrated utility of a continuous echo depth sounding recorder on the Great Lakes makes required carriage of this equipment unnecessary. In addition, strict compliance with the existing equipment testing regulations requires vessels to unnecessarily re-test equipment every time they re-enter United States waters incident to a single passage. Strict compliance would require vessels entering the Great Lakes via the St. Lawrence Seaway to test their steering gear and other critical equipment while transiting the relatively confined channels of the St. Lawrence River, a practice which may create an unsafe condition.

This regulation eliminates the requirement that vessels navigating on the Great Lakes be equipped with a device which can continuously record the readings of the vessel's echo depth sounding device, allows vessels which have initially complied with equipment testing requirements of Part 164 to continue to their next port of call on the Great Lakes without re-testing, and allows vessels entering the Great Lakes from the St. Lawrence Seaway to complete equipment test requirements within one hour of passing Wolfe Island. The result of this rulemaking is a more reasonable and safe approach to navigation requirements on the Great Lakes.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy E. Foley, Office of Marine Environment and Systems (G-WLE-4/

11), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426-4958. Normal office hours are between 7:30 a.m. and 4:30 p.m. Monday through Thursday.

SUPPLEMENTARY INFORMATION: On Tuesday, September 4, 1979, the Coast Guard published a proposed rule (44 FR 51620) concerning these amendments. The public was given until October 17, 1979 to submit comments. Two comments were received.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Timothy E. Foley, Project Manager, Office of Marine Environment and Systems and Lieutenant Jack Orchard, Project Counsel, Office of the Chief Counsel.

Discussion of Major Comments

One commenter expressed support for the amendment eliminating the requirement that vessels re-test their equipment each time a vessel re-enters the United States waters on the Great Lakes and considers the present testing requirements impractical because Great Lakes sailing courses frequently cross the international boundary line between the United States and Canada. The commenter finds it particularly impractical in confined waters where the performance of such tests could increase the risk of collision or grounding. Both commenters supported the amendment which would eliminate the requirement that vessels navigating on the Great Lakes be equipped with a continuous echo depth sounding recorder. One commenter considered the continuous recording device to be of dubious benefit while the other considered it expensive to install and maintain while providing no useful navigational information. No comments directly concerning the proposal to amend the equipment testing requirements for vessels entering United States waters via the St. Lawrence River were received.

Evaluation

The Coast Guard has evaluated this final rule under the Department of Transportation's "Regulatory Policies and Procedures", published on February 26, 1979 (44 FR 11034). A copy of the Final Evaluation may be obtained from Commandant (G-CMC/24), U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593.

This rule finalizes an exemption to the current regulations and is thus given an immediate effective date under the authority of 5 U.S.C. 553(d)(1).

In consideration of the foregoing, in Chapter I of Title 33, Code of Federal Regulations Part 164 is amended as follows:

1. § 164.25 is amended to read as follows:

§ 164.25 Tests before entering or getting underway.

(a) Except as provided in paragraphs (b) and (c) of this section no person may cause a vessel to enter into or get underway on the navigable waters of the United States unless no more than 12 hours before entering or getting underway, the following equipment has been tested:

(1) Primary and secondary steering gear.

(2) All internal vessel control communications and vessel control alarms.

(3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(5) Main propulsion machinery, ahead and astern.

(b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(c) Vessels entering the Great Lakes from the St. Lawrence Seaway are considered to be in compliance with this sub-part if the required tests are conducted preparatory to or during the passage of the St. Lawrence Seaway or within one hour of passing Wolfe Island.

2. § 164.35(i) is amended to read as follows:

§ 164.35 Equipment: All vessels.

Each vessel must have the following:

* * * * *

(i) A device that can continuously record the depth readings of the vessel's echo depth sounding device, except when operating on the Great Lakes and their connecting and tributary waters.

* * * * *

(92 Stat. 1471 (33 U.S.C. 1221 et seq.); 49 CFR 1.46(n)(4)).

Dated: March 13, 1980.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 80-3946 Filed 3-21-80; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 222

[ER 1110-2-106]

Engineering and Design; National Program for Inspection of Non-Federal Dams

AGENCY: Corps of Engineers.

ACTION: Final rule.

SUMMARY: This regulation prescribes procedures for the implementation of a National Program for Inspection of Non-Federal Dams. This amendment to 33 CFR Part 222 changes the hazard potential criteria for the classification of dams, relieves the Corps of funding expenses of state employees for training activities relating to dam inspection work, and reduces the length of the Hayward and White Wolfe Faults on the seismic zone map. The inspection program will alert the states and the owners of non-Federal dams to conditions that may constitute a danger to human life or property.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Smith, Structures Branch, Office, Chief of Engineers, Department of the Army, Washington, D.C. 20314 (202) 272-0219.

FOR THE CHIEF OF ENGINEERS:

Date: March 19, 1980.

Forrest T. Gay III,

Colonel, Corps of Engineers Executive Director, Engineer Staff.

Accordingly, 33 CFR 222.8 is amended as follows:

§ 222.8 National Program for Inspection of Non-Federal Dams.

1. Paragraphs (h)(3), (m)(2), and (m)(3) are revised to read as follows:

* * * * *

(h)(3). The hazard potential classification shall be in accordance with paragraph 2.1.2 Hazard Potential of the Recommended Guideline for Safety Inspection of Dams (Appendix D to this section).

* * * * *

(m)(2). Salaries, per diem and travel expenses relating to training activities of State employees will be a State expense. There will be no tuition charge for State employees.

(m)(3). Architect-Engineer firms will be required to pay expenses and tuition costs for their employees participating in Corps-sponsored training activities.

* * * * *

2. The Seismic Zone Map for California, Nevada and Arizona in Figure 2, Appendix D, is revised as shown below:

Appendix D [Amended].

BILLING CODE 3710-92-M