and statutory requirements; § 13.1863 Limitations of product; § 13.1865 Manufacture or preparation; § 13.1875 Non-standard character; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 80-14807 Filed 5-13-80; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

Designation of a Futures Commission Merchant To Be the Agent of Foreign Brokers and Foreign Traders; Corrections

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule, correction.

SUMMARY: On May 8, 1980 (45 FR 30426) the Commodity Futures Trading Commission published a document that added a new § 15.05 to its regulations. Under § 15.05, a futures commission merchant ("FCM") is designated as the agent of foreign brokers and foreign traders which have futures contract accounts with the FCM for purposes of accepting delivery and service of communications issued to them by the Commission. The corrections listed below should be made to that final rule document.

FOR FURTHER INFORMATION CONTACT: Maureen A. Donley or Mark D. Young, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION:

In FR Doc. 80-14260 appearing at page 30426 in the **Federal Register** of Thursday, May 8, 1980, the following changes should be made:

1. On page 30427, in the third column, the first full paragraph, in the last sentence of that paragraph, the word "of" should be added between the words "service" and "only;" in the second full paragraph, the first sentence, the fifth line, the word "it" should be inserted in lieu of the word "in."

2. On page 30429, in new § 15.00(a)(2), the last line, the word "possessions" should be inserted in lieu of "posessions;" in new § 15.05(a), the last line, the word "or" should be inserted in lieu of the word "of."

3. On page 30430, in new § 15.05(b), in the second sentence of the Section, the last line of the sentence and the eighth line on the page, the word "merchant" should be inserted in lieu of the word "merchants;" and in new § 15.05(d), the second line of the last sentence, the word "agreement" should be inserted in lieu of the word "agreements."

Dated: May 9, 1980.

Jane K. Stuckey,

Secretary of the Commission, Commodity Futures Trading Commission.

[FR Doc. 80-14871 Filed 5-13-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 143

[Departmental Regulation 108.790]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

AGENCY: Department of State (Office of Equal Employment Opportunity).

ACTION: Final rule.

SUMMARY: The three named foreign affairs agencies (the Department of State (State), United States International Communication Agency (USICA), and Agency for International Development (AID) are issuing uniform regulations to carry out their individual responsibilities under the Age Discrimination Act of 1975, and the general, government-wide regulations (44 FR 33768, June 12, 1979). For USICA, the regulation will be codified in 22 CFR Chapter V; for AID, they will be codified in 22 CFR Chapter II in separate documents.

EFFECTIVE DATE: April 22, 1980.

ADDRESS: K. E. Malmborg, Assistant Legal Adviser for Management, Room 4427A, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, (202) 632-2350.

SUPPLEMENTARY INFORMATION: The Department has amended the proposed rule by changing the section numbers in Subparts C and D of Part 143 and adding a reference to the Foreign Service Act in Appendix A, List of Affected Programs.

The notice of proposed rulemaking was published in the **Federal Register** on January 8, 1980 (45 FR 1638) inviting interested persons to submit comments concerning the proposed regulation by March 10, 1980. Since no comments were received, the proposed regulation, as amended, is adopted.

For the Secretary of State:

Dated: April 22, 1980.

John Burroughs,

Deputy Assistant Secretary for Equal Employment Opportunity.

For the Director of the United States International Communication Agency:

Dated: April 28, 1980.

Wilbert C. Petty,

Director of Equal Employment Opportunity.

Dated: April 25, 1980.

Norman L. Holmes,

General Counsel, Agency for International Development.

PART 143—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 5101 *et seq.*; 45 CFR 90; 22 U.S.C. 2658.

Subpart A—General

§ 143.1 What is the purpose of the age discrimination regulations?

The purpose of these regulations is to set out the policies and procedures for the three foreign affairs agencies (State, USICA and AID) under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR Part 90 (published at 44 FR 33768, June 12, 1979). The Act and the government-wide regulations prohibit discrimination on the basis of age in programs or activities in the United States receiving federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and recipients of federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 143.2 To what programs do these regulations apply?

These regulations apply to each foreign affairs agency recipient and to each program or activity in the United States operated by the recipient which receives or benefits from federal financial assistance provided by any of these agencies.

§ 143.3 Definitions.

(a) The following terms used in this part are defined in the government-wide regulations (45 CFR 90.4, 44 FR 33768):

Act
Action
Age
Age distinction
Age-related term
Federal financial assistance
Recipient (including subrecipients)
United States

(b) As used in this Part,

(1) "agency" means the Department of State, the U.S. International Communication Agency, and the Agency for International Development.

(2) "Secretary" means the Secretary of State, the Director of the U.S. International Communication Agency, and the Administrator of the Agency for International Development, or the designee of such officer.

(3) "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on federal financial assistance. A subrecipient is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 143.11 Standards.

The standards each agency uses to determine whether an age distinction or age-related term is prohibited are set out in Part 90 (primarily Subpart B) of 45 CFR.

Subpart C—Duties of Agency Recipients

§ 143.21 General responsibilities.

Each agency recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act, the government-wide regulations, and these regulations.

§ 143.22 Notice to subrecipients.

Where a recipient passes on federal financial assistance from an agency to subrecipients, the recipient shall provide the subrecipients written notice to their obligations under these regulations.

§ 143.23 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete a one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations.

(b) In its self-evaluation each recipient shall identify each age distinction it uses and justify each age distinction it imposes on the program or activity receiving federal financial assistance from an agency.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient shall make the self-evaluation available on request to the agency and to the public for a period of three years following its completion.

§ 143.24 Information requirements.

Each recipient shall:

(a) Make available upon request to the agency information necessary to determine whether the recipient is complying with the regulations.

(b) Permit reasonable access by the agency to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether a recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 143.31 Compliance reviews.

(a) The agency may conduct compliance reviews and pre-award reviews of recipients that will permit it to investigate and correct violations of these regulations. The agency may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of this part, the agency will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, the agency will arrange for enforcement as described in § 143.36.

§ 143.32 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with an agency, alleging discrimination prohibited by these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, the agency may extend this time limit.

(b) The agency will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint process.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact the agency for information and assistance regarding the complaint resolution process.

(c) The agency will return to the complainant any complaint outside the jurisdiction of these regulations and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 143.33 Mediation.

(a) *Referral of complaints for mediation.* The agency will refer to the Federal Mediation and Conciliation Service all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator, before the agency will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the agency. The agency shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The agency will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) Sixty days elapse from the time the agency receives the complaint; *or*

(2) Prior to the end of that 60-day period, an agreement is reached; *or*

(3) Prior to the end of that 60-day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to the agency.

§ 143.34 Investigation.

(a) *Informal investigation.* (1) The agency will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, the agency will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable. The agency may seek the assistance of any involved State program agency.

(3) The agency will put any agreement in writing and have it signed by the parties and an authorized official of the agency.

(4) The settlement shall not affect the operation of any other enforcement efforts of the agency, including compliance reviews and other individual complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If the agency cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the agency will attempt to obtain voluntary compliance. If the agency cannot obtain voluntary compliance, it will begin enforcement as described in § 143.36.

§ 143.35 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the agency's investigation, conciliation, and enforcement process.

§ 143.36 Compliance procedure.

(a) An agency may enforce the Act and these regulations through:

(1) Termination of a recipient's federal financial assistance from the agency under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation or prior to a hearing, will not involve termination of a recipient's federal financial assistance from the agency.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations by the Act and these regulations.

(ii) Use of any requirement of or referral to any federal, state, or local government agency which will have the effect of correcting a violation of the Act or these regulations.

(b) The agency will limit any termination under § 143.36(a)(1) to the particular recipient and particular program or activity the agency finds in violation of these regulations. The agency will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive federal financial assistance from the agency.

(c) The agency will take no action under paragraph (a) of this section until:

(1) The agency head has advised the recipient of its failure to comply with these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have lapsed after the agency head has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdication over the federal program or activity involved. The agency head shall file a report whenever any action is taken under paragraph (a) of this section.

(d) The agency head also may defer granting new federal financial assistance from the agency to a recipient when a hearing under § 143.36(a)(1) is initiated.

(1) New federal financial assistance from the agency includes all assistance for which the agency requires an application or approval, including renewal or continuation of existing activities, or authorization of the new activities, during the deferral period. New federal financial assistance from the agency does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 143.36(a)(1).

(2) The agency will not begin a deferral until the recipient has received a notice of opportunity for a hearing under § 143.36(a)(1). The agency will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the agency head. The agency will not continue a deferral for more than 30 days after the close of a hearing unless the hearing results in a finding against the recipient.

§ 143.37 Hearings, decisions, post-termination proceedings.

Certain procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to enforcement of this part. They are 22 CFR 141.8 through 141.10.

§ 143.38 Remedial action by recipient.

Where the agency head finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the agency head may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the agency head may require both recipients to take remedial action.

§ 143.39 Alternate funds disbursal procedure.

(a) When an agency withholds funds from a recipient under these regulations, the agency head may disburse the withheld funds directly to an alternate recipient, any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The agency head will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

Appendix A—List of Affected Programs

Programs of Financial Assistance Administered by the Department of State Subject to Age Discrimination Regulations

Resettlement of Refugees in the United States Under the Migration and Refugee Assistant Act of 1962, as amended (22 U.S.C. 2601 et seq.).

Diplomat in Residence Program of the Foreign Service Institute Under Title VII of the Foreign Service Act of 1946, as amended (22 U.S.C. 1041 et seq.).

Assignments under section 576 of the Foreign Service Act of 1946, as amended (22 U.S.C. 966)

Appendix B—List of Affected Programs

Programs of Financial Assistance Administered by the United States International Communication Agency Subject to Age Discrimination Regulations

Educational and Cultural Exchanges under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 1431–1479).

Appendix C—List of Affected Programs

Program of Financial Assistance Administered by AID Subject to Age Discrimination Regulations

1. Grants to research and educational institutions in the United States to strengthen their capacity to develop and carry out programs concerned with the economic and social development of developing countries (Section 122(d), Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151(d)).

2. Grants to land grant and other qualified agricultural universities and colleges in the United States to develop their capabilities to assist developing countries in agricultural teaching, research and extension services (Section 297, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2220(b)).

3. Grants to private and voluntary agencies, non-profit organizations, educational institutions, and other qualified organizations for programs in the United States to promote the economic and social development of developing countries (Sections 103–106, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151a–2151d).

[FR Doc. 80-14872 Filed 5-13-80; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 204

[Docket No. R-80-738]

Mutual Mortgage Insurance and Insured Home Improvement Loans and Coinsurance; Change in Notification to HUD of Terminations by Mortgagees and Lenders

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule would reduce the number of days required for HUD-approved mortgagees and lenders to notify the Commissioner of terminations of insurance contracts from 30 to 15 calendar days.

EFFECTIVE DATE: June 13, 1980.

FOR FURTHER INFORMATION CONTACT: T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755–6310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Under previous regulations, mortgagees and lenders were required to notify HUD within 30 days from the occurrence of one of the approved methods of termination.

This amendment will require the mortgagee or lender to notify the Commissioner of terminations within 15 calendar days. This will permit HUD to terminate its insurance-in-force record sooner and notify the mortgagee or lender accordingly. This, in turn, will speed up the return of any escrow being held for taxes or insurance. It will also permit HUD to process any distributive share (for section 203 cases) to the mortgagor sooner.

The Proposed rule was published in the **Federal Register** on December 13, 1979, at 44 FR 72186. Public comment period closed February 11, 1980. The only comment received applauded the regulation as being a step in the right direction.

Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government. Copies of the Findings are available for inspection and copy in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410.

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

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Accordingly, Chapter II, 24 CFR, Part 203, is amended as follows:

1. Section 203.318 has been amended to read as follows:

§ 203.318 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

2. Section 203.459 has been amended to read as follows:

§ 203.459 Notice of termination by lender.

No contract of insurance shall be terminated until the lender has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

PART 204—COINSURANCE

3. Section 204.281 has been amended to read as follows:

§ 204.281 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the Mortgagee has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

* * * * *

(Sections 203, 204 and 211 of the National Housing Act, 12 U.S.C. 1701, et seq.; Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C. on May 8, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14827 Filed 5-13-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 45

[Order No. 889-80]

Standards of Conduct; Establishment of Procedures Required by 18 U.S.C. 207(j)

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: 18 U.S.C. 207(j) authorizes departments and agencies of the Government to discipline, by means of administrative proceedings, any of their respective former officers or employees who violate 18 U.S.C. 207(a), (b) or (c). This order, prepared in consultation with the Director of the Office of Government Ethics, establishes the procedures to carry out section 207(j) with respect to former officers or employees of the Department of Justice.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Leon Ulman, Deputy Assistant Attorney General, Office of Legal Counsel (202-633-2051).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510, 5 U.S.C. 301, and Title V of the Ethics in Government Act of 1978, 92 Stat. 1824, it is hereby ordered as follows:

Part 45 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 45.735-7a:

§ 45.735-7a Disciplinary proceedings under 18 U.S.C. 207(j).

(a) Upon a determination by the Assistant Attorney General in charge of the Criminal Division (Assistant Attorney General), after investigation, that there is reasonable cause to believe that a former officer or employee, including a former special Government employee, of the Department of Justice (former departmental employee) has violated 18 U.S.C. 207 (a), (b) or (c), the Assistant Attorney General shall cause a copy of written charges of the violation(s) to be served upon such individual, either personally or by registered mail. The charges shall be accompanied by a notice to the former departmental employee to show cause within a specified time of not less than 30 days after receipt of the notice why he or she should not be prohibited from engaging in representational activities in relation to matters pending in the Department of Justice, as authorized by 18 U.S.C. 207(j), or subjected to other appropriate disciplinary action under that statute. The notice to show cause shall include:

(1) A statement of allegations, and their basis, sufficiently detailed to enable the former departmental employee to prepare an adequte defense,

(2) Notification of the right to a hearing, and

(3) An explanation of the method by which a hearing may be requested.

(b) If a former departmental employee who submits an answer to the notice to show cause does not request a hearing or if the Assistant Attorney General does not receive an answer within five days after the expiration of the time prescribed by the notice, the Assistant Attorney General shall forward the record, including the report(s) of investigation, to the Attorney General. In the case of a failure to answer, such failure shall constitute a waiver of defense.

(c) Upon receipt of a former departmental employee's request for a hearing, the Assistant Attorney General shall notify him or her of the time and place thereof, giving due regard both to such person's need for an adequate period to prepare a suitable defense and an expeditious resolution of allegations that may be damaging to his or her reputation.

(d) The presiding officer at the hearing and any related proceedings shall be a federal administrative law judge or other federal official with comparable duties. He shall insure that the former departmental employee has, among others, the rights:

(1) To self-representation or representation by counsel,

(2) To introduce and examine witnesses and submit physical evidence,

(3) To confront and cross-examine adverse witnesses,

(4) To present oral argument, and

(5) To a transcript or recording of the proceedings, upon request.

(e) The Assistant Attorney General shall designate one or more officers or employees of the Department of Justice to present the evidence against the former departmental employee and perform other functions incident to the proceedings.

(f) A decision adverse to the former departmental employee must be sustained by substantial evidence that he violated 18 U.S.C. 207 (a), (b) or (c).

(g) The presiding officer shall issue an initial decision based exclusively on the transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, and shall set forth in the decision findings and conclusions, supported by reasons, on the material issues of fact and law presented on the record.

(h) Within 30 days after issuance of the initial decision, either party may appeal to the Attorney General, who in that event shall issue the final decision based on the record of the proceedings or those portions thereof cited by the parties to limit the issues. If the final decision modifies or reverses the initial decision, the Attorney General shall specify the findings of fact and conclusions of law that vary from those of the presiding officer.

(i) If a former departmental employee fails to appeal from an adverse initial decision within the prescribed period of time, the presiding officer shall forward the record of the proceedings to the Attorney General.

(j) In the case of a former departmental employee who filed an answer to the notice to show cause but did not request a hearing, the Attorney General shall make the final decision on the record submitted to him by the Assistant Attorney General pursuant to subsection (b) of this section.

(k) The Attorney General, in a case where:

(1) The defense has been waived,

(2) The former departmental employee has failed to appeal from an adverse initial decision, or

(3) The Attorney General has issued a final decision that the former departmental employee violated 18 U.S.C. 207 (a), (b) or (c),

may issue an order:

(i) prohibiting the former departmental employee from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, the Department of Justice on a pending matter of business for a period not to exceed five years, or

(ii) prescribing other appropriate disciplinary action.

(l) An order issued under either paragraph (i) or (ii) of subsection (k) of this section may be supplemented by a directive to officers and employees of the Department of Justice not to engage in conduct in relation to the former departmental employee that would contravene such order.

Dated: May 1, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-14819 Filed 5-13-80; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Increase in Pension Rates and Income Limitations

AGENCY: Veterans Administration.

ACTION: Final regulation change.

SUMMARY: The Veterans Administration has amended its regulations setting forth the annual rates of improved pension and parents' dependency and indemnity compensation (DIC), the annual income limitations applicable to receipt of section 306 pension, old-law pension and parents' DIC, and the annual amount of a spouse's income that is excludable from a veteran's annual income under the section 306 pension program. The need for this action results from the forthcoming social security cost-of-living increase. The effect of this action is to increase the rates and income limitations by the same percentage that social security benefits will be increased.

EFFECTIVE DATE: These regulation changes are effective June 1, 1980, the effective date of the social security cost-of-living increase.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle Jr. (202–389–3005).

SUPPLEMENTAL INFORMATION: Under 38 U.S.C. 3112 the Veterans Administration is required to increase the rates of improved pension and parents' dependency and indemnity compensation (DIC), the income limitations applicable to section 306 pension, old-law pension and parents' DIC, and the amount of a spouse's income that is excludable from the amount of a veteran's annual income under the section 306 pension program whenever there is a social security cost-of-living increase. The benefits are to be increased by the same percentage as social security benefits are increased and at the same time.

The Social Security Administration reports that there will be a cost-of-living increase of 14.3 percent in social security benefits effective June 1, 1980. Accordingly, we are amending §§ 3.23, 3.24, 3.25, 3.26 and 32.62(b)(2) to implement this increase.

We are not providing for public participation since no useful purpose would be served by doing so. The Veterans Administration has no discretion in this matter. The statute requires that we increase our benefits by the percentage amount determined by the Social Security Administration and at the same time as the social security increase is effective.

Approved: May 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 3.23, paragraphs (a) and (c) are revised to read as follows:

§ 3.23 Improved pension rates.

(a) *Maximum annual rates of improved pension*—(1) *Veterans permanently and totally disabled (38 U.S.C. 521).*

(i) Veteran with no dependents, $4,460;

(ii) Veteran with one dependent, $5,844;

(iii) For each additional dependent, $755.

(2) *Veterans in need of aid and attendance.*

(i) Veteran with no dependents, $7,136;

(ii) Veteran with one dependent, $8,519;

(iii) For each additional dependent, $755.

(3) *Veterans who are housebound.*

(i) Veteran with no dependents, $5,453;

(ii) Veteran with one dependent, $6,836;

(iii) For each additional dependent, $755.

(4) *Two veterans married to one another; combined rates.*

(i) Neither veteran in need of aid and attendance or housebound, $5,844;

(ii) Either veteran in need of aid and attendance, $8,519;

(iii) Both veterans in need of aid and attendance, $11,195;

(iv) Either veteran housebound, $6,836;

(v) Both veterans housebound, $7,828;

(vi) One veteran housebound and one veteran in need of aid and attendance, $9,511;

(vii) For each dependent child, $755.

(5) *Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 541).*

(i) Surviving spouse alone, $2,989;

(ii) Surviving spouse and one child in his or her custody, $3,915;

(iii) For each additional child in his or her custody, $755.

(6) *Surviving spouses in need of aid and attendance.*

(i) Surviving spouse alone, $4,782;

(ii) Surviving spouse with one child in his or her custody, $5,707;

(iii) For each additional child in his or her custody, $755.

(7) *Surviving spouses who are housebound.*

(i) Surviving spouse alone, $3,654;

(ii) Surviving spouse and one child in his or her custody, $4,579;

(iii) For each additional child in his or her custody, $755.

(See § 3.24 for entitlement criteria and rate applicable to a child of a deceased veteran not in custody of a surviving spouse who has basic eligibility to receive improved pension. The term "basic eligibility to receive improved pension" is defined in § 3.24.)

* * * * *

(c) *Mexican border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by $1,006. (38 U.S.C. 521 (g))

* * * * *

2. In § 3.24, paragraphs (b) and (c) are revised to read as follows:

§ 3.24 Improved pension rates; surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (See 3.57 (d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate of $755 reduced by the amount of the child's countable annual income.

(c) *Child in the custody of person legally responsible for support.* (1) *Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under § 3.23(a)(5)(ii), and the sum of the annual income of such child and the annual income of such person. The amount payable, however, may not exceed the amount by which $755 exceeds the child's countable annual income.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than $755) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than $755). The combined amount payable, however, may not exceed the amount by which $755 times the number of eligible children exceeds the sum of the children's countable annual income.

(38 U.S.C. 542)

3. In § 3.25, paragraphs (a), (c), (d), (e) and (f) are revised to read as follows:

§ 3.25 Parents' dependency and indemnity compensation rates.

DIC (dependency and indemnity compensation) shall be paid monthly to parents of a deceased veteran in the following amounts. (38 U.S.C. 415)

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent the monthly rate of DIC paid to such parent shall be $206 reduced on the basis the parent's annual income according to the following formula:

For Each $1 of Annual Income

The $206 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.04	800	900
.05	900	1,000
.07	1,000	1,200
.08	1,200	5,073

No DIC is payable under this paragraph if annual income exceeds $5,073.

* * * * *

(c) *Two parents not living together.* The rates in this paragraph apply to (1) two parents who are not living together, or (2) an unremarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $146, reduced on the basis of each parent's annual income, according to the following formula:

For Each $1 of Annual Income of Each Parent

The $146 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.03	800	1,100
.06	1,100	1,400
.07	1,400	2,000
.08	2,000	5,073

No DIC is payable under this paragraph if annual income exceeds $5,073.

(d) *Two parents living together or remarried parents living with spouses.* The rates in this paragraph apply to (1) each parent living with another parent; and (2) each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $138, reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For Each $1 of Combined Annual Income

The $138 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$1,000
.02	1,000	1,400
.03	1,400	2,000
.04	2,000	2,700
.05	2,700	3,600
.06	3,600	6,822

No DIC is payable under this paragraph if combined annual income exceeds $6,822.

The rates in this paragraph are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in paragraph (a) of this section for one parent.

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by $108 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(f) *Minimum rate.* The monthly rate of DIC payable to any parent under this section shall not be less than $5.

Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old-law pension annual income limitations.

(a) *Section 306 pension income limitations.*

(1) Veteran or surviving spouse with no dependents, $5,073.

(2) Veteran with no dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $5,573.

(3) Veteran or surviving spouse with one or more dependents, $6,822.

(4) Veteran with one or more dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978) $7,322.

(5) Child (no entitled veteran or surviving spouse), $4,145.

(B) *Old-law pension income limitations.*

(1) Veteran or surviving spouse without dependents or an entitled child, $4,440.

(2) Veteran or surviving spouse with one or more dependents, $6,405.

§ 3.28 [Amended]

5. Immediately following § 3.28, the cross reference is changed to read "Section 306 and old-law pension annual income limitations. See § 3.26.

6. In § 3.262, paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

* * * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95-588, to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,616, ($1,413 after May 31, 1979 and prior to June 1, 1980) or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements.

(38 U.S.C. 521(f); Section 306(a)(2)(B), of Pub. L. 95-588, 92 Stat. 2497)

* * * * *

[FR Doc. 80-14768 Filed 5-13-80; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL 1474-2]

Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines; Certification and Test Procedures; Parameter Adjustment Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action is a publication of four technical amendments to a Final Rule, commonly referred to as the parameter adjustment regulations, which was published on January 12, 1979 (44 FR 2960). These amendments limit the information manufacturers must submit concerning adjustable parameters, change the definition of "new parameters" to those which appear for the first time on a manufacturer's vehicle, and set a 90-day review period in which EPA must notify a manufacturer of the Administrator's determination with regard to adjustable parameters.