(3) Up to 30 percent above the SIFL in all other markets.

(e) *Fares above the zone.* Tariff filings that state fares above the applicable zone must include the data and information set forth in § 221.165 of this chapter. For peak fares, this must include a description of the carrier's off-peak fares that are available in the market. The Board will suspend a fare above the zone that it finds not to be justified by cost or competitive factors.

3. In § 399.33, paragraph (c), *Local service carriers,* is retitled and amended to read:

§ 399.33 Additional fare flexibility.

For scheduled service within the 48 contiguous States and the District of Columbia, certificated air carriers have the following fare flexibility in addition to that set forth in § 399.32:

* * * * *

(c) *Through service and on-line connecting service.* For through service and on-line connecting service, carriers may set their fares up to the sum of the local fares minus one tax-rounded coach ceiling terminal charge for each local fare after the first, if that level is higher than the ceiling set forth in § 399.32(d). The Board will not suspend such a fare on the ground that its level is unreasonable except upon a clear showing of abuse of market power that the Board does not expect to be corrected through marketplace forces.

4. A new § 399.35 is added, to read:

§ 399.35 Special Tariff Permission.

(a) *Definition.* As used in this section, "to grant STP" means to approve a carrier's application for Special Tariff Permission to file a tariff on less than the statutory notice set forth in § 221.160(a) of this chapter.

(b) *Lower fares, rates, and charges.* It is the policy of the Board to grant STP for tariffs that state lower fares, rates, or charges and any rules affecting only those lower fares, rates, or charges, except that:

(1) The Board will not grant STP to match a tariff filed on statutory notice; and

(2) The Board will not grant STP if the proposed fares, rates, charges, or rules raise significant questions of lawfulness, that is, could reasonably be expected to be found unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or predatory, under current statutory or Board guidelines. In these situations, if the carrier files the tariff on statutory notice and at the same time applies for STP to advance the tariff's effective date, the Board will use its best efforts to act within 15 days to grant or deny STP.

(c) *Higher fares.* For tariffs that state higher passenger fares, and any rules affecting only those fares, the Board's policy on STP is, except in unusual or emergency circumstances:

(1) To grant STP if the resulting fares are within a statutory or Board-established zone of presumed lawfulness; and

(2) Otherwise, to deny STP.

(Secs. 204, 403, 404, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 765, and 788, as amended, 49 U.S.C. 1324, 1373, 1374, and 1482.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Appendix

Comments on PSDR-66 Were Filed by:

Airline Passengers Association
Air Transport Association of America (on behalf of certain carrier members)
Aloha Airlines
American Airlines
Bell Helicopter Textron
Big Sky Airlines
Braniff Airways
Commonwealth of Puerto Rico
Commuter Airline Association of America
Continental Air Lines
Delta Air Lines
Hawaiian Airlines
Indianapolis Airport Authority
New York State Department of Transportation
Pacific Southwest Airlines
Pan American World Airways
Piedmont Aviation
Ralph Nader and the Aviation Consumer Action Project
Republic Airlines
Trans World Airlines
United Air Lines
USAir
U.S. Office of Consumer Affairs (Esther Peterson)

[FR Doc. 80-18194 Filed 6-16-80; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Enforcement Policy Statement Regarding Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising for Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Enforcement Policy Statement Regarding Compliance with the Labeling Requirement of the Rule.

SUMMARY: On November 19, 1979 (44 FR 66466) the Federal Trade Commission issued a final rule that requires the disclosure of energy cost or efficiency information for the following categories of appliances: refrigerators and refrigerator-freezers, freezers, dishwashers, clotheswashers, water heaters, room air-conditioners and furnaces.

Due to Commission delays in publishing the information necessary to enable industry members to prepare labels, some affected industry members may have experienced difficulty in printing and distributing the required materials by May 19, 1980, the effective date of the rule.

The Commission, therefore, announces that it will take no enforcement action for failure to label under the rule with respect to products manufactured during the period from May 19, 1980, through July 3, 1980, provided the responsible industry member can show it has made a good faith effort to label and that failure to label was caused by the delay in publication of the ranges.

EFFECTIVE DATES: This enforcement policy is made effective retroactive to May 19, 1980.

FOR FURTHER INFORMATION CONTACT: Lucerne D. Winfrey, 202-724-1453, or James Mills, 202-724-1491, Attorneys, Federal Trade Commission, 414 11th Street, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 305.8 of the rule requires affected members of the appliance industry to submit to the Commission information relating to the energy cost or energy efficiency rating of covered products. On March 3, 1980 (45 FR 13998), the Commission published the ranges of energy cost or energy efficiency ratings for the appliances covered by the rule. This information is for use by the industry in preparing required labels, sheets and other materials.

After publication of ranges, the Commission discovered certain technical errors, and published corrections on March 25, 1980 (45 FR 19520). This second notice published the revised ranges for all seven categories of covered products.

The Commission found that the new information published on March 25 contained errors that were not ascertainable before publication. The Commission corrected these errors by notice published on April 17, 1980 (45 FR 26036). This third notice published the revised ranges for furnaces and gas-fueled water heaters only.

The Commission is aware that it may have been very difficult for many affected industry members to prepare their labels and fact sheets in time to distribute and affix them to products manufactured on or after May 19, 1980. The Commission recognizes that this difficulty may have arisen as a result of the delay in final publication of the ranges of comparability.

The Commission, therefore has decided to issue this enforcement policy statement in an effort to clarify and remedy this situation.

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-18198 Filed 6-16-80; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6212; 34-16829; 35-21586; 39-567; IC-11181; IA-722]

Comprehensive Revision of Regulation Concerning Conduct of Members and Employees and Former Members and Employees; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rules; correction.

SUMMARY: This document corrects FR Doc. 16315 appearing at page 36063 in the **Federal Register** of May 29, 1980. On page 36066, in the second column, par. (iii), the reference should be to (ii) above; in footnote 7 the reference should be to paragraph (5) of this section. On page 36067, in the second column, in footnote 11 the reference should be to paragraph (b)(2)(v)(B) of § 200.735-3; in the third column, par. (B), the reference should be to paragraph (b)(6)(vi)(A) of this section. On page 36070, in the third column, in § 200.735-6 the reference should be to § 200.735-3 (7) and (8). On page 36072, in the third column, in footnote 25 the reference should be to Rule 5.

FOR FURTHER INFORMATION CONTACT:

Myrna Siegel, Ethics Counsel, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-2430.

George A. Fitzsimmons

Secretary.

June 9, 1980.

[FR Doc. 80-18190 Filed 6-16-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 103 and 171

[T.D. 80-160]

Availability of Information; Fines, Penalties, and Forfeitures

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

ACTION: Final rule.

SUMMARY: The guidelines used by Customs for mitigation of claims for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended, were recently approved by the Treasury Department. This document advises the public that the mitigation guidelines are available, upon request, from Customs. The fact that the mitigation guidelines are available is also incorporated in the Customs Regulations.

EFFECTIVE DATE: June 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Marilyn Morrison, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8317).

SUPPLEMENTARY INFORMATION:

Background

The Customs Procedural Reform and Simplification Act of 1978 (Pub. L. 95-410), approved October 3, 1978 (the "Act"), made numerous amendments to statutes administered by Customs which relate to fines, penalties, forfeitures, and liquidated damages for violations of customs and navigation laws. Under the Act, section 592, Tariff Act of 1930 (19 U.S.C. 1592), relating to entry of merchandise by fraud or negligence, was amended.

New Procedures were adopted for the imposition of a monetary penalty or, in limited circumstances, for the seizure of merchandise, for a violation of 19 U.S.C. 1592 in a document published as Treasury Decision 79-160 in the **Federal Register** on June 4, 1979 (44 FR 31950). Guidelines used by Customs for the mitigation of claims for monetary penalties assessed pursuant to 19 U.S.C. 1592 were recently approved by the Treasury Department. This document advises the public that the mitigation guidelines are available upon request from Customs and amends the Customs Regulations as set forth below.

Notice of Availability of Mitigation Guidelines

The guidelines for mitigation by Customs of claims for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended, as approved by the Treasury Department on March 7, 1980, are available upon written request to the Commissioner of Customs, Attention: Office of Regulations and Rulings, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in accordance with Part 103, Customs Regulations (19 CFR Part 103), relating to the availability of information.

Amendments to the Regulations

Parts 103 and 171, Customs Regulations (19 CFR Parts 103, 171), are amended as set forth below:

PART 103—AVAILABILITY OF INFORMATION

§ 103.7 [Amended]

Section 103.7, Customs Regulations, is amended by inserting "Guidelines for Mitigation of Claims for Monetary Penalties Assessed Pursuant to Section 592, Tariff Act of 1930, as amended", in appropriate alphabetical order in the listing of documents in the section.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 171—FINES, PENALTIES AND FORFEITURES

Subpart C of Part 171, Customs Regulations, is amended by adding a new § 171.23 to read as follows:

§ 171.23 Availability of mitigation guidelines for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended.

The guidelines used by the Customs Service for the mitigation of claims for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended, are available upon written request to the Commissioner of Customs, Attention: Office of Regulations and Rulings, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inapplicability of Public Notice Requirement and Delayed Effective Date

Because the subject matter of this document does not constitute a departure from established policy or procedures, and is totally informational in nature, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and contrary to the public interest. Further, for the same reasons, good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553(d).

Regulation Determined to be Nonsignificant

In the directive implementing Executive Order 12044, the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be "significant". However, regulations which are nonsubstantive, are essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, may, with Secretarial approval, be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

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

William T. Archey,
Acting Commissioner of Customs.

Approved: June 6, 1980.

Richard J. Davis,
Assistant Secretary of the Treasury.

[FR Doc. 80-18197 Filed 6-16-80; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

Redesignation of the Department of Health, Education, and Welfare as the Department of Health and Human Services

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is amending Chapter I of Title 21 of the Code of Federal Regulations to reflect the redesignation of the Department of Health, Education, and Welfare as the Department of Health and Human Services.

EFFECTIVE DATE: May 4, 1980.

FOR FURTHER INFORMATION CONTACT: Agnes B. Black, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 5, 1980 (45 FR 29642), the Department of Health and Human Services announced the redesignation of the Department of Health, Education, and Welfare as the Department of Health and Human Services, in accordance with the Department of Education Organization Act of 1979 (Pub. L. 96-88), effective May 4, 1980.

In accordance with the redesignation, FDA is amending Chapter I of Title 21 of the Code of Federal Regulations to reflect the name change.

Parts 1-1299 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended in Parts 1 through 1299 by changing "Department of Health, Education, and Welfare" to read "Department of Health and Human Services" and "HEW" to read "HHS" wherever they appear.

Effective date: May 4, 1980.

Dated: June 9, 1980.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-17999 Filed 6-16-80; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Part 1000

[Docket No. 79N-0086]

General; Dental Radiographs

AGENCY: Food and Drug Administration, HHS.

ACTION: Final recommendation.

SUMMARY: The agency is issuing a recommendation that insurance carriers and other remote parties refrain from requiring administrative dental x-ray examinations. Administrative dental x-ray examinations are those required by a remote third party (other than a patient's dentist or physician) for reasons not related to the patient's immediate dental needs. These dental x-ray examinations may result in unnecessary radiation exposure to the patient. This recommendation is a part of the agency's effort to minimize unnecessary exposure of the public to ionizing radiation.

DATE: This final recommendation shall become effective June 17, 1980.

FOR FURTHER INFORMATION CONTACT: Raymond F. Coakley, Jr., Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 17, 1979 (44 FR 41486), the Food and Drug Administration (FDA) proposed to add new § 1000.60 (21 CFR 1000.60) to Subpart C—Radiation Protection Recommendations, Part 1000 of Chapter I of Title 21 of the Code of Federal Regulations. The proposal recommended that post-treatment dental x-ray examinations not be taken solely for monitoring treatment claims for reimbursement by insurance carriers.

Twelve dentists, 4 educational institutions, 5 insurance carriers, 10 professional societies, 1 government agency, and 1 public interest group submitted substantive comments. These comments and the agency's response to them follow.

1. Four comments wanted to word the recommendation positively: three said radiographs are justified only to provide a health care benefit to the patient; the other comment, emphasizing the limits of the statement in the proposed recommendation that post-treatment radiographs should not be "taken solely for use by third-party carriers," preferred a recommendation for the radiographs according to good clinical practice and pointed out that some post-treatment radiographs are essential to good clinical practice for some treatments. In general, the idea implicit in these comments was to change the recommendation from the prohibition of a "bad" practice to the promotion of a "good" practice.

The agency agrees that the recommendation should be worded positively. The recommendation has been revised to emphasize good clinical practice.

2. Three comments wanted the recommendation to be extended from radiographs taken for insurance carriers to any administrative dental radiographs, that is, radiographs taken solely or exclusively for any reason not related to the patient's immediate dental needs. One comment said the principle of taking radiographs only when the dentist believes there will be a direct benefit to the patient should be applied uniformly and not restricted to third party insurance carriers. In support of this view, the comment noted that many State board examinations and some dental schools require post-treatment radiographs for the evaluation of training, competence, and qualification