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Appendix V - Selected Agency Procedural Rules

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APPENDIX V: SELECTED AGENCY PROCEDURAL RULES

SELECTED AGENCY PROCEDURAL RULES

(All citations are to the 2000 edition of the CFR, unless otherwise noted.)

Agriculture

7 CFR Part 1 Subparts H-K (various rules of practice), 7 CFR §§1.27 (rulemaking and other notice procedures), 1.130-.151 (formal adjudicative proceedings generally), Parts 47 (Perishable Agricultural Commodities Act), 50 (withdrawal of inspection and grading service), 202 (Federal Seed Act rules of practice)

Architectural and Transportation Barriers Compliance Board

36 CFR Part 1150 (procedures for compliance hearings)

Commerce

Bureau of Export Administration

15 CFR Part 766 (administrative enforcement proceedings)

National Oceanic and Atmospheric Administration

15 CFR Part 904 (general civil procedures)

Commodity Futures Trading Commission

17 CFR Parts 10 (Rules of Practice), 12 (Reparations), 13 (rulemaking procedures)

Consumer Product Safety Commission

16 CFR Parts 1025 (rules of practice for adjudicative proceedings), 1051 (petitioning for rulemaking), 1052 (informal oral presentations in proceedings before the Consumer Product Safety Commission)

Environmental Protection Agency

40 CFR Parts 22 (rules of practice re: civil penalties, revocations of permits, etc.); Parts 104 (public hearings on effluent standards) and 108 (Water Programs, employee protection hearings); §124.71 (evidentiary hearings re: certain EPA-issued permits); Parts 164 (rules of practice under Federal Insecticide, Pesticide, and Rodenticide Act), and 209 (hearings under section 11(D) of the Noise Control Act)

Federal Communications Commission

47 CFR Part 1 (general rules of practice and procedure)

Federal Deposit Insurance Corporation

12 CFR Part 308 (general rules of practice and procedure)

Federal Emergency Management Agency

44 CFR Parts 1 (rulemaking policies and procedures), and 68 (Insurance and Hazard Mitigation, administrative hearing procedures)

Federal Energy Regulatory Commission

18 CFR Part 385 (rules of practice and procedure)

Federal Labor Relations Authority

5 CFR Parts 2422 (representation proceedings), 2423 (unfair labor practice proceedings)

Federal Maritime Commission

46 CFR Part 502 (general rules of procedure)

Federal Mine Safety and Health Review Commission

29 CFR Part 2700 (general rules of procedure)

Federal Reserve Board

12 CFR Parts 262 (rules of procedure), 263 (uniform rules of practice and procedure for adjudicative hearings)

Federal Trade Commission

16 CFR §§1.7-.26 (rules and rulemaking), Part 3 (rules for adjudicative proceedings) , §4.7 (ex parte communications)

Food and Drug Administration (HHS)

21 CFR Parts 10 (general administrative practice and procedures), 12 (formal evidentiary public hearing), and 16 (regulatory hearings)

Housing and Urban Development

24 CFR Parts 26 (hearings before hearings officers), and 1720 (rulemaking procedures); § 1720.105 *et seq.* (adjudication proceedings), §3282.152 (informal and formal presentation of views, hearings and investigations)

Interior

43 CFR Part 4 (Department hearings and appeals procedures); 50 CFR Part 11 (procedures re: possession, importation, etc. of wildlife and plants)

International Trade Commission

19 CFR Part 210 (unfair practices in import trade; adjudicative procedures).

Justice

Drug Enforcement Administration

21 CFR §§1301.51-.57 (modification, transfer, and termination of registration); §§1303.31-37 (quotas), §§1312.41-.47 (importation and exportation of controlled substances: hearings)

Other

41 CFR Part 50-203 (Newspaper Preservation Act)

Labor**Black Lung Benefits Cases**

20 CFR §§725.350-.483

Longshoremen's Compensation Cases

20 CFR §§702.301-.394

Office of Federal Contract Compliance 41 CFR §60-1.21-26, Part 60-30

Other Cases 29 CFR §4.10 (variances under service contract labor standards) ; Part 6 (labor standards in federal and federally assisted construction contracts);Part 580 (civil money penalties under Fair Labor Standards Act); 41 CFR Parts 50-203 (Walsh-Healey Public Contracts Act)

Merit Systems Protection Board 5 CFR Parts 1201 (practice and procedure), 1203 (review of rules and regulations), and 1209 (personnel actions allegedly based on whistleblowing)

National Credit Union Administration 12 CFR Part 747 (administrative actions, adjudicative hearings, etc.)

National Labor Relations Board 29 CFR Parts 101 (Statements of Procedures regarding various types of proceedings), and 102 (rules and regulations , unfair labor practice proceedings, representation matters, etc.)

National Transportation Safety Board 49 CFR Part 821 (rules of practice in air safety proceedings)

Nuclear Regulatory Commission 10 CFR Part 2 (rules of practice for domestic licensing proceedings)

Occupational Safety and Health Administration (Labor) 29 CFR Parts 1905 (rules of practice for variances, limitations, variations, etc. under the Occupational Safety & Health Act), and 1911 (procedures for promulgating, modifying, or revoking occupational safety and health standards)

Occupational Safety and Health Review Commission 29 CFR Part 2200 (general rules of procedure)

Postal Rate Commission 39 CFR Part 3001 (rules of practice and procedure)

Postal Service 39 CFR Parts 912-966 (various procedural rules)

Securities and Exchange Commission 17 CFR §§200.110-.114 (ex parte communications); Parts 202 (informal and other procedures)

Small Business Administration 13 CFR Part 134 (Office of Hearings and Appeals, rules of procedure)

Social Security Administration (HHS) 20 CFR §§404.900-.996 (determinations, administrative review process, etc.), §§410.601-.707 (disability and other determinations) , §§416.1400-.1494 (supplemental security income); 42 CFR §§405.701-.750 (reconsiderations and appeals under Medicare Part A), §§405.801-.872 (provider reimbursement determinations and appeals, Medicare Part B), §§405.1801-.1889 (Medicare provider reimbursement determinations and appeals)

Surface Transportation Board, 49 CFR Parts 1100-1118 (rules of practice)

Transportation

Coast Guard 46 CFR Part 5 (suspension or revocation of merchant mariner's license)

Federal Aviation Administration 14 CFR Parts 11(rulemaking), 13 (investigative and enforcement procedures).

Federal Highway Administration 49 CFR Parts 386 (rules of practice for motor carrier, hazardous materials, and other proceedings), 389 (rulemaking proceedings)

Maritime Administration 46 CFR Part 201 (rules of practice and procedure)

National Highway Traffic Safety Administration 49 CFR Parts 511 (adjudicative procedures), 553 (rulemaking procedures)

Office of the Secretary 14 CFR Part 302 (aviation economic proceedings)

Treasury

Bureau of Alcohol, Tobacco and Firearms 27 CFR §§178.71-.82 (commerce in firearms., licensing) , Part 200 (rules of practice in permit proceedings)

Comptroller of the Currency 12 CFR Part 19 (uniform rules of practice and procedure, adjudications)

Internal Revenue Service 26 CFR §601.601 (statement of procedural rules); 31 CFR Part 10 (practice before the Internal Revenue Service)

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