

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*
[FR Doc.76-1086 Filed 1-13-76;8:45 am]

PART 930—PROGRAMS FOR SPECIFIC POSITIONS

Appointment, Pay, and Removal of Administrative Law Judges

On November 18, 1975, a notice of a proposed change in the regulations dealing with the inter-agency transfers of Administrative Law Judges was published in the FEDERAL REGISTER, Volume 40, No. 230. The proposal was made because these transfers, immediately after the minimum 90 days of service following competitive appointment required by 5 CFR 330.501, were not in the interests of the losing agency in terms of the cost of training, orientation, replacement, etc., and because selections by the gaining activity of persons not otherwise within reach for selection from a certificate, were not deemed to be consistent with merit principles. In the absence of any significant comment during the notice period, 5 CFR 930.206 is hereby amended by the addition of the following new paragraph (c).

§ 930.206 Transfer.

(c) An agency may not transfer a person from one administrative law judge position to another administrative law judge position under paragraph (a) or (b) of this section sooner than one year after the person's last non-temporary competitive appointment.
(Section 1305, 3105, title 5, U.S.C.)

Effective Date: January 14, 1976.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*
[FR Doc.76-1119 Filed 1-13-76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Charges for Service

This document amends the regulations under which voluntary meat grading and related services are provided by permitting administrative determination of the mileage fees charged to users of this self-supporting service.

The Agricultural Marketing Act of 1946 provides for collection of fees

equal as may be to the cost of Federal meat grading services rendered under its provisions. Therefore, in order for the Federal meat grading service to readily adjust to changes in public law affecting travel reimbursement to Federal employees, it is necessary to allow administrative determination of travel charges.

The provisions of 7 CFR 53.29(c) are hereby amended to read as follows:

§ 53.29 Fees and charges for other services.

(c) *Travel Charges.* When service is requested at a place so distant from an official grader's headquarters, or place of prior assignment on a circuitous routing that a total of one-half hour or more is required for the grader to travel to such place and back to the headquarters, or to the next place of assignment on a circuitous routing, the charge for such service shall include a mileage charge administratively determined by the Chief, and travel tolls, if applicable, for such travel prorated against all the applicants furnished the service involved on an equitable basis, or where the travel is made by public transportation (including hired vehicles), a fee equal to the actual cost thereof. However, the applicant will not be charged a new mileage rate without notification before the service is rendered.

This amendment shall become effective February 1, 1976, for all Federal meat grading services rendered on and after that date, including service under commitment agreement, whether heretofore or hereafter made.

(Sections 203, 205, 60 Stat. 1087, 1090, (7 U.S.C. 1622, 1624))

Done at Washington, D.C. this 9th day of January 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-1136 Filed 1-13-76;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 226—CHILD CARE FOOD PROGRAM

Interim Implementation Provisions

Correction

In FR Doc. 75-35232, appearing at page 60057 in the issue of Wednesday, December 31, 1975 the following changes should be made:

1. On page 60065, the third line of § 226.24(d) should be deleted where it appears and reinserted as the second line of § 226.25(g).

2. On page 60063, paragraph (b) of § 226.30 should be deleted and paragraphs (c) and (d) should be redesignated as paragraphs (b) and (c) respectively.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Imports of Walnuts; Certain Requirements

Notice was published in the December 9, 1975, issue of the FEDERAL REGISTER (40 FR 57368) regarding a proposal by the Department to amend the regulation governing imports of walnuts (7 CFR 999.100) to revise the quality requirements for imported inshell walnuts, and to make a minor editorial change. The walnut import regulation is effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to collectively as the "act".

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

Section 8e of the act requires the Secretary of Agriculture to issue, after reasonable notice, quality restrictions on imported walnuts, which are the same as, or comparable to, those imposed upon domestic walnuts under a Federal marketing order (7 CFR Part 984). The quality requirements for imported inshell walnuts under the import regulation are U.S. No. 2. These were the requirements imposed upon the domestic walnuts under the Federal marketing order until they were modified effective November 30, 1975.

U.S. No. 2, as prescribed in the United States Standards for Walnuts (*Juglans regia*) in the Shell (29 FR 12865; 35 FR 10840), allows a total tolerance of 20 percent, by count, for internal grade defects, but not more than 10 percent of the walnuts may be damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects. No part of any tolerance is allowed for walnuts containing live insects. Examples of internal grade defects are mold, shriveling, rancidity, decay, dark discoloration, presence or evidence of insects inside the shell, and uncured kernels which are wet and rubbery, not firm and crisp.

The November 30, 1975, modification in the domestic requirements reduced the total tolerance for internal grade defects to a maximum of 15 percent, and the tolerance included within the total tolerance for damage by mold or insects or serious damage by other means to a maximum of 8 percent. The tolerance of 5 percent for damage by insects and the prohibition on live insects were not changed. Therefore, it is necessary to revise the present quality requirements on imported inshell walnuts so that they are the same as the modified requirements imposed upon domestic walnuts under the Federal marketing order.

The minor editorial change involves the addition of the paragraph heading

"Reconditioning prior to importation" at the beginning of paragraph (d). It was omitted in the August 15, 1975, amendment of the regulation (40 FR 29263).

After consideration of all relevant matter presented, including that in the notice, and other available information, it is hereby found that the amendment of the regulation governing imports of walnuts (7 CFR 999.100), as hereinafter set forth, is pursuant to, in accordance with, and will tend to effectuate, the declared policy of the act.

Therefore, the regulation governing imports of walnuts (7 CFR 999.100) is amended by revising § 999.100(b) (1) and by inserting a heading at the beginning of paragraph (d) of that section. As so revised, paragraphs (b) (1) and (d) read as follows:

§ 999.100 Regulation governing imports of walnuts.

(b) * * *

(1) All inshell walnuts shall be of a quality equal to or better than the requirements for U.S. No. 2 and "baby" size as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (§§ 51.2945-51.2966 of this title), except that not more than a total of 15 percent, by count, of the walnuts may be damaged by internal grade defects including not more than 8 percent which are damaged by mold or insects or seriously damaged by other means, of which not more than 5 percent may be damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects; or

(d) *Reconditioning prior to importation.* Nothing contained in this section shall be deemed to preclude reconditioning walnuts prior to importation, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: January 8, 1976, to become effective February 29, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc.76-1082 Filed 1-13-76;8:45 am]

Title 9—Animal and Animal Products

**CHAPTER I—ANIMAL AND PLANT HEALTH
INSPECTION SERVICE, DEPARTMENT OF
AGRICULTURE**

PART 78—BRUCELLOSIS

**Quarantined Areas; Postponement of
Effective Date**

The purpose of this amendment is to further postpone the effective date of amendments to Part 78, Title 9, Code of Federal Regulations, as published in the FEDERAL REGISTER December 24, 1975 (40 FR 59421-59422) from January 9, 1976 until a further notice is issued regarding

the effective date of the amendments. As published in the FEDERAL REGISTER January 5, 1976 (41 FR 766-767) the effective date of the amendments had been postponed from January 5, 1976 until January 9, 1976.

Statement of considerations. On December 24, 1975, there were published in the FEDERAL REGISTER (40 FR 59421-59422) amendments to Part 78, Title 9, Code of Federal Regulations, to take effect January 5, 1976, the purposes of which were: (1) To add a new section for quarantined areas, and (2) to add a new section and amend certain definitions in order to provide for the movement of cattle from quarantined areas.

Because of the failure on the part of the State of Texas to comply with the Uniform Methods and Rules for the eradication of brucellosis and because of the high incidence of brucellosis infection that exists in that State, and because measures in effect in that State to eradicate brucellosis were not deemed adequate to prevent the interstate spread of that disease, it was determined that the interstate movement of cattle from Texas without further restriction constituted a threat to the livestock of the United States. Therefore, the entire State of Texas was quarantined effective January 5, 1976, to prevent the interstate spread of brucellosis from that State.

On December 30, 1975, the District Court of Castro County, Texas, 64th Judicial District, in "Louis Henders, et al. v. Texas Animal Health Commission, et al." (Number 4170), issued a Temporary Restraining Order, enjoining and commanding the Texas Animal Health Commission and its commissioners to enforce certain of the Commission's rules and regulations as well as enumerated provisions of the Texas-Bovine Brucellosis Regulations (including proposed changes) dated July, 1975. By its own terms, this Temporary Restraining Order expires January 8, 1976. The rules and regulations which the Court's order requires the defendants to enforce, contain provisions which are the equivalent of the Uniform Methods and Rules for the eradication of brucellosis. The defendants' adherence to the Temporary Restraining Order places Texas in compliance with the Department's brucellosis eradication program until said order expires on January 8, 1976. Therefore, on January 5, 1976, there was published in the FEDERAL REGISTER (41 FR 766-767) an amendment which postponed the effective date of the amendments published on December 24, 1975 (40 FR 59421-59422), from January 5, 1976 until January 9, 1976.

On January 8, 1976, the District Court of Castro County, Texas, 64th Judicial District, in "Louis Henders, et al. v. Texas Animal Health Commission, et al." (Number 4170), issued a Temporary Injunction, enjoining and commanding the Texas Animal Health Commission and its commissioners to enforce certain of the Commission's rules and regulations as well as enumerated provisions of the Texas-Bovine Brucellosis Regulations.

The rules and regulations which the Temporary Injunction requires the de-

fendants to enforce, contain provisions which are the equivalent of the Uniform Methods and Rules for the eradication of brucellosis. The defendants' adherence to the Temporary Injunction places Texas in compliance with the Department's brucellosis eradication program until such Temporary Injunction is dissolved.

The Temporary Injunction is in effect until a hearing on the merits is held or until dissolution of the Temporary Injunction upon motion of either party and a finding by the Court that the Texas Animal Health Commission has issued and is enforcing rules and regulations which are the equivalent of the Uniform Methods and Rules for the eradication of brucellosis and which place Texas in compliance with the Department's brucellosis eradication program.

Therefore, in view of this court action, the effective date of the amendments to Part 78, 9 CFR, as published in the FEDERAL REGISTER December 24, 1975 (40 FR 59421-59422), is further postponed until a further notice is issued regarding the effective date of the amendments to said Part 78.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-114a-1, 115, 117, 120, 121, 123-125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. This amendment shall become effective January 8, 1976.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January, 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-1128 Filed 1-13-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SW-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On December 8, 1975, FR Doc. No. 75-32911 was published in the FEDERAL REGISTER (40 FR 57204). This document designated the Alpine, Tex., 700-foot transition area.

A review of the document revealed that the geographical coordinates describing the location of the Alpine Mu-

nicipal Airport were in error. The latitude should read 30°23'00" N. in lieu of 33°23'00" N. as shown in the document. Action is taken herein to effect this correction.

As this correction is editorial in nature and imposes no additional burden on any person or persons, notice and public procedures are not considered necessary.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on January 5, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc. 76-1063 Filed 1-13-76; 8:45 am]

Title 15—Commerce and Foreign Trade
CHAPTER I—BUREAU OF THE CENSUS,
DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Foreign Port of Lading for Shipments
Other Than by Vessel or Air

Correction

In FR Doc. 75-35115 appearing on page 60041 in the issue of Wednesday, December 31, 1975, the last three lines of § 30.70(c) reading "(Mexico where the merchandise was first loaded) for exportation to the United States." should read "(Mexico) where the merchandise was first loaded for exportation to the United States."

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Continuation of Short Supply Controls on
Petroleum and Petroleum Products During
the First Quarter 1976

The licensing system used during the fourth quarter of 1975 for the export of petroleum and petroleum products is generally continued on the same basis during the first quarter of 1976, except that separate quota entitlements will be established for the export of propane, butane, and natural gas liquids (see discussion below), and the base period for determining exporters' shares of quota entitlements for these products (previously classified as Petroleum Commodity Group I) is changed to January 1, 1973 through March 31, 1973. The change in base period conforms with the practice that has been in effect since the second quarter of 1974, and that recognizes seasonal fluctuations in the use of these products. All other product quotas are to be calculated (as in the past) on a base period average spanning 1971, 1972, and the first six months of 1973.

ESTABLISHMENT OF SEPARATE QUOTAS FOR
THE EXPORT OF PROPANE, BUTANE AND
NATURAL GAS LIQUIDS

Propane, butane, and natural gas liquids (including liquefied petroleum gas and butane/propane mixtures) have heretofore been treated as a single product for export control purposes, being

grouped together under Petroleum Commodity Group I, with a single quota applicable to the export of all three commodities. However, these three commodities are not fully interchangeable: Each has its separate uses, and seasonal fluctuations in demand are significantly different for each. Moreover, the Federal Energy Administration (FEA) separately allocates propane and butane.

In order to maintain better control over the export of these commodities, and to make possible closer coordination between the petroleum short supply programs administered by this Department and related programs of other agencies, the Department has decided to announce separate quotas for each of these three commodities, commencing with the first quarter of 1976, and to issue separate quota entitlements to exporters of these commodities based upon the completed audits of their Past Participation Statements and supporting documentation.

The use of Petroleum Commodity Group I is being discontinued, and three new groups, Petroleum Commodity Groups K, L and M are established, respectively, for butane (Schedule B No. 341.1025), propane (Schedule B No. 341.1030), and natural gas liquids including LPG and butane/propane mixtures (Schedule B, No. 341.1040). Supplement No. 2 to Part 377 of the Export Administration Regulations is being revised to reflect these changes.

ADJUSTMENT OF QUOTA ENTITLEMENTS
FOLLOWING AN AUDIT OF STATEMENTS
OF PAST PARTICIPATION IN EXPORTS

The Federal Register dated July 15, 1975 and October 1, 1975, required exporters seeking quota entitlements for commodities under short supply control on the basis of their past participation in exports to submit for audit documentation substantiating the exports they had claimed on their Past Participation Statements (Forms DIB-669P). The Federal Register for July 15, 1975 stated that individual company export quota entitlements would be realigned appropriately following the completion of audits of the documentation submitted. The Federal Register for October 1, 1975, noted that the audit of Past Participation Statements and realignment of quota entitlements based thereon, had been completed for all petroleum commodity groups being audited with the exception of Group I. It further stated that the audit of the documentation relating to this commodity group would be completed prior to the end of the fourth quarter of 1975 and the quota entitlements for Group I would then be realigned.

As a result of this audit, the quota entitlements for butane, propane and natural gas liquids (formerly classified as Petroleum Commodity Group I) are being appropriately realigned. Individual exporters will be notified of their revised quota entitlements for exports beginning with the first quarter of 1976.

AMENDMENT OF EXPORT ADMINISTRATION
REGULATIONS TO PROVIDE FOR THE
REDUCTION OR CANCELLATION OF FUTURE
EXPORT QUOTA ENTITLEMENTS WHERE

EXPORTERS HAVE EXPORTED COMMODITIES
UNDER SHORT SUPPLY CONTROLS
WITHOUT AUTHORIZATION

In the course of administering export controls under the short supply provisions of the Export Administration Act, it has come to our attention that companies sometimes have explored commodities under short supply control either without a validated license, or in quantities exceeding license authorizations, or after the expiration of a license. The effect of such unauthorized exports is to deny to the domestic economy commodities that have been found to be in short domestic supply. Such exports thus tend to frustrate the purposes of the short supply provisions of the Export Administration Act of 1969, as amended, which are intended to "protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand."

In order to minimize these adverse effects, the Department will henceforth offset such unauthorized exports against future quota entitlements of such companies by reducing or cancelling their entitlements as appropriate. Whenever such action is taken, the exporter will be notified in writing of the changes in his export quota entitlement(s) and of the approximate time periods during which unauthorized shipments were made. Such actions will be independent of any compliance actions undertaken by the Department.

AMENDMENT OF EXPORT ADMINISTRATION
REGULATIONS TO PROVIDE FOR THE
REDUCTION OR CANCELLATION OF FUTURE
EXPORT QUOTA ENTITLEMENTS WHERE
STATEMENTS OF PAST PARTICIPATION
OVERSTATE THE PROVABLE EXPORT
HISTORY OF AN EXPORTER

From the results of the audits of Past Participation Statements of exporters of commodities under short supply control, it appears that some companies have claimed exports during the historical base period that were in excess of the exports for which adequate supporting documentation or other proof was provided by the exporter. The effect of such overstatements has been that some exporters have received quota entitlements, and subsequently made export shipments against licenses issued thereunder, in excess of those to which they should have been entitled based upon their documented export histories. The Department intends, henceforth, to minimize the adverse effects on the domestic economy of such excess exports.

With respect to Past Participation Statements submitted hereafter, if it is determined—through an audit or otherwise—that (a) such Past Participation Statements overstate an exporter's history of exports during the base period, and (b) actual exports have occurred that were greater than would have been authorized if his Past Participation Statement had accurately reflected the provable export history of such exporter, the Department will make appropriate offsetting adjustments in the exporter's future quota entitlements. Whenever