§ 1427.1087 Exemption from requirements.

(a) If warehousing services in any area cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available for securing such services for commodities under CCC programs, the President or Executive Vice President, CCC may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other standards as are considered necessary to safeguard satisfactorily the interests of CCC.

(b) Warehousemen who are currently under contract with CCC will be required to meet the terms and conditions of these regulations at the time of renewal of their contract. Warehousemen approved under prior regulations may be required to submit a new TW-51 "Financial Statement" at renewal time or as may be prescribed by CCC for approval under this revision and are subject to the provisions of this subpart for continued approval to handle and store the applicable commodities.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations", and has been classified "significant". An approved Final Impact Statement is available from Mr. Eugene A. Williams, ASCS, (202) 447-7335.

Signed at Washington, D.C. on November 13, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-36077 Filed 11-21-79; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 113

Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors; Standard Requirements; Corrections

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; corrections.

SUMMARY: On October 19, 1979, a final rule was published in the Federal Register at 44 FR 60262 that amended Part 113 by adding a new § 113.166. In the preparation of this final rule, the first letter of each word in the heading was not capitalized and parts of two sentences were inadvertently omitted. This amendment is being published to correct these errors.

EFFECTIVE DATE: This amendment becomes effective November 23, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8245.

Part 113.166 (b)(2)(ii) and (d)(3) are corrected to read:

§ 113.166 Bursal disease vaccine.

* * * * *

(b) * * *

(2) * * *

(ii) Fourteen days post-vaccination, the remaining vaccinates and negative controls shall be necropsied and examined for obvious bursal atrophy. If any of the vaccinates have such atrophy, the Master Seed Virus is unsatisfactory, except that, if any of the negative controls have such atrophy, the test is inconclusive and may be repeated.

* * * * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of log $10^{0.7}$ greater than that used in such immunogenicity test, but not less than log $10^{2.0}$ titration units (PFU or ID_{50}'s) per dose.

* * * * *

(21 U.S.C. 151 and 154, 37 FR 28477, 28646; 38 FR 19141.)

Done at Washington, D.C., this 16th day of November 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-35882 Filed 11-21-79; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 316

Marking of Meat Food Products With Official Inspection Legend and Ingredient Statement

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Federal meat inspection regulations with respect to marking or labeling small sausages and other meat products in casings or link form to reflect weight limitations in kilograms rather than in pounds. The September 22, 1978, proposal (43 FR 43027-43028) was commented on without opposition. This rule is in compliance with the U.S. policy to convert to the metric system, with a minimum disruption of service and cost.

EFFECTIVE DATE: December 24, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Irwin Fried, Acting Director, Meat and Poultry Standards and Labeling Division, Compliance, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 1978, a notice was published in the Federal Register (43 FR 43027-43028), proposing to amend the Federal meat inspection regulations (9 CFR 316.10(b)) with respect to marking or labeling small sausages and other meat products in casings or link form. The Federal meat inspection regulations (9 CFR 316.10(b)) required that small sausages and similar products, in casings or link form, bear one or more inspection legends and one or more lists of ingredients on each 2 pounds of product. This requirement makes readily available to the consumer the list of ingredients on each 2 pounds of product and assures the consumer that the product has been packed under Federal inspection. Fully labeled immediate containers of 10 pounds or less of product need not bear the official inspection legend and list of ingredients on each 2 pounds of products, since containers of product 10 pounds or less are customarily sold at retail intact.

The Food Safety and Quality Service (FSQS) proposed to convert the 2-pound limitation to a kilogram (2.205 lbs.), and the 10-pound container size to 5 kilograms (11.025 lbs.). This change complies with the U.S. policy to convert to the metric system.

Public Comment

A total of 10 comments were received. One comment was received from a consumer, one from a State Department of Food and Agriculture, one from a farmer, one from a packaging firm, two from food retailing firms, and four from producers of meat food products.

Nine of the 10 comments supported the proposal in general terms, without objection or modification. Four commenters specifically endorsed this conversion to the metric system, and four commenters stated the conversion would result in cost savings to industry and consumers. One comment was not relevant to the issues of the proposal.

After carefully considering all comments received on the proposed amendment, the Administrator has determined that the amendment, should be published without change, except to show the complete sentence containing the change to assure proper placement in the Code of Federal Regulations. Accordingly, the first sentence in § 316.10(b) of the Federal meat inspection regulations (9 CFR 316.10(b)) is amended to read as follows:

§ 316.10 Marking of meat food products with official inspection legend and ingredient statement.

* * * * *

(b) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients in accordance with Part 317 of this subchapter on each kilogram (2.205 lbs.) of product, except where such products leave the official establishment completely enclosed in properly labeled immediate containers having a capacity of 5 kilograms (11.025 lbs.) or less and containing a single kind of product: *Provided*, That such products in properly labeled closed containers exceeding 5 kilograms (11.025 lbs.) capacity, when shipped to another official establishment for further processing or to a governmental agency, need only have the official inspection legend and list of ingredients shown twice throughout the contents of the container. * * *

* * * * *

(Sec. 21, 34 Stat. 1264, 21 U.S.C. 621; 42 FR 35625, 35626, 35631)

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been designated "not significant."

A Final Impact Statement has been prepared and is available from Mr. Fried, Acting Director, Meat and Poultry Standards and Labeling Division, Compliance, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250. The alternatives considered during the analysis are listed in the Final Impact Statement.

Done at Washington, D.C., on November 19, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 79-36205 Filed 11-21-79; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Review of Uncontested Matters by Adjudicatory Boards During Operating License Proceedings

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its Rules of Practice to provide that during an operating license proceeding, NRC adjudicatory boards may examine any "serious" matter not contested by the parties. The rules as now written provide that the adjudicatory boards may review matters not put in issue by the parties to an operating license proceeding only in "extraordinary circumstances," and must exercise this authority "sparingly". The amended rules eliminate an apparent constraint on boards as well as more accurately reflect current NRC adjudicatory board practice.

EFFECTIVE DATE: November 30, 1979.

FOR FURTHER INFORMATION CONTACT: William M. Shields, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Phone: 202-634-3215.

SUPPLEMENTARY INFORMATION: The Commission's rules governing review of uncontested matters in operating license proceedings are: 10 CFR 2.760a, 10 CFR 2.104(c), 10 CFR Part 2, Appendix A, Sec. VIII(b) [Licensing Boards]; 10 CFR 2.785(b)(2) and 10 CFR Part 2 Appendix A, Sec. IX(a) [Appeal Board]. In general, these rules provide that in operating license proceedings the boards may review "serious" matters not put in issue by the parties only in "extraordinary circumstances", and that this authority is to be used "sparingly". The rules derive from a decision of the Atomic Energy Commission entitled *Consolidated Edison Company of New York* (Indian Point), 8 AEC 7 (1974).

It has come to the Commission's attention that this wording could prevent boards from examining issues that, although not presented by "extraordinary circumstances," could still pose important health and safety questions. It is true that members of the current adjudicatory boards, while limiting their inquiries to "serious" matters involving the public health and safety, the environment, or the common defense and security, do not appear to have further constrained themselves by strict observance of the "extraordinary circumstances" and "sparingly" criteria. The Commission approves this somewhat less restrictive limitation, and thus amendments to the rules of practice are in order.

The specific rule changes are stated below.

The Rules of Practice, 10 CFR Part 2, are amended as follows:

1. 10 CFR 2.760a is revised to read:

§ 2.760a Initial decision in contested proceedings on applications for facility operating licenses.

In any initial decision in a contested proceeding on an application for an operating license for a production or utilization facility, the presiding officer shall make findings of fact and conclusions of law on the matters put into controversy by the parties to the proceeding and on matters which have been determined to be the issues in the proceeding by the Commission or the presiding officer. Matters not put into controversy by the parties will be examined and decided by the presiding officer only where he or she determines that a serious safety, environmental, or common defense and security matter exists. Depending on the resolution of those matters, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, after making the requisite findings, will issue, deny, or appropriately condition the license.

2. 10 CFR 2.104(c) is revised to read (in relevant part):

§ 2.104 Notice of hearing.

* * * * *

(c) In the case of an application for an operating license in which a hearing will be held, the notice of hearing will, except as provided in paragraph (d) of this section and unless the Commission determines otherwise, state, in implementation of paragraph (a)(3) of this section, that the presiding officer will consider any matters in controversy among the parties and may, where he or she determines that a serious safety, environmental, or common defense and security matter has not been raised by the parties, consider such other matter within the purview of:

* * * * *

3. 10 CFR Part 2 Appendix A, Sec. VIII(b) is amended to read (in relevant part):

VIII. Procedures Applicable to Operating License Proceedings

* * * * *

(b) In an operating license proceeding the board will determine the matters in controversy among the parties, and where the board determines that a serious safety, environmental, or common defense and security matter was not raised by the parties, the board will determine such matter as being among the issues to be decided. Those issues will be specified in the notice of a hearing issued by the Commission, or in a prehearing conference order issued by the board in the exercise of its discretion during the hearing.

* * * * *

4. 10 CFR 2.785(b)(2) is revised to read:

§ 2.785 Functions of Atomic Safety and Licensing Appeal Boards.

* * * * *

(b) * * *

(2) In a proceeding on an application for an operating license where the Atomic Safety and Licensing Appeal Board determines that a serious safety, environmental, or common defense and security matter exists that has not been raised by the parties, it may give appropriate consideration to that matter.

5. The fourth sentence of 10 CFR Part 2 Appendix A, Sec. IX(a) is amended to read:

IX. Licensing Proceedings Subject to Appellate Jurisdiction of Atomic Safety and License Appeal Board

(a) * * * In a proceeding on an application for an operating license, if the Atomic Safety and Licensing Appeal Board determines that a serious safety, environmental, or common defense and security matter has not been raised by the parties, it has the authority to give appropriate consideration to that matter.

* * * * *

(Sec. 161(p), Pub. L. 83–703, 68 Stat. 948, 42 U.S.C. 2201(p); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1243, Pub. L. 94–79, 89 Stat. 413, 42 U.S.C. 5841)

Dated at Washington, D.C., this 16th day of November, 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79–36216 Filed 11–21–79; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 73

Physical Protection of Plants and Materials; Requirements for the Physical Protection of Nuclear Power Plants

Correction

In FR Doc. 79–35619, appearing at page 65969 in the issue of Friday, November 16, 1979, the headings, which mistakenly identified the Nuclear Regulatory Commission as part of the Department of Energy, should be corrected to read as above.

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 541, 545

[No. 79-571]

Loans in Excess of 80 Percent of Value; Three-Family and Four-Family Dwellings

November 15, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: These rules amend the Board's regulations to permit Federal savings and loan associations to make loans with low downpayments on the security of three- and four-family dwellings provided the borrower occupies a unit of the dwelling. The rules also increase the maximum authorized dollar amounts of loans secured by two-, three- and four-family dwellings. The Board believes these changes will increase opportunities for home ownership, especially in urban areas where such dwellings are concentrated and, by encouraging owner occupancy in such areas, help alleviate problems associated with absentee ownership.

EFFECTIVE DATE: December, 24, 1979.

FOR FURTHER INFORMATION CONTACT: John R. Hall, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (202–377–6445).

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Resolution No. 79–342, dated June 14, 1979, proposed to amend Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) to permit loans in excess of 80 percent of value on the security of three- and four-family dwellings, provided the borrower executes a certificate stating that he or she occupies, or in good faith intends to occupy, the property as his or her principal dwelling. The Board also proposed to set a maximum amount of $60,000 per dwelling unit on any loan secured by a two-, three- or four-family dwelling with a loan-to-value ratio of more than 80 percent but not more than 90 percent.

Present § 545.6–2(a) limits 90-percent loans on two-family dwellings to maximum dollar amounts per dwelling unit as established under section 207(c)(3) of the National Housing Act. This limitation is not prescribed by statute; section 5(c) of the Home Owners' Loan Act merely requires that the amount of the loan exceeding the 207(c)(3) maximum be included in a limited investment category of the association.

On the basis of comments received and all other information available to it the Board has determined to adopt the proposed amendments with the following change.

The Board has determined to prescribe a maximum dollar amount 90-percent on loans on the security of two-, three-, and four-family dwellings of $60,000 per dwelling unit or the limit established pursuant to section 207(c)(3) of the National Housing Act, whichever is greater. The Board believes these alternative maximums will assure flexibility for associations located in all areas of the country, including areas where a maximum of $60,000 per dwelling unit would be unnecessarily restrictive. Thus, this change will more effectively achieve the liberalization intended by the proposed amendments.

The final amendments also contain a technical change clarifying that no loan made under §§ 545.6–2(a) (2) or (3), as long as it is in excess of 80 percent of the value or purchase price of the security property, may be included in the category of loans that are not subject to percentage-of-assets or percentage-of-savings-accounts limitations. As provided in the current regulations, such loans are subject to a 50-percent-of-assets limitation, and loan amounts exceeding 207(c)(3) limits must be included in an investment category that may not exceed 20 percent of assets.

Comment Summary

The Board received 26 public comments on the proposal. Nineteen commenters favored the proposal, three opposed it, and four recommended that the proposal be amended.

Comments Favoring Adoption

Respondents favoring adoption of the proposal stated their belief that it would encourage lending in inner-city areas where three- and four-family dwellings are concentrated and increase opportunities for home ownership for first-time home buyers, the elderly, and inner-city residents. Commenters stated that an increase in owner occupancy would benefit areas in which housing has been uniformly owned by absentee landlords. They stated that Federal associations have been restricted in making loans on three- and four-family dwellings by the low maximum loan amounts permitted under the 207(c)(3)