that, since the base year, the ratio of total costs excluding those subtracted from revenues when computing gross margin, as defined in § 705.42(b)(1), to total revenues has risen at a rate in excess of the allowable percentage-gross-margin trend or zero, whichever is greater, and is expected to continue to do so by an amount that would result in a significant erosion of the profit margin of the compliance unit if it were held to the gross-margin standard. The compliance unit should also satisfy § 707.36 (b) and (c).

§ 707.38 Uncontrollable-cost exceptions to a gross-margin standard.

For an exception to a gross-margin standard (§ 705.43, or § 705.44, § 705.45) based on uncontrollable cost increases, a compliance unit should demonstrate that total costs excluding those subtracted from revenues when calculating gross margins, as defined in § 705.43(b)(1), § 705.44(b)(3), or § 705.45(b) have risen since the base quarter at an annual rate in excess of the sum of 6.5 percent and the annual rate of growth of physical volume and are expected to continue to do so by an amount that would result in a significant erosion of the profit margin of the compliance unit if it were held to the gross-margin standard. The compliance unit should also satisfy § 707.36 (b) and (c).

[FR Doc. 79-38696 Filed 12-14-79; 8:45 am]
BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Beans; Amendment

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The definition of foreign material in the U.S. Standards for Beans is amended by deleting the words "cowpeas other than Blackeye types". The agency is taking this action in response to concern raised by the dry bean industry and in the interest of uniformity among standards promulgated under the Agricultural Marketing Act of 1946.

EFFECTIVE DATE: January 16, 1980.

[1] Including matters within the responsibility of the Federal Grain Inspection Service.

FOR FURTHER INFORMATION CONTACT: James L. Driscoll, Director, Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030. Telephone (816) 348-2861.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for their voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities and payment of a fee to cover the cost of the service.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624) a notice was published, according to the administrative procedure provisions of section 553 of Title 5, United States Code, in the **Federal Register** (44 FR 28806) on May 17, 1979, concerning an amendment to the U.S. Standards for Beans.

Interested persons were given 60 days to submit written comments, suggestions, or objections regarding the proposed rulemaking. Approximately 250 reprints of the proposed rulemaking showing the proposed amendment to the standards were distributed to interested trade and government organizations. Two comments were received which supported the change in the standards and suggested additional clarification. Both comments recommended that the definition of beans, § 68.101, be further amended to specifically include cowpeas. This action would clarify the change in the definition of foreign material. These recommedations are being prepared for proposed rulemaking. The amendment to the definition of foreign material, § 68.109, is amended in the interest of uniformity and clarity.

Amendment to the Definition of Foreign Material

Foreign material in grains and other commodities is defined as material other than the grains or commodity in which it is found. This includes earthy material, glass, metal, plant stalks, pods, cobs, weed seeds, and unlike grains or commodities. An exception to this definition of foreign material exists in the U.S. Standards for Beans. The definition of foreign material in beans, in addition to the above, includes cowpeas other than Blackeye types. These non-Blackeye cowpeas should not be singled out as being foreign material. Cowpeas are edible. A sample of non-Blackeye cowpeas is inspected under the class Miscellaneous Beans. For the sake of uniformity, this amendment deletes the words "cowpeas other than Blackeye types" from the definition of foreign material in the U.S. Standards for Beans. With this change, cowpeas which differ in color, size, or shape from the beans in which they are found would function as beans of a contrasting class. Cowpeas which are similar in color, size, and shape to the beans in which they are found would function as classes that blend.

Section 68.109 of the United States Standards for Beans is revised to read as follows:

Subpart B—United States Standards for Beans [1]

Terms Defined

§ 68.109 Foreign Material.

Foreign material shall be stones, dirt, weed seeds, cereal grains, lentils, peas, and all matter other than beans.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from James L. Driscoll, Director, Standardization Division, FGIS, USDA, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030, telephone (816) 348-2861.

(Sec. 203, 205, Pub. L. 79-733, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on December 12, 1979.

D. R. Galliart,
Acting Administrator.

[FR Doc. 79-38583 Filed 12-14-79; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 68

Amendment to the United States Standards for Brown Rice for Processing and Milled Rice

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The term "Paddy kernels" in the United States Standards for Brown Rice for Processing and Milled Rice is redefined for purpose of clarity. The new definitions specify the amount of hull which must be adhering to rice

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

kernels before they are considered paddy kernels.

EFFECTIVE DATE: January 16, 1980.

FOR FURTHER INFORMATION CONTACT: James L. Driscoll, Director, Standardization Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030. Telephone (816) 348-2861.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities. It further provides for their voluntary use by producers, merchandisers, and processors in the marketing of these commodities upon payment of a fee to cover the cost of service.

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090 (7 U.S.C. 1622 and 1624), a notice was published according to the administrative procedures provisions of Section 553 of Title 5, United States Code, in the **Federal Register** (44 FR 28806) on May 17, 1979. Interested persons were given 60 days to submit written comments, suggestions, or objections regarding the proposed rule. Approximately 875 reprints of the proposed rule showing the proposed amendment to the standards were distributed to interested trade and government organizations. Two comments were received which supported the changes in the standards and suggested additional clarification. These recommendations are included in the amended definitions. No objections to the amendments were received.

Change in the Definition of Paddy Kernels

The present definitions for paddy kernels under the United States Standards for Brown Rice for Processing and the United States Standards for Milled Rice do not clearly define the amount of hull adhering to a kernel of rice before it is considered paddy kernel. The lack of clarity in the definition of paddy kernels in the standards for rice has caused problems in the uniform interpretation and application of the factor. This clarification is added to avoid confusion in the definition of paddy kernels, particularly in grading parboiled brown rice for processing and parboiled milled rice.

In the processing of parboiled rice, rough rice is steeped in water or steam heated. During parboiling, the starchy endosperm of the rice kernel gelatinizes and the bran layers of the rice kernel are "cooked" into the gelatinized kernel. After this heat treatment, the rice is dried and the hull removed by shelling. Due to the nature of the parboiling process, certain kernels may also have an area of the hull "cooked" into the kernel so that the hull is not easily removed through shelling.

The amended definitions conform to interpretations of paddy kernels maintained by the Board of Appeals and Review and do not establish a new or revised substantive rule. the Board of Appeals and Review has applied a more specific interpretation of the definition as to the amount of hull remaining on a rice kernel before it is considered a paddy kernel. For milled rice this interpretation can be found in item 5.25 of the Rice Inspection Handbook, HB 918-11. The Department finds that these definitions are clearer and more descriptive, and should therefore be adopted for use in the official standards. These clarifying amendments are in the interest of assuring uniformity of application. Section 68.252(j) of the United States Standards for Brown Rice for Processing and § 68.302(j) of the United States Standards for Milled Rice are amended to read as follows:

Subpart D—United States Standards for Brown Rice for Processing[1]

Terms Defined

* * * * *

§ 68.252 Definition of other terms.

* * * * *

(j) *Paddy Kernels.* Whole or broken unhulled kernels and whole or broken kernels of rice having a portion or portions of the hull remaining which cover one-half (½) or more of the whole or broken kernel.

* * * * *

Subpart E—United States Standards for Milled Rice [1]

* * * * *

§ 68.302 Definition of other terms.

* * * * *

(j) *Paddy Kernels.* Whole or broken unhulled kernels of rice; whole or broken kernels of brown rice, and whole or broken kernels of milled rice having a portion or portions of the hull remaining which cover one-eighth (⅛) or more of the whole or broken kernel.

* * * * *

1 Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from James L. Driscoll, Director, Standardization Division, USDA FGIS, Richards-Gebaur AFB, Building 221, Grandview, Missouri 64030, telephone (816) 348-2861.

(Sec. 203, 205, Pub. L. 79-733, 60 Stat. 1087, 1090 (7 U.S.C. 1622, 1624))

Done in Washington, D.C. on: December 12, 1979.

D. R. Galliart,

Acting Administrator.

[FR Doc. 79-38559 Filed 12-14-79; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Parts 905, 906, 907, 908, 909, 910, 911, 912, 913, 915, 916, 917, 918, 919, 921, 922, 923, 924, 926, 927, 928, 929, 930, 931, 932, 944, 945, 946, 947, 948, 950, 953, 958, 959, 965, 966, 967, 971, 979

Marketing Agreements and Orders; Fruits and Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule excepts "Budget of Expenses and Rate of Assessment" and "Handling" regulations, which are effective for a year or less, from publication in the *Code of Federal Regulations* and removes obsolete material from the Code. The regulations will continue to be published in the **Federal Register.**

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: D. S. KURYLOSKI (202) 447-6393.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service will continue publishing "Budget of Expenses and Rate of Assessment" and "Handling" regulations for fruits and vegetables in the **Federal Register,** but those issued pursuant to the CFR parts listed above will no longer be included in the *Code of Federal Regulations* (CFR) which is primarily a codification of permanent regulation. The regulations are seasonal, and often in effect for less than a year; therefore, the CFR cannot be depended on to contain a regulation of current effect. Further, the Agricultural Marketing Service has a special procedure for notifying those specifically affected by these regulations. The Secretary of Agriculture notifies the program administrative committee, which then notifies the affected growers and handlers. Publication in the CFR is not necessary to inform those people most affected by these regulations.

Not printing the "Budget of Expenses and Rate of Assessment" and "Handling" regulations in the CFR will eliminate possible confusion, and save substantially on printing costs without inconvenience to the public. Further, it will prevent the future random accumulation of out-of-date provisions now existing in the CFR.

The seasonal provisions will be carried in the *List of Sections Affected* (LSA) which is published monthly, and is also caried in the back of each CFR volume. In addition, a note will direct the user to the LSA.

1. The following subpart headings and sections are removed and a note is added at the end of each affected Part to read as follows:

Note.—After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .300–.399) which are in effect for a year or less, will not be carried in the *Code of Federal Regulations*. For **Federal Register** citations affecting these regulations, see the "List of Sections Affected" in this volume.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 905.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 905.301 [Removed]

§ 905.302 [Removed]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 906.218 [Removed]

Subpart—Handling Regulation [Removed]

§ 906.361 [Removed]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Expenses and Rate of Assessment [Removed]

§ 907.215 [Removed]

Subpart—Handling Regulation [Reserved] [Removed]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Subpart—Expenses and Rate of Assessment [Removed]

§ 908.217 [Removed]

Subpart— Handling Regulation [Removed]

§ 908.881 [Removed]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Subpart—Expenses, Rate of Assessment, and Carryover of Unexpended funds [Removed]

§ 909.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 909.342 [Removed]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Subpart—Expenses and Rate of Assessment [Removed]

§ 910.216 [Removed]

Subpart—Handling Regulation [Removed]

§ 910.463 [Removed]

PART 911—LIMES GROWN IN FLORIDA

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds [Removed]

§ 911.217 [Removed]

Subpart—Handling Regulation [Removed]

§ 911.340 [Removed]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Subpart—Expenses and Rate of Assessment [Removed]

§ 912.218 [Removed]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Subpart—Expenses and Rate of Assessment [Removed]

§ 913.214 [Removed]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds [Removed]

§ 915.217 [Removed]

§ 915.319 [Removed]

§ 915.320 [Removed]

PART 916—NECTARINES GROWN IN CALIFORNIA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 916.217 [Removed]

§ 916.351 [Removed]

§ 916.352 [Removed]

PART 917—FRESH PEARS, PLUMS AND PEACHES GROWN IN CALIFORNIA

Subpart—Expenses, Rates of Assessment, and Carryover of Unexpended Funds [Removed]

§ 917.217 [Removed]

§ 917.218 [Removed]

§ 917.219 [Removed]

§ 917.220 [Removed]

§ 917.221 [Removed]

§ 917.222 [Removed]

§ 917.419 [Removed]

§ 917.439 [Removed]

§ 917.440 [Removed]

§ 917.441 [Removed]

§ 917.443 [Removed]

§ 917.444 [Removed]

§ 917.445 [Removed]

§ 917.446 [Removed]

§ 917.447 [Removed]

§ 917.448 [Removed]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 918.216 [Removed]

§ 918.320 [Removed]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 919.217 [Removed]

§ 919.319 [Removed]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 921.217 [Removed]

Subpart—Container Regulations [Removed]

§ 921.315 [Removed]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 922.218 [Removed]
§ 922.318 [Removed]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 923.218 [Removed]

Subpart—Container Regulations [Removed]

§ 923.316 [Removed]

§ 923.317 [Removed]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 924.218 [Removed]

Subpart—Container Regulations [Removed]

§ 924.316 [Removed]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds [Removed]

§ 926.218 [Removed]

§ 926.315 [Removed]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Subpart—Expenses, Rate of Assessment, and Carryover of Unexpended Funds [Removed]

§ 927.218 [Removed]

Subpart—Container Regulations [Removed]

§ 927.316 [Removed]

§ 927.317 [Removed]

PART 928—PAPAYAS GROWN IN HAWAII

Subpart—Budget of Expenses, Rate of Assessment, and Carryover of Unexpended Funds [Removed]

§ 928.208 [Removed]

Subpart—Handling Regulation [Removed]

§ 928.308 [Removed]

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Subpart—Expenses and Rate of Assessment [Removed]

§ 929.219 [Removed]

Subpart—Handler Regulations [Removed]

§ 929.304 [Removed]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

§ 930.158 [Removed]

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 930.208 [Removed]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Subpart—Budget of Expenses; Rate of Assessment; and Carryover of Unexpended Funds [Removed]

§ 931.213 [Removed]

Handling regulation (removed).

§ 931.312 [Removed]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Expenses and Rate of Assessment [Removed]

§ 932.213 [Removed]

2. The following sections are redesignated:

§ 921.203 Reserve fund. [Redesignated]

a. Section 921.203 is redesignated as § 921.142.

§ 922.205 Reserve fund. [Redesignated]

b. Section 922.205 is redesignated as § 922.142.

§ 923.202 Reserve fund. [Redesignated]

c. Section 923.202 is redesignated as § 923.142.

§ 924.203 Reserve fund. [Redesignated]

d. Section 924.203 is redesignated as § 924.142.

§ 927.202 Reserve fund. [Redesignated]

e. Section 927.202 is redesignated as § 927.142.

§ 929.204 Reserve. [Redesignated]

f. Section 929.204 is redesignated as § 929.142.

§ 932.203 Reserve. [Redesignated]

g. Section 932.203 is redesignated as § 932.140.

3. The following subpart headings and sections are removed:

PART 944—FRUITS, IMPORT REGULATIONS

§ 944.17 [Removed]

§ 944.18 [Removed]

§ 944.101 [Removed]

§ 944.102 [Removed]

§ 944.205 [Removed]

§ 944.308 [Removed]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 945.230 [Removed]

§ 945.231 [Removed]

Subpart—Handling Regulation [Removed]

§ 945.337 [Removed]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 946.230 [Removed]

§ 946.231 [Removed]

Subpart—Handling Regulation [Removed]

§ 946.333 [Removed]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 947.221 [Removed]

§ 947.229 [Removed]

§ 947.230 [Removed]

§ 947.231 [Removed]

Subpart—Handling Regulation [Removed]

§ 947.337 [Removed]

PART 948—IRISH POTATOES GROWN IN COLORADO

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 948.262 [Removed]

§ 948.275 [Removed]

§ 948.277 [Removed]

§ 948.278 [Removed]

§ 948.279 [Removed]

§ 948.280 [Removed]

Subpart—Handling Regulation [Removed]

§ 948.377 [Removed]

§ 948.378 [Removed]

§ 948.379 [Removed]

§ 948.380 [Removed]

PART 950—IRISH POTATOES GROWN IN MAINE

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 950.213 [Removed]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 953.214 [Removed]

§ 953.215 [Removed]

Subpart—Handling Regulation [Removed]

§ 953.318 [Removed]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 958.221 [Removed]

§ 958.222 [Removed]

Subpart—Handling Regulation [Removed]

§ 958.322 [Removed]

§ 958.323 [Removed]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Subpart—Expenses and Rate of Assessment [Removed]

§ 959.217 [Removed]

§ 959.218 [Removed]

Subpart—Handling Regulation [Removed]

§ 959.317 [Removed]

§ 959.318 [Removed]

PART 965—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 965.213 [Removed]

PART 966—TOMATOES GROWN IN FLORIDA

Subpart—Expenses and Rate of Assessment [Removed]

§ 966.214 [Removed]

§ 966.215 [Removed]

Subpart—Handling Regulation [Removed]

§ 966.316 [Removed]

§ 966.317 [Removed]

PART 967—CELERY GROWN IN FLORIDA

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 967.213 [Removed]

§ 967.214 [Removed]

Subpart—Handling Regulation [Removed]

§ 967.313 [Removed]

§ 967.314 [Removed]

PART 971—LETTUCE GROWN IN THE LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 971.217 [Removed]

§ 971.218 [Removed]

Subpart—Handling Regulation [Removed]

§ 971.318 [Removed]

§ 971.319 [Removed]

PART 979—MELONS GROWN IN SOUTH TEXAS

Subpart—Budget of Expenses and Rate of Assessment [Removed]

§ 979.201 [Removed]

Subpart—Handling Regulation [Removed]

§ 979.301 [Removed]

4. The following sections are redesignated and revised in order to remove them from the deleted subparts.

§ 946.219 Operating reserve. [Redesignated]

a. Section 946.219 is redesignated as § 946.142.

§ 950.201 Fiscal period. [Redesignated]

b. Section 950.201 is redesignated as § 950.115.

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

Dated: December 12, 1979 to become effective December 31, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-38482 Filed 12-14-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303 and 304

Delegation of Authority to the Director of the Division of Bank Supervision

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: Under § 346.19 a foreign bank which has an insured branch is required to pledge assets for the benefit of the FDIC in the event the FDIC is obligated to pay the insured deposits of an insured branch. These rules amend Parts 303 and 304 of FDIC's regulations. The amendment to Part 303 provides notice of the delegation of authority by the FDIC's Board of Directors to the Director of the Division of Bank Supervision and thence to the Regional Directors to enter into deposit agreements on behalf of the FDIC and to the General Counsel to modify provisions of the model deposit agreement as necessary to fulfill the purposes of FDIC regulation § 346.19.

EFFECTIVE DATE: December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Attorney, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429, (202–389–4433).

SUPPLEMENTARY INFORMATION: The amendment to Part 304 provides notice of the adoption of a model deposit agreement for use in connection with the pledge of asset requirements of § 346.19. The model agreement sets out the provisions which must be included in any deposit agreement. Additional provisions not inconsistent with these provisions may be included by the bank or the depository.

The amendments to Parts 303 and 304 relate to the procedures and practices of the FDIC and thus the provisions of the Administrative Procedure Act regarding notice and a delayed effective date (5 U.S.C. § 553) are not applicable. The amendments will be effective upon publication in the **Federal Register.**

Accordingly, FDIC's Board of Directors under the authority of § 9 of the Federal Deposit Insurance Act and § 13 of the International Banking Act of 1978 (12 U.S.C. 1819 and 3108) amends Parts 303 and 304 of FDIC's regulations as set out below:

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

1. Section 303.13 is amended by adding a new paragraph (j) to read as follows:

§ 303.13 Other delegations of authority.

* * * * *

(j) *Deposit agreement for pledge of assets by foreign banks.* The Board of Directors has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the insured branch is located, the authority on behalf of the Board of Directors to enter into deposit agreements with foreign banks and depositories in connection with the pledge of asset requirements of FDIC regulation § 346.19. The Board of Directors has also delegated to the General Counsel, or the General Counsel's designee, the authority to modify the terms of the model deposit agreement (FDIC Form 6300/02) as described in § 304.3(bb) of FDIC's rules and regulations.

PART 304—FORMS, INSTRUCTIONS, AND REPORTS

2. Section 304.3 is amended by adding a new paragraph (bb) to read as follows:

§ 304.3 Forms and instructions.

* * * * *

(bb) Form 6300/02. *Model deposit agreement.* Form 6300/02 is a model agreement which governs the pledge of assets by a foreign bank having an insured branch as required under § 346.19 of FDIC's regulations. This form sets out the provisions which must be included in any agreement among the foreign bank, the depository and the FDIC. Copies of the model deposit agreement may be obtained from the FDIC Regional Office for the region wherein the insured branch is located.

By Order of the Board of Directors, December 10, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

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