

rules and regulations

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[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: This amendment continues the exception under Schedule A of all staff positions, GS-15 and below, on the staff of the White House Small Business Conference Commission, but with the provision that no one may serve under this authority after April 30, 1980, or 60 days after the conclusion of the White House Conference on Small Business, whichever is sooner. This amendment is authorized because it continues to be impracticable to examine for these positions.

EFFECTIVE DATE(S): February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199(f)(1) is amended as set out below:

§ 213.3199 Temporary boards and commissions.

* * * * *

(f) White House Small Business Conference Commission.

(1) All positions on the staff of the White House Small Business Conference Commission. No one may serve under this authority after June 30, 1980, or 60 days after the conclusion of the White House Conference on Small Business, whichever is sooner.

* * * * *

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-5395 Filed 2-22-79; 8:45 am]

[3410-10-50]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority: Correction

AGENCY: Department of Agriculture.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 78-9580 appearing at page 15135 in the FEDERAL REGISTER of April 11, 1978, the citation of authority to issue the rule was erroneously omitted. The citation of authority should have read:

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953).

FOR FURTHER INFORMATION CONTACT:

Franklin H. Son nabend, Management Analysis Branch, Budget and Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4220.

Dated: February 15, 1979.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 79-5557 Filed 2-22-79; 8:45 am]

[3410-30-M]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Nutritional Requirements; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 37165, August 22, 1978 the Food and Nutrition Serv-

ice adopted an interim rule relating to nutritional requirements and authorizing field testing of such requirements.

This document adds the authority citation under which that amendment was issued.

DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O.K. Glavin, Director, School Programs Division, 201 14th Street SW., Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 37165 is as follows:

(Sec. 9; Pub. L. 79-396; 60 Stat. 233, (42 U.S.C. 1758(a)))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-5328 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

"Offer vs. Serve"; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 25990, June 16, 1978 the Food and Nutrition Service adopted a final rule relating to the extension of the "offer vs. serve" provision in Part 210 for junior and middle schools.

This document adds the authority citation under which that amendment was issued.

DATE: June 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O.K. Glavin, Director, School Programs Division, 201 14th Street, S.W., Washington, D.C. 20250, (202) 447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 25990 is as follows:

(Sec. 8, Pub. L. 95-166; 91 Stat. 1335, (42 U.S.C. 1758))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-5329 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Special Milk Program; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 1059, January 6, 1978 the Food and Nutrition Service adopted a final rule relating to the Special Milk Program to implement provisions of Pub. L. 95-166.

This document adds the authority citation under which that amendment was issued.

DATE: January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O.K. Glavin, Director, School Programs Division, 201 14th Street SW., Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 1059 is as follows:

(Sec. 11, Pub. L. 95-166 91 Stat. 1337 (42 U.S.C. 1772, 1753, 1766))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-5327 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

State Administrative Expense Funds; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 37170, August 22, 1978, the Food and Nutrition Service adopted an interim rule relating to the allocation to State agencies of State Administrative Expense Funds pursuant to certain provisions of Pub. L. 95-166.

This document adds the authority citation under which that amendment was issued.

DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O.K. Glavin, Director, School Programs Division, 201 14th Street, SW., Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 37170 is as follows:

(Sec. 14, Pub. L. 95-166 91 Stat. 1338, 1339, 1340 (42 U.S.C. 1751, 1753, 1759a, 1761, 1766, 1772-1775, 1776, 1786))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-5326 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

DHEW Civil Rights Survey; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 37980, August 22, 1978 the Food and Nutrition Service adopted an interim rule relating to the collection of racial participation data in schools participating in DHEW Civil Rights Survey.

This document adds the authority citation under which that amendment was issued.

DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O.K. Glavin, Director, School Programs Division, 201 14th Street SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 37980 is as follows:

(Sec. 602, Pub. L. 88-352 78 Stat. 252, (42 U.S.C. 2000 d-1))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-5330 Filed 2-22-79; 8:45 am]

[3410-34-M]

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

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables (Regulated Articles)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Hawaiian fruits and vegetables rules and regulations by deleting swamp cabbage from the list of fruits and vegetables which may move from Hawaii after inspection or treatment and certification.

The effect of the amendment is to prohibit the entry of swamp cabbage (unchoy) from Hawaii into the continental United States, Guam, Puerto Rico, the Virgin Islands of the United States (U.S. Virgin Islands) and the Northern Mariana Islands, because of the discovery of larvae of the sweetpotato stem borer (*Omphisa anastomosalis*) and the West Indian sweetpotato weevil (*Euscepes postfasciatus*) on shipments of swamp cabbage grown in Hawaii. This action is of an emergency nature and is deemed necessary to prevent the introduction and dissemination of plant pests and diseases into and throughout the continental United States, Guam, Puerto Rico, and the U.S. Virgin Islands.

EFFECTIVE DATE: February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

H. V. Autry, Chief, Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, 301-436-8247.

SUPPLEMENTARY INFORMATION: Certain dangerous plant pests and diseases exist in Hawaii which do not occur or are not widely prevalent or distributed within and throughout the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands. Hawaii is presently under quarantine by the Hawaiian Fruits and Vegetables Rules and regulations (7 CFR 318.13), to prevent the spread of such plant pests and diseases. Unless specified in these regulations, no raw or unprocessed fruits or vegetables may be moved from Hawaii into or through the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands. It has previously been determined that there are conditions, however, under

which it is safe to move certain Hawaiian fruits and vegetables known to be possible hosts of dangerous pests and diseases. The regulations list the fruits and vegetables (§ 318.13-2(b)), including swamp cabbage (*Ipomoea reptans*), which are allowed to move from Hawaii into the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands.

It is now necessary to remove swamp cabbage from the list of fruits and vegetables allowed to move. During inspection of Hawaiian grown swamp cabbage (unchoy) prior to shipment to the U.S. mainland, larvae of two dangerous pests, the sweetpotato stem borer (*Omphisca anastomosalis*) and the West Indian sweetpotato weevil (*Euscepes postfasciatus*), were intercepted. These pests had not been found previously in swamp cabbage and were not known to infest swamp cabbage. Introduction and dissemination of these pests could have disastrous effects on U.S. agriculture. There are no treatments known to be effective in destroying these pests in swamp cabbage without damage to the cabbage. Therefore, it is necessary to prohibit the entry of swamp cabbage into the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, and the Northern Mariana Islands.

Accordingly, in Part 318—Hawaiian and Territorial Quarantine Notices, Subpart—Hawaiian Fruits and Vegetables (7 CFR 318.13) is amended by deleting "Cabbage, swamp (*Ipomoea reptans*)" from the list of fruits and vegetables in paragraph (b) of § 318.13-2.

(Secs. 105, 106, 71 Stat. 32, 33; 7 U.S.C. 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141.)

The amendment is of an emergency nature and is necessary to prevent the introduction and dissemination of the sweetpotato stem borer and the West Indian sweetpotato weevil into infested areas of the United States, Guam, Puerto Rico, the U.S. Virgin Islands, and the Northern Mariana Islands, and must be made effective immediately to accomplish its purpose in the public interest. 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 the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of February 1979.

NOTE: This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum 1955. It has been determined by James O. Lee, Jr., Deputy Administrator,

Plant Protection and Quarantine Programs, APHIS, that the facts as indicated above, constitute an emergency which warrants the publication of this amendment without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum 1955. The review will include preparation of an impact analysis statement which will be available from the Plant Protection and Quarantine Programs, APHIS, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8249.

JOSEPH W. GENTRY,
Acting Deputy Administrator,
Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 79-5440 Filed 2-22-79; 8:45 am]

[3410-34-M]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to release portions of San Luis Obispo County in California from areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exist in the areas quarantined.

EFFECTIVE DATE: February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Room 737, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment releases portions of San Luis Obispo County in California from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas con-

tained in said Part 73 will apply to the excluded areas.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respects:

§ 73.1a [Amended]

In § 73.1a, paragraphs (c)(1), (c)(3), and (c)(9) relating to the State of California are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies from certain areas which have been determined to be free of cattle scabies. This amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions. 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 the amendment are unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of February 1979.

NOTE.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this quarantine release as indicated above warrants the publication of this rule without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum 1955. The review will include preparation of an Impact Analysis Statement which will be available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8695.

M. T. Goff,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 79-5325 Filed 2-22-79; 8:45 am]