6. Payments made by a commodity supplier to the importer for a quality allowance, as specified in the sales contract.

Payments for bona fide quality allowances agreed upon between supplier and importer in their sales contract are not required to be reported. This is considered a contract price adjustment under the regulations and not a "commission, fee or other compensation . . ."

(Sec. 1202, 91 Stat. 955, Pub. L. 95-113, 7 U.S.C. 1715(b))

Note.—This rule has been determined not significant under the USDA criteria implementing Executive Order 12044 "Improving Government Regulations." A Final Impact Statement is available from George J. Pope, Room 4085 South Building, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447-5637.

Signed at Washington, D.C. on May 1, 1979.

Fred C. Welz,

Acting General Sales Manager, Office of the General Sales Manager.

[FR Doc. 79-14297 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-21-M

Agricultural Stabilization and Conservation Service

7 CFR Part 718

Determination of Acreage and Compliance

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment adds, changes, and updates certain of the rules for determining acreages under the set-aside and marketing quota programs. These changes are required because of changes in the programs most notable the decision of the Secretary of Agriculture to have set-aside programs in 1978 and 1979 for various commodities and to improve the administration of the programs.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT: Samuel T. Brown, Production Adjustment Division, Agricultural Stabilization and Conservation Service, U.S.D.A., P.O. Box 2415, Washington, D.C. 20013, (202) 447-6817.

SUPPLEMENTARY INFORMATION: This rule provides for the application of new rules for measurement variance to marketing quota crops, program crops, and set-aside acreage. This amendment sets forth the definitions for (1) Set-Aside Maintenance Check and (2) Minimum Size and Width Requirements for Set-Aside. These rules were not included in the latest revision of Part 718 since the Secretary had determined for previous years that there would not be a set-aside program.

The rules for sending a Notice of Measured Acreage have been rewritten and the authority for issuance has been given jointly to the county executive director and county committee in the interest of program administration.

This rule provides other changes that will clarify administration procedures in determining crop acreage for 1978 and subsequent years for marketing quota, set-aside, and program crops.

Since producers are planting their 1979 crop acreages, I have determined that compliance with the public rulemaking requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. I have further determined that it is not possible to publish these regulations in proposed form and allow 60 days for comment in accordance with the provisions of Executive Order 12044. Therefore, these amendments shall become effective upon publication in the **Federal Register.**

Accordingly, 7 CFR Part 718 is amended to read as follows:

Final Rule

1. Section 718.1 is amended to read as follows:

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for 1978 and subsequent years under the programs administered by the Agricultural Stabilization and Conservation Service through State and county committees, as authorized by the Agricultural Adjustment Act of 1938, as amended.

2. Section 718.2 is amended as follows:

§ 718.2 Definitions [Amended]

* * * * *

(a) By revising paragraph (b)(3) to read as follows:

b * * *

(3) *Director.* The Director, or Acting Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, Department of Agriculture.

* * * * *

(b) By redesignating paragraphs (b) (15) through (18) as paragraphs (b) (16) through (19) and adding a new paragraph (b) (15) to read as follows:

* * * * *

(b) * * *

(15) *Set-aside maintenance check.* An inspection is to be made in addition to the regular quality control check to determine whether producers are continuing to maintain designated program acreages in accordance with program regulations.

(16) through (19) [Redesignated from (15) through (18)]

* * * * *

3. Paragraph (b) and (d) of § 718.5 are revised to read as follows:

§ 718.5 Producer service

* * * * *

(b) *Types of producer service.* Services include but are not limited to measuring land areas (including staking and referencing), set-aside acreage, measuring quantities of farm-stored commodities, and appraising crop yields.

* * * * *

(d) *Staking and referencing.* The acreage requested to be staked and referenced shall not exceed the effective farm allotment for the program year for marketing quota crops, except for flue-cured tobacco. For flue-cured tobacco, the acreage requested to be staked and referenced shall not exceed 100 percent of the flue-cured farm acreage allotment in effect for the program year. However, 120 percent of the flue-cured farm acreage allotment for flue-cured tobacco may be staked and referenced when the producer agrees to destroy or leave the bottom four leaves: *Provided,* That the producer must agree to pay for a farm visit in order to assure compliance with this requirement. For marketing quota crops, the farm shall be considered to be in compliance with the allotment for the farm if the entire allotment for the program year was staked and referenced and the crop is planted within the staked area. Only the acreage measured (if less than the allotment or program requirement was staked and referenced and the crop or set-aside is planted within such staked area) shall be guaranteed for the current year.

4. Section 718.6 is amended by revising paragraph (c) and adding a new paragraph (h) to read as follows:

§ 718.6 Determining farm operator adherence to program requirements.

* * * * *

(c) *Measurement Variance.* Measurement Variance shall apply except when a producer receives producer service for the entire program crop, for the permitted normal crop acreage (NCA), for some other program requirement, or the producer receives producer service on a marketing quota crop. The crop acreages determined under this section shall be determined to be in compliance when the measured acreages does not exceed the allotment or program requirement for the program year by more than the limits set forth below:

(1) *For marketing quota crops including flue-cured tobacco.* The crop acreage is either:

(i) *The farm allotment acreage.* When the determined acreage *does not exceed* the farm acreage allotment in effect for the program year by more than the larger of 0.1 acre or 2 percent of the allotment, or

(ii) *The determined acreage.* When the determined acreage either:

(A) *Exceeds* the farm acreage allotment in effect for the program year by more than the larger of the amounts specified in paragraph (c)(1)(i) of this section, or

(B) *Is less than* the farm acreage allotment in effect for the program year.

(2) *For flue-cured tobacco agreements in effect for the program year between ASCS and a producer which permit a producer to grow 120 percent of the farm acreage allotment.* The crop acreage is either:

(i) 120 percent of the flue-cured tobacco allotment acreage when the determined acreage *exceeds* 120 percent of the farm acreage allotment in effect for the program year by not more than the larger of 0.1 acre or 2 percent of 120 percent of the allotment, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Exceeds* 120 percent of the farm acreage allotment in effect for the program year for flue-cured tobacco by more than the amounts specified in paragraph (c)(2)(i) of this section, or

(B) *Is less than* 120 percent of the flue-cured tobacco allotment.

(3) *For set-aside acreage.* The set-aside acreage is either:

(i) *The required set-aside* (including voluntary diversion acres) when the determined acreage *is not less than* the required set-aside by more than the larger of 0.1 acre or 5 percent of the required set-aside, but not to exceed 25 acres, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Is less than* the required set-aside (including voluntary diversion acres) by more than the amount specified in paragraph (c)(3)(i) of this section, or

(B) *Is more than* the required set-aside (including voluntary diversion acres).

(4) *For total planted normal crop acreage.* The total planted normal crop acreage is either:

(i) *The permitted normal crop acreage* (normal crop acreage minus required set-aside (including voluntary diversion acres),) when the determined acreage planted to crops designated for the normal crop acreage *does not exceed* the permitted normal crop acreage by more than the larger of 1.0 acre or 5 percent of the permitted normal crop acreage but not to exceed 25 acres, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Exceeds* the permitted normal crop acreage by more than the amount specified in paragarph (c)(4)(i) of this section.

(B) *Is less than* the permitted normal crop acreage.

(5) *For program crops.* The crop acreage is either:

(i) *The reported acreage* when the determined acreage *does not exceed* the reported acreage by more than the larger of 1.0 acre of 5 percent of the reported acreage but not to exceed 25 acres, or

(ii) *The determined acreage* when the determined acreage either:

(A) *Exceed* the reported acreage by more than the amount specified in paragraph (c)(5)(i) of this section, or

(B) *Is less than* the reported acreage for the crop.

(6) *For wheat haying and grazing.* The wheat acreage designated for haying and grazing is either:

(i) The smaller of (*a*) the acreage recorded in column 7 of the ASCS-477 (ASCS-477 acreages), or (*b*) the acreage reported on the ASCS-578 (*1*) when the determined acreage *is not less than* the ASCS-477 acreages, or the reported acreage by more than the larger of 1.0 acre or 5 percent not to exceed 25 acres, or (*2*) when the determined acreage is more than the ASCS-477 acreage, or

(ii) *The determined acreage* when the determined acreage *is less than* the ASCS-477 acreage or reported acreage by more than 1.0 acre or 5 percent not to exceed 25 acres, or when the determined acreage is more than the reported acreage but does not exceed the ASCS-477 acreage.

* * * * *

(h) *Set-aside acres.* Farms participating in any announced set-aside program shall designate set-aside acreage not later than the latest date set by the State committee for acreage reports.

(1) *Minimum size and width requirements for set-aside.* The area offered for designation must meet the following width and size requirements:

(i) Minimum size of 2.0 acres.

(ii) Minimum average width of 1.0 chain (66 feet) wide.

(2) *Exceptions to the minimum size and width requirements for set-aside.* Areas which do not meet the minimum size and width requirements may be accepted when:

(i) The area offered is an entire field (an established stripcropping strip and the area between terrace(s) and other field boundaries meet the definition of a field as provided for in § 718.2 (b) (4)).

(ii) The area offered is:

(A) An area used to promote highway safety or will improve highway scenery.

(B) A small or irregular area of cropland along a stream and a drainage ditch, provided the area is devoted to a vegetative cover (as a filter strip) to reduce the siltation of a stream or ditch.

(iii) The area offered is designated by the producer on ASCS records across the entire width or length of a field (designations across more than one dimension of a field must meet size and width requirements in paragraph (h)(1) of this section) and represents:

(A) The total set-aside requirement, or

(B) The balance of the set-aside requirement after other designations have been made that meet the minimum size and width requirements in paragraph (h)(1) of this section or are otherwise excepted in paragraphs (h)(2) (i) and (ii) of this section.

* * * * *

5. Section 718.9 is revised to read as follows:

§ 718.9 Notice of measured acreage.

Written notice of measured acreage shall be on a form prescribed by the Deputy Administrator and shall constitute notice to all interested producers on the farm. The county committee shall send such notice to the farm operator when:

(a) *For marketing quota crops.* The determined acreage for the crop exceeds the allotment (120 percent of the flue-cured tobacco agreements by more than the measurement variance in those cases where measurement variance is not applicable.

(b) *For upland, cotton, rice, grain sorghum, barley, corn, and wheat.* The determined acreage for the crop exceeds the reported acreage by more than the measurement variance.

(c) *For normal crop acreage.* The determined acreage for the total planted normal crop acreage exceeds the normal crop acreage for the farm minus set-aside by more than the measurement variance.

(d) *For set-aside.* The determined acreage for set-aside is less than the required set-aside by more than the measurement variance.

(e) *For other crops or land uses.* The county executive director or county committee may send a notice of measured acreage when it is in the best interest of program administration.

(Sec. 314, 373, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended; (7 U.S.C. 1314, 1373, 1374, 1375)

Note.—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a significant proposal requiring preparation of an Impact Statement.

Signed at Washington, D.C., on April 26, 1979.

Ray Fitzgerald,
Administrator, Agricultural Stabilization and Conservation Service.

[Amdt. 2]

[FR Doc. 79-14040 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined and Released

AGENCY: Animal and Plant Health Inspection Service USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Starr County in Texas because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in Starr County on April 25, 1979. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine a portion of Starr County in Texas.

Also, these amendments release a portion of Los Angeles County, California, and a portion of Dade County, Florida, from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas released from quarantine. No areas in the State of Florida remain under quarantine.

EFFECTIVE DATE: May 2, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Mixson, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Starr County in Texas, because of the existence of exotic Newcastle disease in such area. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Also, these amendments release a portion of Los Angeles County, California, and a portion of Dade County, Florida, from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas as contained in 9 CFR Part 82, as amended, will no longer apply to the areas released.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

1. In § 82.3(a)(8), relating to the State of Texas, a new paragraph (ii) relating to Starr County is added to read:

(a) * * *

(8) *Texas.* * * *

(ii) The premises of Cuauhtemoc Olivarez, 713 E. San Benito Street, Rio Grande City, Starr County.

2. In § 82.3(a)(1), relating to the State of California, paragraph (xi) relating to Los Angeles County, and paragraph (a)(4) relating to the State of Florida 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. 111-112, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

The amendments quarantining the area impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, and, therefore, must be made effective immediately to accomplish their purpose in the public interest.

The amendments releasing areas from quarantine relieve certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease. They should be made effective immediately in order to permit affected persons to move poultry, mynah, psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, 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.

Therefore, pursuant to 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 final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 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 final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 2nd day of May 1979.

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

[FR Doc. 79-14143 Filed 5-7-79; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

General License Requirements For Any Person Who Possesses Formula Quantities of Strategic Special Nuclear Material (SSNM) In Transit Subject to Certain Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to remove the exemption to licensing for carriers and other persons who possess or control formula quantities of strategic special nuclear material for the purpose of transport or storage incident to transport. Under the amendment a general license is issued to any person who possesses, or who exercises control over, formula quantities of strategic special nuclear material in transit. The general license will require such persons to be responsible for assuring that the material in their possession is protected against theft and sabotage by a security system which is implemented in accordance with a Transportation

Security Plan that has received prior NRC approval. The general license would bring persons who possess or control formula quantities of strategic special nuclear material in transit directly under NRC physical protection regulations.

EFFECTIVE DATE: June 7, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Jones, Chief, Safeguards Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-5907.

SUPPLEMENTARY INFORMATION: On May 24, 1978, the NRC published a proposed amendment to 10 CFR 70, "Domestic Licensing of Special Nuclear Material" (43 FR 22215). The amendment proposed to revise § 70.12 and add a new § 70.20a. Interested persons were invited to submit comments or suggestions in connection with the proposed amendment within 30 days after publication in the **Federal Register**. The comment period expired June 23, 1978. One comment was received from a licensee. The commenter offered the observation that the proposed amendment incorporates many references to other Sections of 10 CFR Part 70 which may be a problem for carriers heretofore not subject to NRC regulations. The commenter suggested that a revision to § 70.12 should provide a self-contained general license setting forth specifically applicable terms and conditions. The commenter offered to submit such a revision to § 70.12 to the NRC by July 21, 1978. However, the proposed revision was not received.

In response to the commnenter's remarks, staff believes that it is not necessary to repeat the details of each applicable paragraph of 10 CFR Parts 70 and 73 in such a detailed general license requirement under a revision to § 70.12. To do so would not necessarily simplify the proposed rule, but would lead to duplication of some sections of 10 CFR Parts 70 and 73. Therefore, staff believes that the method used in the proposed rule, that is, cross-referencing, is a reasonable and prudent method. Thus, the NRC is adopting the proposed amendment with only editorial and clarifying changes.

As initially proposed, paragraph 70.12 will remove the exemption to licensing for carriers and other persons who possess or control formula quantities of strategic special nuclear material for the purpose of transport or storage incident to transport. The new § 70.20a grants a general license to any person who would possess or control formula quantities of strategic special nuclear material in transit. The scope of the general license granted under the proposed amendment would be limited to possession only and will be effective during the course of a shipment. The amendment will not affect the exemption to licensing for carriers and other persons under § 70.12 who transport all other forms of special nuclear material subject to NRC regulations. Also, the amendment will not apply to transient shipments, that is, shipments which originate in a foreign country with destinations in a foreign country and which are not offloaded or transferred within the United States.

The amendment will subject the general licensee to certain enumerated Sections of Parts 70 and 73. The general license requires that a transportation security plan be submitted and receive prior NRC approval before any person could possess formula quantities of strategic special nuclear material for the purpose of transport or storage incident to transport. The plan submitted by a carrier or other person for the purpose of this general license may incorporate by reference the terms of a transportation security plan already approved by the NRC.

The amendment being adopted will codify practices and procedures presently conducted on a voluntary basis by carriers and other persons and will not require the filing of applications with the Commission or the issuing of licensing documents to particular persons by the Commission.

The promulgation of the amendment will not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51, that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendment to 10 CFR Part 70 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 70 is published as a document subject to codification.

1. Section 70.12 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. The exemption in this section applies to shipments of formula quantities of strategic special nuclear material made through the United States from a point of foreign origin to a foreign destination, unless such a shipment or a portion thereof is offloaded for any purpose within the United States, when the general license under § 70.20a of this section shall apply. This exemption does not apply to the transport or storage in transit of formula quantities of strategic special nuclear material subject to the requirements of Part 73 of this chapter.

2. A new § 70.20a is added to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter, in the regular course of carriage for another or storage incident thereto. The general license is subject to the applicable provisions of §§ 70.32 (a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62 and 70.71.

(b) Notwithstanding any other provision of this chapter, the general license issued under this section does not authorize any person to conduct any activity that would be authorized by a license issued pursuant to Parts 30 through 35, 40, 50, 110, or other sections of this part.

(c) Notwithstanding any other provision of this chapter, the duties of a general licenses under this section while in possession of formula quantities of strategic special nuclear material in the regular course of carriage for another or storage incident thereto shall be limited to providing for the physical protection of such material against theft or sabotage. Unless otherwise provided by this section, a general licensee under this section is not subject to the requirements of Parts 19, 20, 70, and 73.

(d) Any person who possesses formula quantities of strategic special nuclear material under this general license:

(1) shall have submitted and received approval of a transportation security plan. The security plan shall outline the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g) of this chapter including a plan for the selection, qualification, and training of armed escorts, or the

specification and design of a specially designed truck or trailer as appropriate.

(2) shall assure that the transportation is in accordance with the applicable physical protection requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter and the applicable approved transportation security plan.

(3) shall be subject to § 73.80 of Part 73 of this chapter.

(Sec. 53, 161i, Pub. L. 83-703, 68 Stat. 930, 948 as amended (42 U.S.C. 2073, 2201))

Dated at Bethesda, Md. this 20th day of April 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-14169 Filed 5-7-79; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Procedures for Size Determinations

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment changes the composition of the SBA Size Appeals Board in connection with a recent SBA reorganization. The Associate Administrator for Minority Small Business and Capital Ownership Development and the Chief Counsel for Advocacy would become members of the Board in lieu of two positions no longer in existence under the reorganization. In accordance with current titles, the Associate Administrator for Policy, Planning and Budgeting is designated as the administering official for certain SBA size functions.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT: Stephen Klein, Office of General Counsel, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202-653-6762.

SUPPLEMENTARY INFORMATION: Since these amendments are administrative in nature, affecting rules of Agency organization and procedure, and would not adversely affect any person, SBA finds that notice and public procedure are unnecessary and that the rules may be effective immediately.

Accordingly, the Small Business Administration amends Part 121 of its Regulations (13 CFR Part 121) as follows:

§ 121.3-3 [Amended]

1. Section 121.3-3 Organization—Size Functions, is amended by deleting: "Assistant Administrator for Advocacy, Planning and Research" and substituting in lieu thereof "Associate Administrator for Policy, Planning and Budgeting."

2. Section 121.3-6(a) is amended by revising the paragraph setting forth the composition of the Size Appeals Board to read as follows:

§ 121.3-6 Appeals.

(a) * * * The Size Appeals Board shall consist of five members, to wit: The Deputy Administrator (Chairperson); the Associate Administrator for Procurement Assistance (Vice Chairperson); the Associate Administrator for Finance and Investment; the Associate Administrator for Minority Small Business and Capital Ownership Development; and the Chief Counsel for Advocacy. In the event the Vice Chairperson acts as Chairperson in the stead of the Deputy Administrator, the Director of the Office of Procurement and Technical Assistance shall become a member of the Board. Each member shall designate one alternate in writing to act in his stead, and in the event of an emergency, the Chairperson may designate a temporary additional alternate for any member. Each member or his alternate shall have one vote except that the Chairperson or the Vice Chairperson acting in his stead shall vote only in the event of a tie.

Dated: April 26, 1979.

William H. Mauk, Jr.,

Acting Administrator.

[Revision 13, Amendment 27]

[FR Doc. 79-14364 Filed 5-7-79; 8:45 am]

BILLING CODE 8025-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

Domestic Cargo Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

April 26, 1979.

AGENCY: Civil Aeronautics Board

ACTION: Final rule.

SUMMARY: The CAB is amending, on its own initiative, its regulations exempting persons involved in domestic cargo transportation from section 409 of the Federal Aviation Act relating to interlocking relationships. The initial rule exempted air carriers, but not officers or directors of air carriers, although the latter are also governed by section 409. This rule corrects that error.

DATES: Adopted: April 26, 1979. Effective: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In ER-1080, effective November 9, 1978 (43 FR 53628, November 16, 1978), the Board issued comprehensive regulations implementing Pub. L. 95-163, which deregulated the domestic all-cargo air transportation industry. The final rule was preceded by a notice of proposed rulemaking, EDR-359 (43 FR 33733, August 1, 1978) and public comments. Section 291.31(f) of the final regulation (redesignated as § 291.31(a)(5) by ER-1103, 44 FR 9590, February 14, 1979, effective March 15, 1979) exempted direct air carriers engaged solely in domestic all-cargo transportation from obtaining prior Board approval of interlocking relationships governed by section 409. The Board granted the exemption to free the domestic industry from mandatory Board approval of interlocking relationships, since it appears that general public antitrust laws are adequate to guard the public interest. As an exemption for air carriers is pointless without an exemption for the officers and directors actually involved, this rulemaking extends the exemption to those individuals.

The exemption for officers and directors is made by adding a new paragraph to § 291.32, *Exemptions from the Act for persons other than direct air carriers.*

This rulemaking raises no substantive issues that were not considered and commented on in the prior rulemaking (EDR-359 and ER-1080). Since the error may be misleading to members of the public, it should be corrected immediately. Therefore, the Board finds for good cause that notice and public procedure on this rule are unnecessary and contrary to the public interest, and that the amendment should be made effective immediately.

Accordingly, the Civil Aeronautics Board amends § 291.32 of 14 CFR Part 291, *Domestic Cargo Transportation*, by designating the existing paragraph as (a) and adding a new paragraph (b), to read as follows:

§ 291.32 Exemptions for the Act for persons other than direct air carriers.

(a) Air freight forwarders * * *

(b) To the extent that any officer or director of any air carrier would