

Presidential Documents

Title 3—

Proclamation 4668 of July 11, 1979

The President

Modification of Temporary Quantitative Limitations on the Importation of Certain Articles of Stainless Steel or Alloy Tool Steel

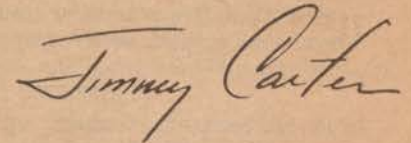
By the President of the United States of America

A Proclamation

On June 12, 1979, by Proclamation 4665, I proclaimed, pursuant to the Constitution and the statutes of the United States (including section 203 of the Trade Act of 1974 (19 U.S.C. 2253) (the Trade Act)), an extension for the period of June 14, 1979 through February 13, 1980, of the temporary quantitative limitations imposed by Proclamation 4445, as amended, on the importation into the United States of certain articles of stainless or alloy tool steel provided for in items 923.20 through 923.26, inclusive, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to assure equitable treatment under Proclamation 4445, as amended, and acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786) do proclaim that Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of July, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and fourth.



ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

- (a) by redesignating headnote 2(d) as headnote 2(e); and
- (b) by inserting the following new headnote 2(d):

"(d) Adjustments.—If the Special Representative determines that it is necessary or appropriate to assure equitable treatment in a manner consistent with the objective of phasing-out import relief he may:

- (1) Allocate or reallocate specific quota quantities to any country or instrumentality subject to restriction (either individually or by inclusion in the "other" country grouping), either on an item by item basis, or for all items; or
- (2) Adjust the quota quantities between countries or instrumentalities, among or within items 923.20 through 923.26, inclusive, or among or within restraint periods, provided that any such adjustment does not affect the sum of all quota quantities for all items 923.20 through 923.26, inclusive, for the period June 14, 1979, through February 13, 1980.

Such modifications are to be effective on or after the date of their publication in the **Federal Register**."

Rules and Regulations

Federal Register

Vol. 44, No. 136

Friday, July 13, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 595

Physicians' Comparability Allowances

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, publishes regulations to implement the Federal Physicians' Comparability Allowance Program established under section 5948 of title 5, United States Code. Proposed regulations were published in the Federal Register on May 11, 1979 (44 FR 27663-27665). Editorial revisions have been made in the regulations, and a number of substantive changes have also been made, as discussed under "Supplementary Information" below.

These regulations provide a basic framework within which agencies may establish programs to pay allowances to certain eligible Federal physicians who enter into service agreements with their agencies. These allowances are paid only in the case of categories of physicians for which there are significant recruitment and retention problems, and the allowances are fixed at the minimum amounts necessary to deal with these problems.

DATE: These regulations are effective on July 13, 1979.

FOR FURTHER INFORMATION CONTACT: Harry A. Wolf, (202) 632-6553.

SUPPLEMENTARY INFORMATION:

Analysis of comments

The proposed regulations published on May 11, 1979, provided a thirty-day period for public comment. Seventy-five

comments were received. Many of these comments were general in nature, indicating support for the program and urging that it be implemented as soon as possible. However, there were a number of comments that raised substantive issues with respect to the proposed regulations, and a number of changes have been made in the regulations as a result. A summary of some of the major points follows:

(1) *Coverage of allowances.* Twenty-six of the comments criticized the requirement that allowances be paid only to physicians in categories for which there is a significant recruitment and retention problem and that the amount of the allowances be the minimum needed to deal with the recruitment and retention problem. These commenters generally believe that the maximum allowance (\$7,000 or \$10,000 depending on length of service) should be paid to every Federal physician.

Such an approach would not be permissible under the law which authorizes the Federal Physicians' Comparability Allowance Program, 5 U.S.C. 5948. Subsection (c) of 5 U.S.C. 5948 requires the following:

"(c) The head of an agency, pursuant to such regulations, criteria, and conditions as the President or his designee may prescribe, shall determine categories of positions applicable to physicians in such agency with respect to which there is a significant recruitment and retention problem. Only physicians serving in such positions shall be eligible for an allowance pursuant to this section. The amounts of each such allowance shall be determined by the agency head, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians."

One comment, signed by several individuals, urged that the program be extended to cover dentists; another urged coverage of both dentists and veterinarians. Here again, the law is specific, and provides coverage only for physicians.

(2) *Reemployed annuitants.* Two comments expressed a concern over the possibility that the definition of "reemployed annuitant" in § 595.202(b) of the proposed regulations could exclude from eligibility a physician who is eligible to retire but has not done so.

This was not the intention of the definition, and it has been revised to clarify this matter. The revised definition appears in § 595.102(c) of the final regulations, printed below.

(3) *Loan repayment programs.* One comment objected to the complete exclusion (in § 595.202(c) of the proposed regulations) of physicians who are serving with the Government under a loan repayment program, and suggested instead that the amount of loan being repaid merely be deducted from the amount of allowance for which the physician is eligible. This suggestion was adopted, and such a provision appears in § 595.105(d) of the final regulations, printed below.

(4) *Definitions of required categories.* Nine comments dealt with the definitions of three required categories of physician positions in § 595.203(b) of the proposed regulations. As a result, this section has been revised. It now appears as § 595.103 of the final regulations, printed below.

Three comments suggested that the category on research and experimental work be expanded to include the review or evaluation of such work, as well as its conduct. One comment suggested adding the identification of causes of disease or disease outbreaks to this category. These changes have been made, and the revised category appears as § 595.103(b)(2).

One comment concerned the use of the term "occupational health," indicating a degree of confusion over this term. A more precise definition has now been provided as a separate category, § 595.103(b)(3). At the suggestion of one commenter, the evaluation of physical fitness is now specifically included.

Seven comments pointed out that the regulations addressed the recruitment and retention of "qualified" physicians, rather than "highly qualified" physicians. While there is, of course, a presumption that all physicians are expected to be highly qualified, it is recognized that there are certain Federal physician positions which require an exceptional level of qualification. Therefore, a provision has been added, in § 595.103(c) of the final regulations, specifically allowing the agency to establish as subdivisions of the required categories, separate categories based on

the level of qualifications sought by the agency for physicians in the category.

(5) *Determination of recruitment and retention problem.* Twenty-five comments were concerned that the requirement, in § 595.203(c)(1) of the proposed regulations, that there be one or more vacant positions in the category would be too burdensome, particularly in the case of small agencies which have only a very few physicians. As a result, this section has been rewritten (see § 595.104(1) of the final regulations, printed below) to allow alternative forms of positive evidence of a recruitment and retention problem, such as an unacceptably high turnover rate.

Eight comments questioned the use of the word "extraordinary," in § 595.203(c)(3) of the proposed regulations, to characterize the efforts the agency would be required to have made to recruit and retain qualified physicians. This word has been deleted in the final regulation, which appears in § 595.104(3), printed below.

(6) *Determination of amount of comparability allowance.* Two comments suggested that a provision be included that the amount of allowance that may be paid to a physician who works part-time be prorated in proportion to the physician's work schedule. Such a provision has been added, and appears in § 595.105(c) of the final regulations, printed below.

(7) *Termination of service agreement.* One comment observed that § 595.205 of the proposed regulations was quite difficult to understand. This section has been revised in an effort to clarify its meaning. It now appears as § 595.106 of the final regulations, printed below.

(8) *Approval of agency plans.* Eleven comments objected to the requirement, in § 595.206 of the proposed regulations, that each agency's plan for implementing the Federal Physicians' Comparability Allowance Program be submitted to the Office of Management and Budget for approval before the agency may implement the program. While the prior approval requirement is retained in the final regulations (where it appears in § 595.107), the final regulation requires that the Office of Management and Budget either grant the prior approval or advise the agency of what revisions are needed in the plan within 15 calendar days of receipt of the agency's plan in the Office of Management and Budget.

Text of Law

For the use of readers in understanding the regulations, the text of 5 U.S.C. 5948 follows:

§ 5948. PHYSICIANS COMPARABILITY ALLOWANCES

"(a) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Government physicians, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a Government physician which provides for such physician to complete a specified period of service in such agency in return for an allowance for the duration of such agreement in an amount to be determined by the agency head and specified in the agreement, but not to exceed—

"(1) \$7,000 per annum if, at the time the agreement is entered into, the Government physician has served as a Government physician for twenty-four months or less, or

"(2) \$10,000 per annum if the Government physician has served as a Government physician for more than twenty-four months.

"(b) An allowance may not be paid pursuant to this section to any physician who—

"(1) is employed on less than a half-time or intermittent basis,

"(2) occupies an internship or residency training position,

"(3) is a reemployed annuitant, or

"(4) is fulfilling a scholarship obligation.

"(c) The head of an agency, pursuant to such regulations, criteria, and conditions as the President or his designee may prescribe, shall determine categories of positions applicable to physicians in such agency with respect to which there is a significant recruitment and retention problem. Only physicians serving in such positions shall be eligible for an allowance pursuant to this section. The amounts of each such allowance shall be determined by the agency head, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians.

"(d) Any agreement entered into by a physician under this section shall be for a period of one year of service in the agency involved unless the physician requests an agreement for a longer period of service. No agreement shall be entered into under this section later than September 30, 1979, nor shall any agreement cover a period of service extending beyond September 30, 1981.

"(e) Unless otherwise provided for in the agreement under subsection (f) of this section, an agreement under this section shall provide that the physician, in the event that such physician voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the

terms under which the head of the agency and the physician may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician for each reason for termination.

"(g) For the purpose of this section—

"(1) 'Government physician' means any individual employed as a physician who is paid under—

"(A) section 5332 of this title, relating to the General Schedule;

"(B) section 5361 of this title, or similar statutory authority, relating to administratively determined pay for certain specially qualified scientific or professional personnel;

"(C) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b), relating to the Tennessee Valley Authority;

"(D) title 4 of the Foreign Service Act of 1946 (22 U.S.C. 861-890), relating to the Foreign Service;

"(E) section 10 of the Central Intelligence Agency Act of 1919 (50 U.S.C. 403j), relating to the Central Intelligence Agency;

"(F) section 121 of the title 2 of the Canal Zone Code, relating to the Canal Zone Government and the Panama Canal Company; or

"(G) section 2 of the Act of May 29, 1959 (Public Law 86-36, as amended, 50 U.S.C. 402 note), relating to the National Security Agency; and

"(2) 'agency' means an Executive agency, as defined in section 105 of this title, and the District of Columbia government.

"(h)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or other benefits related to basic pay.

"(2) Any allowance under this section for a Government physician shall be paid in the same manner and at the same time as the physician's basic pay is paid.

"(i) Any regulations, criteria, or conditions that may be prescribed under this section by the President or his designee shall not be applicable to the Tennessee Valley Authority, and the Tennessee Valley Authority shall have sole responsibility for administering the provisions of this section with respect to Government physicians employed by the Authority."

Accordingly, the Office of Personnel Management, in consultation with the Office of Management and Budget, adds to Title 5 of the Code of Federal Regulations a new Part 595, as set forth below:

PART 595—PHYSICIANS' COMPARABILITY ALLOWANCES

Sec.	
595.101	General.
595.102	Coverage and exclusions.
595.103	Establishment of categories of physicians.
595.104	Determination of recruitment and retention problem.
595.105	Determination of amount of comparability allowance.
595.106	Termination of service agreement.

Sec.

595.107 Approval of agency plans.

595.108 Reports.

Authority: 5 U.S.C. 5948; E.O. 12109, 44 FR 1067, January 3, 1979.

§ 595.101 General.

Section 5948 of title 5, United States Code, authorizes the payment of allowances to certain eligible Federal physicians who enter into service agreements with their agencies. These allowances are paid only in the case of categories of physicians for which the agency is experiencing recruitment and retention problems, and are fixed at the minimum amounts necessary to deal with such problems. The President has delegated regulatory responsibility for this program to the Director of the Office of Personnel Management, acting in consultation with the Director of the Office of Management and Budget. This part contains the regulations, criteria, and conditions which the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, has prescribed for the administration of the physicians' comparability allowance program. This part supplements and implements the provisions of 5 U.S.C. 5948, and must be read together with that section of law.

§ 595.102 Coverage and exclusions.

(a) Subsection (g)(1) of 5 U.S.C. 5948 defines those covered by the physicians' comparability allowance program as individuals employed as physicians under certain Federal pay systems listed in that subsection. For the purposes of this part, an individual is "employed as a physician" only if he or she is serving in a position the duties and responsibilities of which could not be satisfactorily performed by an incumbent who is not a physician.

(b) In addition to individuals covered by the pay systems listed in subsection (g)(1) of 5 U.S.C. 5948, the physicians' comparability allowance program covers individuals employed as physicians and paid under subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service, or chapter 54 of that title, relating to the Merit Pay System.

(c) Subsection (b) of 5 U.S.C. 5948 prohibits the payment of physicians' comparability allowances to certain physicians, including physicians who are reemployed annuitants. For the purpose of that subsection, a "reemployed annuitant" means an individual who is receiving or has title to and has applied for an annuity under any retirement program of the Government of the United States, or the

government of the District of Columbia, on the basis of service as a civilian employee in the civil service.

§ 595.103 Establishment of categories of physicians.

(a) Under subsection (c) of 5 U.S.C. 5948, the head of each agency employing physicians is required to determine categories of physician positions for which there is a significant recruitment and retention problem, and physicians' comparability allowances may be paid only to physicians serving in positions in such categories.

(b) In determining categories of physician positions, the head of each agency must, as a minimum, establish as separate categories the following types of positions:

(1) Positions primarily involving the practice of medicine or direct service to patients, involving the performance of diagnostic, preventive, or therapeutic services to patients in hospitals, clinics, public health programs, diagnostic centers, and similar settings, but not including positions described in paragraph (b)(3) of this section;

(2) Positions primarily involving the conduct of medical research and experimental work, including the conduct of medical work pertaining to food, drugs, cosmetics, and devices (or the review or evaluation of such medical research and experimental work), or the identification of causes or sources of disease or disease outbreaks;

(3) Positions primarily involving the evaluation of physical fitness, or the provision of initial treatment of on-the-job illness or injury, or the performance of preemployment examinations, preventive health screenings, or fitness-for-duty examinations; and

(4) Positions not described by paragraph (b) (1), (2), or (3) of this section, including positions involving disability evaluation and rating, the performance of medicolegal autopsies, training activities, or the administration of medical and health programs, including the administration of patient care or medical research and experimental programs.

(c) The agency head may establish as separate categories any additional subdivisions of these four categories of positions, based on any factors the agency head determines relevant. These may include such factors as the location, grade or level, and medical specialization of the positions, and the level of qualifications sought by the agency for physicians in the category.

§ 595.104 Determination of recruitment and retention problem.

A significant recruitment and retention problem shall be considered to exist for each category of physician position established under § 595.103 of this part only if the four following conditions are met with respect to the category:

(a) Such evidence as vacant positions, an unacceptably high turnover rate, or other positive evidence indicates that the agency is unable to recruit and retain physicians for the category;

(b) The qualification requirements being used as a basis for considering candidates for the vacant positions in the category do not exceed the qualifications that are actually necessary for successful performance of the work of the positions in the category;

(c) The agency has made efforts to recruit qualified candidates for any vacant positions in the category and to retain physicians presently employed in positions in the category; and

(d) a sufficient number of qualified candidates is not available to fill the existing vacancies in the category at the rate of pay the agency may offer if no comparability allowance is paid.

§ 595.105 Determination of amount of comparability allowance.

(a) The amount of the comparability allowance payable for each category of physician position established under § 595.103 of this part must be the minimum amount necessary to deal with the recruitment and retention problem identified under § 595.104 of this part for that category of position. In determining this amount, the agency head shall consider the relative earnings, responsibilities, expenses, workload, working conditions, conditions of employment, and personnel benefits for physicians in each category and for comparable physicians inside and outside the Federal Government.

(b) Under subsection (a) of 5 U.S.C. 5948, the comparability allowance payable to any Government physician may not exceed \$7,000 per annum for a physician who has served as a Government physician for 24 months or less, or \$10,000 per annum for a physician who has served as a Government physician for more than 24 months. For the purpose of determining a physician's length of service for this requirement, prior service as a Government physician need not have been continuous, but any periods of leave without pay may not be counted as service.

(c) Under subsection (b)(1) of 5 U.S.C. 5948, a physician who is employed on

less than a half-time or intermittent basis is excluded from the physicians' comparability allowance program altogether, a physician who is employed on a regularly scheduled part-time basis of half-time or more is eligible to receive an allowance in accordance with this part, but any such allowance shall be prorated according to the proportion of the physicians' work schedule to full-time employment.

(d) A physician who is serving with the Government under a loan repayment program shall have the amount of loan being repaid deducted from any allowance for which he or she is eligible in accordance with this part, and may receive only that portion of such allowance which exceeds the amount of loan being repaid by service during the period in question.

§ 595.106 Termination of service agreement.

(a) Under subsection (f) of 5 U.S.C. 5948, each service agreement entered into by an agency and a physician under the comparability allowance program may prescribe the terms under which the agreement may be terminated and the amount of allowance, if any, required to be refunded by the physician for each reason for termination. In the case of each service agreement covering a period of service of more than one year, the service agreement must include a provision that, if the physician completes more than one year of service pursuant to the agreement, but fails to complete the full period of service specified in the agreement either voluntarily or because of misconduct by the physician, the physician shall be required to refund the amount of allowance he or she has received under the agreement for the 26 weeks of service immediately preceding the termination (or for a longer period, if specified in the agreement).

§ 595.107 Approval of agency plans.

(a) An agency may not enter into any service agreement under 5 U.S.C. 5948 until the agency's plan for implementing the physicians' comparability allowance program has been submitted to and approved by the Office of Management and Budget in accordance with this section and such instructions as the Office of Management and Budget may prescribe.

(b) The agency shall submit to the Office of Management and Budget a complete description of its plan for implementing the physicians' comparability allowance program, including the following:

(1) An identification of the categories of physician positions that the agency has established under § 595.103 of this part, and of the basis for such categories;

(2) An explanation of the determination that a recruitment and retention problem exists for each such category, in accordance with the criteria in § 595.104 of this part; and

(3) An explanation of the basis for the amount of comparability allowance determined necessary for each category of physician position under § 595.105 of this part.

(c) The Office of Management and Budget shall review each agency's description of its plan for implementing the physicians' comparability allowance program and determine if the plan is consistent with the provisions of 5 U.S.C. 5948 and the requirements of this part, and shall advise the agency within 15 calendar days of receipt of the agency's plan by the Office of Management and Budget whether the plan is so consistent or what changes need to be made in the agency's plan to make it so consistent.

§ 595.108 Reports.

(a) Because of the experimental and temporary nature of the physicians' comparability allowance program, it will be necessary for the Office of Personnel Management to collect information on the administration of the program by the agencies, and on the effects the program has on the recruitment and retention of Government physicians. The Office of Personnel Management will prescribe the number, contents, timing, and format of the reports necessary to collect this information, and every agency using the physicians' comparability allowance program is required to submit such reports as the Office may prescribe. These reports must include, among other things, the following:

(1) A listing of the amount of allowance actually paid to the agency's physicians; and

(2) An assessment of the effect of the physicians' comparability allowance program on the agency's recruitment and retention of physicians.

(b) The Central Intelligence Agency and the National Security Agency are not subject to the requirements of this section.

Office of Personnel Management.

Dated: July 10, 1979.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-21594 Filed 7-12-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 207]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period July 15-21, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 15, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on July 10, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues strong.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is

necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.507 Lemon Regulation 207.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period July 15, 1979 through July 21, 1979, is established at 300,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

An economic impact statement is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447-5975.

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

Dated: July 12, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21958 Filed 7-12-79; 11:21 am]

BILLING CODE 3410-02-M

7 CFR Parts 911 and 915

Limes Grown in Florida and Avocados Grown in South Florida; Expenses and Rates of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: This action authorizes expenses and rates of assessment for the 1979-80 fiscal year, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering Florida limes and avocados.

DATES: Effective April 1, 1979, through March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This final rule is issued under Marketing Order Nos. 911 and 915, both as amended (7 CFR Parts 911 and 915), regulating the handling of limes and avocados grown in Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon recommendations and information submitted by the Florida Lime Administrative Committee, and the Avocado Administrative Committee,

and other available information. It is hereby found that the expenses and rates of assessment, as hereinafter set forth, will tend to effectuate the declared policy of the act. This action has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Marketing Order 911

§ 911.218 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during fiscal year April 1, 1979, through March 31, 1980, will amount to \$270,000.

(b) The rate of assessment for said year payable by each handler in accordance with § 911.41 is fixed at \$0.30 cents per bushel of limes.

(c) Unexpended funds in excess of expenses incurred during fiscal year ended March 31, 1979, shall be carried over as a reserve in accordance with § 911.42 and § 911.204.

Marketing Order 915

§ 915.218 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during fiscal year April 1, 1979, through March 31, 1980, will amount to \$328,100.

(b) The rate of assessment for said year payable by each handler in accordance with § 915.41 is fixed at \$0.25 cents per bushel of avocados.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), as these orders require that the rates of assessment for a particular fiscal year shall apply to all assessable fruit handled from the beginning of such year which began April 1, 1979. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rates are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rates at an open meeting of each committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 701-674)

Dated: July 9, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21671 Filed 7-12-79; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Improved 500 Type Telephone Sets Specification File With Existing Specification

AGENCY: Rural Electrification Administration.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletin to include a File With to REA Bulletin 345-74 to announce a change in requirements of REA Specification PE-41 for Improved 500 Type Telephone Sets. This specification was issued in July 1978 to improve the mechanical characteristics of the 500 type telephone set.

EFFECTIVE DATE: July 13, 1979.

ADDRESS: Submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room-1355 S, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Claude Buster, Jr., Chief, Transmission Branch, Telephone Operations and Standards Division, Telephone number 202-447-3917.

SUPPLEMENTARY INFORMATION: REA hereby amends Appendix A—REA Bulletin to include a File With to REA Bulletin 345-74 to announce a change in requirements of REA Specification PE-41 for Improved 500 Type Telephone Sets. This specification was issued in July 1978 to improve the mechanical characteristics of the 500 type telephone set. It was not the intention of this specification to impose acoustic requirements which would necessitate a change in existing telephone sets. Also it has been determined that surge test requirements may be too severe. Therefore, the proposed File With allows marginal noncompliance of the acoustic requirements and changes the interval between surges to a more realistic value. This action will enable some telephone sets to qualify for listing in the REA "List of Materials".

In that the material contained herein is a matter relating to a loan program of the Rural Electrification Administration, the relevant provisions of the Administrative Procedures Act (5 U.S.C.