

Rules and Regulations

Federal Register

Vol. 44, No. 177

Tuesday, September 11, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 272

Federal Open Market Committee Rules of Practice

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Federal Open Market Committee of the Federal Reserve System has amended its Rules of Procedure to delete references to Deputy Managers, because of a realignment of staff personnel.

EFFECTIVE DATE: August 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Murray Altmann, Secretary, Federal Open Market Committee, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3253).

The Federal Open Market Committee has amended its Rules of Procedure.

1. Effective August 14, 1979 § 272.3(d) and (e) of Rules of Procedure (12 CFR Part 272) is revised to read as follows:

§ 272.3 Meetings.

(d) Attendance at meetings.

Attendance at Committee meetings is restricted to members and alternate members of the Committee, the Presidents of Federal Reserve Banks who are not at the time members or alternates, staff officers of the Committee, the Managers, and such other advisers as the Committee may invite from time to time.

(e) *Meeting agendas.* The Secretary, in consultation with the Chairman, prepares an agenda of matters to be discussed at each meeting and the Secretary transmits the agenda to the members of the Committee within a reasonable time in advance of such meeting. In general, the agendas include

approval of minutes of actions; reports by the Managers on open market operations since the previous meeting, and ratification by the Committee of such operations; reports by Economists on, and Committee discussion of, the economic and financial situation and outlook; Committee discussion of monetary policy and action with respect thereto; and such other matters as may be considered necessary.

(5 U.S.C. 552)

2. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, August 27, 1979.

Murray Altmann,
Secretary.

[FR Doc. 79-28221 Filed 9-10-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 505c

[No. 79-467]

National Security Information; Handling Classified Information

September 5, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This new regulation establishes the policy of the Federal Home Loan Bank Board regarding handling of classified material. The Bank Board has not previously adopted regulations on this subject. Publication of this regulation is required by Executive Order.

EFFECTIVE DATE: September 11, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Hall, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (202-377-6445).

SUPPLEMENTARY INFORMATION:

Executive Order 12065, 43 FR 28949 (1978), established new policy for the classification, safeguarding, and declassification of national security

information, i.e., information classified Top Secret, Secret, or Confidential. Under that Order, each agency that handles such information must establish procedures regarding such handling and publish them in the Federal Register. In accordance with that requirement the Bank Board is amending its General Regulations (12 CFR Subchapter A) by adding a new Part 505c.

The new part includes the following:

- (1) Statement of Bank Board policy regarding information security;
- (2) Designation of an administrator for the Bank Board's information security program; and
- (3) Mandatory review procedure.

The Bank Board finds that notice and public procedure are unnecessary under 12 CFR 508.11 and 5 U.S.C. 553(b) because the regulation concerns internal Bank Board procedures, and that publication of the regulation for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Bank Board hereby amends Subchapter A of its regulations by adding a new Part 505c thereto, to read as follows:

PART 505c—NATIONAL SECURITY INFORMATION

Sec.

505c.1 Purpose and scope.

505c.2 Policy.

505c.3 Administration of program.

505c.4 Procedures.

Authority: Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); E.O. 12065, 43 FR 28949 (1978). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071

§ 505c.1 Purpose and scope.

(a) This part is issued by the Board pursuant to the requirement of Sec. 5-402 of Executive Order 12065, 43 FR 28949 (1978) ("the Order"), that unclassified regulations that establish information security policy and unclassified guidelines for systematic declassification review, which affect the public, be published in the Federal Register.

(b) This part covers all information and material handled by the Board that is owned by, produced for or by, or under the control of, the United States Government, has been determined pursuant to the Order or prior Orders to require protection against unauthorized disclosure, and is so designated. Such

material is referred to in this Part as classified information.

§ 505c.2 Policy.

It is the Board's policy to act in accordance with the Order with respect to all classified information.

§ 505c.3 Administration of program.

The Director, Administrative Services Division (the "Director"), shall (a) implement and oversee the Board's information security program; (b) receive questions, suggestions, and complaints regarding it; (c) make changes to it as he deems advisable; (d) assure that it is at all times consistent with the Order; and (e) receive requests for declassification regardless of the origin of the request, assuring that requests are acted upon within 60 days and that requests submitted under the Freedom of Information Act are handled in accordance with that Act.

§ 505c.4 Mandatory review procedure.

The Director shall process requests for mandatory review for declassification. The Director shall not refuse to confirm the existence or non-existence of a document requested under the Freedom of Information Act or the Mandatory Review Provision of the Order, unless the fact of its existence or non-existence would itself be classifiable under the Order.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary

[FR Doc. 79-28279 Filed 9-10-79; 8:45 am]
BILLING CODE 6720-01-M

12 CFR Part 526

[No. 79-466]

Maximum Rate of Return on Accounts Subject to Automatic Transfer

September 5, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment increases from 5% to 5.25% the maximum return that members of the Federal Home Loan Bank System may pay on accounts that are subject to automatic transfer of funds to another account. The maximum authorized rate on such accounts in member institutions is required by statute to equal the maximum rate that FDIC-insured banks (excluding mutual savings banks) may pay on such accounts. The maximum authorized rate on commercial bank deposits was recently increased to 5.25%, and this

amendment conforms the Bank System regulations to that change.

EFFECTIVE DATE: September 11, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Hall, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6445).

SUPPLEMENTARY INFORMATION: Section 526.3(a)(9) of the Regulations for the Federal Home Loan Bank System (12 CFR 526.3(a)(9)) limits to 5% the rate that a member institution may pay on any savings account or deposit that is subject to automatic transfers to the institution itself or to a demand or deposit account of the accountholder. This limitation was adopted to implement title XVI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 which provided that there shall be no differential between the maximum interest payable on such accounts by banks (other than savings banks) whose deposits are insured by the Federal Deposit Insurance Corporation and by thrift institutions whose deposits are insured by the Federal Savings and Loan Insurance Corporation or by mutual savings banks. The 5% maximum rate in § 526.3(a)(9) equalled the maximum authorized rate on bank deposits at the time the section was adopted.

However, the maximum authorized rate of return on bank deposits was recently increased to 5.25%. Therefore, in conformity with that change, the Bank Board is amending § 526.3(a)(9) to reflect an equal increase in the rate applicable to member institutions.

It should be noted that § 526.3(a)(9) in no way authorizes automatic transfer accounts. It merely sets the maximum interest rate payable on these accounts in any State where any provision of State or Federal law permits them to be offered by member institutions.

Because this change is conforming in nature, and because the Bank Board believes it is in the public interest that there should be no interruption in the uniformity of rate ceilings applicable to these accounts, the Bank Board has determined to dispense with (1) notice and public procedure under 5 U.S.C. 553(b) and 12 CFR 508.11 and (2) publication of the amendment for the 30-day period prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14.

Accordingly, the Bank Board hereby amends § 526.3(a)(9) of the Bank System Regulations (12 CFR 526.3(a)(9)), to read as set forth below.

§ 526.3 Maximum rates of return payable by members on savings accounts.

(a) Except as provided in § 526.3-1 for certificate accounts of \$100,000 or more,

no member may pay an annual rate of return on a savings account exceeding the applicable maximum percentage, as follows:

(9) 5.25%—savings accounts or deposits which are subject to automatic transfers to the member itself or to a demand or deposit account of the same accountholder, made as a normal practice, according to a prearranged agreement with the accountholder, to cover checks, drafts, or similar instruments drawn by the accountholder on the member.

(Sec. 4, 80 Stat. 824 (12 U.S.C. 1425b). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 79-28271 Filed 9-10-79; 8:45 am]
BILLING CODE 6720-01-M

12 CFR Part 545

[No. 79-468, Dated September 5, 1979]

Federal Savings and Loan System; Operations—Technical Clarification

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This rule clarifies the Bank Board's intention regarding the order of application of two recently adopted amendments that revised the same regulations.

EFFECTIVE DATE: September 11, 1979.

FOR FURTHER INFORMATION, PLEASE CONTACT:

John R. Hall, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6445).

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Board Resolution No. 79-316, published in the *Federal Register* July 3, 1979 (44 F.R. 39108), adopted a revision of most of the Rules and Regulations for the Federal Savings and Loan System, including Part 545 of those Regulations (12 CFR Part 545). The effective date of the revision was August 3, 1979.

On August 2, 1979, the Bank Board, by Board Resolution No. 79-421, adopted additional amendments to Part 545 which became effective immediately. Those amendments were published in the *Federal Register* August 8, 1979 (44 F.R. 46441). The amendments were intended to supersede and amend the revision published on July 3, and the section numbers changed by the amendments were those of revised Part

545. However, because the effective date of the earlier revision follows the effective date of the later amendments, the effect of the two amendments may be unclear.

Therefore, the Bank Board has determined to restate the affected language of the sections involved. Accordingly, §§ 545.1-1 and 545.4 should read in part as set forth below.

§ 545.1-1 Rates of return on savings accounts.

(b) *Fixed balance bonus account.* The board of directors of a Federal association which has adopted the bylaw in § 544.6(e) of this subchapter may determine that, in addition to earnings distributed on savings accounts, the association will distribute a bonus on accounts of a minimum amount maintained for a minimum qualifying period (at least 3 months but not more than 36 months), as follows:

(4) If any part of a fixed-balance bonus account is withdrawn before expiration of the term, the penalty prescribed in § 526.7(a) of this chapter shall apply. If any earnings were distributed on the account before the withdrawal, deduction shall be made from the amount withdrawn to adjust for the penalty applicable thereto. Section 526.7(b) shall apply with respect to accounts issued before July 1, 1979. However, in the circumstances prescribed in § 526.7(c), such penalty shall not be applied.

§ 545.4 Withdrawals.

(a) *Withdrawal prior to expiration of term.* (1) If any part of a savings account authorized under § 545.1-1(f), or any part of a fixed-term savings deposit, is withdrawn before expiration of the term, the penalty prescribed in § 526.7(a) of this Chapter shall apply. If any earnings were distributed on the account before the withdrawal, deduction shall be made from the amount withdrawn to adjust for the penalty applicable thereto. Section 526.7(b) shall apply with respect to accounts issued before July 1, 1979. However, in the circumstances prescribed in § 526.7(c), such penalty shall not be applied.

(3) An association may provide that an account owner cannot withdraw any part of a fixed-term savings deposit or certificate account before its term expires except in the event of death, or adjudication of incompetence, of an account owner and under such other emergency circumstances as may be set

forth in the certificate evidencing the account.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

[FR Doc. 79-28297 Filed 9-10-79; 8:45 am]
BILLING CODE 6720-01-M

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Food and Drug Administration

21 CFR Part 184

[Docket No. 78N-0106]

**Direct Food Substances Affirmed as
Generally Recognized as Safe; Propyl
Gallate**

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the conditions of use for propyl gallate as generally recognized as safe (GRAS) direct human food ingredient. The change is made because the currently permitted conditions of use are not in accord with traditional good manufacturing practice, the conditions FDA considered in its evaluation of the safety of propyl gallate as a GRAS ingredient. This action revokes the currently permitted conditions of use for the ingredient in food and affirms as GRAS the conditions of use traditionally permitted under good manufacturing practice.

EFFECTIVE DATE: October 11, 1979.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 5, 1978 (43 FR 19422), FDA proposed to modify the regulation affirming the GRAS status of propyl gallate to restore the conditions of use traditionally permitted under good manufacturing practice and considered during FDA's evaluation of the safety of propyl gallate as a GRAS ingredient. Traditionally, under good manufacturing practice, propyl gallate, alone or in combination with other

antioxidants, did not exceed 0.02 percent of the fat or oil content of the food. However, the GRAS affirmation proposal for propyl gallate that was published in the Federal Register of September 23, 1974 (39 FR 34199) inadvertently proposed different conditions of use. These conditions (maximum level of 0.015 percent of food) permitted the use of propyl gallate in food independent of both the fat and oil content of the food and the content of other antioxidants. This altered condition of use was adopted in the final regulation (§ 184.1660 (21 CFR 184.1660)), published in the Federal Register of December 7, 1976 (41 FR 53613).

One comment was received in response to the agency's proposed modification of § 184.1660. A manufacturer of cereal grain products requested an additional condition of use for propyl gallate in food and particularly in breakfast cereals. The suggested additional condition of use would permit a level of propyl gallate, alone or in combination with other antioxidants, of 50 parts per million (ppm) (0.005 percent) in food, irrespective of the fat or oil content of the food.

In 1960, the same manufacturer petitioned FDA for a food additive regulation to permit the use of 50 ppm propyl gallate in breakfast cereals. This petition was denied by FDA because of insufficient safety information to support this use. Based on the safety information for propyl gallate that was accumulated and evaluated under the GRAS Review Program, the manufacturer requested FDA to reconsider this use.

FDA recognizes that the Select Committee, in its evaluation of the safety of propyl gallate in food, concluded there was no evidence demonstrating propyl gallate to be a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Despite this conclusion, however, the Select Committee recognized difficulties in the interpretation of some reports. In addition, results from the 1970 National Academy of Science/National Research Council survey of food manufacturers on the use of GRAS ingredients and the Market Research Corporation of America survey of food consumption suggest that the use of propyl gallate in breakfast cereals could result in a twofold or greater increase in overall consumption of propyl gallate. Moreover, the greatest increase (in terms of milligrams (mg) propyl gallate consumed per kilogram (kg) body weight) would occur in infants (0 to 5 months, 6 to 11 months) on

account of the disproportionate consumption (per kg body weight) of breakfast cereals by these groups. Furthermore, butylated hydroxyanisole (BHA) and butylated hydroxytoluene (BHT), two alternative antioxidants to propyl gallate, are currently under review by FDA, and uncertainties exist regarding some aspects of their safety. Traditionally permitted conditions of use for propyl gallate, as established in this final rule, would permit its substitution for the GRAS uses of BHA and BHT. This substitution of antioxidants would itself result in a considerable increase in consumer exposure to propyl gallate. Finally, the available toxicity studies for propyl gallate were conducted in the late 1940's and early 1950's. Although these data, combined with the long history of use of propyl gallate as an antioxidant, are currently adequate to reaffirm the GRAS status of current and predicted future uses of propyl gallate at a level of 0.02 percent of the fat or oil content of the food, they are inadequate to support additional new uses of the ingredient.

Propyl gallate has traditionally been added to food to retard rancidity development, and traditional conditions of use, as reestablished by this final rule, are 0.02 percent of the fat or oil content of the food. Data available to FDA are insufficient to establish the functionality of 0.005 percent propyl gallate as an antioxidant in low-fat-containing foods.

As a result of these considerations, the agency concludes that the current safety data for propyl gallate are insufficient to support the potentially vast expansion in consumption of the ingredient that might result from the requested use of propyl gallate at a level of 0.005 percent in food irrespective of the fat or oil content of the food. The agency also concludes that the data concerning the functionality of propyl gallate as an antioxidant in low-fat-containing foods are also inadequate to support this use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 184 is amended in § 184.1660 by revising paragraph (d) to read as follows:

§ 184.1660 Propyl gallate.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Good manufacturing practice results in a maximum total

content of antioxidants (consisting of propyl gallate alone or in combination with other antioxidants) of 0.02 percent of the fat or oil content, including the essential (volatile) oil content, of the food.

Effective date. This regulation shall be effective October 11, 1979.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: September 4, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-28004 Filed 9-10-79; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 40, 41, 43, 44, 46, 48, 70, 75, 77, and 100

Federal Mine Safety and Health; Technical, Nonsubstantive Revisions and Miscellaneous Amendments; Corrections

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Correction of Final Rules.

SUMMARY: This document corrects authority citations to several MSHA rules that appeared in the *Federal Register* in 1978 and 1979 without complete parallel citations.

EFFECTIVE DATE: September 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Manuel R. Lopez, Room 436, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-1157.

SUPPLEMENTARY INFORMATION:

This is a technical amendment that is nonsubstantive in nature. Therefore, the Secretary finds that advance notice and public participation are unnecessary. The corrections are as follows:

PART 40—REPRESENTATIVE OF MINERS

1. 30 CFR Part 40. In FR Doc. 78-18892 appearing on pages 29508 through 29510 in the *Federal Register* of Friday, July 7, 1978, the authority citation on page 29509 is corrected to read:

Authority: Secs. 5(f)(1), 101(c) and (e), 103(c), (f), (g)(1) and (g)(2), 104(c), 105(a), (b)(1), (c)(1), (c)(2), (c)(3), and (d), 107(b)(1) and (e)(1), 109(b), 115(a)(1) and (a)(2), 302(a), 305(b), 312(b), 505 and 508 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 83 Stat. 745, 91 Stat. 1294, 1295, 1298, 1299, 1301, 1303, 1304, 1305, 1308, 1310 and 1316, 83 Stat. 766,

777, 785, 802, and 803 (30 U.S.C. 804(f)(1), 811(c) and (e), 813(c), (f), (g)(1) and (g)(2), 814(c), 815(a), (b)(1), (c)(1), (c)(2), (c)(3) and (d), 817(b)(1) and (e)(1), 819(b), 825(a)(1) and (a)(2), 862(a), 865(b), 872(b), 954 and 957); Sec. 307 of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

PART 41—NOTIFICATION OF LEGAL IDENTITY

2. 30 CFR Part 41. In FR Doc. 78-18893 appearing on pages 29510 through 29513 in the *Federal Register* of Friday, July 7, 1978, the authority citation on page 29512 is corrected to read:

Authority: Secs. 103(h), 109(d) and 508 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1299 and 1310, 83 Stat. 803 (30 U.S.C. 813(h), 819(d) and 957); Sec. 307 of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

PART 43—PROCEDURES FOR PROCESSING HAZARDOUS CONDITIONS COMPLAINTS

3. 30 CFR Part 43. In FR Doc. 78-18894 appearing on pages 29513 through 29516 in the *Federal Register* of Friday, July 7, 1978, the authority citation on page 29515 is corrected to read:

Authority: Secs. 103(g), and 508 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1298 83 Stat. 803 (30 U.S.C. 813(g) and 957); Sec. 307 of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

PART 44—RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS

4. 30 CFR Part 44. In FR Doc. 78-18895 appearing on pages 29516 through 29524 in the *Federal Register* of Friday, July 7, 1978, the authority citation on page 29518 is corrected to read:

Authority: Secs. 101 and 508 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291, 83 Stat. 803 (30 U.S.C. 811 and 957); Sec. 301(c)(3) of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1318 (30 U.S.C. 961(c)(3)).

5. 30 CFR Part 44. In FR Doc. 78-22222 appearing on page 35687 in the *Federal Register* of Friday, August 11, 1978, insert the following authority citation immediately following correction item number 2 and before the words "Dated: August 1, 1978.":

(Secs. 101 and 508 of the Federal Mine Safety and Health Act of 1977 Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291, 83 Stat. 803 (30 U.S.C. 811 and 957); Sec. 301(c)(3) of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1318 (30 U.S.C. 961(c)(3)))

PART 46—STATE GRANTS FOR ADVANCEMENT OF HEALTH AND SAFETY IN COAL AND OTHER MINES

6. 30 CFR Part 46. In FR Doc. 79-15163 appearing on pages 28588 through 28592 in the *Federal Register* of Tuesday, May 15, 1979, the authority citation on page 28588 is corrected by adding at the end of the citation the following:

* * * 83 Stat. 800, 803 (30 U.S.C. 953, 957).

PART 48—HEALTH AND SAFETY TRAINING AND RETRAINING OF MINERS

7. 30 CFR Part 48. In FR Doc. 78-29001 appearing on pages 47454 through 47468 in the *Federal Register* of Friday, October 13, 1978, the authority citation on page 47460 is corrected to read:

Authority: Secs. 101 and 115 (a), (b) and (c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291, 1315-1316 (30 U.S.C. 811, 825 (a), (b), and (c)).

8. 30 CFR Part 48. In FR Doc. 79-871 appearing on pages 1979 through 1980 in the *Federal Register* of Tuesday, January 9, 1979, insert the following authority citation on page 1980 immediately following amendment item No. 6 and before the words "Dated: January 2, 1979.":

(Secs. 101 and 115 (a), (b) and (c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291, 1315-1316 (30 U.S.C. 811, 825 (a), (b) and (c))).

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

9. 30 CFR Part 70. In FR Doc. 78-35640 appearing on pages 40760 through 40764 in the *Federal Register* of Tuesday, September 12, 1978, insert the following authority citation on page 40764 immediately following amendment item No. 9:

(Sec. 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811); Sec. 301 of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1317 (30 U.S.C. 961)).

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

10. 30 CFR Parts 75 and 77. In FR Doc. 79-4713 appearing on pages 9379 through 9380 in the *Federal Register* of Tuesday, February 13, 1979, insert the following authority citation on page 9380 immediately following amendment item No. 9 and before the words "Dated: February 2, 1979.":

(Sec. 508 of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 83 Stat. 803 (30 U.S.C. 957)).

PART 100—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

11. 30 CFR Part 100. In FR Doc. 78-14789 appearing on pages 23514 through 23519 in the *Federal Register* of Tuesday, May 30, 1978, the authority citation on page 23517 is corrected to read:

Authority: Secs. 105, 110 and 508 of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1303 and 1311, 83 Stat. 803 (30 U.S.C. 815, 820 and 957); Sec. 307 of the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

Dated: July 26, 1979.

Eckehard Muessig,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-28276 Filed 9-10-79; 8:45 am]

BILLING CODE 4510-43-M

30 CFR Part 50

Mine Accident, Injury, and Illness Reports

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: This final rule amends the existing regulation on the investigation of mine accidents and injuries and the reporting of mine accidents, injuries, illnesses, employment, and coal production. The amended regulation requires operators to complete all of section C of the Mine Accident, Injury and Illness Report (Form 7000-1) for occupational injuries and illnesses.

The information now clearly required by the amended regulation is necessary

to enable MSHA to analyze injury and illness causation factors needed to properly evaluate and develop Federal mine safety and health standards and programs.

EFFECTIVE DATE: October 11, 1979.

FOR FURTHER INFORMATION CONTACT: Inga A. Watkins, Room 436, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703-235-1157.

SUPPLEMENTARY INFORMATION:

I. Statutory and Rulemaking Background

This amendment is issued pursuant to the Federal Mine Safety and Health Act of 1977, (Sec. 508, Pub. L. 95-164, as amended by Pub. L. 95-164, 83 Stat. 803 (30 U.S.C. 957)) and is exempted from the notice and comment procedures of 5 U.S.C. § 553 by 5 U.S.C. § 553(b)(B). The Assistant Secretary for Mine Safety and Health finds that advance notice and public participation is unnecessary and contrary to the public interest for the reasons stated below.

The existing § 50.20-6(a) was intended to apply to accidents, occupational injuries and occupational illnesses and has been consistently interpreted by MSHA to so apply. The manner in which the regulation has been construed and enforced is well known to members of the mining industry and the vast majority of mine operators have been complying with § 50.20-6(a) accordingly. However, in a recent case, an administrative law judge of the Federal Mine Safety and Health Review Commission held that § 50.20-6(a) only requires mine operators to provide information concerning accidents as defined in § 50.2(h). Since this amendment undertakes to clarify, not change, the original intent of the existing regulation, and since it is consistent with the administrative practice thereunder, the amendment will have a minimal impact on the mining industry as a whole.

Part 50 implements §§ 103 (a) and (h) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801, 813, 841), and was intended to achieve the statutory objective of acquisition and analysis of accident, injury and illness data for the purpose of reducing mine safety and health hazards. Part 50 provides a mechanism for the identification of those aspects of mining which need intensified attention through health and safety regulation. The information now clearly required by the amended regulation is necessary to enable MSHA to analyze injury and illness causation factors needed to properly evaluate and develop Federal mine safety and health standards and programs. The omission of the data which the revised § 50.20-6(a) requires to be provided in section C

of the Mine Accident, Injury and Illness Report Form 7000-1 would render the submission of the form partially useless and frustrate the purpose of Part 50. Therefore, immediate clarification is necessary to accomplish the intention of the regulation.

The Mine Accident, Injury and Illness Report (Form 7000-1) will be revised to conform to the changes made by this amendment of Part 50. The revision will not be executed until the next printing of the Form 7000-1. Therefore, operators may utilize the existing form to comply with the amended Part 50 until a revised form is made available by the Mine Safety and Health Administration.

It has been determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044 or constitute a major Federal action significantly affecting the quality of the human environment requiring the preparation of an environmental impact statement.

II. Drafting Information

The principal persons responsible for drafting this rule are Inga A. Watkins and Edward P. Clair, Office of the Solicitor, Department of Labor.

30 CFR Part 50 is amended as follows:

§ 50.20 [Amended]

1. In § 50.20, the last sentence of paragraph (a), is revised to read as follows:

"When an accident specified in § 50.10 occurs, which does not involve an occupational injury, sections A, B, and items 5 through 11 of section C of Form 7000-1 shall be completed and mailed to MSHA in accordance with the instructions in § 50.20-1 and criteria contained in § 50.20-4 through § 50.20-6."

§ 50.20-6 [Amended]

2. Section 50.20-6 is amended as follows:

(a) By revising the first sentence to read as follows: "(a) Complete items 5 through 12 for each accident, occupational injury, or occupational illness."

(b) By deleting the paragraph designation and subheading "(a) Accident Information" preceding "Item 5."

(c) By deleting the subheading "Injury and illness information" following the paragraph designation "(b)."

(d) By revising the first sentence in paragraph (b) to read as follows: "Complete items 13-27 for each occupational injury or occupational illness."

(e) By adding the words "injury or illness" after the word "accident" each time it appears in the body of § 50.20-6. (Secs. 103 (a) and (h), and 508, Pub. L. 91-173, as amended by Pub. L. 95-164, 91 Stat. 1297, 1299, 83 Stat. 803 (30 U.S.C. 801, 813, 957)).

Dated: July 26, 1979.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-28292 Filed 9-10-79; 8:45 am]

BILLING CODE 4510-43-M

POSTAL SERVICE

39 CFR Part 111

Mandatory Use of Business Reply Mail by Federal Agencies

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: The final rule requires all Federal Government departments and agencies to use a modified form of business reply mail, metered reply mail, or stamped self-addressed envelopes when providing envelopes, cards and mailing labels to correspondents for official business reply purposes. Exceptions are provided for census reply mail authorized by Title 13, U.S.C., and fourth class and special service reply mail. This rule is intended to improve accountability for official reply mail.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT: James S. Stanford, Manager, Government Revenue and Examination Branch, (202) 245-5001.

SUPPLEMENTARY INFORMATION: On August 14, 1978, the Postal Service published for comment in the Federal Register (43 FR 35951; as corrected on August 25, 1978, 43 FR 38049) a proposal to revise sections 137.25 and 137.273f of the Postal Service Manual to carry out the rule summarized above. Interested persons were invited to submit written comments concerning the proposed change by September 13, 1978. Written comments were received from 23

¹ When this proposed rule was published in the Federal Register in August 1978, it was drafted as an amendment to Chapter I of the Postal Service Manual. Since that time, however, Chapter I of the Postal Service Manual has been replaced by the Domestic Mail Manual, which, among other things, carries forward the regulations on official mail and became effective on July 30, 1979. See 44 FR 39742. In view of the obsolescence (with certain exceptions not pertinent here) of Chapter I of the Postal Service Manual, the final rule has been drafted as an amendment of the Domestic Mail Manual. The numbering system of Part 137—OFFICIAL MAIL in the Domestic Mail Manual is the same as it was in the Postal Service Manual.

Federal Government organizations and 2 non-government parties. Twenty of the commenters opposed the proposal; five favored it as published, or offered no objections if requested modifications were made. All comments were carefully considered by the Postal Service in adopting the amendments to the regulations set forth below.

Thirteen commenters objected to the additional costs and/or the "complex administration" of the proposed rule. The Postal Service has no wish to impose unnecessary cost or administrative burdens on those agencies which find it necessary to use reply mail. We have consequently made a number of changes to reduce the administrative cost of these procedures where it is feasible within the constraints of law. We believe, however, that the financial interests of the Postal Service, as well as those of Federal agencies in general, will best be served by providing a more accurate accounting for returned reply mail. The data provided in such an accounting will ensure proper payment to the Postal Service and also permit agency managers to make cost-effective decisions on the use of reply mail. Considerable experience with similar procedures in use by private mailers leads us to conclude that these regulations as modified are less complex administratively and no more costly than any alternatives which would produce an accurate determination of reply volume.

Six commenters recommended increasing the accuracy of the present system of sampling "Postage and Fees Paid" reply envelopes instead of adopting the business reply mail system. Present procedures call for reply mail to be counted when it is returned to the agency, whereas other official mail is counted when it is sent. While some improvement to this approach may be possible with extensive management attention and increased costs, the basic problem with the current procedures that prevents achieving an acceptable level of accuracy is the difficulty in identifying and separating "Postage and Fees Paid" reply mail being returned to a Federal agency from incoming "Postage and Fees Paid" mail. The two kinds of mail appear to be identical. Available evidence indicates that significant volumes of reply mail are not counted, primarily because they are not recognized as reply mail. This is supported by the fact that many Federal agency accounts report little or no official reply volume.

Four agencies requested exemption from the proposed procedures. Three of