

The Final Impact Analysis Statement describing the options considered in developing this rule and the impact of implementing each option is available from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA hereby revises REA Forms 397b and c, Design Specifications for Trunk and Subscriber Carrier Systems. This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044, and has been classified not significant.

REA, in an effort to aid REA borrowers in providing the best, most cost-effective telecommunications service to rural America is revising REA Forms 397b and c to reflect advances in technology.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851-Rural Telephone Loans and Loan Guarantees.

A Notice of proposed rulemaking was published in the *Federal Register*, Vol. 45, No. 160, (45 FR 54354) Friday, August 15, 1980. No public comments were received as a result of that notification.

Dated: November 14, 1980.

John H. Arnesen,

Assistant Administrator—Telephone

[FR Doc. 80-36450 Filed 11-20-80; 8:45 am]

BILLING CODE 3410-15-M

5. On pages 72093 and 72094 the following tables are reprinted as follows:

BILLING CODE 1605-01-M

Food Safety and Quality Service

7 CFR Part 2851

United States Standards for Grades of Florida Grapefruit, Tangerines, Oranges, and Tangelos

Correction

In FR Doc. 80-33843, published at page 72089, on Friday, October 31, 1980, make the following corrections:

1. On page 72089, in the third column, the first paragraph under "Background", the eighth line down "serveral changes" should be corrected to read "several changes".

2. On page 72090, in the second column, the fifth line down "8 $\frac{1}{16}$ " should be corrected to read "8 $\frac{1}{8}$ ".

3. Also on page 72090, the second column, the first paragraph, the last line "to 125" should be corrected to read "or 125".

4. On page 72092, the first column, sixth line down "(4) Growth crack; and," should be corrected to read "(4) Growth cracks; and,".

TABLE 1 - SHIPPING POINT^{1/}
FOR 1 THROUGH 20 SAMPLES

FACTOR	GRADES	AL ^{2/}	Number of 33-count samples ^{3/} (Florida Grapefruit)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers ^{4/} (maximum permitted)																			
Decay	U.S. Fancy																					
	U.S. No. 1	1	0	0	0	1	5/1	1	2	2	2	5/2	2	2	3	3	3	5/3	3	4	4	4
	U.S. No. 2																					
	U.S. No. 3	1	0	1	5/1	1	2	5/2	2	3	3	5/3	3	4	4	4	5/4	5	5	5	5/5	5
Wormy fruit	All	1	0	0	0	1	5/1	1	2	2	2	5/2	2	2	3	3	3	5/3	3	4	4	4
Very serious damage including decay and wormy fruit.	U.S. Fancy																					
	U.S. No. 1	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
	U.S. No. 2																					
Total defects including decay, wormy fruit, and very serious damage.	All	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
Discoloration	U.S. No. 1																					
	U.S. No. 1 Bright																					
	U.S. No. 2	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64
	U.S. No. 2 Bright																					
	U.S. No. 1 Golden	16	13	23	34	44	54	63	73	83	92	102	112	122	131	140	150	159	169	178	188	197
Acceptance numbers ^{4/} (minimum required)																						
	U.S. No. 1 Bronze	6	9	20	32	44	56	68	81	93	105	118	130	142	155	168	180	193	206	218	231	244
	U.S. No. 1 Russet																					
	U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68

See footnotes at end of table.

FOR 21 THROUGH 40 SAMPLES

FACTOR	GRADES	AL ^{2/}	Number of 33-count samples ^{3/} (Florida Grapefruit)																37	38	39	40
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36				
			Acceptance numbers ^{4/} (maximum permitted)																			
Decay	U.S. Fancy	1	4	4	5/4	4	4	5	5	5	5	5	5/5	5	5	6	6	6	6	6	5/6	6
	U.S. No. 1																					
	U.S. No. 2																					
Wormy fruit	U.S. No. 3	1	5	6	6	6	5/6	6	7	7	7	5/7	7	8	8	8	5/8	8	9	9	9	9
	All	1	4	4	5/4	4	4	5	5	5	5	5	5/5	5	5	6	6	6	6	6	5/6	6
	U.S. Fancy																					
Very serious damage including decay and wormy fruit.	U.S. No. 1	4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	56	57
	U.S. No. 2																					
	All																					
Total defects including decay, wormy fruit, and very serious damage.	All	5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Off-size		7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
Discoloration	U.S. No. 1																					
	U.S. No. 1 Bright	7	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122
	U.S. No. 2																					
U.S. No. 1 Golden	U.S. No. 2 Bright	16	206	216	225	234	247	253	264	274	281	290	300	309	318	327	337	346	355	364	374	383
U.S. No. 1 Bronze	U.S. No. 1 Russet	6	256	269	282	294	307	320	333	345	358	371	383	396	409	422	435	447	460	473	486	499
U.S. No. 2 Russet	U.S. No. 1 Russet	0	72	76	80	84	88	92	96	99	103	107	110	114	118	122	126	130	134	137	141	145

Acceptance numbers^{4/} (minimum required)

1/ Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

2/ AL-Absolute limit permitted in individual 33-count sample.

3/ Sample size--33 count.

4/ Acceptance number--Maximum or minimum number of defective or off-size fruit permitted.

5/ Preferred number of samples for this acceptance number.

TABLE II - EN ROUTE OR AT DESTINATION

FACTOR	GRADES	AL ^{1/}	Number of 33-count samples ^{2/} (Florida Grapefruit)																									
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20						
			Acceptance numbers ^{3/} (maximum permitted)																									
Decay	All	3	2	3	4	5	6	7	8	9	10	11	12	13	4/13	14	15	16	17	18	4/18	19						
Wormy fruit	All	1	0	0	0	1	4/1	1	2	2	2	4/2	2	2	3	3	3	4/3	3	4	4	4						
Very serious damage other than decay and wormy fruit.	U.S. Fancy																											
	U.S. No. 1	4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31						
	U.S. No. 2																											
Total defects including very serious damage other than decay and wormy fruit.	All	5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64						
Off-size		7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64						
Discoloration	U.S. No. 1																											
	U.S. No. 1 Bright																											
	U.S. No. 2	7	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64						
	U.S. No. 2 Bright																											
	U.S. No. 1 Golden	16	13	23	34	44	54	63	73	83	92	102	112	122	131	140	150	159	169	178	188	197						
										Acceptance numbers ^{3/} (minimum required)																		
	U.S. No. 1 Bronze	6	9	20	32	44	56	68	81	93	105	118	130	142	155	168	180	193	206	218	231	244						
	U.S. No. 1 Russet																											
	U.S. No. 2 Russet	0	2	4	8	11	14	18	21	25	28	32	36	39	43	47	50	53	57	61	64	68						

1/ AL--Absolute limit permitted in individual 33-count sample.

2/ Sample size--33 count.

3/ Acceptance number--Maximum or minimum number of defective or off-size fruit permitted.

4/ Preferred number of samples for this acceptance number.

BILLING CODE 1505-01-C

6. On page 72094, the third column, the second line of paragraph §#2851.765 "flaby" should be corrected to read "flabby".

7. On page 72096, the second column, paragraph (d)(3) of § 2851.1141 "Dryness on mushy condition;" should be corrected to read "Dryness or mushy condition;".

8. On pages 72098 and 72099 the following tables are reprinted as follows:

BILLING CODE 1505-01-M

TABLE 1 - SHIPPING POINT^{1/}
FOR 1 THROUGH 20 SAMPLES

FACTOR	GRADES	AL ^{2/}	Number of 50-count samples ^{3/} (Florida Oranges, Tangelos)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers ^{4/} (maximum permitted)																			
Decay	U.S. Fancy																					
	U.S. No. 1	1	0	1	5/1	1	2	5/2	2	3	3	3	5/3	3	4	4	5/4	4	5	5	5	5
	U.S. No. 2																					
	U.S. No. 3	2	0	1	2	5/2	2	5/3	3	4	4	5/4	5	5	5/5	6	6	5/6	6	7	7	5/7
Wormy fruit	All	1	0	1	5/1	1	2	5/2	2	3	3	3	5/3	3	4	4	5/4	4	5	5	5	5
Very serious damage including decay and wormy fruit.	U.S. Fancy																					
	U.S. No. 1	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
	U.S. No. 2																					
Total defects including decay, wormy fruit, and very serious damage.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. No. 1																					
	U.S. No. 1 Bright																					
	U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 2 Bright																					
	U.S. No. 1 Golden	22	18	34	49	64	80	93	109	122	138	151	166	180	194	208	222	237	251	265	279	293

Acceptance numbers^{4/} (minimum required)

See footnotes at end of table.

FOR 21 THROUGH 40 SAMPLES

FACTOR	GRADES	AL ^{2/}	Number of 50-count samples ^{3/} (Florida Oranges, Tangelos)																	39	40	
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37			
			Acceptance numbers ^{4/} (maximum permitted)																			
Decay	U.S. Fancy																					
	U.S. No. 1	1	5/5	6	6	6	6	5/6	6	7	7	7	7	5/7	7	8	8	8	5/8	8	9	9
	U.S. No. 2																					
Wormy fruit	U.S. No. 3	2	8	8	5/8	8	9	9	5/9	9	10	10	5/10	11	11	5/11	11	12	12	5/12	12	13
	All	1	5/5	6	6	6	6	5/6	6	7	7	7	7	5/7	7	8	8	8	5/8	8	9	9
	U.S. Fancy																					
Very serious damage including decay and wormy fruit.	U.S. No. 1	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
	U.S. No. 2																					
	All	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
Discoloration	U.S. No. 1																					
	U.S. No. 1 Bright																					
	U.S. No. 2	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180
	U.S. No. 2 Bright																					
Acceptance numbers ^{4/} (minimum required)	U.S. No., 1 Golden	22	307	321	335	349	363	377	391	405	419	433	447	461	475	489	503	517	531	545	559	573
	U.S. No. 1 Bronze																					
	U.S. No. 1 Russet	11	394	413	433	452	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744	764
Acceptance numbers ^{4/} (minimum required)	U.S. No. 2 Russet	1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226

1/ Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

2/ AL--Absolute limit permitted in individual 50-count sample.

3/ Sample size--50 count.

4/ Acceptance number--Maximum or minimum number of defective or off-size fruit permitted.

5/ Preferred number of samples for this acceptance number.

TABLE II - EN ROUTE OR AT DESTINATION

FACTOR	GRADES	AL ^{1/}	Number of 50-count samples ^{2/} (Florida Oranges, Tangelos)																							
			Acceptance numbers ^{3/} (maximum permitted)																							
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20				
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24	25	26	27				
Wormy fruit	All	1	0	1	4/1	1	2	4/2	2	3	3	3	4/3	3	4	4	4/4	4	5	5	5	5				
Very serious damage other than decay and wormy fruit.	U.S. Fancy																									
	U.S. No. 1	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45				
	U.S. No. 2																									
Total defects including very serious damage other than decay and wormy fruit.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94				
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94				
Discoloration	U.S. No. 1																									
	U.S. No. 1 Bright	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94				
	U.S. No. 2																									
	U.S. No. 2 Bright	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94				
	U.S. No. 1 Golden	22	18	34	49	64	80	93	109	122	138	151	166	180	194	208	222	237	251	265	279	293				
										Acceptance numbers ^{3/} (minimum required)																
	U.S. No. 1 Bronze	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374				
	U.S. No. 1 Russet																									
	U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108				

Acceptance numbers^{3/} (minimum required)

1/ AL--Absolute limit permitted in individual 50-count sample.

2/ Sample size--50 count.

3/ Acceptance number--Maximum or minimum number of defective or off-size fruit permitted.

4/ Preferred total number of samples for this acceptance number.

BILLING CODE 1505-01-C

9. On page 72100, the third column, the second line of § 2851.1170 "decidely" should be corrected to read "decidedly".

10. On page 72101 the following table is reprinted as follows:

BILLING CODE 1505-01-M

§ 2851.1174 Classification of defects.

TABLE V

Factor	Injury	Damage	Serious damage	Very serious damage
Ammoniation		Not occurring as light speck type.	Scars are cracked or dark and aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Buckskin		Aggregating more than a circle 1 inch (25.4 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose		Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Creasing		Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition		Affecting all segments more than 1/4 inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 3/4 inch (19.1 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.

Table V, continued

Factor	Injury	Damage	Serious damage	Very serious damage
Green spots	More than slightly affecting appearance.	More than 10 spots caused by scale, each spot equivalent to the area of a circle 1/8 inch (3.2 mm) in diameter.	More than 25 spots caused by scale, each spot equivalent to the area of a circle 1/8 inch (3.2 mm) in diameter.	
Hail	Not well healed, or aggregating more than a circle 1/4 inch (6.4 mm) in diameter.	Not well healed, or aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Not well healed, or aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	Not well healed, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.
Oil Spots	More than slightly affecting appearance.	More than 5 spots, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	More than 10 spots, or aggregating more than a circle 1 inch (25.4 mm) in diameter.	
Scab		Materially detracts from the shape or texture, or aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	More than a few adjacent to the "button" at the stem end, or more than 6 scattered on other portions of the fruit.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.

Table V, continued

Factor	Injury	Damage	Serious damage	Very serious damage
Scars	Depressed, not smooth, or detracts from appearance more than the amount of discoloration permitted in the grade.	Deep or rough aggregating more than a circle 1/4 inch (6.4 mm) in diameter; slightly rough with slight depth aggregating more than a circle 7/8 inch (22.2 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than a circle 1 1/2 inches (31.8 mm) in diameter.	Deep or rough aggregating more than a circle 1/2 inch (12.7 mm) in diameter; slightly rough with slight depth aggregating more than a circle 1 1/2 inches (31.8 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than 10% of fruit surface.	Deep or rough or unsightly that appearance is very seriously affected.
Skin breakdown		Aggregating more than a circle 1/4 inch (6.4 mm) in diameter.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn		Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Hard and aggregating more than a circle 1 1/2 inches (38.1 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sunburn		Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.

Table V, continued

Factor	Injury	Damage	Serious damage	Very serious damage
Split, Rough, Protruding Navels.	Split is unhealed, or more than 1/8 inch (3.2mm) in length, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than 1/4 inch (6.4 mm) in length, or more than three well healed splits, or navel protrudes beyond the general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed, or more than 1/2 inch (12.7 mm) in length, or two or more splits aggregate more than 1 inch (25.4 mm) in length, or navel protrudes beyond general contour, and opening is so wide, folded and ridged that it detracts from appearance.	Split is unhealed or fruit is seriously weakened.
Thorn scratches	Not well healed, or more unsightly than discoloration permitted in the grade.	Not well healed, or hard concentrated thorn injury aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Not well healed, or hard concentrated thorn injury aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.

Note: References to area or aggregate area, or length are based on a 100 size orange or tangelo.

11. On pages 72103 and 72104 the following tables are reprinted as follows:

BILLING CODE 1505-01-M

TABLE I - SHIPPING POINT^{1/}
FOR 1 THROUGH 20 SAMPLES

FACTOR	GRADES	AL ^{2/}	Number of 50-count samples ^{3/} (Florida Tangerines)																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers ^{4/} (maximum permitted)																			
Decay	U.S. Fancy	1	0	1	5/1	1	2	5/2	2	3	3	3	5/3	3	4	4	5/4	4	5	5	5	5
	U.S. No. 1																					
	U.S. No. 2																					
	U.S. No. 3	2	0	1	2	5/2	2	5/3	3	4	4	5/4	5	5	5/5	6	6	5/6	6	7	7	5/7
Wormy fruit	All	1	0	1	5/1	1	2	5/2	2	3	3	3	5/3	3	4	4	5/4	4	5	5	5	5
Very serious damage including decay and wormy fruit.	U.S. Fancy	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
	U.S. No. 1																					
	U.S. No. 2																					
Total defects including decay, wormy fruit, and very serious damage.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
Discoloration	U.S. Fancy	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94
	U.S. No. 1																					
	U.S. No. 2																					
Serious damage by unsightly discoloration		2	1	2	2	5/3	4	5/4	5	5/5	6	5/6	7	5/7	8	5/8	8	5/9	9	10	5/10	11
			Acceptance numbers ^{4/} (minimum required)																			
U.S. No. 1 Bronze	U.S. No. 1	11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336	355	374
	U.S. No. 1 Russet																					
	U.S. No. 2 Russet	1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97	102	108

See footnotes at end of table.

FOR 21 THROUGH 40 SAMPLES

FACTOR	GRADES	AL ^{2/}	Number of 50-count samples ^{3/} (Florida Tangerines)																	Acceptance numbers ^{4/} (maximum permitted)			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36					
																				37	38	39	40
Decay	U.S. Fancy	1	5/5	6	6	6	6	5/6	6	7	7	7	7	5/7	7	8	8	8	5/8	8	9	9	
	U.S. No. 1																						
	U.S. No. 2																						
	U.S. No. 3	2	8	8	5/8	8	9	9	5/9	9	10	10	5/10	11	11	5/11	11	12	12	5/12	12	13	
Wormy fruit	All	1	5/5	6	6	6	6	5/6	6	7	7	7	7	5/7	7	8	8	8	5/8	8	9	9	
Very serious damage including decay and wormy fruit.	U.S. Fancy	6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83	
	U.S. No. 1																						
	U.S. No. 2																						
Total defects including decay, wormy fruit, and very serious damage.	All	8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180	
Off-size		10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180	
Discoloration	U.S. Fancy																						
	U.S. No. 1	10	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180	
	U.S. No. 2																						
Serious damage by unsightly discoloration		2	5/11	12	5/12	12	13	5/13	14	5/14	15	15	5/15	16	5/16	17	17	5/17	18	5/18	19	19	
Acceptance numbers ^{4/} (minimum required)																							
U.S. No. 1 Bronze 11		394	413	433	452	471	491	510	530	549	569	588	608	627	647	666	686	705	725	744	764		
	U.S. No. 1 Russet																						
	U.S. No. 2 Russet 1	114	119	125	131	137	143	149	155	161	166	172	178	184	190	196	202	208	214	220	226		

1/ Shipping point, as used in these standards, means the point of origin of the shipment in the production area or at port of loading for ship stores or overseas shipments, or in the case of shipments from outside the continental United States, the port of entry into the United States.

2/ AL--Absolute limit permitted in individual 50-count sample.

3/ Sample size--50 count.

4/ Acceptance number--Maximum

or minimum number of defective or off-size fruit permitted.

5/ Preferred number of samples for this acceptance number.

TABLE II - EN ROUTE OR AT DESTINATION

FACTOR	GRADES	AL ^{1/}	Number of 50-count samples ^{2/} (Florida Tangerines)																
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			Acceptance numbers ^{3/} (maximum permitted)																
Decay	All	4	3	4	6	7	9	10	11	13	14	15	16	18	19	20	21	23	24
Wormy fruit	All	1	0	1	4/1	1	2	4/2	2	3	3	3	4/3	3	4	4	4/4	4	5
Very serious damage other than decay and wormy fruit.	U.S. Fancy U.S. No. 1 U.S. No. 2	6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39
Total defects including very serious damage other than decay and wormy fruit.	All	8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81
Off-size		10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81
Discoloration	U.S. Fancy U.S. No. 1 U.S. No. 2	10	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81
Serious damage by unsightly discoloration		2	1	2	2	3	4	4/4	5	4/5	6	4/6	7	4/7	8	4/8	8	4/9	9
			Acceptance numbers ^{3/} (minimum required)																
	U.S. No. 1 Bronze 11	15	32	51	69	88	106	125	144	162	182	201	220	240	259	278	297	317	336
	U.S. No. 1 Russet																		
	U.S. No. 2 Russet 1	3	8	12	18	23	29	34	40	45	51	56	62	68	74	79	85	91	97

1/ AL--Absolute limit permitted in individual 50-count sample.

2/ Sample size--50 count.

3/ Acceptance number--Maximum or minimum number of defective or off-size fruit permitted.

4/ Preferred total number of samples for this acceptance number.

BILLING CODE 1505-01-C

12. On page 72106, the fifth line of § 2851.1831 "the aggetate" should be corrected to read "the aggregate".

13. Also on page 72106 the following table is reprinted as follows:

BILLING CODE 1505-01-M

TABLE V

Factor	Damage	Serious damage	Very serious damage
Ammoniation	Not occurring as light speck type, or detracts more than discoloration permitted in the grade.	Scars are cracked or dark and aggregating more than 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Buckskin	Aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	Aggregating more than 25 percent of the surface.	Aggregating more than 50 percent of the surface.
Caked melanose	Aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Creasing	Materially weakens the skin, or extends over more than one-third of the surface.	Seriously weakens the skin, or extends over more than one-half of the surface.	Very seriously weakens the skin, or is distributed over practically the entire surface.
Dryness or mushy condition	Affecting all segments more than 1/8 inch (3.2 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/4 inch (6.4 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.	Affecting all segments more than 1/2 inch (12.7 mm) at stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit.
Green spots	More than 10 spots caused by scale, each spot equivalent to the area of a circle 1/8 inch (3.2 mm) in diameter.	More than 25 spots caused by scale, each spot equivalent to the area of a circle 1/8 inch (3.2 mm) in diameter.	

Factor	Damage	Serious damage	Very serious damage
Hail	Not well healed, or aggregating more than a circle 1/4 inch (6.4 mm) in diameter.	Not well healed, or aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Not well healed, or aggregating more than a circle 5/8 inch (15.9 mm) in diameter.
Oil spots	More than 5 spots, or aggregating more than a circle 1/2 inch (12.7 mm) in diameter.	More than 10 spots, or aggregating more than a circle 3/4 inch (19.1 mm) in diameter.	
Scab	Materially detracts from the shape or texture, or aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Seriously detracts from the shape or texture, or aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Scale	Aggregating more than a circle 3/8 inch (9.5 mm) in diameter.	Aggregating more than a circle 5/8 inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.

Factor	Damage	Serious damage	Very serious damage
Scars	Deep or rough aggregating more than a circle $1/4$ inch (6.4 mm) in diameter; slightly rough with slight depth aggregating more than a circle $3/4$ inch (19.1 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than a circle $1-1/8$ inches (28.6 mm) in diameter.	Deep or rough aggregating more than a circle $1/2$ inch (12.7 mm) in diameter; slightly rough with slight depth aggregating more than a circle $1-1/8$ inches (28.6 mm) in diameter; smooth or fairly smooth with slight depth aggregating more than 10% of fruit surface.	Deep or rough or unsightly that appearance is very seriously affected.
Skin breakdown	Aggregating more than a circle $1/4$ inch (6.4 mm) in diameter.	Aggregating more than a circle $5/8$ inch (15.9 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sprayburn	Skin is hard and aggregating more than a circle $3/4$ inch (19.1 mm) in diameter.	Skin is hard and aggregating more than a circle $1-1/4$ inches (31.8 mm) in diameter.	Aggregating more than 25 percent of the surface.
Sunburn	Skin is flattened, dry, darkened, or hard and the affected area exceeds 25 percent of the surface.	Skin is hard and affects more than one-third of the surface.	Aggregating more than 50 percent of the surface.
Unsightly discoloration	Color and pattern causes an unattractive appearance.	Color and pattern causes a distinctly unattractive appearance.	Very objectionable appearance caused by any means.

Note: References to area or aggregate area, or length are based on a 176 size tangerine.

7 CFR Part 2853**Increase in Fees for Federal Meat Grading and Certification Services****AGENCY:** Food Safety and Quality Service, USDA.**ACTION:** Final rule.**SUMMARY:** The rates for voluntary Federal meat grading and certification services are changed to reflect increased costs associated with these programs.**EFFECTIVE DATE:** December 28, 1980.**FOR FURTHER INFORMATION CONTACT:** David K. Hallett, Chief, Meat Grading and Certification Branch, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, First Floor Mezzanine, Annex Building, Washington, DC 20250, (202) 447-2210.**SUPPLEMENTARY INFORMATION:****Exemption from Executive Order 12044**

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been determined to be exempt from those requirements. Dr. Donald L. Houston made this determination because the Executive Order does not apply to matters relating to Agency management.

Background

The Agricultural Marketing Act of 1946 provides for the collection of fees approximately equal to the cost of providing Federal meat grading and certification services. Salaries paid to Federal employees have been increased under the provisions of Executive Order 12248. Therefore, it has been determined that in order to cover the increased costs of providing Federal meat grading and certification services, including salaries paid to Federal employees and other associated costs of administering the program, the hourly fee must be increased as provided herein.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624) the provisions of 7 CFR 2853.27(a) prescribing fees for Federal meat grading and certification services are hereby amended by changing the phrases "\$18.20 per hour," "\$22.20 per hour," and "\$36.40 per hour" to "\$20.20 per hour," "\$25.20 per hour," and "\$40.40 per hour" respectively.

(Sec. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Therefore, pursuant to the authority in 5 U.S.C. 553 it is found that notice and other public procedure with respect to

these amendments are impracticable and unnecessary and good cause is found for making these amendments effective December 28, 1980.

Done at Washington, D.C., on November 17, 1980.

Thomas P. Grumbly,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 80-36324 Filed 11-20-80; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service**9 CFR Part 82****Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Area Released From Quarantine****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule.**SUMMARY:** The purpose of this amendment is to release a portion of Multnomah County in Oregon, from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.**EFFECTIVE DATE:** November 17, 1980.**FOR FURTHER INFORMATION CONTACT:** C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: This amendment excludes a portion of Multnomah County in Oregon, 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 not apply to the excluded area.

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

In § 82.3(a)(17), relating to the State of Oregon, paragraph (iii) relating to the premises of Safari Pets and Supplies, Inc., 1420 Lloyd Center, Portland, Multnomah County is deleted.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115,

117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. 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 E. C. Sharman, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior 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 17th day of November 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-36323 Filed 11-20-80; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service**9 CFR Part 320****Change in Reporting Frequency From Weekly to Quarterly of Processing Operations at Official Establishments****AGENCY:** Food Safety and Quality Service, USDA.**ACTION:** Final rule.**SUMMARY:** This document amends the Federal meat inspection regulations to require the operator of each official establishment to report quarterly the number of pounds of meat and meat

food products produced. Currently, such information is submitted to the Food Safety and Quality Service (FSQS) each week. In its proposal, the Department had suggested an annual reporting period. Following a review of the comments submitted in response to the proposal, the Department has determined, however, that quarterly reporting of MP Form 404 data provides a more accurate reporting system and reflects seasonality in the data.

EFFECTIVE DATE: This action becomes effective January 1, 1981. The last weekly report will be submitted on Tuesday, December 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McCutcheon, Director, Policy and Program Planning, Food Safety and Quality Service, U.S. Department of Agriculture, Room 327-E, Agriculture Administration Building, Washington, D.C. 20250, (202) 447-6525. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION:

Significance

This final rule has been reviewed under the USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044 and has been classified "significant."

Background

The requirement that statistics on the production volume of processed meat and meat food products be compiled and regularly submitted to the U.S. Department of Agriculture dates back to the inception of the Federal Meat Inspection Act of 1907. Since then, FSQS and its predecessor agencies have received weekly reports from each official establishment indicating the amount, by category, of meat and meat food products produced.

The number of categories of products required to be reported on has increased over the years as the variety of products produced has increased. The number of products reported varied between 24 and 28 during 1917-1932 and 1935-1946. Sliced bacon production was incorporated into the processing report in 1937 and canning operations were specifically segregated and categorized in 1948.

Since that time the report has been continually expanded. It currently includes 110 product categories organized into nine major groups: Cured Products, Smoked or Dried or Cooked Products, Sausage, Sliced/Packaged

Products, Fresh or Frozen Products, Convenience Foods, Fats and Oils, Miscellaneous Meat Products, and Canned Products.

The MP Form 404 serves some purposes in assisting the Food Safety and Quality Service to perform its regulatory function. The Meat and Poultry Inspection Program (MPI) management and field services occasionally use MP Form 404 data to supplement other information for inspection tasks and manpower planning. The Processed Products Inspection Division of MPI uses information from MP Form 404 as a tool to monitor processed products production. Processing production data are also used by the Food Ingredient Assessment Division in FSQS' Science Program and the Meat and Poultry Standards and Labeling Division in the Compliance Program. The data collected are used by FSQS for the President's Budget and Explanatory Notes and the Secretary's Report to Congress on the Meat and Poultry Inspection Program.

The data are also used by a number of other Federal agencies, the industry, and educational or research organizations. For a more detailed explanation of the uses of MP Form 404 data, see the Final Impact Statement.

Paperwork and Cost Reduction. The administration of MPI including the maintenance of the MP Form 404 requirement, was transferred to the Food Safety and Quality Service in March 1977. In an effort to carry out previous commitments made by its predecessor agencies, FSQS scheduled a reduction in the reporting frequency of MP Form 404 on January 1, 1978, from weekly to monthly. Uncertainty over the fate of the weekly sliced bacon report and associated impacts on pork belly futures, however, led to a postponement of the action and further review.

The interest of the Federal Government in reducing the paperwork burden on industry has been most apparent in the last 4-5 years. In March 1976, the Office of Management and Budget (OMB) directed all executive departments and agencies to institute a two-phase plan to reduce the Federal paperwork burden on the public. The first phase called for a 10 percent reduction in the number of Federal forms and reports by June 30, 1976. The second phase called for a 5 and a 15-20 percent reduction in the number of hours spent by the public in official recordkeeping by September 1977 and 1978, respectively. Discussions of the MP Form 404 surfaced in the latter phase.

At the time the Federal paperwork reduction campaign came into being,

MPI was organizationally a part of the Animal and Plant Health Inspection Service. The MP Form 404 was one of the few recurring reports maintained by that Agency. At the time, the annual number of respondents to MP Form 404 was estimated at 5,800. Using 30 minutes as a preliminary estimate of the average time required to complete the form, the Department estimated its associated paperwork burden on the public to be 150,800 hours per year.¹

Industry Viewpoints. Following the expansion of MP Form 404 in 1977 to encompass 110 product categories, the Department received strong criticism from the Pacific Coast Meat Association, Incorporated, which represents small meatpackers. This trade group maintained that it had been excluded from discussions concerning revisions of the form, and it questioned the continued use of the form by the Department as previously conceived. The group also stated that the addition of new product categories appeared to assist major meatpacking companies developing data for production and marketing needs. More generally, the requirement was characterized as an unnecessary intrusion in the marketplace which could jeopardize the confidential nature of some production data.

The Department also received correspondence from trade associations representing the large meatpackers—the National Independent Meat Packers Association and the American Meat Institute—which are in support of retaining MP Form 404 on a weekly basis. Similarly, the Commodity Futures Trading Commission (CFTC) has indicated its strong concern at the prospect of reducing this report to less than a weekly basis. It believes that the commodity trader, who uses the figures to assess the flow of meat through the marketplace, will be disadvantaged by any change in reporting frequency.

The issue of confidentiality and the release of slaughter and processing data has been under review within the Department for over a year. In 1978, a determination was made by the Department that data concerning slaughtering operations more than 1 year old, and data concerning processing operations more than 2 years old, did not appear to meet exemption requirements of the Freedom of Information Act (FOIA), which protect trade secrets and certain confidential, commercial information [5 U.S.C.

¹Additional investigation found that it took approximately 15 minutes for plant personnel to complete MP Form 404 rather than the 30 minutes as preliminarily estimated.

552(b)(4)). Thereafter numerous representatives of meat processors, poultry processors, and trade associations objected to this requirement, contending such data were just as sensitive and confidential as more current data, and release of the data would injure competition. On December 15, 1978, the Department responded to the representatives' complaint by publishing a notice in the Federal Register (43 FR 58595) which stated that the Department's position was under review and requested interested persons to submit comments. That status remains unchanged.

Change to Quarterly Reporting on MP Form 404 Data

In its proposal, the Department recognized that significant cost savings could be realized if the reporting period for MP Form 404 were changed from a weekly basis. The Department considered four other alternatives. It appeared that annual reporting would produce the greatest cost savings, while meeting the Department's regulatory needs. After reviewing the comments on the proposal, the Department has determined to require the collection of data on MP Form 404 on a quarterly basis. Quarterly reporting will lead to cost savings to the Agency of approximately \$160,000 per year, and to industry of approximately \$385,000 per year. These cost savings are still significant and will permit the Department to obtain accurate statistics which provide an indication of seasonality.

Comments

The Department received 27 comments on the proposal which was published in the March 25, 1980, Federal Register (45 FR 19258-19263). Comments received represent the views of 16 individual inspected meat or poultry processors, 6 related trade associations, 2 government entities, a commodity exchange, an economic and management consultant to meat processors, and a consumer.

Twelve comments (8 from industry, 2 from related trade associations, 1 from government, and 1 from a consumer) favored the proposal, citing several reasons. Most pointed out that data from MP Form 404 is not necessary on a weekly basis. Furthermore, money and manpower saved by both industry and government will offset any advantages that may be obtained from a weekly report. The consumer comment stated that lower administrative costs to both industry and government may lower meat prices, which would be a welcomed result in these inflationary

times. Finally, the Council of Economic Advisors supports the Department's view that regulatory agencies should only gather data directly related to their mission.

Fifteen commenters (8 from industry, 4 from related trade associations, 1 from government, 1 from a consultant to meat processors, and 1 from a commodity exchange) opposed the proposal, citing several reasons.² Most argued that information contained in the weekly, monthly, quarterly and annual reports that are published utilizing MP Form 404 data is important to industry in compiling short term demand-supply functions for the meat industry. These indicators are used by individual firms to gauge their operation with industry trends and to plan future production goals. The comments state that often data used to fill out MP Form 404 are collected by industry as part of in-house management systems. Therefore, very little burden is imposed upon industry in collecting this information. These comments also point out that yearly reporting of MP Form 404 data will cause the development of alternative, duplicative industry systems, at great expense, in order to provide management data necessary for the proper conduct of business. It is stated that these costs or the costs related to an added safety margin to guard against unduly wide price savings within the market will offset any potential consumer savings resulting from reducing the frequency of reporting on MP Form 404. Finally, a trade association comments that the Department failed to place a value on the guidance that plant management receives from the weekly MP Form 404 reports.

The Department recognizes that industry uses these statistics for inventory control, production scheduling and market planning. The Department also recognizes the uses of the report by the Commodity Futures Trading Commission and the Department of Labor in interpreting consumer price trends and realizes its responsibility to provide information on the industry it regulates. However, the principal role of a regulatory agency such as FSQS is to protect the public health and to provide needed information on its regulated industry at the lowest level required for

² Approximately 2 weeks after the close of the comment period, a comment was received from an industry member who had previously commented in favor of reduced reporting of MP Form 404. This comment stated opposition to the Department's action on reduced reporting frequency of MP 404, indicating that the previous comment had been sent in error, through a misunderstanding of the full ramifications of the Department's action. This change has been reflected in the above analysis.

decisionmaking, it should not use its regulatory authority to gather data on its regulated industry unless the utility of the data can be directly linked to its regulatory mission. As long as a regulatory need for data exists, having the data available for other uses is reasonable, so long as these uses do not interfere with the regulatory mission or cause harm to the firms that supply the information. The Department has determined that it does not need the information obtained from MP Form 404 on a weekly basis. As stated previously, quarterly reports will serve its needs.

Industry and trade association comments indicate concern that information on an annual MP Form 404 report will have less value to government officials because annual reporting may reduce accuracy and will fail to show weekly, monthly and seasonal variations. Furthermore, these comments state that the weekly reporting of production volume or processed meat products is directly linked to agency and departmental needs. Annual reporting, it is claimed, will leave unfilled agency needs that will have to be met by a new, undefined and untried system. Such a system will likely impose added, rather than fewer industry burdens and costs.

The Department has concluded that obtaining accurate data is necessary and the reflection of seasonality in the data is important. In particular, a reflection of seasonality provides the Department with data on which to base its assignment of inspectors where seasonal changes in production may affect inspection needs. Therefore, the Department has provided for the quarterly reporting of the MP Form 404 data in its final regulation.

The Virginia Department of Agriculture and Consumer Services expresses a concern that the collection of MP Form 404 data only once a year will affect the data gathering capabilities of State and Federal regulatory agencies. This comment further regrets the potential loss of an evaluation tool for inspection service administrators to estimate workloads and to develop employee assignment schedules.

The Department is aware that State inspection service administrators may use information from MP Form 404 reports to estimate workload and develop employee assignment schedules. As stated above, MPI management also uses this data to supplement other information for inspection and manpower planning where questions of seasonality exist. The reflection of seasonality in the reports, as provided by the final

regulation, should ensure that the effectiveness of both MPI and State program manpower management will not be reduced.

The Chicago Mercantile Exchange points out that the Federal Register notice stated that "Uncertainty over the fate of the weekly sliced bacon report and associated impacts on pork belly futures

*** led to a postponement of (a previous) action (to reduce the reporting frequency of MP Form 404 to monthly) * * * Yet, commented the Exchange, nothing in the impact statement addresses the impact on the Commodity Futures Trading Commission of reduced reporting on pork belly futures.

The Department recognizes the use of MP Form 404 data by the CFTC to develop price guiding supply indices to monitor pork belly futures and to monitor daily market surveillance activities. This is addressed in the Final Impact Statement by a recognition that although CFTC officials would prefer weekly statistics, CFTC indices could be made based on monthly or quarterly data.

The Pacific Coast Meat Association mentions the need for confidentiality of MP Form 404 data on an individual company basis through FOIA requests. This commenter further requested that the Agency reduce industry burden and paperwork by reducing the number of products reported in MP Form 404 to pre-1976 levels.

As indicated previously, the Department is presently reviewing the issue of the protection of MP Form 404 data from FOIA requests and intends to address that issue separately at a later date.

Furthermore, as stated in the impact statement, although the number of products reported in the MP Form 404 has increased over the years, this has been done to reflect changing production patterns in the types of products processed. In 1978, the weekly average number of different product categories reported per establishment was seven out of 110 categories; the Department does not consider this to be an unreasonable burden.

Industry and trade associations suggest that thought should be given to reducing the collection of MP Form 404 data to a monthly basis, at least for a trial period. After that trial period, if further reduction in reporting frequency appears appropriate, then quarterly collection, then biannually, and finally collection annually of data should be considered. For the reasons previously discussed, the Department has considered this approach to be inappropriate. Comments also express a

willingness to work with FSQS to simplify MP Form 404 and to investigate other ways to reduce industry burden and paperwork.

Impact of Proposal. The greatest impact will be on the 8,300 official establishments which now submit a weekly report of production figures. The total annual reporting burden for these establishments is estimated to be 70,000 persons/hours based on time estimates of 15 minutes per form. It is also likely that there would be a secondary impact on nongovernmental users of the statistical data. The full effect of the proposed regulation on these parties, however, cannot now be assessed by the Department.

In formulating the proposal, the Department considered three other options in addition to the proposed annual requirement and the adopted quarterly requirement. These were:

1. Retention of the weekly report;
2. Monthly reporting; and
3. Elimination of the requirement entirely.³

The Department has concluded that the option selected should be the one that provides the necessary regulatory information in the least burdensome manner, with the greatest cost savings possible.

In view of the concerns expressed by some segments of the regulated industry, balanced against the need to reduce the paperwork burden on the meat industry and the Federal Government, which will result in cost savings to both, the Department has changed its original proposal to collect MP Form 404 data annually and now has decided that a quarterly collection of this data is more appropriate.

Need for Amendment to the Code of Federal Regulations. The authority to require reports is contained in section 407 of the Federal Meat Inspection Act (21 U.S.C. 677), which incorporates by reference provisions of the Federal Trade Commission Act (15 U.S.C. 46, 48, 49 and 50). Under this authority, the failure to file a required report could result in a penalty of \$100 a day each day the report is overdue (21 U.S.C. 677). General rulemaking authority is contained in section 21 of the Act (21 U.S.C. 621). Currently, the regulations do not specifically require reporting of production figures. In order to assure proper enforcement, § 320.6 of the Federal meat inspection regulations (9 CFR 320.6) is amended to require that production reports be filed on a quarterly basis.

³ These options are discussed and analyzed in greater detail in the Agency's approved Final Impact Statement.

Therefore, § 320.6 of the Federal meat inspection regulations (9 CFR 320.6) is amended by redesignating the present paragraph (b) as paragraph (c), and adding a new paragraph (b) as follows:

§ 320.6 Information and reports required from official establishment operators.

(b) The operator of each official establishment shall report quarterly the number of pounds of meat and meat food product produced at that establishment. The report shall be made on a form furnished by the Administrator and shall be submitted to an inspector at the establishment. Each report shall cover a calendar quarter and shall be filed within 15 days after the end of each quarter.

(c) * * *

(Secs. 21 and 407, 34 Stat. 1260, as amended, (21 U.S.C. 621, 677; 42 FR 35625, 35626, 35631))

The reporting and recordkeeping requirements prescribed herein have been approved by OMB.

Done at Washington, D.C., on November 19, 1980.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-36524 Filed 11-20-80; 8:45 am]

BILLING CODE 3410-DW-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 11, 50, 70

Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: In March 1977, the Commission published for public comment proposed amendments to establish criteria and procedures for determining eligibility for access to or control over special nuclear material. As a result of public and staff comments, the record of an informal Hearing, and the recommendations of the Hearing Board, the scope of the proposed amendments has been narrowed to include only those fuel cycle facilities and transportation activities that use, process, or store formula quantities of special nuclear material. Light water reactors, non-power reactors, and facilities possessing only irradiated special nuclear material subject to the exemption of § 73.6(b) are not covered by these revised amendments. The Nuclear Regulatory Commission is now

publishing these revised amendments in final form.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Frank Gillespie or Jim Prell, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Phone: 301-443-5907.

SUPPLEMENTARY INFORMATION: Section 161i of the Atomic Energy Act of 1954, as amended, permits the Nuclear Regulatory Commission to prescribe regulations instituting a clearance program for those individuals who have access to or control over special nuclear material. Specifically, the section provides that the Commission may issue regulations " * * * designating activities involving quantities of special nuclear material which in the opinion of the Commission are important to the common defense and security, that may be conducted only by persons whose character, associations and loyalty shall have been investigated under standards and specifications established by the commission and as to whom the commission shall have determined that permitting each such person to conduct the activity will not be inimical to the common defense and security * * *."

Pursuant to this statutory authority and after consideration of the results of public comments, the record developed in an informal hearing, and the recommendations of the hearing board, the Commission is issuing regulations which would require certain individuals involved in the operation of licensed fuel reprocessing plants, in the licensed use, processing, or storage of certain quantities of special nuclear materials, and in the transportation by the private sector of certain quantities of special nuclear material, to receive authorization from the Commission for access to or control over special nuclear material. Nuclear power reactors licensed pursuant to 10 CFR Part 50¹ are not covered by these amendments. They will be the subject of a separate rulemaking to include a notice and comment period. Additionally, non-power reactors and storage of fuel incident thereto, have been excluded from the requirements of these amendments pending completion of a separate ongoing review of total safeguards requirements adequacy at such facilities. When that assessment is complete, considerations of access authorization requirements will be included in the evaluation of overall safeguards upgrading which may be considered necessary for these facilities.

Finally, facilities possessing formula quantities of special nuclear material only in the form of irradiated special nuclear material subject to the exemption of § 73.6(b) are also excluded from these requirements as the Commission concludes that the risk of theft or diversion of such material is minimal. This is consistent with other safeguards requirements for irradiated special nuclear material.

These regulations utilize a personnel security program as a measure to protect against those employed in the affected nuclear activities who might conspire to steal or divert special nuclear material or conduct sabotage which would endanger the public by exposure to radiation. Of course, a clearance program itself does not entirely solve the problem of the "insider," but, in the opinion of the commission, experience has shown that such programs do substantially reduce the risk. Moreover, the proposed program is one of several elements in the commission's overall safeguards program which together protect against threats, both internal and external.

Two levels of special nuclear material access authorization are established. The higher level, NRC-U, is based upon a full-field background investigation and will apply to (i) all individuals who require unescorted access to special nuclear material or within vital areas, (ii) those jobs in which an individual alone or in conspiracy with another individual who does not possess an NRC-U special nuclear material access authorization could act to steal or divert special nuclear material or to commit sabotage, and (iii) drivers of motor vehicles and pilots of aircraft transporting certain quantities of special nuclear material and those who escort road, rail, air or sea shipments of special nuclear material. The lower level, NRC-R, is based upon a National Agency Check and will apply to all individuals who require unescorted access to protected areas and who are not required to possess an NRC-U special nuclear material access authorization. An implementation schedule has been established to account for changed estimates of the time required to process access authorization applications (190 days for an NRC "U" and 130 days for an NRC "R") and for the initial flow of applications. Jobs at fixed sites requiring access authorization will be identified by licensee submittal of an amendment to the security plan. For jobs not requiring an amended security plan, affected individuals must have the required access authorization within 365

days of the effective date of the amendments. All others must have authorization 365 days after having the amended security plan approved designating those jobs which require access authorization. Excepted from the 365-day implementation in all cases are those who initially apply but have not received notification due to Commission processing time.

Both the National Agency Check and the full-field background investigation are conducted by the Office of Personnel Management. The National Agency check consists of a check of files of the FBI (fingerprint and central files), Office of Personnel Management (Security-Investigative index), and a check of military records and records of other government agencies, as appropriate. The full-field background investigation consists of interviews of references, conducted by investigative agents of the Office of Personnel Management, in addition to the records check. Sources of information developed in the course of the investigation are also interviewed. The full-field background investigation conducted by the Office of Personnel Management generally covers the 5-year period of the individual's adult life prior to the investigation.

Licensees and license applicants will be required to amend their security plans by identifying and describing jobs at their facilities which require authorization. Affected individuals will be required to obtain authorization according to the schedules set forth in the proposed rule. Individuals who are newly hired or who change jobs where the new job will require a material access authorization must obtain an authorization before beginning the job. Authorization will be renewed every 5 years.

The establishment of a material access authorization program in the licensed nuclear industry will affect individuals who are not employed by any licensee or contractor of the Commission as well as licensee employees. It is the Commission's intent to minimize both the impact on the rights of privacy and association of individuals affected, and the number of individuals affected, while providing an effective measure of protection against those who would seek employment with, or use their position in, the nuclear industry for purposes of theft or sabotage. In preparing these regulations, among the matters considered were the scope of investigations (e.g., whether a full-field background investigation should be required for all individuals), which job functions should require

¹ Except for the Fort St. Vrain facility.

material access authorization (e.g., require authorization only for "key" positions or adopt a graded system with level of clearance determined by job), whether psychological assessment should be required, and the relation of the proposed program to current NRC and DOE personnel security programs.

The Commission also considered the question of whether new criteria should be developed against which a decision for authorization would be made. The present NRC security clearance criteria (10 CFR Part 10) were developed for access to classified information and, as such, not all criteria may be equally significant for questions of access to special nuclear material, and some may not be perceived as relevant in specific cases. Also, there may be cases in which additional criteria, not now included in 10 CFR Part 10, would be more to the point. However, these criteria do correspond to the Federal Government's general approach to personnel security, and specifically, they are presently used for DOE access authorization programs. Furthermore, the criteria are in the nature of guidelines to be used in a decision process characterized by common sense judgments, rather than quantitative criteria. Moreover, the Commission is reluctant to devise a new set of criteria without evidence that such new criteria would significantly improve upon those which presently exist. The Commission notes, however, that the Department of Energy is currently reviewing the criteria applicable to access to Restricted Data and Material and the Commission will review its own criteria in 10 CFR Part 10 in light of any revision made by the Department of Energy in 10 CFR Part 710. Hence, in light of the above, the Commission is relying on the considerable expertise residing in the broad experience of the Federal Government in the area of personnel security programs by proposing the use of the criteria contained in 10 CFR Part 10 as guidelines in deciding questions of access to or control over special nuclear material.

Pursuant to the Atomic Energy Act of 1954, as amended, by the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that a new 10 CFR Chapter I, Part 11, and the following conforming amendments to 10 CFR Chapter I, Parts 50 and 70 are published as a document subject to codification.

1. A new Part 11 is added to read as follows:

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

General Provisions

- Sec.
11.1 Purpose.
11.3 Scope.
11.5 Policy.
11.7 Definitions.
11.9 Specific exemptions.

Requirements for Special Nuclear Material Access Authorization

- 11.11 Requirements at fixed sites.
11.13 Requirements in transportation.
11.15 Application for special nuclear material access authorization.

Criteria for Determining Eligibility for Access to, or Control Over, Special Nuclear Material

- 11.21 Application of the criteria.

Authority: Sec. 7, Pub. L. 93-377, 88 Stat. 475; sec. 161i, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201).

General Provisions

§ 11.1 Purpose.

This part establishes the requirements for special nuclear material access authorization, and the criteria and procedures for resolving questions concerning the eligibility of individuals to receive special nuclear material access authorization for conduct of certain activities, licensed or otherwise, which involve access to or control over special nuclear material.

§ 11.3 Scope.

(a) The requirements, criteria, and procedures of this part apply to the establishment of and eligibility for special nuclear material access authorization for employees, contractors, consultants of, and applicants for employment with, licensees or contractors of the Nuclear Regulatory Commission where such employment, contract, service, or consultation involves any job falling within the criteria of § 11.11 or § 11.13.

(b) The requirements, criteria, and procedures of this part are in addition to and not in lieu of any requirements, criteria, or procedures for access to or control over classified special nuclear material.

§ 11.5 Policy.

It is the policy of the Nuclear Regulatory Commission to carry out its authority to establish and administer, in a manner consistent with traditional American concepts of justice, a personnel security program in the interests of the common defense and

security for the purpose of safeguarding special nuclear material and preventing sabotage which would endanger the public by exposure to radiation. To this end, the Commission has established criteria for determining eligibility for special nuclear material access authorization and will afford affected individuals the opportunity for administrative review of questions concerning their eligibility for special nuclear material access authorization.

§ 11.7 Definitions.

As used in this part:

(a) Terms defined in Parts 10, 25, 50, 70, 73, and 95 of this chapter have the same meaning when used in this part.

(b) "Special nuclear material access authorization" means an administrative determination that an individual (including a contractor or consultant) who is employed by or is an applicant for employment with an affected Commission contractor, licensee of the Commission, or contractor of a licensee of the Commission may work at a job which affords access to or control over special nuclear material and that permitting the individual to work at that job would not be inimical to the common defense and security.

(c) "NRC-'U' special nuclear material access authorization" means an administrative determination based upon a national agency check and a full-field background investigation conducted by the Office of Personnel Management that an individual in the course of employment is eligible to work at a job falling within the criteria of § 11.11(a)(1) or § 11.13.

(d) "NRC-'R' special nuclear material access authorization" means an administrative determination based upon a national agency check that an individual in the course of employment is eligible to work at a job falling within the criterion of § 11.11(a)(2).

§ 11.9 Specific exemptions.

The Commission may, upon application of any interested party, grant an exemption from the requirements of this Part. Exemptions will be granted only if they are authorized by law and will not constitute an undue risk to the common defense and security. Documentation related to the request, notification and processing of an exemption shall be maintained for two years beyond the period covered by the exemption.

Requirements for Special Nuclear Material Access Authorization

§ 11.11 Requirements at fixed sites.

(a) Each licensee who after February 19, 1981, uses, processes, or stores formula quantities of special nuclear material (as defined in Part 73 of this chapter) subject to the physical protection requirements of §§ 73.20, 73.45, and 73.46 of Part 73 of this chapter shall identify at his facility or plant (excluding however all non-power reactor facilities and storage of fuel incident thereto and facilities and plants in which the licensee possesses or uses only irradiated special nuclear material subject to the exemption of § 73.6(b) of Part 73 of this chapter and describe to the Commission, by amendment to his security plan:

(1) All jobs in which an individual could steal or divert special nuclear material, or commit sabotage which would endanger the public by exposure to radiation, by working alone or in cooperation with an individual who does not possess an NRC-U special nuclear material access authorization, or by directing or coercing any individual to assist in the theft, diversion, or sabotage. Such jobs include but are not limited to:

(i) All positions in the licensee's security force,

(ii) Management positions with the authority to:

(A) Direct the actions of members of the security force or alter security procedures, or

(B) Direct routine movements of special nuclear material, or

(C) Direct the routine status of vital equipment.

(iii) All jobs which require unescorted access within onsite alarm stations.

(iv) All jobs which require unescorted access² to special nuclear material or within vital areas.

(2) All jobs which require unescorted access within protected areas and which do not fall within the criterion of paragraph (a)(1) of this section.

(b) After 365 days following Commission approval of the amended security plan submitted in accordance with paragraph (a) of this section) no individual may be permitted to work at any job determined by the Commission to fall within the criterion of paragraph (a)(1) of this section without an NRC-U special nuclear material access authorization, and no individual may be permitted unescorted access to any

protected area at any site subject to this part without either an NRC-U or NRC-R special nuclear material access authorization. An exception is provided for any individual employed on the effective date of these amendments, and not yet in receipt of an approved access authorization from the Commission, provided that a complete application was submitted for that employee in accordance with § 11.15 and the application has not been disapproved.

§ 11.13 Requirements in transportation.

(a) All individuals who after November 23, 1981, transport, arrange for transport, drive motor vehicles in road shipments of special nuclear material, pilot aircraft in air shipments of special nuclear material, act as monitors at transfer points, or escort road, rail, sea, or air shipments of special nuclear material subject to the appropriate physical protection requirements of §§ 73.20, 73.25, 73.26, or 73.27 of this chapter shall have NRC-U special nuclear material access authorization. An exception is provided for any individual employed on the effective date of these amendments, and not yet in receipt of an approved access authorization from the Commission, provided that a complete application was submitted for that employee in accordance with § 11.15 and the application has not been disapproved.

(b) Licensees who after November 23, 1981 transport or who deliver to a carrier for transport special nuclear material subject to the physical protection requirements of §§ 73.20, 73.25, 73.26, 73.27 of this chapter shall confirm and record prior to shipment the name and special nuclear material access authorization number of all drivers, escorts, and monitors assigned to the shipment. An exception to the requirement to confirm and record the SSNM access authorization number is provided for any individual employed on the effective date these amendments and not yet in receipt of an approved access authorization from the Commission, provided that a complete application was submitted for that employee in accordance with § 11.15 and the application has not been disapproved.

§ 11.15 Application for special nuclear material access authorization.

(a) Application for special nuclear material access authorization, renewal, or change in level shall be filed by the employer on behalf of the applicant with the Director, Division of Security, U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555.³ Applications for affected individuals employed on the effective date of these amendments shall be submitted within 60 days of the effective date or within 60 days of notification of Commission approval of the amended security plan.

(b) Applications for special nuclear material access authorization shall be made on forms supplied by the Commission including:

(1) A Personnel Security Questionnaire (PSQ) completed by the individual.

(2) Two standard fingerprint cards with the individual's fingerprints (fingerprints may be taken by a local police authority).

(3) Authority to release information.

(4) Security acknowledgment form.

(5) Other related forms where specified in accompanying NRC instructions.

(6) A statement by the employer, prospective employer, or contractor, identifying the job to be assigned to or assumed by the individual and the level of authorization needed, justified by appropriate reference to the licensee's security plan.

(c) Special nuclear material access authorization shall expire 5 years following the date of issue. If continued special nuclear material access authorization is required, an application for renewal shall be submitted at least 120 days prior to expiration date. Failure to make a timely application will result in expiration of special nuclear material access authorization. Special nuclear material access authorization for which a timely application for renewal has been made may be continued beyond the expiration date pending final action on the application. An application for renewal will consist of the following:

(1) A Personnel Security Questionnaire, completed by the applicant.

(2) Two standard fingerprint cards with the individual's fingerprints.

(3) Authority to release information.

(4) Other related forms where specified in accompanying NRC instructions.

(5) A statement by the employer or contractor that at the time of application for renewal the individual's assigned or assumed job requires the level of special nuclear material access authorization which he or she holds, justified by appropriate reference to the licensee's security plan.

(d) If at any time, due to new assignment or assumption of duties, a

²This does not alter the requirement for methods to observe individuals within material access areas as stated in § 73.46(e)(9) of this chapter.

³Process times for special nuclear material access authorizations can be expected to be about 190 days for NRC-U and 130 days for NRC-R.

change in special nuclear material access authorization level from NRC "R" to "U" is required, the individual shall apply for a change of level of special nuclear material access authorization. Such an application shall include a description of the new duties to be assigned or assumed, justified by appropriate reference to the licensee's security plan.

(e) Each application for special nuclear material access authorization, renewal, or change in level shall be accompanied by the employer's remittance payable to the U.S. Nuclear Regulatory Commission according to the following schedule:

(1) New application, "U"	\$1,095
(2) New application, "R"	15
(3) Renewal "U" or "R"	15
(4) Change of level "R" to "U" (full fee charged only if an investigation is required)	1,095
(5) Convert existing NRC or DOE "Q" or "Q(X)" to U or R	(¹)
(6) Convert existing NRC or DOE "L" or "L(X)" to U (full fee charged only if an investigation is required)	1,095
(7) Convert existing NRC or DOE "Q", "Q(X)", "L", or "L(X)" to R	(¹)

¹ No charge.

Material access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year.

Applications from individuals having current Federal access authorizations may be processed expeditiously at less cost, since the Commission may accept the investigations and reports of other Federal Government agencies which conduct personnel security investigations. The use of such investigations and reports is contingent upon their serving as the basis for a previous clearance approval.

Criteria for Determining Eligibility for Access to or Control Over, Special Nuclear Material

§ 11.21 Application of the criteria.

(a) The decision to grant or deny special nuclear material access authorization is a comprehensive, common-sense judgment, made after consideration of all the relevant information, favorable or unfavorable, that to grant or deny special nuclear material access authorization is or is not inimical to the common defense and security and is or is not clearly consistent with the national interest.

(b) To assist in making these determinations, on the basis of all the information in a particular case, there are set forth in § 10.11 of this chapter a number of specific types of derogatory

information. These criteria are not exhaustive but contain the principal types of derogatory information which in the opinion of the Commission create a question as to the individual's eligibility for special nuclear material access authorization. These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make desirable.

(c) When the reports of investigation of an individual contain information reasonably falling within one or more of the classes of derogatory information listed in § 10.11, it shall create a question as to the individual's eligibility for special nuclear material access authorization. In such cases, the application of the criteria shall be made in light of and with specific regard to whether the existence of such information supports a reasonable belief that the granting of a special nuclear material access authorization would be inimical to the common defense and security. The Director, Division of Security may authorize the granting of special nuclear material access authorization on the basis of the information in the case or may authorize the conduct of an interview with the individual and, on the basis of such interview and such other investigation as he deems appropriate, may authorize the granting of special nuclear material access authorization. Otherwise, a question concerning the eligibility of an individual for special nuclear material access authorization shall be resolved in accordance with the procedures set forth in §§ 10.20 through 10.37 of this chapter.

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for special nuclear material access authorization by action of the Personnel Security Board,⁴ the following principle shall be applied by the Board: Where there are grounds sufficient to establish a reasonable belief as to the truth of the information regarded as substantially derogatory and when the existence of such information supports a reasonable belief that granting access would be inimical to the common defense and security, this shall be the basis for a recommendation for denying or revoking special nuclear material access authorization if not satisfactorily rebutted by the individual or shown to be mitigated by circumstance.

⁴ The function of the Personnel Security Board is described in Part 10 of this chapter.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

2. Paragraph (c) of § 50.34 of Part 50 of this chapter is amended to read as follows:

§ 50.34 Content of applications: technical information.

(c) *Physical security plan.* Each application for a license to operate a production or utilization facility shall include a physical security plan. The plan shall consist of two parts. Part I shall address vital equipment, vital areas, and isolation zones, and shall demonstrate how the applicant plans to comply with the requirements of Part 73 (and Part 11 of this chapter, if applicable, including the identification and description of jobs as required by § 11.11(a) of Part 11, at the proposed facility). Part II shall list tests, inspections, and other means to be used to demonstrate compliance with such requirements, if applicable.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. Paragraph (h) of § 70.22 of Part 70 of this chapter is amended to read as follows:

§ 70.22 Contents of applications.

(h) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), other than a license for possession or use of such material in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, shall include a physical security plan, consisting of two parts. Part I shall address vital equipment, vital areas, and isolation zones, and shall demonstrate how the applicant plans to meet the requirements of §§ 73.20, 73.40, 73.45, 73.46, 73.50, 73.60, 73.70, and 73.71 of this chapter in the conduct of the activity to be licensed including the identification and description of jobs as required by § 11.11(a) of Part 11 this chapter. Part II shall list tests, inspections, and other means to demonstrate compliance with such requirements.

(Sec. 7, Pub. L. 93-377, 88 Stat. 475; Section 161i, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Washington, D.C. this 17th day of November 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-38442 Filed 11-20-80; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 384

[Reg. OR-173; Amdt. No. 15 to Part 384]

Transfer of Function From Office of Economic Analysis to Office of the Comptroller

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its statement of organization to reflect a transfer of the functions and staff of the Data Requirements Division from the Office of Economic Analysis to the Office of the Comptroller.

DATES: Adopted: November 17, 1980. Effective: November 21, 1980.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of the Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: In the *Summary Report, Regulatory Information Planning Project*, the Board approved the transfer of the function of establishing economic, financial, and statistical information needs, and prescribing the Board's reporting requirements, from the Office of Economic Analysis (OEA) to the Office of the Comptroller (OC). The transfer was made to align this function with other information activities within OC, and to improve the Board's information management. This rule amends the organization statement of each office, 14 CFR Part 384, to reflect the transfer.

Since this amendment is administrative in nature, affecting rules of agency organization and procedure, we find that notice and public procedure are unnecessary and that the rule may be effective immediately.

Accordingly, the Civil Aeronautics Board amends Part 384 of its Organization Regulations, *Statement of Organization, Delegation of Authority, and Availability of Records and Information* (14 CFR Part 384) as follows:

1. The authority for Part 384 is:

Authority: Sec. 204(a), Pub. L. 85-726, as amended, 72 Stat. 743 (49 U.S.C. 1324(a)); Reorganization Plan No. 3 of 1961, 75 Stat.

837, 26 FR 5989 (49 U.S.C. 1324 (note)); 81 Stat. 54 (5 U.S.C. 552); unless otherwise noted.

2. Paragraphs (a)(3) and (j) of § 384.7 are amended to read:

§ 384.7 Organization and delegation of authority.

(a) *The Office of the Managing Director.* * * *

(3) The Office of the Comptroller, which administers the Board's financial management system, including participation in the fundamental aspects of program development, execution, review and evaluation; performs fiscal and administrative accounting activities, including those relating to the budget and the payroll, administers subsidy payment functions, administers and operates the Board's automatic data processing facilities, controls the receipt of data submitted to the Board; designs, develops, implements, and evaluates the Board's information processing and resource management systems; establishes the need for economic, financial, and statistical information in support of regulatory analysis and decision-making; and prescribes the Board's reporting requirements.

(j) The Office of Economic Analysis, which is responsible for studying demands for air transportation under various conditions of price and service, and forecasting future demand; advising the Board and staff on the economic impact of Board actions, and on the financial structure and conditions of individual air carriers and the industry in general; providing economic counsel, analysis and testimony in Board proceeding; assisting in the development of economic recommendations about U.S. international aviation relations and general regulatory policy; and working with other agencies and departments on economic matters related to airline deregulation.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-38474 Filed 11-20-80; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 385

[Reg. OR-174; Amdt. No. 105 to Part 385]

Delegations of Authority to the Comptroller

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This rule amends the CAB's delegations of authority to reflect a transfer of the functions and staff of the Data Requirements Division from the Office of Economic Analysis to the Office of the Comptroller.

DATES: Adopted: November 17, 1980. Effective: November 21, 1980.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of the Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: For the reasons discussed in OR-173, which is being issued simultaneously with this rule, we are amending the delegations of authority that appear in 14 CFR Part 385 to reflect the transfer of the function of establishing economic, financial, and statistical information needs, and for prescribing the Board's reporting requirements, from the Office of Economic Analysis (OEA) to the Office of the Comptroller (OC).

This amendment also transfers the delegated authority for the release of international service segment data, international origin and destination statistics, and data reported by commuter air carriers on Schedule T-1 of Form 298-C from OEA to OC. This transfer is made to place the release function, which has become routine, with the staff that receives and processes the data requests.

Certain authority previously delegated to the Comptroller under 14 CFR 385.28 is being delegated to the Chief, Data Systems Management Division within OC. Part of this authority had been previously delegated to the Comptroller, and the rest had been delegated to the Director, OEA, before transfer of the data requirements function to the Comptroller. Also, certain other authority transferred from OEA to OC is being delegated to the Chief, Data Requirements Division.

Throughout this rearrangement of the Board's data requirements function, there has been no deletion or addition to the delegations.

Since this amendment is administrative in nature, affecting rules of agency organization and procedure, we find that notice and public procedure are unnecessary and that the rule may be effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Actions Under Delegation, Nonhearing Matters*, as follows:

1. The authority for Part 385 is:

Authority: Secs. 204(a), 1001 Pub. L. 85-726, as amended, 72 Stat. 743, 788; (49 U.S.C.