

# Presidential Documents

Federal Register

Vol. 45, No. 243

Tuesday, December 16, 1980

Title 3—

Presidential Determination No. 80-29 of December 4, 1980

The President

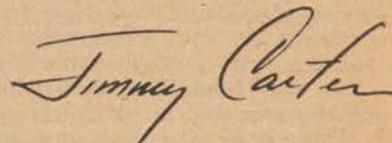
## Eligibility of Papua New Guinea To Make Purchases of Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Government of Papua New Guinea will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73-10 of January 2, 1973 (38 FR 7211), as amended by Presidential Determinations No. 73-12 of April 26, 1973 (38 FR 12799), No. 74-9 of December 13, 1973 (39 FR 3537), No. 75-2 of October 29, 1974 (39 FR 39863), No. 75-21 of May 20, 1975 (40 FR 24889), No. 76-1 of August 5, 1975 (40 FR 37205), No. 76-11 of March 25, 1976 (41 FR 14163), No. 76-12 of April 14, 1976 (41 FR 18281), No. 77-5 of November 5, 1976 (41 FR 50625), No. 77-17 of August 1, 1977 (42 FR 40169), No. 77-20 of September 1, 1977 (42 FR 48867), No. 79-5 of February 6, 1979 (44 FR 12153), No. 79-11 of June 21, 1979 (44 FR 38437), No. 80-12 of March 3, 1980 (45 FR 16995), and No. 80-14 of March 13, 1980 (45 FR 19211) shall be published in the **Federal Register**.



THE WHITE HOUSE,  
Washington, December 4, 1980.

ESSENTIAL ELEMENTS

THEORY OF THE...  
...and the...  
...of the...

...of the...  
...and the...  
...of the...

...of the...  
...and the...  
...of the...

...of the...  
...and the...  
...of the...

*[Handwritten signature]*

THE WHITE HOUSE  
Washington, D.C. 20503

# Rules and Regulations

Federal Register

Vol. 45, No. 243

Tuesday, December 16, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 213

#### Excepted Service; Department of Health, Education, and Welfare; Correction

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule: correction.

**SUMMARY:** This document corrects an excepted service appointing authority for the Department of Health, Education, and Welfare.

**EFFECTIVE DATE:** February 21, 1980.

**FOR FURTHER INFORMATION CONTACT:** Edward Hicks, 202-472-3776.

**SUPPLEMENTARY INFORMATION:** On May 30, 1980, at 45 FR 36348, the Office of Personnel Management published an excepted service appointing authority for the Department of Health, Education, and Welfare (now Health and Human Services) (FR Doc. 80-16513). This document corrects § 213.3116(k)(3) which incorrectly listed 4 positions on the Indochinese Refugee Program Staff Service. The correct number of positions is 64.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

§ 213.3116 Department of Health, and Human Services.

(k) \* \* \*

(3) Not to exceed 64 positions on the Indochinese Refugee Program Staff Service under this authority may not exceed September 10, 1981.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp. P 218)

[FR Doc. 80-39067 Filed 12-15-80; 8:45 am]

BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 210, 215, and 220

#### National School Lunch Program, Special Milk Program, and School Breakfast Program; Submission of Fiscal Year 1980 Claims for Reimbursement

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Emergency final rule.

**SUMMARY:** This emergency final rule amends National School Lunch Program, Special Milk Program, and School Breakfast Program regulations to require that fiscal year 1980 Claims for Reimbursement be submitted by January 1, 1981 to be eligible for reimbursement. Any claim for reimbursement that is consequently adjusted due to audit or investigation will be eligible for reimbursement, provided that the claim was originally submitted before January 1, 1981. The submission deadline is required by Pub. L. 96-108 for the National School Lunch and School Breakfast Programs and is also being extended to the Special Milk Program in the interest of orderly and efficient program administration. Implementation of this rule will greatly assist FNS in monitoring all school nutrition program obligations and in estimating funding needs.

**EFFECTIVE DATE:** December 16, 1980.

**FOR FURTHER INFORMATION CONTACT:** Stanley C. Garnett, Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-9065. A Final Impact Statement has been prepared and is available on request from the above named individual.

#### SUPPLEMENTARY INFORMATION:

##### Administrative Procedures

This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 12044 and has not been classified "significant". The Department has determined that an emergency situation exists which warrants this regulation being issued on an emergency final basis. Good cause exists for making this regulation effective upon publication.

Public Law 96-108 mandates that Claims for Reimbursement for the National School Lunch and School Breakfast Programs for meals served during fiscal year 1980 be submitted by January 1, 1981. The solicitation of public comments is therefore unnecessary and impractical because the Department has no authority to alter these requirements.

#### Background

Pub. L. 96-108, enacted on November 9, 1979, contained the following provision: " \* \* \* only Claims for Reimbursement for meals served during fiscal year 1980 submitted to State agencies prior to January 1, 1981, shall be eligible for reimbursement." These regulations impose the filing requirements mandated by this legislation.

The filing requirements of Pub. L. 96-108 are also extended to the Special Milk Program for fiscal year 1980. Although not specifically mandated by Public Law 96-108, the Department believes that efficient program administration dictates that claims for reimbursement under the Special Milk Program be subject to the same filing requirements as for the National School Lunch and School Breakfast Programs. Since the establishment of a claims deadline contributes to more orderly administration of Federal funds and, since claims for all three programs are often consolidated, the Department believes it is both necessary and desirable to extend the filing deadline to all three programs.

The claims deadline provision for fiscal year 1980 which is contained in Pub. L. 96-108 is identical to a fiscal year 1979 provision which was part of Pub. L. 96-38. In the conference report (H. Report 96-331) written during the development of Pub. L. 96-38, the conferees noted that " \* \* \* adjustment to these (reimbursement) claims may arise pursuant to audits or investigations performed subsequent to submittal of claims." The report went on to say that the conferees did not intend to stop proper payments of claims that were being adjusted due to audits or investigations if the claims were originally submitted before the deadline. The regulations which established the fiscal year 1979 claims deadline reflected the intent of the conferees by providing State agencies the needed flexibility to correct claims and make

adjustments as determined necessary through their administrative review processes or through other means. The Department believes it is reasonable to apply the same provision for claim corrections and adjustments to fiscal year 1980 claims.

In addition to requiring that all fiscal year 1980 claims be submitted by January 1, 1981 in order to be eligible for reimbursement and providing flexibility to State agencies in correcting claims, this rule: (1) requires that corrections to all claims be completed prior to submission of final fiscal year 1980 program reports if reimbursement is to be made through the letter of credit process, and (2) requires FNS approval for reimbursement increases resulting from claim corrections made after submission of final program reports. The provisions of this rule are designed to assist FNS in monitoring all school nutrition program obligations and in estimating funding needs.

#### **PART 210—NATIONAL SCHOOL LUNCH PROGRAM**

Accordingly, Part 210, National School Lunch Program, is amended as follows: § 210.13 paragraph (b) is revised to read as follows:

##### **§ 210.13 Reimbursement procedures.**

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 210.14(g)(2). Claims for Reimbursement shall be received by the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year. Claims for Reimbursement for meals served during fiscal years 1979 and 1980 shall be filed with the State agency, or FNSRO where applicable, prior to January 1, 1980 or January 1, 1981, respectively, in order to be eligible for reimbursement. The State agency, or FNSRO where applicable, shall, as determined necessary through its administrative review processes or otherwise, promptly take corrective action with respect to any such claim.

Such corrective action shall be completed in sufficient time to be reflected in the applicable final Program Operations and Financial Status Reports for the fiscal year as required under OMB Circular A-102 if reimbursement for such claims is to be made from funds made available for that fiscal year through the Letter of Credit process described under § 210.5(a) of this Part. Any requested increase in reimbursement level for a fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports, shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such increase, it shall make payments subject to the availability of funds. Any reduction in reimbursement level for a fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports shall be handled in accordance with the provisions of § 210.16 of this Part except that amounts recovered may not be used to make program payments.

#### **PART 215—SPECIAL MILK PROGRAM**

Part 215—Special Milk Program is amended as follows:

§ 215.10 paragraphs (a) and (b) are revised and (c) is deleted and reserved.

##### **§ 215.10 Reimbursement procedures.**

(a) To be entitled to reimbursement under this part, each School Food Authority shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement.

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 215.11(c). Claims for Reimbursement shall be received by the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year. Claims for Reimbursement for milk

served during fiscal year 1980 shall be filed with the State agency, or FNSRO where applicable, prior to January 1, 1981 in order to be eligible for reimbursement. The State agency, or FNSRO where applicable, shall, as determined necessary through its administrative review processes or otherwise, promptly take corrective action with respect to any such claim. Such corrective action shall be completed in sufficient time to be reflected in the applicable final Program Operations and Financial Status Reports for the fiscal year as required under OMB Circular A-102 if reimbursement for such claims is to be made from funds made available for that fiscal year through the Letter of Credit process described under § 220.5 of this Part. Any requested increase in reimbursement level for a fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports, shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such increase, it shall make payments subject to the availability of funds. Any reduction in reimbursement level for a fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports shall be handled in accordance with the provisions of § 215.12 of this Part except that amounts recovered may not be used to make program payments.

(c) [Deleted and Reserved]

#### **PART 220—SCHOOL BREAKFAST PROGRAM**

Part 220—School Breakfast Program is amended as follows:

§ 220.11 paragraphs (a) and (b) are revised to read as follows:

##### **§ 220.11 Reimbursement procedures.**

(a) To be entitled to reimbursement under this part, each School Food Authority shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement.

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 220.13(b). Claims for Reimbursement shall be received by the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more

than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year. Claims for Reimbursement for meals served during fiscal year 1979 and 1980 shall be filed with the State agency, or FNSRO where applicable, prior to January 1, 1980 or January 1, 1981, respectively, in order to be eligible for reimbursement. The State agency, or FNSRO where applicable, shall, as determined necessary through its administrative review processes or otherwise, promptly take corrective action with respect to any such claim. Such corrective action shall be completed in sufficient time to be reflected in the applicable final Program Operations and Financial Status Reports for the fiscal year as required under OMB Circular A-102 if reimbursement for such claims is to be made from funds made available for that fiscal year through the Letter of Credit process described under § 220.5 of this Part. Any requested increase in reimbursement level for the fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports, shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such increase, it shall make payments subject to the availability of funds. Any reduction in reimbursement level for a fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports shall be handled in accordance with the provisions of § 220.14 of this Part except that amounts recovered may not be used to make program payments.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Numbers 10.555, 10.553, 10.556)  
(Pub. L. 96-108, 93 Stat. 837 (42 USC 1752))  
Dated: December 10, 1980.

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

[FR Doc. 80-39187 Filed 12-15-80; 8:45 am]  
BILLING CODE 3410-30-M

## Rural Electrification Administration

### 7 CFR Part 1701

#### Extension of Principal Repayments To Achieve Conservation Objectives

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** REA hereby issues a Final Rule to revise REA Bulletin 20-23 by expanding the list of energy conservation measures for which REA borrowers may provide financing to consumers and receive Section 12 Extension of Principal Repayments. At the time Bulletin 20-23 was originally issued (45 FR 40963) the Final Rule Notice announcing the program indicated that, in the interest of expediting the implementation of the Energy Resources Conservation (ERC) loan program, consideration of expanding the program to include additional measures suggested during the public review period was being deferred for further review. The inclusion of such additional measures at this time will further the national effort to conserve energy, and natural and capital resources, especially liquid fuels. Appendix A to 7 CFR 1701 is hereby revised to include this Revised REA Bulletin 20-23.

**EFFECTIVE DATE:** December 8, 1980.

**FOR FURTHER INFORMATION CONTACT:** Alex Cockey, Deputy Director, Distribution Systems Division, Rural Electrification Administration, Room 3302, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3534. The Final Impact Statement describing the options considered in developing this Final Rule and the impact of each option is available on request from the above named individual.

**SUPPLEMENTARY INFORMATION:** REA hereby issues revised REA Bulletin 20-23, Section 12 Extensions for Energy Conservation Loans, pursuant to the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*). This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, "Improving Government Regulations," and has been classified "not significant."

REA, in its effort to further national goals of energy conservation and the conservation of national and capital resources, as set forth in the National Energy Conservation Policy Act (NECPA) of 1978, Executive Order No. 12185 issued December 17, 1978, and other laws and regulations issued the

original REA Bulletin 20-23, Section 12 Extensions for Energy Conservation Loans on June 11, 1980. This bulletin utilized existing authorities under Section 12 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) to extend certain principal payments at the request of distribution systems to make funds available for ERC loans.

The initial program did not include a number of measures that were suggested during the public review and comment period for the proposed program. Notice of the Final Rule indicated that other measures that could have been included in the program were being deferred for further review in order to expedite implementation of the program. It has now been determined to include the following items in the list of energy conservation measures for which REA borrowers may provide financing to consumers (the first two items only when supported by an energy audit of the consumer's establishment) and receive Section 12 Extension of Principal Repayments:

1. Heat pump systems (including water source heat pumps) and water heaters, which reduce consumption of electricity.

2. Heat pumps, water heaters, and central heating or central air conditioning system replacements and modifications, which reduce oil or gas consumption except in those cases where the primary fuel for generating electricity is oil or gas.

3. Electric system coordinated customer-owned devices that reduce the maximum kilowatt demand on the electric system.

Copies of the new bulletin are being sent directly to all REA electric borrowers. Others may request copies from the address indicated above.

Dated: December 8, 1980.

Susan T. Shepherd,  
Acting Administrator.

[FR Doc. 80-38710 Filed 12-15-80; 8:45 am]  
BILLING CODE 3410-15-M

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 201

#### Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors has amended its Regulation A, "Extensions of Credit By Federal Reserve Banks," for

the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country. In addition, the Board adopted a surcharge of 3 percentage points on frequent use of the discount window by large borrowers.

**EFFECTIVE DATE:** The changes were effective on the dates specified below.

**FOR FURTHER INFORMATION CONTACT:** Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3257).

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority of 5 U.S.C. Sec. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations required that these amendments must be adopted immediately.

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357, Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows:

**§ 201.51 Short term adjustment credit for depository institutions.**

The rates for short term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	13	Dec. 8, 1980.
New York	13	Dec. 5, 1980.
Philadelphia	13	Dec. 8, 1980.
Cleveland	13	Dec. 5, 1980.
Richmond	13	Do.
Atlanta	13	Do.
Chicago	13	Dec. 8, 1980.
St. Louis	13	Dec. 5, 1980.
Minneapolis	13	Do.
Kansas City	13	Do.
Dallas	13	Dec. 8, 1980.
San Francisco	13	Dec. 5, 1980.

A 3 percent surcharge is imposed additionally on borrowings for short-term adjustment purposes of institutions with deposits of \$500 million or more.

2. Section 201.52 is revised to read as follows:

**§ 201.52 Extended credit to depository institutions.**

(a) The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	13	Dec. 8, 1980.
New York	13	Dec. 5, 1980.
Philadelphia	13	Dec. 8, 1980.
Cleveland	13	Dec. 5, 1980.
Richmond	13	Do.
Atlanta	13	Do.
Chicago	13	Dec. 8, 1980.
St. Louis	13	Dec. 5, 1980.
Minneapolis	13	Do.
Kansas City	13	Do.
Dallas	13	Dec. 8, 1980.
San Francisco	13	Dec. 5, 1980.

(b) The rates for other extended credit provided to depository institutions where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	14	Dec. 8, 1980.
New York	14	Dec. 5, 1980.
Philadelphia	14	Dec. 8, 1980.
Cleveland	14	Dec. 5, 1980.
Richmond	14	Do.
Atlanta	14	Do.
Chicago	14	Dec. 8, 1980.
St. Louis	14	Dec. 5, 1980.
Minneapolis	14	Do.
Kansas City	14	Do.
Dallas	14	Dec. 8, 1980.
San Francisco	14	Dec. 5, 1980.

3. Section 201.53 is revised to read as follows:

**§ 201.53 Emergency credit for other than depository institutions.**

The rates for emergency credit to individuals, partnerships, or corporations other than depository institutions under § 201.3(c) of Regulation A are:

Federal Reserve Bank of	Rate	Effective
Boston	16	Dec. 8, 1980.
New York	16	Dec. 5, 1980.
Philadelphia	16	Dec. 8, 1980.
Cleveland	16	Dec. 5, 1980.
Richmond	16	Do.
Atlanta	16	Do.
Chicago	16	Dec. 8, 1980.
St. Louis	16	Dec. 5, 1980.
Minneapolis	16	Do.
Kansas City	16	Do.
Dallas	16	Dec. 8, 1980.
San Francisco	16	Dec. 5, 1980.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors,  
December 9, 1980.

Jefferson A. Walker,  
Assistant Secretary of the Board.

[FR Doc. 80-38941 Filed 12-15-80; 8:45 am]

BILLING CODE 6210-01-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 399

[Regulation PS-99; Policy Statement Amendment No. 76 to Part 399; Docket 38784]

### Statement of General Policy; Flight Equipment Depreciation and Residual Values

**AGENCY:** Civil Aeronautics Board.  
**ACTION:** Final rule.

**SUMMARY:** The CAB is changing its policy so that the service lives and residual values used by carriers to calculate flight equipment depreciation expense may be used to determine service mail rates for nonsubsidized carriers. This change is at the CAB's own initiative.

**DATES:** Adopted: December 11, 1980.  
Effective: December 11, 1980.

**FOR FURTHER INFORMATION CONTACT:** Julien R. Schrenk, Chief, Domestic Fares & Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5298.

**SUPPLEMENTARY INFORMATION:** In PSDR-67, 45 FR 66474, October 7, 1980 (Docket 38784), the Board proposed to change its policy so that carriers' own service lives and residual values for flight equipment depreciation may be used to determine service mail rates for nonsubsidized carriers. Since 1971, 14 CFR Part 399.42, *Flight equipment depreciation and residual values*, has required that straight-line depreciation, together with a table establishing service lives and residual value percentages, be used for all ratemaking purposes. However, in ER-1188, 45 FR 48867, July 22, 1980, the Board eliminated the requirement that nonsubsidized carriers file report schedules that show the difference between the "regulatory" depreciation mandated by the Board and the "book" depreciation used by the carrier. The service mail rate base has been set with regulatory rather than carriers' service lives and residual values. With the elimination of these reports, the calculations for the semiannual update of the service mail rates have become inaccurate and time-consuming for the Board. Therefore, the Board proposed that the regulatory service lives and residual values be retained for subsidized carriers only, so that the service mail rates for nonsubsidized carriers can be restated in terms of the service lives and residual values used by the carriers for book purposes.

Only United Airlines filed comments in response to the notice of proposed