the agency may place the career appointee in a nonduty status with pay for such time, not to exceed ten days, as is necessary to effect the action.

(2) The 30 days' advance written notice is not required for placing a career appointee in a nonduty status with pay during the notice period of a removal or a suspension for more than 14 days when the circumstances are such that retention of the career appointee in an active duty status:

(i) May be injurious to the appointee, his or her fellow workers, or the general public;

(ii) May result in damage to government property; or

(iii) May, because of the nature of the appointee's offense, reflect unfavorably on the public perception of the Federal service. The agency shall include in the notice the reasons for not retaining the appointee in an active duty status during the notice period of a removal or a suspension for more than 14 days. The agency may require the appointee to furnish any answer to the proposed action and affidavits and other documentary evidence in support of the answer within such time as under the circumstances would be reasonable, but not less than seven days. When the circumstances require immediate action, the agency may place the appointee in a nonduty status with pay for such time, not to exceed ten days.

(e) *Representation.* (1) 5 U.S.C. 7543(b)(3) provides that an appointee covered by this part is entitled to be represented by an attorney or other representative.

(2) an agency may disallow as an appointee's representative:

(i) an individual whose activities as a representative would cause a conflict of interest or position;

(ii) an employee of the agency whose release from his or her official position would give rise to unreasonable costs; or

(iii) An employee of the agency whose priority work assignments preclude his or her release.

(f) *Agency decision.* In arriving at its written decision, the agency shall consider only the reasons specified in the notice of proposed action and shall consider any reply of the career appointee or his or her representative made to a designated official. The agency shall deliver the notice of decision to the appointee at or before the time the action will be effective. The notice of decision shall inform the appointee of his or her appeal rights.

(g) *Hearing.* Under 5 U.S.C. 7543(c), the agency may in its regulations provide a hearing in place of or in addition to the opportunity for written and oral reply.

§ 752.605 Appeal rights: Adverse actions.

Under the provisions of 5 U.S.C. 7543(d), a career appointee against whom an action is taken under this subpart is entitled to appeal to the Merit Systems Protection Board.

§ 752.606 Agency records.

The agency shall maintain copies of the adverse action record items specified in 5 U.S.C. 7543(e) and shall furnish them upon request as required by that subsection.

[FR Doc. 80-20816 Filed 7-10-80; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR PART 831

Retirement; Exclusions From Retirement Coverage

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This regulation is being issued under the Civil Service Retirement Act to provide coverage to retired employees and Members of Congress who are receiving a Civil Service Retirement annuity and who are appointed by the President to fill unexpired terms of office limited to one year or less.

EFFECTIVE DATE: January 1, 1976.

FOR FURTHER INFORMATION CONTACT: Ms. Jane DePriest, (202) 632-4684, Office of Pay and Benefits Policy, Compensation Group, Room 4334, 1900 E Street NW., Washington, DC 20415.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Office of Personnel Management published § 831.201(a)(1) in the **Federal Register** (45 FR 16493) as a proposed rule, with a request for comments from interested parties before publication as a final rule. Four comments were received, two agreeing with the change and two objecting based on its limited applicability. It is true that the change is expected to have only limited applicability but this does not, in our opinion, weigh against equalizing the treatment of non-Member and Member annuitants. OPM is therefore revising § 831.201(a)(1) as proposed.

The Director of OPM finds that in order to carry out Congress' intent to equalize the treatment of employee annuitants through the enactment of Public Law 94-397, good cause exists for suspending the 30-day delay of effectiveness of final regulations required by 5 U.S.C. 553(d), and making this rule effective January 1, 1976.

OPM has determined that this is a significant regulation for the purposes of Executive Order 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

PART 831—RETIREMENT

Accordingly, the Office of Personnel Management is revising 5 CFR 831.201(a)(1) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(1) Employees serving under appointments limited to one year or less, except annuitants appointed by the President to fill unexpired terms of office on or after January 1, 1976.

* * * * *

(5 U.S.C. 8347)

[FR Doc. 80-20814 Filed 7-10-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

United States Standards for Grade of American Upland Cotton; Updates and Amendments to the Cotton Standards Regulations; Withdrawal of Proposed Revocations, and Technical Amendments to the Cotton Standards Regulations.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the regulations (7 CFR Part 28) under the United States Cotton Standards Act by providing reference to the United States Cotton Futures Act (7 U.S.C. 15b) and the regulations thereunder (7 CFR Part 27). It also makes a technical correction in the list of the official grades by deleting four grades, thus reflecting revocations which were effective in 1975. Other proposed changes in the Grade Standards, as published in the **Federal Register** April 1, 1980 (40 FR 21261) are withdrawn.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-2167). The Final Impact Statement considered in developing this final rule and the impact of implementing it is published in its entirety in "Supplementary Information."

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." It was determined that no Impact results insofar as this final action involves: (1) The withdrawal of proposed changes to the regulations, (2) The conforming of a table to previous actions taken, and (3) The establishment of a clarifying reference.

Proposed changes in Grade Standards were discussed at the Universal Standards Conference, May 19–20, 1980, Memphis, Tennessee. All overseas signatories to the Universal Standards Agreement and all segments of the domestic cotton industry were represented at this conference. There was unanimous agreement among the various groups that no changes in Grade Standards should be made at this time. In General, the group felt that the Grade Standards in question, although representing very little of U.S. production, were very important in overseas trading and in arbitration proceedings. Therefore, the recommendation was made that the standards be retained. The Department of Agriculture is honoring this request and is withdrawing the proposal to effect changes to the Grade Standards.

The following amendments to the regulations (7 CFR Part 28) issued pursuant to the United States Cotton Standards Act (7 U.S.C. 51 et seq.) provide references and updates. They are effective August 1, 1980.

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Add a new § 28.482 to read as follows:

§ 28.482 United States Cotton Futures Act.

The cotton standards contained in § 28.301 through § 28.603 of this part shall be effective for purposes of the United States Cotton Futures Act (7 U.S.C. 15b) and the regulations thereunder (7 CFR Part 27).

§ 28.52 [Amended]

2. In paragraph (a) of § 28.525, delete from the table of Full grade name, Symbol, and Code No., respectively, the following which were revoked effective July 1, 1975 (30 FR 22939):

"Strict Good Middling—SGM, 01,"
"Good Middling Tinged—GM Tg, 14,"
"Good Middling Yellow Stained—GM Ys, 15," and
"Below Strict Low Middling Light Gray—BG, 86."

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56)

Dated: July 8, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-20787 Filed 7-10-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 28

Cotton Classing, Testing, and Standards

AGENCY: Agricultural Marketing Service.

ACTION: Final rulemaking.

SUMMARY: This notice finalizes revisions in the sampling regulations for cotton submitted for official USDA classification under the United States Cotton Standards Act and the Smith-Doxey Amendment to the Cotton Statistics and Estimates Act.

EFFECTIVE DATE: August 11, 1980.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250—(202) 447-2147. 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: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." A cotton sample consists of two portions, one drawn from each side of the bale. Under current regulations the sampler has two options in sampling a bale when the two samples are needed. The first option is to make two cuts on each side of the bale and the second option is to make a cut approximately 24 inches on each side of the bale and break the two portions in half across the layers. On April 18, 1980, a change in sampling regulations was proposed which would permit the sampler a third option. It will allow the sampler to split each segment lengthwise along the layers making two samples. However, only the sample containing the two outside portions will be eligible for USDA classification. This means samples received for official USDA classification will be unchanged. This change will be another step forward to reduce excessive cutting of cotton bales.

Much attention has been directed in recent years to the multiple sampling of cotton bales and the problems caused by numerous cuts in the protective covering of the cotton. The cotton industry has requested USDA to adopt policies which would discourage multiple sampling of cotton bales. This change is consistent with industry recommendations and recently revised Commodity Credit Corporation regulations.

Only two cotton industry firms objected to the proposed change in regulations. These two objections are far outweighted by the support received for this change from such organizations as the Joint Industry Bale Packaging Committee and the National Cotton Council, both of which represent all segments of the cotton industry.

In order to effect this change, the following amendments are made in 7 CFR Part 28, Subpart A—Regulations under The United States Cotton Standards Act, and Subpart D—Cotton Classification and Market News Services for Organized Groups of Producers:

1. Amend § 28.25(c) to read as follows:

§ 28.25 Samples for Form A determination.

* * * * *

(c) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it will be acceptable to split the sample lengthwise along the layers provided the outside portion from each side is submitted for the official classification.

* * * * *

2. Amend § 28.908(b) to read as follows:

§ 28.908 Samples.

* * * * *

(b) *Drawing of samples manually.* (1) Each cut sample shall be drawn from the bale after it is tied out following the ginning process, and shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale: *Provided,* That each sample from a bale of American Pima cotton shall be approximately 10 ounces in weight, not less than 5 ounces of which are to be drawn from each side of the bale.

(2) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the

portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it will be acceptable to split the sample lengthwise along the layers, provided the outside portion from each side is submitted for the official classification.

* * * * *

(Section 10, 42 Stat. 1519, Sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c)

Dated: July 8, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-20813 Filed 7-10-80; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 275

Food Stamp Program; Performance Reporting System; Establishment of Requirements; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published March 11, 1980 which set forth requirements for the establishment of the Performance Reporting System under the Food Stamp Act of 1977.

FOR FURTHER INFORMATION CONTACT: Maurice Tracy, Chief, Performance Reporting System Branch, State Operations Division, Food and Nutrition Service, USDA, Washington, D.C. 20250 (202) 447-8755.

SUPPLEMENTAL INFORMATION: In 45 FR 15884 (March 11, 1980), § 275.7(e)(5) contains an error. On page 15903 (middle column) the phrase "* * * unless the required sample size is two or less * * * is corrected in this rulemaking by replacing the reference to "two" with "three."

1. Therefore, § 275.7(e)(5) is corrected to read as follows:

§ 275.7 Selection of sub-units for review.

* * * * *

(e) *Selection of Sub-Units in Project Areas with Caseloads of 3,000 or more Participating Households.* * * *

(5) *Selection of Sub-Units with Special Characteristics.* When a sub-unit has some special characteristics, (e.g., large nonassistance caseload, operation of itinerant issuance points, etc.) or is suspected of having a specific problem in its operation of the program, the sub-unit may be selected from its classification before the required random sample selection is initiated. When a sub-unit is selected based upon such considerations, it shall be eliminated from the frame from which it was selected and the required sample size for that frame shall be reduced by one. It is important to note that selection of sub-units on a non-random basis must be completed prior to selection of the required random samples. If the State elects to select sub-units on a nonrandom basis, no more than 25 percent of the sub-units selected from any classification shall be selected in this manner, unless the required sample size is three or less, in which case the State may select one sub-unit in this manner. For example, if the required sample size for issuance offices is four, three of these must be selected randomly.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistance, No. 10.551, Food Stamps)

Dated: June 24, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-20630 Filed 7-10-80; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth and Browntail Moth; List of Hazardous Recreational Vehicle Sites

AGENCY: Animal and Plant Health Inspection Service.

ACTION: Final rule.

SUMMARY: This document amends the list of gypsy moth hazardous recreational vehicle sites under the Federal Gypsy Moth and Browntail Moth Quarantine and regulations by adding a site in Massachusetts. This amendment is necessary as an emergency measure in order to prevent the artificial spread of gypsy moth.

DATES: Effective date of this amendment July 11, 1980. Written comments concerning this final rule must be received on or before September 9, 1980.

ADDRESS: Written comments concerning this final rule should be submitted to H. V. Autry, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: H. V. Autry, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant." The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that gypsy moth could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, 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 emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register.** All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*)