

military grade required for such employment;

(b) Have not been found by OPM to be disabled under subchapter III of chapter 83 of title 5, United States Code, section 8337(a);

(c) Have applied for or are receiving an annuity under the provisions of subchapter III of chapter 83 of title 5, United States Code, section 8337(h); and

(d) Are not eligible for assistance under Subpart C of this part.

#### § 330.802 OPM assistance.

An employee covered by this subpart is subject to mandatory enrollment in an OPM placement assistance program. Such an employee shall receive priority consideration for vacant positions in the Federal Government in accordance with the provisions of § 330.803 of these regulations.

#### § 330.803 Priority referral.

(a) An employee covered by this subpart shall be referred, both by OPM and agencies with delegated examining authority, and considered by any agency of the Government for any vacant position at GS-15 and below or the equivalent whenever—

(1) An agency plans to seek or is seeking the names of qualified candidates from a register or registers of competitive eligibles maintained by OPM or agencies with delegated examining authority;

(2) The position is expected to last more than one year;

(3) The position is located within the commuting area of the employee's former National Guard Technician position;

(4) The position is at the same grade or equivalent level as the National Guard Technician position from which the employee was separated; and

(5) The employee is qualified for the vacant position as determined by the head of the agency or his/her designee.

In addition, OPM and agencies with delegated examining authority will refer the names of employees covered by this subpart whenever an agency requests recruiting assistance for positions in the excepted service.

(b) When an agency selects an individual referred under this subpart, it will generally employ him or her under authority of Part 213, Subpart C, § 213.3102(j) of the excepted service or other appropriate excepted service appointing authorities.

#### § 330.804 Department of Defense responsibility for placement assistance.

(a) The Department of Defense shall, as the Government agency employing

National Guard Technicians and in accordance with its own personnel management policies and practices, ensure that employees covered by this subpart receive appropriate consideration as defined by the Department of Defense for positions within the military departments and defense agencies for which the head of that department or agency, or his/her designee, determines that the individual is qualified, which is in the same commuting area and which is at the same grade or equivalent level as the National Guard Technician position from which the employee was separated.

(b) The Department of Defense will be notified by OPM whenever a National Guard Technician who was separated on or after December 31, 1979, and before October 1, 1982, from such a position of a medical disability that disqualified him/her from membership in the National Guard or from holding the military grade required for such employment has filed a timely application for disability annuity under 5 U.S.C. 8337(h). The department shall, in turn, take steps to provide appropriate internal placement consideration to such individuals beginning on the day following the date that such notification from OPM has been received by the department. Further, the department or its appropriate component will be responsible for enrolling such individuals into OPM's placement assistance program as soon as is reasonably possible, with the expectation that, in most cases, enrollment can be made within 30 calendar days following the date that the department has been notified by OPM that a timely application for a disability annuity under 5 U.S.C. 8337(h) has been filed by the former National Guard Technician.

(c) For National Guard Technicians who are separated on or after October 1, 1982, because of a medical disability that disqualified him/her from membership in the National Guard or from holding the military grade required for such employment, internal Department of Defense placement consideration shall begin as soon as the determination has been made by the department or its appropriate component that the technician is no longer qualified for membership in the National Guard and shall continue after the date of actual separation from the National Guard Technician position in accordance with paragraph (a) of this section. The Department of Defense or its appropriate component will also be responsible for enrolling such

individuals into OPM's placement assistance program as soon as is reasonably possible, with the expectation that, in most cases, enrollment can be made within 15 calendar days following the actual date of separation from the National Guard Technician position.

#### § 330.805 Duration of eligibility for assistance.

(a) An employee covered by this subpart is eligible for OPM placement assistance without time limit. Eligibility will, however, be terminated upon—

(1) His/her reemployment by a Federal department or agency in a nontemporary position;

(2) His/her declination of any position in the Government for which he/she has been found qualified by the head of the agency or his/her designee, and which is at the same grade or equivalent level, in the same commuting area and with at least the same tenure and work schedule as the former National Guard Technician position;

(3) His/her restoration to earning capacity as determined by OPM pursuant to the terms of section 8337 of title 5, United States Code; or

(4) Any other circumstance which terminates his/her eligibility for an annuity under section 8337(h)(1) of title 5, United States Code.

(b) When an agency appoints a former National Guard Technician who has applied for or is receiving an annuity under section 8337(h) of title 5, United States Code, or when an agency makes an offer of a position which conforms to the requirements of paragraph (a)(2) of this section and the offer is declined, the agency shall notify OPM of such an appointment or declination. This notification shall include the date of the appointment or declination and, if an appointment, the title, pay plan, series, grade, and rate of pay of the position.

[FR Doc. 83-23807 Filed 8-29-83; 8:45 am]

BILLING CODE 8325-01-M

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 227

#### Nutrition Education and Training Program; Reduced Administrative Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends 7 CFR 227.30(c) and 227.37(b)(6) of the

Nutrition Education and Training (NET) Program regulations; the NET Program is authorized in Section 15 of the Child Nutrition Act of 1966, Pub. L. 95-166, 91 Stat. 1340. Section 227.30(c) is revised to allow States the option of appointing a full-time or part-time NET Coordinator. Section 227.37(b)(6) is revised to delete the requirements to establish a State Advisory Council and provide, in the State plan, a description of the functions and membership of the council. This change allows State agencies the option of continuing the council or selecting another method of soliciting advice and recommendations from the public and interested groups.

**EFFECTIVE DATE:** These amendments will become effective September 29, 1983.

**FOR FURTHER INFORMATION CONTACT:** Henry S. Rodriguez, Director, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302 (703) 756-3585.

**SUPPLEMENTARY INFORMATION:**

**Classification**

The Department does not consider this final rule to be a "major rule" under the definition established in Executive Order 12291. This final rule will not have an annual effect on the economy of \$100 million, will not cause a major increase in costs or prices, and will not have a significant impact on competition, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises.

**Paperwork Reduction Act**

This final rule does not contain reporting and record keeping requirements subject to approval by OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

**Regulatory Flexibility Analysis**

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). The Administrator of the Food and Nutrition Service has certified that this action will not have a significant economic impact on a substantial number of small entities.

**Background**

The Nutrition Education and Training (NET) Program was established in Fiscal Year 1978 under Pub. L. 95-166 to encourage the dissemination of nutrition information to children participating (or eligible to participate) in the school lunch and other child nutrition programs. The program provides grants

to State educational agencies for comprehensive nutrition education and training.

In Fiscal Years 1978 and 1979, \$26.2 million was appropriated per year. A total grant of 50 cents was authorized for each child enrolled in schools or institutions. No State received less than \$75,000 per year for the program. In Fiscal Year 1980 the appropriation was \$20 million. The Omnibus Budget Reconciliation Act of 1980 reduced the appropriation to \$15 million for Fiscal Year 1981 and authorized an extension of the program through Fiscal Year 1984. The Omnibus Budget Reconciliation Act of 1981 reduced the Fiscal Year 1982 appropriation to \$5 million and established a ceiling of \$5 million on future appropriations. In 1982 Pub. L. 97-370 reduced the minimum grant to \$50,000 for Fiscal Year 1983.

On Tuesday, March 15, 1983 the Department published in the *Federal Register* (48 FR 10848) a proposed rule that would amend the NET Program regulations to reduce administrative requirements. On April 14, 1983, the comment period for the proposed rule closed. Thirty-six comments were received during the comment period. Comments were received from representatives of State departments of education, local school districts, State departments of health, a Federal agency, colleges and universities, nutrition and/or education-related councils, nutrition and public health professionals, consumer advocacy groups, a local agency administering the Headstart program, and several concerned citizens. Letters with multiple signatures were counted as one comment.

**Summary of Comments**

Of the thirty-six responses received, thirty-four respondents commented on the proposal to allow the appointment of a part-time coordinator. Seven of the commentors: five State agencies, one State department of health, and one Federal government office, favored the proposal. Twenty-seven commentors, including three State agencies, one State department of health, two State departments of education, three Federal offices, and eleven citizens and advocate groups were opposed. Four of the commentors who opposed a part-time coordinator as proposed recommended that a part-time coordinator be allowed under specific conditions.

Of the thirty-six respondents, twenty-nine commented on the proposal to eliminate the advisory council requirement. Seven commentors: four State departments of education and three Federal government offices

favored eliminating the advisory council requirement. Twenty-two commentors were opposed including five State NET councils, six State offices, one Federal official, and ten public groups and individuals.

**Analysis of Comments Concerning Part-Time Coordinator**

Four State departments of education and three regional personnel commented in favor of allowing a part-time State coordinator.

Comments favoring the optional part-time appointment of a NET coordinator take reduced NET funding into account: "Given current funding level, minimum funded NET programs may benefit from a part-time coordinator." For example, one State NET program had not been allowed a full-time coordinator by the State. Another State department of education indicates that due to the reduced NET funding level, new teaching materials are no longer being developed and current NET funds are being used to distribute existing materials. Furthermore, at current funding levels, the State argues that to pay a full-time coordinator would require 50 percent of the State's NET funds for salary. In view of this, the State has opted to spend this available money on distribution of materials instead.

Fourteen commentors opposing the optional part-time appointment of a NET coordinator express concern that such a change in the requirements would weaken the program. They point out the need for a full-time specialist to oversee and evaluate effectiveness of the program; to reduce the potential for fraud, waste, and abuse; and to fulfill the legislative mandate of the program. One commentor states that the prolonged recession makes the NET program, which has been a viable force in changing children's food habits, even more significant. The commentor suggests that expansion not reduction of services is needed to serve the population.

*Discussion:* This rule returns to the states the right to assume more administrative control of the NET Program by allowing the States to determine whether a full-time or part-time coordinator best meets their needs. The Department does not believe that this change will weaken the NET Program. Since the inception of the Program, States have had great success in implementing nutrition education programs for children, teachers, and food service personnel, and the department believes that States will continue to provide quality services.

Thus, in view of funding levels statutorily established for this program, the Department will amend the regulations to allow States the option of appointing the full-time or part-time coordinator.

#### Analysis of Comments Concerning Elimination of the State Level Advisory Council Requirement

Seven respondents, four State departments of education and three Federal agency officials, favor the proposal to eliminate the State-level advisory council requirement. Commentors address a number of major considerations: the preference for States to work with groups that are directly affected by the use of NET funds in the State, rather than an intermediate-level council; the problem of funding travel to statewide meetings of advisory council members in those States with a large geographic area; and the difficulty in finding available interested people to serve on the council. Another commentor states that some State departments of education have alternate requirements for obtaining public advice which results in duplication of services if a separate advisory council is required. Another commentor speaks to the desirability of making State-level advisory councils optional.

Sixteen of the commentors opposing this option state that the council serves an essential role in the NET Program: providing a broad base of support, expertise, and an important link with the community. They suggest the council facilitates coordination of professional efforts to promote nutrition education and provides direction as well as creative implementation. Some argue the council maintains the integrity of the program by serving as a checks and balances system. Two commentors suggest reducing the size of the council, another suggests reducing the travel expenses of members by using alternate methods of communicating—such as mail, reducing the number of meetings held each year, or reducing the number of council members. Another commentor suggests that cutting both the council and the full-time coordinator seriously erodes the program and accountability. Others oppose the change without further comment.

*Discussion:* Statutorily established funding levels make previous regulatory requirements for a State advisory council no longer cost effective in many cases. Therefore, the Department will not require that a State Advisory Council be used for solicitation of advice to the NET Program. Nor will the

Department require that membership or functions of the optional council be included in the State plan. However, in response to commentor concerns, the final regulation as amended will require, in accordance with the authorizing legislation, that States through their coordinators continue to obtain advice and recommendations from professionals, parents, and others interested in child nutrition. Plans to solicit such advice and recommendations shall continue to be included in the State plan.

#### List of Subjects in 7 CFR Part 227

Education, Grant program—education, Grant programs—health, Infants and children, Nutrition.

#### PART 227—[AMENDED]

Accordingly, 7 CFR Part 227 is being amended as follows:

1. Section 227.30(c) is amended by revising the first sentence to read as follows:

#### § 227.30 Responsibilities of State agencies.

(c) State Coordinator. After execution of the agreement the State agency shall appoint a nutrition education specialist to serve as a State Coordinator for the Program who may be employed on a full-time or part-time basis. \* \* \*

2. Section 227.37(b)(6) is revised to read as follows:

#### § 227.37 State Plan for Nutrition Education and Training

(b) \* \* \*

(6) plans to solicit advice and recommendations of the National Advisory Council on Child Nutrition, State educational or other appropriate agencies; the U.S. Department of Education; the U.S. Department of Health and Human Services; and other interested groups and individuals concerned with improvement of child nutrition.

(Sec. 15, Pub. L. 95-166, 91 Stat. 1340 (42 U.S.C. 1788))

Dated: August 23, 1983.

Robert E. Leard,  
Administrator.

[PR Doc. 83-23725 Filed 8-29-83; 8:45 am]

BILLING CODE 3410-30-M

#### Agricultural Marketing Service

#### 7 CFR Part 967

#### Celery Grown in Florida; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This handling regulation establishes the quantity of Florida celery to be marketed fresh during the 1983-84 season, with the objective of assuring adequate supplies and orderly marketing.

**EFFECTIVE DATE:** August 30, 1983.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

**SUPPLEMENTARY INFORMATION:** Paperwork Reduction Act.

Information collection requirements contained in this regulation (7 CFR Part 967) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0681-0082.

This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it will not significantly affect costs for the directly regulated handlers.

Marketing Agreement No. 149 and Order No. 967, both as amended, regulate the handling of celery grown in Florida. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Florida Celery Committee, established under the order, is responsible for local administration.

This regulation is based upon the unanimous recommendations made by the committee at its public meeting in Orlando on June 14.

The committee recommended a Marketable Quantity of approximately 6.9 million crates of fresh celery for the 1983-84 season. This recommendation is based on the appraisal of the expected supply and prospective market demand.

Notice of the proposed regulation was published in the July 13 *Federal Register* (48 FR 32028) inviting written comments by August 12, 1983. None was received.

The Marketable Quantity is about 15 percent more than the approximately six million crates marketed fresh during the season which ended July 31, 1983. Each

producer registered pursuant to § 967.37(f) will have an allotment equal to 100 percent of his historical marketings. This regulation provides the industry an opportunity to (1) produce to its fullest capacity for the benefit of the consumer, and (2) determine its actual or potential maximum production capacity.

As required by § 967.37(d)(1) a reserve of six percent of the 1982-83 total Base Quantities is authorized for new producers and for increases by existing producers. Three applications for increases were received, and the committee allocated the 259,537 crates available among those three producers.

**Findings.** On the basis of all considerations it is hereby determined that this regulation will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) adequate notice has been given of the requirements of this regulation through publicity in the production area and by publication in the July 13 Federal Register; (2) the regulation should become effective as early as possible in the marketing year which begins August 1, so producers and handlers will be afforded maximum time in which to plan their operations; and (3) compliance with this section, which is similar to those issued in previous seasons, requires no special preparation by handlers which cannot be completed prior to the time actual handling of harvested celery begins, generally in the latter part of October.

#### List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

#### PART 967—[AMENDED]

##### § 967.318 [Removed]

Section 967.318 (47 FR 38494, September 1, 1982) is removed and a new § 967.319 is added as follows:

##### § 967.319 Handling Regulation; Marketable Quantity; and Uniform Percentage for the 1983-84 Season Ending July 31, 1984.

(a) The Marketable Quantity established under § 967.36(a), is 6,875,737 crates of celery.

(b) As provided in § 967.38(a), the Uniform Percentage shall be 100 percent.

(c) Pursuant to § 967.36(b), no handler shall handle any harvested celery unless it is within the Marketable Allotment of a producer who has a Base Quantity and

such producer authorizes the first handler thereof to handle it.

(d) As required by § 967.37(d)(1) a reserve of six percent of the total Base Quantities is hereby authorized for (1) new producers and (2) increases for existing Base Quantity holders.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

(Approved by Office of Management and Budget under control number 0581-0082)

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

Dated: August 24, 1983, to become effective upon publication.

**Charles R. Brader,**

*Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.*

[FR Doc. 83-23741 Filed 8-29-83; 8:45 am]

BILLING CODE 3410-02-M

#### DEPARTMENT OF JUSTICE

##### Immigration and Naturalization Service

##### 8 CFR Part 238

##### Contracts With Transportation Lines; Wardair Canada (1975) Ltd.

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by changing the name of Wardair Canada, Ltd. to Wardair Canada (1975) Ltd.

**EFFECTIVE DATE:** July 25, 1983.

##### FOR FURTHER INFORMATION CONTACT:

Loretta J. Shogren, Director, Policy Directives and Instructions Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Wardair Canada (1975) Ltd. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilities processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to

notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely changes an air carrier's name on the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

#### List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, Chapter I of Title 8 of Code of Federal Regulations is amended as follows:

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

##### § 238.4 [Amended]

Section 238.4 is amended as follows:

1. Change "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd." under "At Montreal".

2. Change "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd." under "At Toronto".

3. Change "Wardair Canada, Ltd." to "Wardair Canada (1975) Ltd." under "At Winnipeg".

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: August 25, 1983.

**Andrew J. Carmichael, Jr.,**

*Associate Commissioner, Examinations,  
Immigration and Naturalization Service.*

[FR Doc. 83-23777 Filed 8-29-83; 8:45 am]

BILLING CODE 4410-10-M

#### FEDERAL RESERVE SYSTEM

##### 12 CFR Part 265

[Docket No. R-0479]

##### Delegation of Authority to Reserve Banks To Approve Applications To Acquire Banks

**AGENCY:** Federal Reserve System.

**ACTION:** Technical Amendment.

**SUMMARY:** This is a technical amendment to § 265.2(f)(22) of the Rules Regarding Delegation of Authority to correct an error in a previous amendment that appeared in the Federal Register on July 27, 1983 (48 FR 34016).

**EFFECTIVE DATE:** August 23, 1983.