

# Proposed Rules

Federal Register

Vol. 44, No. 182

Tuesday, September 18, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 334]

### Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** These proposed regulations would amend the Intergovernmental Personnel Act (IPA) mobility program requirements. They would authorize the Office of Personnel Management: (A) to certify the eligibility of organizations to participate in the mobility program as instrumentalities of State and local governments and as "other organizations"; and (B) to direct Federal agencies to terminate assignments or take other corrective actions when assignments are found to violate the IPA requirements.

**DATE:** Comment Date: Written comments will be considered if received no later than October 18, 1979.

**ADDRESS:** Send written comments to the Office of Personnel Management, Office of Intergovernmental Personnel Programs, Room 2306, 1900 E Street, N.W., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Jo Anner Wilson, Faculty Fellows and Personnel Mobility Division, Office of Intergovernmental Personnel Programs, Room 2306, 1900 E Street, N.W., Washington, DC 20415, telephone (202) 632-5373.

Office of Personnel Management.

**Beverly M. Jones**

*Issuance System Manager.*

Accordingly, the Office of Personnel Management proposes to amend 5 CFR Part 334 as set out below:

§§ 334.103—334.107 Renumbered as  
§§ 334.104—334.108

(1) §§ 334.103 through 334.107 are renumbered as §§ 334.104 through 334.108, respectively.

(2) A new § 334.103 is added, to read as follows:

§ 334.103 Certification of instrumentalities or authorities of State and local governments and "other organizations".

(a) Organizations interested in participating in the mobility program as an instrumentality or authority of a State or local government or as an "other organization" as set out in this Part must have their eligibility certified by the Office of Personnel Management before they will be eligible to enter into a mobility agreement with a Federal agency.

(b) Written requests for certification should include a copy of the organization's (1) articles of incorporation; (2) bylaws; (3) Internal Revenue Service nonprofit statement; and

(4) any other information describing the organization's activities as they relate to the public management concerns of governments or universities.

(c) Requests should be mailed to the following address:

Assistant Director for Intergovernmental Personnel Programs, Office of Personnel Management, P.O. Box 14184, Washington, DC 20044.

(3) A new paragraph (d) is added to § 334.107 to read as follows:

§ 334.107 Termination of assignment.

\* \* \* \* \*

(d) The Office of Personnel Management shall have the authority to direct Federal agencies to terminate assignments or take other corrective actions when assignments are found to have been made in violation of the requirements of the Intergovernmental Personnel Act and/or this Part.

(5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971-1975).)

[FR Doc. 79-28921 Filed 9-17-79; 8:45 am]

BILLING CODE 6325-01-M

## MERIT SYSTEMS PROTECTION BOARD

[5 CFR Part 432]

### Federal Employees; Reduction In Grade and Removal Based on Unacceptable Performance; Request for Comments on Regulation Review

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Requests for participation in oral argument.

**SUMMARY:** Oral arguments are scheduled to be held before the Merit Systems Protection Board on September 27, 1979 on the issue of the validity of certain regulations of the Office of Personnel Management (OPM), implementing Chapter 43 of Title 5 U.S.C. This notice requires that interested persons notify the Board of their intent to participate and sets forth certain questions that participants are requested to address.

**DATE:** Notices of intent to participate must be filed with the Board at the address below by September 20, 1979. Oral argument is scheduled for September 27, 1979 at 2:00 p.m.

**ADDRESS:** Notices of intent to participate must be filed with the Office of the Secretary to the Board, Room 220, 1717 H Street, N.W., Washington, D.C. 20419. Other documents related to the action are also available for public inspection at this address between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Oral argument will be held in Room 640, 1717 Pennsylvania Avenue, N.W., Washington, D.C., September 27, at 2:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Donald Cox, Deputy General Counsel on 202-653-7165.

**SUPPLEMENTARY INFORMATION:** By Order of the Board (44 FR 44857) the petition of the American Federation of Government Employees (AFGE) requesting review of interim regulations of OPM implementing Chapter 43 of Title 5 U.S.C., was granted. Subsequently, the Board expanded the scope of that hearing to include review of final regulations of OPM implementing that Chapter. Additionally, the Board requested that briefs from AFGE and OPM and comments from interested parties be submitted to the Board by September 17, 1979. The date for oral argument in the action was set for

September 27, 1979 at 2:00 p.m. (44 FR 52218).

In addition to the submissions received in response to this Order, the Board has also received requests to participate in oral argument. Because of the importance of the issues raised in this proceeding to agencies and employees on a government-wide basis, it is the opinion of the Board that the broadest participation possible should be permitted.

Accordingly, those parties desiring to be heard at the oral argument should file with the Board a Notice of Intent to Participate. This Notice should clearly set forth the following:

- (a) Name of the case;
- (b) Name of the agency, association, union, etc., which will participate and the name of its representative who will appear;
- (c) Whether the participation will be in support of or opposed to the regulations under review; and
- (d) The amount of time desired for argument.

These Notices shall be filed with the Secretary of the Board at the above-referenced address no later than September 20, 1979. The Board will determine the amount of time to be allotted to each participant in the oral argument, depending on the number of requests received and the nature of each participant's interest, and will so notify all participants.

Participants in oral argument are requested to include the following questions among those addressed:

1. Do all violations of Chapter 43 of Title 5 U.S.C. (Performance Appraisal), constitute prohibited personnel practices by reason of 5 U.S.C. 2302(b)(11)? Would the same answer apply equally to all violations of Titles IV (Senior Executive Service) and V (Merit Pay) of the Civil Service Reform Act? In regard to these questions is it significant that prohibited personnel practices, unlike other appealable matters, are all subject to 5 U.S.C. 1208?
2. What effect should be given to the term "established" as used in 5 U.S.C. 4301(3)?
3. What effect should be given to the terms "systems" and "system" as used in 5 U.S.C. 4302?

By Order of the Board.

Ruth T. Prokop,  
Chairwoman.

[FR Doc. 79-29029 Filed 9-17-79; 8:45 am]

BILLING CODE 6325-20-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### [10 CFR Part 211]

#### Motor Gasoline Allocation, Downward Certification and Adjustments and Assignments for New Retail Outlets

**Cross Reference:** For a document announcing the intent to issue a Proposed Rule, see FR Doc. 79-28931 appearing in the Rules and Regulations Section of this issue.

BILLING CODE 6450-01-M

## CIVIL AERONAUTICS BOARD

#### [14 CFR Part 312]

[PDR-56B Doc. 32602, dated September 13, 1979]

#### Implementation of the National Environmental Policy Act of 1969

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Supplemental Notice of Proposed Rulemaking.

**SUMMARY:** This supplemental notice allows for the filing of reply comments on the Board's proposal to revise its environmental regulation, PDR-56A, adopted July 30, 1979.

**DATE:** Comments by October 2, 1979. Reply Comments by October 22, 1979.

**ADDRESSES:** Twenty copies of comments should be sent to Docket 32602, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Comments may be examined in Room 711 at the address above as they are received. Individuals may submit their views as consumers without filing multiple copies.

**FOR FURTHER INFORMATION CONTACT:** Steven Rothenberg (202) 673-5858; Laurence J. Aurbach (202) 673-5858; or Arnold G. Konheim (202) 673-6089, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

**SUPPLEMENTARY INFORMATION:** In PDR-56A<sup>1</sup> we proposed to revise our environmental regulation. Our notice of proposed rulemaking provided for the filing of comments but did not allow an opportunity for the filing of reply comments.

In response to a carrier's request, we have decided that the filing of reply comments should be allowed. This will allow all interested persons to respond to comments submitted and will give the Board a broader information base. (Sections 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72

Stat 743 and 788, 49 U.S.C. 1324 and 1482; the National Environmental Policy Act of 1969, 83 Stat. 352 *et seq.*, 42 U.S.C. 4321 *et seq.*; and Executive Order 11514.)

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

[FR Doc. 79-28877 Filed 9-17-79; 8:45 am]

BILLING CODE 6320-01-M

## SECURITIES AND EXCHANGE COMMISSION

#### [17 CFR Part 240]

[Release No. 34-16166, File No. 4-220-1X]

#### Off-Board Trading Restrictions; Notice Concerning Comments Regarding Proposed Rule Submitted After July 23, 1979

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice concerning comments regarding proposed rule.

**SUMMARY:** The Commission provides notice that all comments regarding proposed Rule 19c-3 submitted after July 23, 1979, will not become part of the official record of the proceeding on that proposal but will instead be placed in a sub-file for public review. The Commission had indicated in the release announcing the proposal of Rule 19c-3 that letters submitted after that date would not be made part of the record of the Rule 19c-3 proceeding.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Parker, Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2890.

**SUPPLEMENTARY INFORMATION:** On April 26, 1979, the Commission announced the commencement of a proceeding ("Rule 19c-3 Proceeding"), including public hearings, to consider amendments of rules of national securities exchanges ("exchanges") which limit or condition the ability of members to effect transactions over-the-counter in securities listed and registered or admitted to unlisted trading privileges on an exchange.<sup>1</sup> Specifically, the Commission proposed Rule 19c-3 under the Securities Exchange Act of 1934 ("Act") which would prevent off-board trading restrictions from applying, with certain exceptions, to any equity security or class of equity securities (i) which was not traded on an exchange on April 26, 1979, or (ii) which was

<sup>1</sup> See Securities Exchange Act Release No. 34-15769 (April 26, 1979), 44 FR 28688. ("Rule 19c-3 Release").

<sup>1</sup> 44 F.R. 45637 (August 3, 1979).