

made before the agency may select any other person for the position. When the Office has completed its review of the proposed disqualification on the basis of physical disability, it must send its finding to both the agency and the employee. The agency must comply with the findings of the Office. The functions of the Office under this paragraph may not be delegated to an agency.

(5) In § 351.705 paragraph (a)(3) is amended. The section reads as follows:

§ 351.705 Administrative assignment.

(a) An agency may, in its discretion, adopt provisions which:

- (1) Provide for assignments across competitive areas;
- (2) Permit a competing employee to displace an employee with lower retention standing in the same subgroup when it cannot make an equally reasonable assignment by displacing an employee in a lower subgroup;
- (3) Permit an employee in subgroup III-AD to displace an employee in subgroup III-A or III-B, or permit an employee in subgroup III-A to displace an employee in subgroup III-B; or
- (4) Provide competing employees in the excepted service with assignment rights similar to those in § 351.703 and in paragraphs (a) (1), (2), and (3) of this section.

(b) Provisions adopted by an agency under paragraph (a) of this section:

- (1) Shall be consistent with this part;
- (2) Shall be uniformly and consistently applied in any one reduction in force;
- (3) May not provide for the assignment of a less-than-full-time employee to a full-time position;
- (4) May not provide for the assignment of an employee in a competitive position to a position in the excepted service; and
- (5) May not provide for the assignment of an excepted employee to a position in the competitive service.

(5 U.S.C. 1302, 3502.)

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BILLING CODE 6325-01-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR, Part 1201, Appendix II

Appropriate Office for Filing Appeals

AGENCY: Merit Systems Protection Board.

ACTION: Final Rules; Change of Address.

SUMMARY: This document amends Merit Systems Protection Board regulations relating to the appropriate field office

for filing appeals. This amendment is necessary because of change of address. **EFFECTIVE DATE:** November 19, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Stanislav, Jr., Acting Director, Office of the Secretary—202-653-7130.

SUPPLEMENTARY INFORMATION: 5 CFR, Part 1201, Appendix II, Appropriate Field Office for Filing Appeals is amended by revising Paragraph 11 to read as follows: 11. WASHINGTON, D.C. FIELD OFFICE: Skyline Place No. 2, 5203 Leesburg Pike, Baileys Crossroads, Virginia 22041.

(Washington, D.C. Metropolitan area, all overseas areas not otherwise covered)

Merit Systems Protection Board,

Ruth T. Prokop,
Chairwoman.

[FR Doc. 79-34749 Filed 11-6-79; 8:45 am]

BILLING CODE 6325-20-M

5 CFR Part 1206

Interim Regulations for Expediting the Closure of Certain Board Meetings

AGENCY: Merit System Protection Board.

ACTION: Interim Regulations and request for comments.

SUMMARY: The Merit Systems Protection Board issues interim regulations establishing procedures for the closure of certain meetings of the Board. Since the establishment of the Board, it has become apparent that the vast majority of the board's meeting will involve the consideration of decisions rendered in its field offices on employee appeals. The Board has determined, under the provisions of the Government in the Sunshine Act, that it is appropriate to close Board meetings where these cases are considered.

DATES: Effective date: November 9, 1979. Written comments should be submitted on or before January 8, 1980.

ADDRESS: Comments should be addressed to the Office of the Secretary of the Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Donald L. Cox, Deputy General Counsel, Merit Systems Protection Board, Washington, D.C. 20419 (202-653-7157).

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board was created by Reorganization Plan No. 2 of 1978. Statutory basis for the Board's various authorities was provided by the Civil Service Reform Act of 1978, effective January 11, 1979. Since the establishment of the Board, it has become apparent that the vast majority of the Board's meetings will involve the

consideration of decisions rendered in its field offices on employee appeals. The board has determined, under the provisions of 5 U.S.C. 552b(c)(10), that it is appropriate to close Board meetings where these cases are considered. In view of the large number of case involved and the regularity with which these meetings will occur, the Board has further determined that it would be appropriate to close these meetings under the expedited procedures provided in 5 U.S.C. 552b(d)(4).

These expedited procedures will be applicable to cases which have been adjudicated on the record before a presiding official or administrative law judge of the Board after an opportunity for hearing; such cases will not involve the consideration by the Board of new evidence or new legal arguments on issues other than those raised in the record.

Inasmuch as there are presently before the Board a large number of cases to which these regulations pertain, several of which have been pending for more than sixty (60) days, the Board has determined that good cause exists to make these regulations effective immediately so that there will be no further delay in case processing.

Issued November 6, 1979.

By Order of the Board.

Ruth T. Prokop,
Chairwoman, Merit Systems Protection Board.

Accordingly, it is proposed that Part 1206 be amended to add § 1206.9 as follows:

§ 1206.9 Procedures for expedited closing of meetings.

In lieu of the procedures specified in §§ 1206.4 through 1206.8, and 1206.11 and 1206.12, the Board may expedite the closing of its meetings under the following conditions using the following procedures:

(a) *Finding:* The major part of regular Board business consists of reviewing field office initial decisions made on the record after an opportunity for a hearing and initial decisions made on the record by an administrative law judge. Based upon a review of this caseload, the legislative history of the Civil Service Reform Act of 1978 (Public Law 95-454), the Government in the Sunshine Act (5 U.S.C. § 552b), and the Board's regulations at 5 C.F.R. Part 1201 the Board finds that a majority of its meetings may properly be closed to the public under 5 U.S.C. 552b(c)(10) and (d)(4).

Absent a compelling public interest to the contrary, meetings or portions of meetings that can be expected to be

closed under these procedures include: consideration of petitions to review or cases that have been reopened or reviewed pursuant to 5 C.F.R. § 1201.114 through 1201.117; administrative law judge disciplinary cases heard initially by an administrative law judge under 5 C.F.R. § 1201.131 et seq.; and Special Counsel actions heard by an administrative law judge under 5 C.F.R. § 1201.129.

(b) *Announcement:* Public announcement of the time, place, and subject matter of meetings or portions thereof that are closed under this provision shall be made at the earliest practicable time.

(c) *Procedure for Closing:* At the beginning of a meeting or portion of a meeting to be closed under this section, the Board may, by recorded vote of two of its members, determine to close the meeting or portion thereof to public observation following receipt of a General Counsel's certification pursuant to § 1206.6(b).

(d) *Record Availability:* In the case of a meeting or portion of a meeting closed pursuant to this subsection, as soon as practicable, the Board shall make publicly available:

(1) A written record reflecting the vote of each participating member of the Board to close the meeting; and

(2) The General Counsel certification pursuant to § 1206.6(b).

(5 U.S.C. 552b)

[FR Doc. 79-34900 Filed 11-8-79; 8:45 am]

BILLING CODE 6325-20-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 225]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period November 11-17, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: November 11, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the

marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on November 6, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is somewhat easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

§ 910.525 Lemon Regulation 225.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period November 11, 1979, through November 17, 1979, is established at 200,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

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

Dated: November 7, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-34940 Filed 11-8-79; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Domestic Licensing Proceedings; Modified Adjudicatory Procedures

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Suspension of 10 CFR 2.764 and Statement of Policy on Conduct of Adjudicatory Proceedings.

SUMMARY: As a result of the Three Mile Island accident, the Commission has decided to make interim modifications to the procedures by which it supervises and reviews adjudicatory licensing decisions involving power reactors. It has decided to suspend until further notice 10 CFR 2.764 which is its rule of practice on issuance of licenses after adjudicatory decisions.¹ Furthermore, it has specified the procedures by which new licenses, permits and authorizations may be issued. As provided in the Interim Statement on Policy and Procedure, 44 FR 58559 (October 10, 1979), this action will not affect non-adjudicatory proceedings or other adjudicatory matters including enforcement and license amendment proceedings, appellate decisions and partial initial decisions not authorizing issuance of new licenses or permits.

This suspension of 10 CFR 2.764 and the related statement of policy deal with Commission rules of practice. For that reason, and because prior notice and comment and delayed effectiveness would further delay adjudicatory decisions from being rendered and from being addressed by the Commission, and so would be contrary to the public interest, this suspension and statement of policy shall be effective without prior public notice and comment and good cause exists for making the suspension and statement effective upon publication. However, the Commission will consider any public comments on these modified procedures which are filed with the Secretary of the

¹ The Commission currently has underway a study of whether, apart from this temporary measure, the immediate effectiveness rule should be retained, modified, or abolished. Nothing in today's action is intended to prejudice the outcome of that study.