

Accordingly, it is found that the provisions of § 905.303 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 3) (44 FR 59195; 65962; 66779; 69917; 72025; 74797; and ), should be and are amended by revising Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

**§ 905.303 Orange, Grapefruit, Tangerine, and Tangelo Regulation 3**

(a) \* \* \*

Table I

| Variety<br>(1)             | Regulation<br>period<br>(2)             | Minimum<br>grade<br>(3) | Minimum<br>diameter (in.)<br>(4) |
|----------------------------|---|-------------------------|----------------------------------|
| Tangerines:<br>Honey ..... | Feb. 1, 1980,<br>thru Oct.<br>12, 1980. | Florida No. 1.          | 2-1/8                            |

(b) \* \* \*

Table II

| Variety<br>(1)             | Regulation<br>period<br>(2)             | Minimum<br>grade<br>(3) | Minimum<br>diameter (in.)<br>(4) |
|----------------------------|---|-------------------------|----------------------------------|
| Tangerines:<br>Honey ..... | Feb. 1, 1980,<br>thru Oct.<br>12, 1980. | Florida No. 1.          | 2-1/8                            |

\* \* \* \* \*

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

Dated: February 1, 1980.

D. S. Kuryloski,  
*Fruit and Vegetable Division, Agricultural  
Marketing Service.*

[FR Doc. 80-3803 Filed 2-5-80; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### 12 CFR Part 226

#### Truth in Lending; Calculation and Disclosure of Annual Percentage Rates; Correction

##### Correction

In FR Doc. 80-1897, appearing on page 4345 in the issue for Tuesday, January 22, 1980, in the first line of paragraph C, change the last section listed from "226.503" to "226.505"

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## FEDERAL HOME LOAN BANK BOARD

### 12 CFR Part 590

[No. 80-67]

#### Preemption of State Usury Laws

February 1, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of agency interpretation.

**SUMMARY:** Pursuant to the authority granted by Section 105 of Pub. L. 96-161, 96th Cong., 1st Sess. (1979), the Federal Home Loan Bank Board is issuing three interpretations relating to the recent temporary statutory preemption of State usury laws with respect to Federally related residential first mortgage loans.

The Board has determined that:

(1) Section 105(a) of Pub. L. 96-161 does not preempt a State law provision requiring lenders to refund unearned interest in the event a loan is prepaid.

(2) If a lender extends a commitment issued prior to the effective date of Pub. L. 96-161, and the lender is not under an obligation to renew that commitment, the lender is authorized to treat a new commitment as a new loan transaction and exempt from State usury laws as provided by Section 105 of the statute.

(3) A State law prohibiting a lender from charging points would be preempted by Section 105(a)(1) of Pub. L. 96-161 with respect to Federally related residential first mortgage loans.

**FOR FURTHER INFORMATION CONTACT:** James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 (202-377-6457).

**EFFECTIVE DATE:** December 28, 1979.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted by Section 105(c) of Pub. L. 96-161, 96th Cong., 1st Sess. (1979), the Federal Home Loan Bank Board is issuing three additional interpretations (Nos. 590-6 through 590-8) relating to the temporary preemption of State usury laws with respect to Federally related residential first mortgage loans as prescribed by that statute and the regulations issued thereunder. The reader is also invited to consult the regulations on the statute published at 45 FR 1853 (Jan. 9, 1980), and prior Interpretations published at 45 FR 6165 (Jan. 25, 1980) and 45 FR 2480 (Jan. 15, 1980).

*Federal Home Loan Bank Board  
Interpretation No. 590-6 (State Law  
Requiring Refund of Unearned Interest  
Upon Prepayment)*

Section 105(a) of Pub. L. 96-161 provides that State laws "expressly

limiting . . . the amount of interest, discount points, or other charges which may be charged, taken, received, or reserved" shall not apply to Federally related residential first mortgage loans made during the period described in that statute. The Federal Home Loan Bank Board has been asked to interpret the effect of this provision on Section 138.05(2) of the Wisconsin Statutes which provides that for any loan on which the interest charged exceeds 10% per annum, the borrower will be entitled to a refund of unearned interest in the event of a prepayment.

It is the view of the Board that Wis. Stat. Section 138.05(2) does not constitute a "law . . . expressly limiting . . . the amount of interest, discount points, or other charges which may be charged, taken, received, or reserved . . ." so as to be preempted by § 105 of Pub. L. 96-161. By its terms, the Wisconsin statute is applicable only in the event of prepayment. As such, the state law does not directly affect the amount of interest a State-chartered lender in Wisconsin may charge initially in making a loan. It is clear from the legislative history of Pub. L. 96-161 that the federal statute was intended to preempt only State laws which have a direct impact on the rate of interest charged and not "limitations on prepayment charges, attorney fees, late charges or similar limitations designed to protect borrowers." See S. Rep. No. 368, 96th Cong., 1st Sess. 19 (1979).

*Federal Home Loan Bank Board  
Interpretation No. 590-7 (Extensions of  
Outstanding Commitments)*

In Federal Home Loan Bank Board Interpretation No. 590-1, 45 FR 2840 (Jan. 15, 1980), the Board determined that loans made pursuant to commitments issued prior to the December 28, 1979 effective date of Pub. L. 96-161 would be subject to state usury laws notwithstanding the preemption provisions of the Federal statute. The Board has been asked to determine whether an extension of a pre-December 28, 1979 commitment also would be governed by the above Interpretation.

In this situation the lender would not be required to extend the commitment on the same terms. For purposes of Pub. L. 96-161, the lender's obligation under the previous commitment would end with the expiration of that commitment. Accordingly, unless extension on the same terms is required by contract or State law, nothing would prevent the lender from treating a new commitment as a new extension of credit made during the preemption period and thus exempt from state interest ceilings to the

extent allowed by Section 105 of Pub. L. 96-161.

Although lenders may not be legally bound to extend commitments on the same terms, the Board strongly urges they exercise great restraint in setting new interest rates. In many cases, borrowers have been forced to seek extensions only because construction delays have prevented them from closing on their original commitments. The Board believes that the best interests of the financial community and the public will not be served if lenders raise interest rates on such renewals to higher levels not contemplated by these borrowers.

*Federal Home Loan Bank Board  
Interpretation No. 590-8 (State Law  
Prohibition Against Charging Points)*

Section 105(a)(1) of Pub. L. 96-161 states that state laws "expressly limiting . . . the amount of interest, discount points, or other charges which may be taken, charged, received, or reserved" shall not apply to Federally related residential first mortgage loans made during the period described in the statute. The Federal Home Loan Bank Board has been asked to interpret the effect to this provision on Section 12-108 of the Maryland Commercial Law Code, which prohibits certain lenders in that State from charging borrowers or other persons any point or a fraction of a point. Under Maryland law, a "point" is defined as "a fee, premium, bonus, loan origination fee, service charge, or any other charge equal to 1 percent of the principal amount of a loan which is charged by the lender at or before the time the loan is made as additional compensation for the loan." Md. Com. Law Code Ann. Section 12-101(h).

In our view, Md. Com. Law Code Ann. Section 12-108 would be preempted by Pub. L. 96-161 with respect to the Federally related residential first mortgage loans. Section 105(a)(1) expressly preempts not only State laws limiting interest rates but State laws regulating "discount points, or other charges which may be taken, charged, received, or reserved" as well. Thus, the scope of Section 105(a)(1) includes "points" as defined under the Maryland law.

Moreover, since the preemptory language of Section 105(a)(1) does not distinguish between charges assessed against buyers and sellers, it would be our view that Md. Com. Law Code Ann. Section 12-108 would be preempted as applied to both.

By the Federal Home Loan Bank Board.  
James J. McCarthy,  
*Acting Secretary.*  
[FR Doc. 80-3813 Filed 2-5-80; 8:45 am]  
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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1214

#### Space Transportation System; Payload Specialists for NASA or NASA-Related Payloads

**AGENCY:** National Aeronautics and  
Space Administration.

**ACTION:** Final rule.

**SUMMARY:** NASA set forth its policy on and process for the acquisition and utilization of payload specialists who operate NASA or NASA-related payloads aboard Space Transportation System (STS) flights in a regulation which was published in the Federal Register at 43 FR 9790-9792, March 19, 1978. This amendment makes administrative changes related to these regulations.

Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public procedure are not required.

**DATE:** Effective February 6, 1980.

**ADDRESS:** Jesse W. Moore, Director, Spacelab Mission Integration Division, Code SM-8, National Aeronautics and Space Administration, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:**  
Jesse W. Moore, 202-755-3760.

### PART 1214—SPACE TRANSPORTATION SYSTEM

14 CFR Part 1214 is amended by amending §§ 1214.301 and 1214.303 as follows:

1. Section 1214.301 is amended by adding § 1214.301(g) which reads as follows:

#### § 1214.301 Definitions.

\* \* \* \* \*

(g) *Unique Criteria.* Generally, unique criteria would include the need for a highly specialized or unusual technical or professional background or the need for instrument operations requiring a highly specialized or unusual technical background that is not likely to be found in the available group of Mission Specialists or cannot be implemented in a reasonable specialist training period.

2. Section 1214.303 is revised to read as follows:

#### § 1214.303 Policy.

NASA policy is to provide individuals associated with space investigations the opportunity to perform as payload specialists aboard STS flights to conduct measurements and observations in pursuance of mission objectives whenever a unique criterion exists which is satisfied by their capabilities or qualities and justifies their presence. Payload Specialists are otherwise selected from the Mission Specialists cadre. The official-in-charge of the sponsoring Program Office will be responsible for verification of the need, technical criteria, and uniqueness for payload specialists. This determination will be coordinated with the Associate Administrator of Space Transportation System Operations and reviewed with the Administrator and Deputy Administrator.

A. M. Lovelace,

*Acting Administrator.*

[FR Doc. 80-3780 Filed 2-5-80; 8:45 am]

BILLING CODE 7510-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

[Release No. IC-11030]

#### Delegation of Authority to Director of Division of Investment Management

**AGENCY:** Securities and Exchange  
Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its rules relating to general organization to delegate to the Director of the Division of Investment Management authority to issue notices of applications for orders under the Investment Company Act of 1940 permitting the depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security. Such authority is limited to applications which, upon examination, do not appear to the Director to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held. This delegation of authority should result in time and cost savings for applicants and the Commission in the processing of such applications.

**EFFECTIVE DATE:** January 30, 1980.

**FOR FURTHER INFORMATION CONTACT:**  
Cathy G. Douglas, Esq., Division of  
Investment Management, Securities and