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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–19 of May 28, 1980

Determination Under Subsection 402 (d)(5) and (d)(5)(C) of the Trade Act of 1974—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974, (Public Law 93–618, January 3, 1975; 88 Stat. 1978) (hereinafter "the Act"), I determine, pursuant to Subsections 402 (d)(5) and (d)(5)(C) of the Act, that the further extension of the waiver authority granted by Subsection 402(c) of the Act will substantially promote the objectives of Section 402 of the Act. I further determine the continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic and the People's Republic of China will substantially promote the objectives of Section 402 of the Act.

This determination shall be published in the **Federal Register**.

Jimmy Carter

THE WHITE HOUSE
Washington, May 28, 1980.

[FR Doc. 80–17102
Filed 6-2-80; 4:02 pm]
Billing code 3195–01–M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 253, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 25–31, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The amendment is effective for the period May 25–31, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This amendment 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.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on July 31, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 29, 1980, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports continue good order business for lemons.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and 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), and this amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been appraised of such provision and the effective time.

Paragraph (a) of § 910.553 Lemon Regulation 253 (45 FR 34863) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 25, 1980, through May 31, 1980, is established at 300,000 cartons."

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

Dated: May 30, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-16906 Filed 6-3-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

[Docket No. ERA-R-80-15]

Administrative Procedures and Sanctions; Petitions for Rulemaking; Change of Address

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends the procedural regulations set forth at 10 CFR Part 205 to provide that certain petitions for rulemaking hereafter shall be filed with the Economic Regulatory Administration, Washington, D.C. and copies sent to the Office of General Counsel. Previously, the provisions of Part 205 have directed that all petitions for rulemaking relating to Parts 209 through 214 of Chapter II, 10 CFR shall be filed with the Office of General Counsel. This rule will require that petitions for rulemaking relating to the regulatory programs administered by the ERA including, but not limited to, those set forth in Parts 210, 211, 212, 213 and 214 shall be filed directly with the ERA and copies sent to the Office of General Counsel. Petitions for rulemaking relating to Part 209 and all other petitions not relating to programs administered by the ERA shall continue to be filed with the Office of General Counsel.

DATES: Effective date is June 4, 1980.

FOR FURTHER INFORMATION CONTACT:

C. Eric Hager (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, N.W., Room 7202H, Washington, D.C. 20461 (202) 653–7074

William Funk or Christopher M. Was (Office of General Counsel), Department of Energy, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6736 or 252–6744

SUPPLEMENTARY INFORMATION:

I. Amendments Adopted.
II. Procedural requirements.

I. Amendments Adopted

Since their promulgation in January 1974 by the predecessor Federal Energy Office, the administrative procedures governing our programs have appeared at Part 205, *Administrative Procedures and Sanctions.* Section 205.1 of the general provisions specifies that the procedural requirements of Part 205 apply to all proceedings instituted in accordance with Parts 209 through 214 of Chapter II of 10 CFR. Section 205.162 thereof has provided that petitions for rulemaking shall be filed with the Office of General Counsel. The address for filing such petitions with the General Counsel has been specified by cross reference to the general address provisions set forth at § 205.12.

In order to improve the procedures by which petitions for rulemaking relating to ERA functions are received and processed, we have determined to amend §§ 205.12 and 205.162 to specify that petitions for rulemaking that deal with the regulatory programs administered by ERA, including the price and allocation regulations (Parts 210, 211, and 212), the oil import regulations (Part 213), and the Canadian crude oil allocation regulations (Part 214) shall hereafter be filed with the Economic Regulatory Administration, Washington, D.C. office. Petitioners will also be required to file a copy of the petition or request for rulemaking with the Office of General Counsel.

A new § 205.12(a)(10) shall specify the address for filing a petition for rulemaking with ERA as follows: Economic Regulatory Administration, Attn: Assistant Administrator for Regulations and Emergency Planning (labeled as "Petition for Rulemaking"), 2000 M Street, N.W., Washington, D.C. 20461.

Section 205.12(a)(3) of the regulations shall be amended to specify the address for filing documents with the Office of General Counsel as follows: Office of General Counsel, U.S. Department of Energy, Attn: (Name of person to receive document, if known, and/or labeling as specified in § 205.9(c)), 1000 Independence Avenue SW., Washington, D.C. 20585.

Pursuant to revised section 205.162, petitions for rulemaking are to be addressed to the Deputy General Counsel for Regulations.

II. Procedural Requirements

A. Section 404 of the DOE Act

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (DOEOA), we have referred this rule to the Federal Energy Regulatory Commission (FERC) for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. Following an opportunity to review this rule, the FERC has determined that it will not significantly affect any functions within the Commission's jurisdiction.

B. Section 501 of the DOE Act

Under section 501(c)(1) of the DOEOA we are not bound by the procedural requirements set forth in subsections (b) through (d) if it is determined that rule does not involve any substantial issues of fact or law and that the rule is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or business.

These amendments to the procedural regulations are technical in nature. We have determined that the amendments do not raise substantial issues of fact or law, are not likely to have a substantial impact on the Nation's economy and are not likely to have a substantial impact on large numbers of individuals or businesses. Therefore, the amendments shall be promulgated in accordance with section 553 of Title 5, United States Code.

C. Section 553 of the Administrative Procedure Act

The notice and comment requirements set forth in section 553 of the Administrative Procedure Act (APA) are not applicable to rules of agency organization, procedure or practice. Inasmuch as these amendments establish procedural requirements applicable to agency proceedings, advance notice and opportunity for public comment is not required.

D. Executive Order 12044.

Executive Order 12044 (43 FR 12661, March 24, 1978) requires that agencies publish all proposed "significant" regulations for advance public comment for a minimum of 60 days. Section 2(e) of the Executive Order directs the agencies to establish criteria to identify which regulations are significant.

DOE's procedures for implementing the Executive Order are set forth in DOE Order 2030.1 (44 FR 1032, January 3, 1979). It has been determined that these regulatory amendments are not significant because they are not expected to affect important policy concerns and are not expected to be the object of much public interest. Furthermore, the guidelines set forth in DOE Order 2030.1 cite as an example of a nonsignificant regulation amendments to the regulations determined to be exempt from the APA procedural requirements.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95–91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 205 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below effective on June 4, 1980.

Issued in Washington, D.C., May 28, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

10 CFR Part 205 is amended as follows:

1. Section 205.12(a) is amended by revising § 205.12(a)(3) and adding a new § 205.12(a)(10) to read as follows:

§ 205.12 Addresses for filing documents with the [DOE].

(a) * * *

(3) Documents to be filed with the Office of General Counsel, as provided in this part or otherwise, shall be addressed as follows: Office of the General Counsel, U.S. Department of Energy, Attn: (name of person to receive document, if known, and labeling as specified in § 205.9(c)), 1000 Independence Avenue, Washington, D.C. 20585.

* * * * *

(10) Petitions for rulemaking to be filed with the Economic Regulatory Administration National Office shall be addressed as follows: Economic Regulatory Administration, Attn: Assistant Administrator for Regulations and Emergency Planning (labeled as "Petition for Rulemaking,") 2000 M Street, N.W., Washington, D.C. 20461.

* * * * *

2. Section 205.162 is revised to read as follows:

§ 205.162 Where to file.

All comments filed in connection with a rulemaking shall be submitted in accordance with the instructions in the Notice of Proposed Rulemaking. Petitions for rulemaking relating to the functions of the Economic Regulatory Administration (ERA) including, but not limited to, those administered under Parts 210, 211, 212, 213, and 214 of 10 CFR shall be filed with the Economic Regulatory Administration National Office at the address provided in § 205.12 and addressed to the attention of the Assistant Administrator for Regulations and Emergency Planning. Copies of all petitions for rulemaking filed with ERA shall also be filed with

Office of General Counsel at the address indicated in § 205.12, addressed to the attention of the Deputy General Counsel for Regulations. Any other petition or request shall be filed with the Office of General Counsel at the address indicated in § 205.12, addressed to the attention of the Deputy General Counsel for Regulations.

[FR Doc. 80-16937 Filed 6-3-80; 8:45 am]
BILLING CODE 6450-01-M

10 CFR Part 445

Industrial Energy Conservation Program; Correction to Plant Reporting Form (CS-189-P)

AGENCY: Department of Energy.

ACTION: Notice of correction to plant reporting form.

SUMMARY: The Department of Energy (DOE) is announcing a technical correction to its plant reporting form (CS-189-P) which is used for the collection of data on industrial energy efficiency under DOE's Industrial Energy Conservation Program (10 CFR Part 445). DOE is correcting the electricity conversion factor for Standard Industrial Classification (SIC) code 30—Rubber and Miscellaneous Plastics—from 3,412 British thermal units (Btu's) per kilowatt-hour (Kwh) to 10,000 Btu's per Kwh. While DOE is correcting only Form CS-189-P, the revised conversion factor will affect the aggregation of plant-level data on Form CS-189-C and the aggregation of corporate-level data on Form CS-189-S for identified corporations and DOE-approved third party sponsors, respectively, in SIC code 30.

EFFECTIVE DATE: May 28, 1980.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of Industrial Programs, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2371

Pamela M. Pelcovits, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, S.W., Room 1E258, Washington, D.C. 20585 (202) 252-9516

SUPPLEMENTARY INFORMATION: On February 27, 1980, the Department of Energy (DOE) published in the **Federal Register** (45 FR 12970-96) Forms CS-189-P, CS-189-C, and CS-189-S for the collection of plant, corporate, and sponsor data, respectively, on industrial energy efficiency, pursuant to its regulations governing the Industrial Energy Conservation Program (10 CFR Part 445, 45 FR 10194, February 14, 1980). DOE prepared these forms as required by section 375 of the Energy Policy and Conservation Act (42 U.S.C. 6345), as amended by section 601 of the National Energy Conservation Policy Act (Pub. L. 95-619).

Instruction "K" to Form CS-189-P, the plant reporting form, sets forth, among other things, the conversion factor to be used in determining energy consumption for electricity usage. In particular, the instructions specify that plants reporting in Standard Industrial Classification (SIC) codes 28 and 29 must use an electricity conversion factor of 10,000 British thermal units (Btu's) per kilowatt-hour (Kwh) while plants reporting in all other major energy-consuming industries (i.e., SIC codes 20-27, 30-39) must use an electricity conversion factor of 3,412 Btu's per Kwh. In the **Federal Register** preamble accompanying the publication of the forms, DOE stated that the specification of these conversion factors was a policy decision consistent with the conversion factors used in the development of industrial energy efficiency improvement targets by the Federal Energy Administration (FEA), the predecessor to DOE.

In specifying the conversion factors for electricity, DOE inadvertently overlooked a timely comment filed in response to the review of the forms by the Office of Management and Budget. This comment described a longstanding voluntary energy efficiency improvement target and reporting program in SIC code 30—Rubber and Miscellaneous Plastics. Under this program, a third party sponsor has voluntarily reported data since 1977, to FEA and DOE, on the progress made by corporate members in SIC code 30 toward a voluntary energy efficiency improvement target. Both the voluntary energy efficiency improvement target and the voluntary reporting program in SIC code 30 have used an electricity conversion factor of 10,000 Btu's per Kwh. In accordance with DOE's policy decision, discussed above, to maintain consistency with existing energy efficiency improvement targets, DOE is revising the first two lines of the conversion factor table in instruction "K" to Form CS-189-P to read as follows:

Energy source	Conversion factor (Btu's per energy unit)
Electricity, except for SIC codes 28, 29 and 30 (per kilowatt-hour)	3,412
Electricity, for SIC codes 28, 29 and 30 (per kilowatt-hour)	10,000

While this correction applies only to Form CS-189-P, it affects the data that will be used by both corporations and DOE-approved third party sponsors in SIC code 30 in completing Forms CS-189-C and 189-S, respectively. Accordingly, DOE is notifying all identified corporations and DOE-approved third party sponsors in SIC code 30 of this correction to Form CS-189-P. No other identified corporations or third party sponsors will be affected.

Issued in Washington, D.C., May 28, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-17004 Filed 6-3-80; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; Docket No. R-0305]

Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors in the State of Washington and certain counties in the State of Idaho affected by the volcanic eruptions of Mount St. Helens.

EFFECTIVE DATE: For the State of Washington, May 21, 1980, and for the affected counties in the State of Idaho, May 22, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3711).

SUPPLEMENTARY INFORMATION: On May 21, 1980, and May 22, 1980, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated respectively, the State of Washington and the Idaho counties of Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Nez Perce, and Shoshone, major disaster areas. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions has