

1-604. (a) Part IV and Sections 501 and 503 of Executive Order No. 11063 are revoked. The activities and functions of the President's Commission on Equal Opportunity in Housing described in that Executive Order shall be performed by the Secretary of Housing and Urban Development.

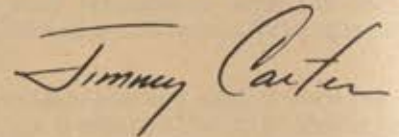
(b) Sections 101 and 502(a) of Executive Order No. 11063 are revised to apply to discrimination because of "race, color, religion (creed), sex or national origin." All departments and agencies shall revise regulations, guidelines and procedures issued pursuant to Part II of Executive Order No. 11063 to reflect this amendment to coverage.

(c) Section 102 of Executive Order No. 11063 is revised by deleting the term "Housing and Home Finance Agency" and inserting in lieu thereof the term "Department of Housing and Urban Development."

1-605. Nothing in this Order shall affect any requirement imposed under the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*), the Home Mortgage Disclosure Act (12 U.S.C. 2901 *et seq.*) or the Community Reinvestment Act (12 U.S.C. 2810 *et seq.*).

1-7. Report.

1-701. The Secretary of Housing and Urban Development shall submit to the President an annual report commenting on the progress the Department of Housing and Urban Development and other Executive agencies have made in carrying out requirements and responsibilities under this Executive Order.



THE WHITE HOUSE,
December 31, 1980.

[FR Doc. 81-475
Filed 1-2-81; 3:00 pm]
Billing code 3195-01-M

Editorial Note: The President's statement of Dec. 31, 1980, on signing Executive Order 12259, is printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 1).

Rules and Regulations

Federal Register

Vol. 46, No. 3

Tuesday, January 6, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

7 CFR Part 2851

Increase in Fees and Charges in Destination Markets

Correction

In FR Doc. 80-39732 appearing on page 84755 in the issue of Tuesday, December 23, 1980, on page 84756, first column, second line of the footnote at the bottom, "quality" should read "quantity".

BILLING CODE 1505-01-M

7 CFR Part 2858

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the definitions of "Whey" and "Dry Whey" in the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service. This amendment will conform the definitions of "Whey" and "Dry Whey" to those set forth in the U.S. Standards for Dry Whey.

EFFECTIVE DATE: January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Richard W. Webber, Chief, Dairy Standardization Branch, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7473. The impacts related to the change of definitions for "Whey"

and "Dry Whey" were addressed in the Final Impact Statement prepared in conjunction with the final rule for U.S. Standards for Dry Whey. A copy of this impact is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION:

Significance

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955, to implement Executive Order 12044, and has been classified as "not significant."

Background

Manufactured dairy products (butter, dry milks and milk products, and cheese) which are covered by U.S. grade standards must be manufactured in dairy plants which have been inspected and found to comply with the criteria established in 7 CFR 2858, subpart B, to be eligible for USDA grading service. Once a plan has been approved, products may be offered for official grading.

United States standards are provided to define a specific product and to delineate levels of quality for that product. On April 22, 1980, the final rule revising the United States Standards for Dry Whey was published in the *Federal Register* (45 FR 26944-26947). In part, the final rule revised the definitions for "whey" and "dry whey". This revision of the definitions created an inconsistency between two USDA documents. Therefore, the definitions of whey and dry whey in the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service must be amended to conform to those set forth in the U.S. Standards for Dry Whey.

It does not appear that any additional relevant information would be made available to the Administrator by allowing opportunity for filing of public comments in this proceeding. Therefore, preliminary notice and public rulemaking procedures are found to be impracticable and contrary to the public interest, and good cause is found for making this document effective less than 30 days after publication in the *Federal Register*.

In consideration of the foregoing, 7 CFR Part 2858, Subpart B, § 2858.805(a) and (b) is revised to read as follows:

§ 2858.805 Meaning of words.

* * * * *

(a) Whey. "Whey" is the fluid obtained by separating the coagulum from milk, cream, and/or skim milk in cheesemaking. The acidity of the whey may be adjusted by the addition of safe and suitable pH adjusting ingredients. Salt drippings (moisture removed from cheese curd as a result of salting) shall not be collected for further processing as whey.

(b) Dry Whey. "Dry Whey" is the product resulting from drying fresh whey which has been pasteurized and to which nothing has been added as a preservative. It contains all constituents, except moisture, in the same relative proportions as in the whey.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Done at Washington, D.C., on: December 29, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-227 Filed 1-2-81; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Part 319

Definitions and Standards of Identity or Composition for "Country," "Country Style" or "Dry Cured" Hams and Pork Shoulders

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of stay of effectiveness.

SUMMARY: The Agency has been judicially enjoined from enforcing portions of a regulation concerning "Country," "Country Style," and "Dry Cured" hams and pork shoulders.

EFFECTIVE DATE: January 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Meat and Poultry Standards and Labeling Division, Compliance, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION: On January 18, 1977, the Department promulgated final regulations under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) establishing definitions and standards of identity for meat food products labeled as "country ham", "country style ham", or "dry cured ham", and "country pork shoulder", "country style pork shoulder", or "dry

cured pork shoulder" (9 CFR 319.106). These regulations were challenged in the United States District Court for the Western District of Tennessee.

On July 21, 1980, the Court entered an Order declaring that the temperature and time period provisions contained in the regulations were not adequately supported by the record. On November 17, 1980, the Court made final its Order of July 21, 1980, and enjoined the Department from enforcing, implementing or otherwise giving effect to those portions of the regulations. *Tennessee Valley Hams Inc. v. Bergland*, C.A. 78-1103 (W.D. Tenn., 1980).

Therefore, the Department announces that the temperature and time period provisions of 9 CFR 319.106, paragraphs (c)(5) and (c)(6), have not been in effect since November 17, 1980, and will not be enforced pending future Agency action in the matter. However, ham and pork shoulders must continue to be prepared in compliance with all other provisions of 9 CFR 319.106 in order to be labeled "country ham," "country style ham," or "dry cured ham," and "country pork shoulder," "country style pork shoulder," or "dry cured pork shoulder."

Done at Washington, D.C., on December 29, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-229 Filed 1-5-81; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

Rate Increase for Inspection Service; Correction

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule—correction.

SUMMARY: This document corrects a final rule published on October 3, 1980, by the Food Safety and Quality Service (FSQS) increasing the rates for overtime inspection, identification, certification, and laboratory services. FSQS inadvertently failed to include the legal authority citation for the rulemaking; therefore, this document adds the authority citation.

FOR FURTHER INFORMATION CONTACT: June P. Blair, Director, Finance Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6653.

SUPPLEMENTARY INFORMATION:

Exemption From Executive Order 12044

This final rule had been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and had been determined to be exempt from those requirements. Dr. Donald L. Houston made this determination because the Executive Order does not apply to matters relating to Agency management.

Background

On October 3, 1980, the FSQS published a final rule in the *Federal Register* (45 FR 65520-65521) amending the Federal meat and poultry inspection regulations by increasing the fees relating to overtime and holiday inspection, identification, certification, or laboratory services rendered to operators of official meat or poultry establishments, importers, or exporters by the FSQS. These fees were revised to reflect increased costs associated with these programs in the upcoming fiscal year in conformity with the requirements of the Federal Pay Comparability Act of 1970.

However, the FSQS inadvertently failed to include the legal authority citation for the rule. Therefore, this document corrects that oversight.

Accordingly, the legal authority citations for the various sections are as follows:

1. Section 307.5(a) (9 CFR 307.5(a)):

(41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92)

2. Section 350.7(c) (9 CFR 350.7(c)):

(41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92)

3. Sections 351.8, 351.9(a), 354.101(b) and (c), 355.12, and 362.5(c) (9 CFR 351.8, 351.9(a), 354.101(b) and (c), 355.12, and 362.5(c)):

(60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92)

4. Section 381.38(a) (9 CFR 381.38(a)):

(71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a), 2.92)

Done at Washington, D.C., on: December 29, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-228 Filed 1-2-81; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR 385 and 399

Expansion of Foreign Policy Control

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Interim final rule.

SUMMARY: This rule expands foreign policy controls on computers exported to government consignees in South Africa and Namibia, by removing an existing exception.

DATE: This rule is effective as of January 1, 1981, but may be further revised in light of any comments received. Comments must be received by March 9, 1981.

ADDRESS: Written comments (six copies when possible) should be sent to: Mr. Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Daniel E. Cook, Assistant to the Director, Policy Planning Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-4159.

SUPPLEMENTARY INFORMATION:

Substance of Regulatory Changes: In accordance with the authority contained in section 6 of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401, *et seq.*) the Secretary of Commerce is expanding the existing foreign policy control on the export of computers to South African and Namibian government consignees. The Secretary of Commerce in consultation with the Secretary of State has determined that this expansion of controls will further significantly the foreign policy of the United States.

Currently there are foreign policy controls on computers that exceed certain performance levels. Effective January 1, 1980, computers exported to South African or Namibian government officials will be subject to foreign policy controls regardless of their performance level.

Rulemaking Requirements

Section 13(a) of the Act exempts regulations promulgated under it from public participation in rulemaking procedures of the Administrative Procedure Act. However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, they