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Vol. 47, No. 140

Wednesday, July 21, 1982

Presidential Documents

Title 3—

The President

Proclamation 4953 of July 19, 1982

Captive Nations Week, 1982

By the President of the United States of America

A Proclamation

During the past year, we have witnessed another tragic demonstration of the failure of tyranny to compete with the principles of freedom. The imposition of martial law in Poland on December 13, 1981, served as a bitter reminder that the quest for freedom and self-determination can only be restrained by force. It clearly demonstrated the moral bankruptcy of a system which has been unable to earn the support of its population after more than 35 years in power.

The same repression imposed on the Polish people is evidenced in various ways in other captive nations dominated by foreign military power and an alien Marxist-Leninist ideology. The brutal suppression of sovereignty in Afghanistan and the bondage of the captive peoples of Eastern Europe continue. Among the oppressed we must also count the peoples of many nationalities within the Soviet Union itself; they are victims of long decades of repression.

Twenty-three years ago, by a joint resolution approved July 17, 1959, (73 Stat. 212), the Congress authorized and requested the President to proclaim the third week in July as Captive Nations Week.

This week offers Americans an opportunity to honor our Nation's founders whose wisdom and commitment to self-determination and liberty have guided this country for more than 200 years. Let us once again reaffirm our faith that the aspiration for freedom will ultimately prevail over the rule of force and coercion which denies human rights to so many other parts of the world today.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning July 18, 1982, as Captive Nations Week.

I invite the people of the United States to observe this week with appropriate ceremonies and activities and to reaffirm their dedication to the ideals which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of July, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-19875

Filed 7-20-82; 10:18 am]

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Rules and Regulations

Federal Register
Vol. 47, No. 140
Wednesday, July 21, 1982

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Cherry Reg. 22]

Sweet Cherries Grown in Designated Counties in Washington; Grade, Size, Container and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation continues minimum grade, size, container and pack requirements on the handling of sweet cherries, other than Rainier, Royal Anne, and other light sweet cherries, grown in designated counties in the State of Washington. Such action is necessary to promote orderly marketing of suitable quality and sizes of fresh Washington cherries in the interest of producers and consumers.

EFFECTIVE DATE: Effective on and after July 21, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Washington sweet cherry crop and would not substantially affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** (47 FR 23684) on June 1, 1982, which specified grade, size, container, and pack requirements applicable to shipments of Washington State sweet cherries. That rule provided an opportunity to file comments through July 1, 1982. No comments were received. This final rule contains the same requirements as specified in the interim rule. The rule is effective on and after July 21, 1982.

The Washington cherry regulation is issued under the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Washington Cherry Marketing Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Under the terms of the regulations, grade, size, container and pack requirements would be effective on and after July 21, 1982. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season and consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modifications, suspension, or termination of regulation of shipments of Washington sweet cherries would tend to effectuate the declared policy of the Act.

The three most important sweet cherry producing States in the U.S. are Washington, Oregon and California; of these three, Washington has been the leading State every year since 1970. Production for fresh use in California in 1981 was 24,000 tons, in Oregon was 6,600 tons, and in Washington was 29,300 tons. The Washington sweet cherry crop is primarily utilized as fresh.

The minimum grade and size requirements are designed to enhance the image of Washington sweet cherries and thereby improve sales and returns to growers. The shipment of low quality fruit disrupts orderly marketing because low quality fruit undermines buyer confidence in the quality of fruit sold in the markets. The grade and size requirements are designed to provide ample supplies of good quality fruit in the interest of producers and consumers. The container and pack requirements are designed to prevent deceptive packaging and to assure satisfactory arrival condition of fruit in the markets.

Based on current and anticipated market conditions, the Washington Cherry Marketing Committee finds that the regulations recommended will maximize benefits to producers and consumers by providing for good quality fruit and stable market conditions. Most Washington Sweet cherry sales are consummated by telephone with the buyer not seeing the fruit as it is initially purchased. Hence, establishment of acceptable quality and container standards are important in successfully marketing the crop. These requirements are essentially the same as those in effect in prior years except that beginning with the 1982 marketing season, additional containers are authorized for use in shipping sweet cherries.

It is found that it is impracticable and contrary to the public interest to postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and that good cause exists for making these regulatory provisions effective as specified in that: (1) an interim rule was published in the **Federal Register** (47 FR 23684) and no comments were received during the period provided; (2) the requirements of this final rule are the same as those currently in effect; and (3) the requirements will not require any additional preparation by handlers which cannot be effective by the date hereof.

List of Subjects in 7 CFR Part 923

Marketing Agreements and Orders, Cherries, Washington.

Therefore, a new § 923.322 is added under a new subpart heading *Grade,* *Size, Container and Pack Regulation* to read as follows:

§ 923.322 Cherry Regulation 22.

(a) On and after July 21, 1982, no handler shall handle, except as otherwise provided in paragraphs (b), (c) and (d) of this section, any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries", unless such cherries meet each of the following applicable requirements:

(1) Washington No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the Washington State Standards for Grades of Sweet Cherries: *Provided*, That a total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided further*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than 48/64 inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) and paragraph (a)(3) of this section.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than 54/64 inch in diameter and not more than 5 percent, by count, of such cherries may be less than 48/64 inch in diameter.

(b) *Containers*. On and after July 21, 1982, no handler shall handle any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries", unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of loose packed (jumble-filled) cherries in any container shall be 12 pounds or 20 pounds, or greater. The net weight of face-packed cherries in any container shall be 15 pounds.

(2) Subject to the provisions of paragraphs (b)(2) (i) and (ii) of this section, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64 inch in diameter, and not more than 5 percent, by count, of such cherries may be less than 48/64 inch in diameter.

(c) *Pack*. (1) When containers of cherries are marked with one of the row count/row size designations shown in Column 1 of the following table, at least 90 percent, by count, of the cherries in any lot shall be not smaller than the corresponding diameter shown in Column 2 of such table: *Provided*, That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than 54/64 inch in diameter.

TABLE

Column 1, row count/row size	Column 2, diameter (inches)
9	[illegible]
10	[illegible]
11	[illegible]

(2) When containers of cherries are marked with a minimum diameter of 54/64 inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than such minimum diameter: *Provided*, That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than 48/64 inch in diameter.

(3) When containers of cherries are marked with a minimum diameter larger than 54/64 inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than the diameter so marked: *Provided*, That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than 54/64 inch in diameter.

(d) *Exceptions*. Any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraphs (a), (b), and (c) of this section, and of §§ 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(e) *Definitions*. When used herein, "Washington No. 1" and "diameter" shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16-414-050); "face packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; "row count/row size" means the number of cherries of a uniform size necessary to pack row-faced across a 10½ inch inside width container or comparable number of cherries when packed loose in a container.

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

Dated: July 16, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-19646 Filed 7-20-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 508

Powerplant and Industrial Fuel Use Act of 1978; Electric Utility Conservation Plan

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of effectiveness.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing this notice to announce the effectiveness of its final rule, 10 CFR Part 508 (47 FR 25729 (June 15, 1982)) ("final rule") implementing the new section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), which was added to FUA by section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35. Section 808 of FUA and ERA's implementing rules require certain electric utilities which have used and intend to continue to use natural gas as a primary energy source to submit conservation plans to DOE.

EFFECTIVE DATE: The final rule shall be effective as of July 21, 1982.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Fuels Conservation Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room GA-073F, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-1251

Henry K. Garson, Assistant General Counsel for Coal Regulations (GC-14), Office of the General Counsel, Department of Energy, Room 6B-178,

1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–2967

SUPPLEMENTARY INFORMATION: ERA's final rule under section 808 of FUA, 10 CFR Part 508 (47 FR 25729 (June 15, 1982)), sets forth the procedures for submission of conservation plans to DOE and establishes the substantive requirements for such plans. The purpose of this notice is to announce the immediate effectiveness of that final rule.

Issued in Washington, D.C., on July 12, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-19725 Filed 7-20-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0412; Reg. Q]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

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 affected by severe storms and flooding in Washington Township in Jackson County, Kansas, and Rossville Township in Shawnee County, Kansas.

EFFECTIVE DATE: June 28, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452–3711) or Beverly A. Belcamino, Attorney (202/452–3623).

SUPPLEMENTARY INFORMATION: On June 28, 1982, 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 Washington Township in Jackson County, Kansas, and Rossville Township in Shawnee County, Kansas major disaster areas. The Board regards the President's action as recognition by the Federal Government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster area as a result of the severe storms and flooding beginning on or about June 8, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to June 28, 1982, and will remain in effect until 12 midnight, December 28, 1982.

List of Subjects in 12 CFR Part 217

Advertising; Banks, banking; Federal Reserve System; Foreign Banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated townships of Kansas directly affected by the severe storms and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, July 16, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-19766 Filed 7-20-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Federal Old-Age, Survivors and Disability Insurance Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Final Rules.

SUMMARY: The Department of Health and Human Services is revising its regulations to provide that, in certain cases, a disabled person who has medicially recovered will not have his or her disability benefits terminated if he or she is participating in an approved vocational rehabilitation program under a State plan approved under Title I of the Rehabilitation Act of 1973. These revisions implement the change made by section 301 of the Social Security Disability Amendments of 1980, Pub. L. 96–265, and apply to disabled workers, persons disabled before age 22, and disabled widow(er)s under title II and disabled persons under title XVI, whose disabilities did not end before December 1, 1980. The changes provide for continuation of payment of cash benefits after disability ceases within the meaning of the Social Security Act (the Act), although some residual functional limitation remains, to those persons who are enrolled in a vocational rehabilitation (VR) program and who were not, at the beginning of the program, expected to medically recover before the scheduled completion date of the program.

EFFECTIVE DATE: These rules will be effective July 21, 1982.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone (301) 594–7337.

SUPPLEMENTARY INFORMATION: The Social Security Disability Amendments of 1980 change the title II and title XVI disability programs regarding payment of benefits to persons who recover medically while engaged in a program of vocational rehabilitation (VR). Section 301 of the amendments provides that disability benefits under title II or title XVI shall not be terminated or suspended because the physical or mental impairment on which the person's entitlement is based has or may have ceased if (1) the person is participating in an approved VR program under a State plan approved under Title I of the Rehabilitation Act of 1973 and (2) the Commissioner of Social Security has determined that completion of the program, or its continuation for a specified period, will significantly increase the likelihood that the person will be permanently removed from the diability rolls. An approved vocational rehabilitation program under a State plan approved under title I of the Rehabilitation Act of 1973 (an appropriate program) is one that meets the requirements and specifications of 45 CFR 1361.2 and 1361.39. These sections describe the general requirements for a State to be eligible for grants under title I of the Rehabilitation Act, and the specifications for an individualized written rehabilitation program.