

Presidential Documents

Title 3—

Executive Order 12379 of August 17, 1982

The President

Termination of Boards, Committees, and Commissions

By the authority vested in me as President by the Constitution and statutes of the United States of America, and to terminate the establishing authorities for committees that are inactive or no longer necessary, it is hereby ordered as follows:

Section 1. Executive Order No. 12071, as amended, establishing the President's Commission on Pension Policy, is revoked.

Sec. 2. Executive Order No. 12042, creating a Board of Inquiry to Report on Labor Disputes Affecting the Bituminous Coal Industry in the United States, is revoked.

Sec. 3. Executive Order No. 12085, creating an Emergency Board to Investigate a Dispute Between the Norfolk and Western Railway Company and Certain of Its Employees, is revoked.

Sec. 4. Executive Order No. 12132, creating an Emergency Board to Investigate a Dispute Between the National Railway Labor Conference and Certain of Its Employees, is revoked.

Sec. 5. Executive Order No. 12095, creating an Emergency Board to Investigate a Dispute Between Wien Air Alaska, Inc., and Certain Individuals, is revoked.

Sec. 6. Executive Order No. 12159, creating an Emergency Board to Investigate Disputes Between the Chicago, Rock Island, Pacific Railroad and Peoria Terminal Company and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; and the United Transportation Union, is revoked.

Sec. 7. Executive Order No. 12182, creating an Emergency Board to Investigate a Dispute Between the Long Island Rail Road and Certain of Its Employees, is revoked.

Sec. 8. Executive Order No. 12207, creating an Emergency Board to Investigate a Dispute Between the Port Authority Trans-Hudson Corporation and Certain of Its Employees, is revoked.

Sec. 9. Executive Order No. 12262, establishing an Interagency Employee Benefit Council, is revoked.

Sec. 10. Executive Order No. 12275, establishing the Design Liaison Council, is revoked.

Sec. 11. Executive Order No. 11829, as amended, establishing the Hopi-Navajo Land Settlement Interagency Committee, is revoked.

Sec. 12. Executive Order No. 11022, as amended, establishing the President's Council on Aging, is revoked.

Sec. 13. Executive Order No. 12192, establishing the State Planning Council on Radioactive Waste Management, is revoked.

Sec. 14. Executive Order No. 12075, as amended, establishing the Interagency Coordinating Council, is revoked.

Sec. 15. Executive Order No. 11782, establishing the Federal Financing Bank Advisory Council, is revoked.

Sec. 16. Executive Order No. 12089, as amended, establishing the National Productivity Council, is revoked.

Sec. 17. Executive Order No. 11330, as amended, establishing the President's Council on Youth Opportunity, is revoked.

Sec. 18. Executive Order No. 11256, establishing the President's Committee on Food and Fiber and establishing the National Advisory Commission on Food and Fiber, is revoked.

Sec. 19. Executive Order No. 11654, continuing the Federal Fire Council, is revoked.

Sec. 20. Executive Order No. 12083, as amended, establishing the Energy Coordinating Committee, is revoked.

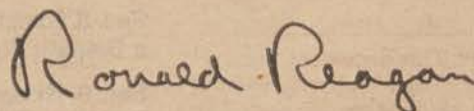
Sec. 21. Executive Order No. 12285, as amended and ratified, establishing the President's Commission on Hostage Compensation, is revoked.

Sec. 22. Executive Order No. 12202, as amended, establishing the Nuclear Safety Oversight Committee, is revoked.

Sec. 23. Executive Order No. 12194, establishing the Radiation Policy Council, is revoked.

Sec. 24. The Veterans' Federal Coordinating Committee (Weekly Compilation of Presidential Documents, volume 14, number 41, page 1743) is terminated.

Sec. 25. The President's Council on Energy Efficiency (Weekly Compilation of Presidential Documents, volume 16, numbers 18 and 30, pages 790 and 1404) is terminated.



THE WHITE HOUSE,
August 17, 1982.

Rules and Regulations

Federal Register

Vol. 47, No. 161

Thursday, August 19, 1982

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

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 330

[Docket No. 82-323]

Imported Fire Ant; Soil

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: This document, on an emergency basis under the Federal Plant Pest Act, amends the "Imported Fire Ant" quarantine and regulations by quarantining Puerto Rico because of the imported fire ant and by adding all of Puerto Rico to the list of generally infested areas, and adds footnotes to the "Imported Fire Ant" regulations and the "Movement of Soil, Stone and Quarry Products" regulations to explain that both sets of regulations restrict certain movements of soil from Puerto Rico. The quarantine and regulations, among other things, impose restrictions on the interstate movement of certain regulated articles from generally infested areas. This action is necessary as an emergency measure to prevent the artificial spread of the imported fire ant and to avoid confusion between the provisions in the "Imported Fire Ant" quarantine and regulations and the "Movement of Soil, Stone, and Quarry Products" regulations. A companion document published in the proposed rule section of this issue of the **Federal Register** proposes, pursuant to authority in the Plant Quarantine Act and the Federal Plant Pest Act, to establish the provisions of this interim rule as a final rule.

Also, a public hearing will be held concerning the establishment of the

provisions of the interim rule as a final rule.

DATES: Effective date of interim rule August 19, 1982. Written comments must be received on or before October 18, 1982. A public hearing concerning a final rule will be held on September 21, 1982.

ADDRESSES: Written comments should be submitted to Thomas J. Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 641 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. The public hearing concerning a final rule will be held in Room 401 of the Federal Office Building, C. Chardon Avenue, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: John Franklin, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7474.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule establishes restrictions on the interstate movement from Puerto Rico of certain regulated articles. Based on information compiled by the Department, it appears that there is little, if any, interstate movement of such regulated articles from Puerto Rico.

Alternatives were considered in connection with the rule. Consideration

was given concerning whether: (1) To allow the unrestricted interstate movement from Puerto Rico of such regulated articles, or (2) to establish a Federal quarantine for Puerto Rico and impose restrictions on the interstate movement from Puerto Rico of such articles. Alternative (2) is chosen because it appears that without a Federal quarantine and implementing regulations the unrestricted interstate movement of such articles could cause the spread of the imported fire ant. Further, it appears that there is no feasible alternative to consider regarding the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of certain regulated articles from Puerto Rico. There are thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that there is little, if any, movement of such articles interstate from Puerto Rico. Further, it has been determined that the interim rule will not have a significant effect on the economy.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Because of the possibility that the imported fire ant could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, it is necessary to add footnotes to the "Imported Fire Ant" quarantine and regulations and the "Movement of Soil, Stone, and Quarry Products" regulations to avoid confusion between these sets of regulations concerning the movement of soil from Puerto Rico.

Further, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. A public hearing has been scheduled concerning a final rule, and comments have been solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Public Hearing

The public hearing to consider this rule will be held on September 21, 1982 in Room 401 of the Federal Office Building, C. Chardon Avenue, Hato Rey, Puerto Rico.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Any interested person may appear and be heard in person, by attorney, or by other representative.

The hearing will begin at 10 a.m. and is scheduled to end at 5 p.m., local time. However, the hearing may be terminated at any time after it begins if all of those persons desiring an opportunity to speak have been heard. Persons who wish to speak are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

Background

The imported fire ant (*Solenopsis* spp.) is an insect that interferes with farming operations and causes damage to certain crops, and is a pest of livestock and pets, as well as of people, in rural and urban areas.

The "Imported Fire Ant" quarantine and regulations (7 CFR 301.81 through 301.81-10) quarantine Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas because of the imported fire ant; and restrict the interstate movement of certain regulated articles from regulated areas in these States in order to prevent the artificial spread of the imported fire ant.

Based on recent surveys conducted by the Department, it has been determined that Puerto Rico is infested with the imported fire ant. Therefore, as an emergency measure, the quarantine and regulations are amended by quarantining Puerto Rico and imposing restrictions on the interstate movement of certain regulated articles from Puerto Rico in order to prevent the artificial spread of the imported fire ant. Also, certain nonsubstantive changes are made to improve clarity.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to quarantine any State, Territory, or District of the United States, or any portion thereof, and to prohibit or restrict the interstate movement of articles from areas within such quarantined areas when the Secretary of Agriculture or his delegate determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd and 150ee) there is authority to take similar action for plant pests without a public hearing on an emergency basis until a quarantine can be established under the Plant Quarantine Act after a public hearing. Accordingly, the quarantine and regulations are established on an emergency basis under the Federal Plant Pest Act. Also, in a companion document published in this issue of the **Federal Register**, it is proposed to establish the provisions of the interim rule as a final rule. Further, a public hearing is scheduled in accordance with the provisions of the Plant Quarantine Act. The proposal cites the Federal Plant Pest Act as authority in addition to the Plant Quarantine Act since the quarantine and regulations contain certain emergency provisions based on authority in the Federal Plant Pest Act, e.g. emergency designation of articles as regulated articles under § 301.81(b)(6) of the quarantine and regulations.

Those articles that have been found to present a significant risk of spreading the imported fire ant are subject to restrictions under the quarantine and

regulations. The articles subject to restrictions are those articles designated as regulated articles in § 301.81(b) of the quarantine and regulations, but not including those articles exempted from the restrictions under § 301.81-2b of the quarantine and regulations.

Under § 301.81(b) of the quarantine and regulations, the following articles are designated as regulated articles:

- (1) Soil, separately or with other things;
- (2) Plants with roots with soil attached, except houseplants grown in the home and not for sale;
- (3) Grass sod;
- (4) Hay and straw;
- (5) Used mechanized soil-moving equipment; and
- (6) Any other products, articles, or means of conveyance of any character whatsoever not covered by items (b) (1) through (5) when it is determined by an inspector that they present a hazard of spread of the imported fire ant, and the person in possession thereof has been so notified.

Section 301.81-2b of the quarantine and regulations exempts certain regulated articles from the requirements of the quarantine and regulations. In this connection § 301.81-2b provides that:

"The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (d) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

- (a) Potting soil, if commercially prepared, packaged, and shipped in original containers.
- (b) Hay and straw, if being used for packing or bedding.
- (c) Used mechanized soil-moving equipment, if it has only compacted soil or is cleaned of all noncompacted soil.
- (d) Transplants, if substantially free of soil."

Under the quarantine and regulations an area may be designated as a regulated area if it is an area in which the imported fire ant has been found, or in which there is reason to believe that the imported fire ant is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas in which eradication of the imported fire ant is undertaken as an objective. Generally infested areas are

regulated areas not designated as suppressive areas.

It appears that infestations of the imported fire ant occur throughout Puerto Rico. Further, eradication of the imported fire ant is not currently undertaken as an objective. Accordingly, under the specified criteria, all of Puerto Rico is designated as a generally infested area.

As specified above, soil is listed as a regulated article. In this connection, it should also be noted that § 330.300 of "Subpart—Movement of Soil, Sand, and Quarry Products" (7 CFR 330.300), among other things, prohibits the movement of soil (moved as such or incidentally adhering to means of conveyance or other articles) from Puerto Rico into or through any other Territory or possession or the Continental United States except under certain conditions specified in § 330.300 or incorporated by reference in § 330.300. Accordingly, in the "Imported Fire Ant" quarantine and regulations a footnote is added to explain that the movement of soil from Puerto Rico is also subject to the provisions in § 330.300. Further, a footnote is added to § 330.300 to explain that the movement of soil from Puerto Rico into or through any other State, Territory, or District of the United States is also subject to the provisions in the "Imported Fire Ant" quarantine and regulations. It is necessary to add the footnotes on an emergency basis in order to avoid confusion between the provisions in the two subparts.

List of Subjects

7 CFR Part 301

Agricultural commodities, Plant pests, Plants (agriculture), Quarantine, Transportation, Imported fire ant.

7 CFR Part 330

Customs duties and inspection, Imports, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Garbage, Soil, Stone and quarry products.

Accordingly, "Subpart—Imported Fire Ant" (7 CFR 301.81 through 301.81-10) and "Subpart—Movement of Soil, Stone, Quarry Products" (7 CFR 330.300 through 330.302) are amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. In § 301.81, paragraph (a) is revised to read as follows:

§ 301.81 Quarantine and regulations; restrictions on interstate movement of regulated articles.

(a) *Quarantine and regulations.* The Secretary of Agriculture hereby quarantines Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, and Texas in order to prevent the spread of the imported fire ant (*Solenopsis* spp.), a dangerous insect pest not theretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations governing the interstate movement of regulated articles specified in paragraph (b) of this section.

* * * * *

§ 301.81-2a [Amended]

2. In § 301.81-2a, the following is added after the list of regulated areas for North Carolina:

* * * * *

Puerto Rico

(1) *Generally infested areas.* All of Puerto Rico.

(2) *Suppressive areas.* None.

§ 301.81 [Amended]

3. In § 301.81(b), "(1) Soil, separately or with other things;" is revised to read "(1) Soil, separately or with other things;" and a corresponding footnote is added in the appropriate place to read as follows: "The movement of soil from Puerto Rico is also subject to additional provisions in 7 CFR Chapter III. It is provided in 7 CFR 330.300 that the movement of soil (moved as such or incidentally adhering to means of conveyance, plants, or other articles) from Puerto Rico into or through any other Territory or possession or the Continental United States is prohibited except under certain conditions specified in said § 330.300 or incorporated by reference in said § 330.300."

§§ 301.81-2b and 301.81-3 [Amended]

4. In §§ 301.81-2b and 301.81-3, footnotes 1a, 2, 3, and 4 and the references thereto are renumbered as 3, 4, 5, and 6 respectively; and § 301.81-2b is further amended by changing "paragraphs:" to "paragraphs: 2" and adding a corresponding footnote in the appropriate place to read as follows: "The interstate movement of soil from Puerto Rico is also subject to additional provisions in 7 CFR Chapter III. It is provided in 7 CFR 330.300 that the movement of soil (moved as such or incidentally adhering to means of conveyance, plants, or other articles) from Puerto Rico into or through any other Territory or possession or the

Continental United States is prohibited except under certain conditions specified in said § 330.300 or incorporated by reference in said § 330.300."

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

§ 330.300 [Amended]

5. The section heading for § 330.300 is amended by adding a ¹ in footnote form at the end of the heading and a corresponding footnote is added in the appropriate place as follows: "The movement of soil from Puerto Rico into or through any other State, Territory, or District of the United States is also subject to the provisions of the imported fire ant quarantine and regulations contained in 7 CFR 301.81 *et seq.*"

(Secs. 105, 106, 71 Stat. 32, 33 (7 U.S.C. 150dd, 150ee); 7 CFR 2.17, 2.51, 371.2)

Done at Washington, D.C., this 16th day of August 1982.

Murray T. Pender,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-22700 Filed 8-18-82; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 304]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 20–August 26, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 20, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been