

Presidential Documents

Title 3—

Executive Order 12546 of February 3, 1986

The President

Presidential Commission on the Space Shuttle Challenger Accident

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to establish a commission of distinguished Americans to investigate the accident to the Space Shuttle Challenger, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the Presidential Commission on the Space Shuttle Challenger Accident. The Commission shall be composed of not more than 20 members appointed or designated by the President. The members shall be drawn from among distinguished leaders of the government, and the scientific, technical, and management communities.

(b) The President shall designate a Chairman and a Vice Chairman from among the members of the Commission.

Sec. 2. Functions. (a) The Commission shall investigate the accident to the Space Shuttle Challenger, which occurred on January 28, 1986.

(b) The Commission shall:

(1) Review the circumstances surrounding the accident to establish the probable cause or causes of the accident; and

(2) Develop recommendations for corrective or other action based upon the Commission's findings and determinations.

(c) The Commission shall submit its final report to the President and the Administrator of the National Aeronautics and Space Administration within one hundred and twenty days of the date of this Order.

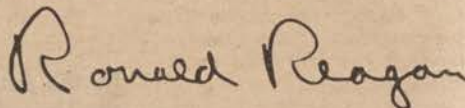
Sec. 3. Administration. (a) The heads of Executive departments and agencies shall, to the extent permitted by law, provide the Commission with such information as it may require for purposes of carrying out its functions.

(b) Members of the Commission shall serve without compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) To the extent permitted by law, and subject to the availability of appropriations, the Administrator of the National Aeronautics and Space Administration shall provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

Sec. 4. General Provisions. (a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Administrator of the National Aeronautics and Space Administration, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate 60 days after submitting its final report.



THE WHITE HOUSE,

February 3, 1986.

[FR Doc. 86-2663

Filed 2-3-86; 4:37 pm]

Billing code 3195-01-M

Editorial note: For the President's remarks on the formation of the commission and the White House announcement listing the Chairman, Vice Chairman, and members of the commission, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 6).

Rules and Regulations

Federal Register

Vol. 51, No. 24

Wednesday, February 5, 1986

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 week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

Domestic Dates Produced or Packed in Riverside County, CA; Continuation of Relaxed Size Regulation for Deglet Noor Dates for Further Processing; and Addition of Japan to List of Countries to Which Dry Dates Needing Further Processing May Be Exported

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action continues the relaxed size regulation for Deglet Noor dates for another season and makes Japan an eligible outlet for dry dates needing further processing. The continued relaxation will allow packers to sell more small-sized dates of good quality as whole dates. In the absence of the relaxation, packers will have to dispose of the dates as rings, chunks, pieces, butter, paste or for manufacture into such products. The addition of Japan to the list of countries to which dry dates may be exported will provide a new market for California date packers and increase date sales. Both actions are based on unanimous recommendations of the California Date Administrative Committee. The Committee works with the USDA in administering the date marketing order program.

EFFECTIVE DATES: Relaxation of the size tolerance for Deglet Noor dates for further processing to be effective upon the date of publication in the *Federal Register* and applies to the 1985-86 crop year (October 1, 1985 through September 30, 1986). The addition of Japan to the list of countries to which dry dates needing further processing may be exported to be effective upon the date of publication in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Acting Chief, Marketing

Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules proposed thereunder, are unique in that they are brought about through group action of essentially small entities for their own behalf. Thus, both statutes have small entity orientation and compatibility.

This final rule continues the relaxation in the size regulation for Deglet Noor dates for further processing which terminated September 30, 1985, until September 30, 1986, and adds Japan to the list of countries to which dry dates needing further processing may be shipped. These actions are expected to increase date sales.

It is estimated that approximately 26 handlers of dates will be subject to regulation under the California Date Marketing Order during the course of the current season and that the great majority of this group may be classified as small entities. While regulations issued during the season impose some costs on affected handlers, the added burden on small entities if present at all is not significant.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective time of these actions until 30 days after publication in the *Federal Register* (5 U.S.C. 553) because: (1) The Deglet Noor dates from the 1985 crop are expected to be unusually small and dry, and lighter in weight than usual the same as last season; (2) this will cause a substantial quantity of the dates from

the 1985 crop and carryover from the 1984 crop to fail to meet the current size requirements; (3) continuation of the relaxation of the size requirements effectuated last season will allow a larger quantity of otherwise good quality Deglet Noor dates weighing less than 6.5 grams to be sold to consumers as whole dates, not as products; (4) processors in Japan have expressed an interest in importing dry dates needing processing and the domestic date handlers should be afforded the opportunity to supply their needs; (5) the addition of Japan to the group of designated countries eligible to receive dry dates needing further processing will allow domestic date handlers to meet these needs; (6) handlers are aware of these actions relieving restrictions on handlers; and (7) no useful purpose would be served by delaying the effective dates of these actions.

This action will amend temporarily § 987.112a(c)(2) of Subpart—Administrative Rules (7 CFR 987.101-987.172) by changing the size tolerance for Deglet Noor dates for further processing contained in the second sentence of that paragraph from 10 to 15 percent for the 1985-86 crop year which began October 1, 1985. It also adds Japan to the list of date processing and consuming countries contained in § 987.112a(d)(2) of that subpart to which dry dates needing further processing may be exported. The authority for both actions is contained in §§ 987.12 and 987.43 of the marketing agreement and Order No. 987 (7 CFR Part 987), both as amended, regulating the handling of domestic dates produced or packed in Riverside County, California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Dates for further processing are dates having a moisture content below 15 percent. To produce a desirable texture for eating, water must be added by hydration during processing. Dates for further processing are sold to users here and abroad desiring to use their own processing, packaging, and marketing facilities.

Section 987.112a(c)(2) prescribes size requirements for whole Deglet Noor dates for further processing in terms of weight. Currently, the individual dates in the sample must weigh at least 6.5

grams, but up to 10 percent of the dates in a sample may weigh less.

Deglet Noor dates in California's 1985 date crop are expected to be unusually dry and small, and lighter in weight than normal, the same as last season. As a result, a large quantity of the 1985 crop will exceed the current 10 percent tolerance for dates lighter than 6.5 grams. Dates failing to meet applicable size requirements must be diverted to product outlets. To allow a greater quantity of Deglet Noor dates weighing less than 6.5 grams to be available for use as whole dates, a temporary increase in that tolerance to 15 percent is necessary from October 1, 1985 through September 30, 1986 (1985-86 season). Last season, the tolerance also was increased to 15 percent effective through September 30, 1985, because of similar crop conditions. To maintain continuity in the marketplace the carryover of 1984 crop light-weight dates also must be covered by this action. Hence, this action should apply as of October 1, 1985.

Pursuant to § 987.112a(d)(2), dry dates of any variety inspected and certified as meeting specified quality and size requirements may only be exported to the following designated date producing and processing countries in North Africa: Morocco, Algeria, Tunisia, Libya,¹ Egypt, and Sudan; and to the following date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, Greece, and the Netherlands. These countries have the facilities to properly process and produce a desirable product.

Processors in Japan have expressed an interest in importing such dates. To promote orderly marketing and to facilitate export sales of dry dates, Japan should be added to the group of date processing and consuming countries to which such dates may be exported. Authority to export dry dates to Japan will provide the industry with flexibility in meeting Japan's needs and tend to increase sales of California dates.

After consideration of all relevant matter presented, the information and recommendation submitted by the Committee, and other available

information, it is further found that the amendment of §§ 987.112a(c)(2) and 987.112a(d)(2) of Subpart—Administrative Rules (7 CFR 987.101-987.172) to continue the temporary relaxation in the current size regulations for Deglet Noor dates for further processing, and to add Japan to the group of date processing and consuming countries, respectively, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 987

Agricultural Marketing Service,
Marketing Agreements and Orders,
Dates, and California.

PART 987—[AMENDED]

Therefore, §§ 987.112a(c)(2) and 987.112a(d)(2) of Subpart—Administrative Rules (7 CFR 987.101-987.172) are amended as follows:

1. The authority citation for 7 CFR Part 987 continues to read as follows:

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

2. Section 987.112a (c)(2) and (d)(2) are revised to read as follows:

§ 987.112a Grade, size, and container requirements for each outlet category.

(c) * * *

(2) FP dates of any variety shall at least meet the requirements of U.S. Grade B (dry). Also, with respect to whole dates of the Deglet Noor variety, the individual dates in the sample from the lot shall weigh at least 6.5 grams, but up to 10 percent, by weight, may weigh less than 6.5 grams, except beginning October 1, 1985, and ending September 30, 1986, the 10 percent tolerance shall be increased to 15 percent. These size requirements are in addition to, and do not supersede, the requirements as to uniformity of size prescribed in the grade standards.

(d) * * *

(2) *Export of dry dates.* Dates of any variety identified and certified as meeting the requirements of this subparagraph only may be exported to the following designated date producing and processing countries in North Africa: Morocco, Algeria, Tunisia, Libya,¹ Egypt, and Sudan; the following

date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, France, Greece, and the Netherlands; and the following date processing and consuming country in Asia: Japan. Such dates shall at least meet U.S. Grade C (dry) except for defects removable by washing: *Provided*, That Deglet Noor dates shall score not less than 31 points for character and 24 points for absence of defects but up to 40 percent, by weight, of the dates may be damaged by broken skin.

Dated: January 31, 1986.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 86-2534 Filed 2-4-86; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 86-004]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Mississippi from Class C to Class B. This rule is necessary because it has been determined that this State meets the standards for Class B status. The rule relieves certain restrictions on the interstate movement of cattle from the State of Mississippi.

EFFECTIVE DATE: February 5, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Granville H. Frye, Cattle Diseases Staff, VS, APHIS, USDA, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

A document published in the Federal Register on November 4, 1985 (50 FR 45808-45809), amended the brucellosis regulations in 9 CFR Part 78 by changing the classification of the State of Mississippi from Class C to Class B. The amendment, which was effective on November 4, 1985, relieves certain

¹ Executive Order 12543 of January 7, 1986 (51 FR 875), prohibits trade and certain transactions involving Libya, and is applicable to exports of dates under this marketing order as long as the executive order is in effect. That order, among other things, prohibits the export to Libya of any goods, technology (including technical data or other information) or services from the United States, except publications and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes.

¹ Executive Order 12543 of January 7, 1986 (51 FR 875), prohibits trade and certain transactions involving Libya, and is applicable to exports of dates under this marketing order as long as the executive order is in effect. That order, among other things, prohibits the export to Libya of any goods, technology (including technical data or other information) or services from the United States, except publications and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes.

restrictions on the interstate movement of cattle from Mississippi.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of November 4, 1985, still provides a basis for the amendment.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 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 any significant adverse effects 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.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Mississippi reduces certain testing and other requirements on the interstate movement of these cattle. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feed lots are not affected by the change in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this rule will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the 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.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, the interim rule amending 9 CFR Part 78 which was published at 50 FR 45808-45809 on November 4, 1985, is adopted as a final rule without change.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 31st day of January 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.
[FR Doc. 86-2535 Filed 2-4-86; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

[Docket No. 85-135]

Limited Ports; Atlanta, GA

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations in 9 CFR Part 92 by adding Atlanta, Georgia, to the list of limited ports of entry for animals and animal products (such as animal semen, animal test specimens, hatching eggs, and day old chicks) which do not appear to require restraint and holding inspection facilities. It is necessary to add Atlanta, Georgia, to this list to reflect the availability of the Veterinary Services inspection facilities and personnel so that importers can make arrangements for the importation of such animals and animal products.

DATES: Effective date of this interim rule is February 5, 1986. Written comments must be received on or before April 7, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 85-135. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. S.S. Richeson, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in § 92.3 of 9 CFR Part 92 list a large number of ports with inspection stations or quarantine stations maintained by Veterinary Services for the importation of animals and animal products. In addition to air and ocean ports and several other types of ports, § 92.3 lists certain limited ports for the importation of animals and animal products (such as animal semen, animal test specimens, hatching eggs, and day old chicks) which do not appear to require restraint and holding inspection facilities. It has been determined that Atlanta, Georgia, has Veterinary Services inspection facilities and available inspection personnel for a limited port.

Therefore, it is necessary to amend § 92.3(e) of the regulations to add Atlanta, Georgia, as a limited port, so that importers can make arrangements for the entry of such animals and animal products.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and has been classified as not a major rule. The Department has determined that this action will not have a significant effect on the economy; will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects 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.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

It is anticipated that the addition of Atlanta, Georgia, to the list of limited ports for the importation of animals and animal products which do not appear to require restraint and holding inspection facilities would not cause a substantial change in the number of such animals and animal products entering the United States or in the number of persons importing such animals and animal products.

Therefore, the 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.