Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5665 of June 8, 1987

750th Anniversary of Berlin, 1987

By the President of the United States of America

A Proclamation

Berlin, one of the world's great cities and the largest German city, this year observes its 750th anniversary. This is cause for celebration for Berliners and for all Germans, and also for the people of the United States and the rest of the world.

The history and character of Berlin and its people give powerful testimony about human nature and its capabilities. After three-quarters of a millennium and many shocks and reversals through the ages, Berlin is yet a young city—young with all the capacity of the human spirit to renew itself, to strive and to seek, to build anew and create, and, most of all, to hope. Time and again, Berlin has overcome desolation and isolation with will, energy, and courage. Even now, its spirit towers over the wall that presently divides the city.

Today Berlin remains close to the spiritual center of the Western world. Americans have a special affinity for Berlin that goes beyond formal political or economic ties, because we feel a kinship with its spirit of strength and creativity and because we see our own hopes and ideals mirrored in the deep attachment of its people to freedom and its blessings. Thousands of Americans—scholars, service men and women and their families, business people, diplomatic personnel, and so on—live in Berlin and make vital contributions to the life of the city. We have helped Berlin grow, and we have shared its spirit.

As we near the end of the 20th century, we see that Berlin, though ancient, is a city of the future. We know that the courageous and freedom-loving spirit that has guided so much of Berlin's past will help ensure a future of freedom for all mankind in the years to come. "*Berlin bleibt doch Berlin*—Berlin is still Berlin."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby recognize Berlin's 750th Anniversary, 1987. I call upon the people of the United States to join in celebrating and honoring Berlin's 750th anniversary with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of June, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-13913
Filed 6-15-87; 3:26 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5666 of June 10, 1987

300th Commencement Exercise at the Ohio State University

By the President of the United States of America

A Proclamation

On June 12, 1987, the Ohio State University will observe its 300th Commencement Exercise since it opened in September 1873 as the Ohio Agricultural and Mechanical College, a land-grant college for the Buckeye State under the Morrill Act of 1862. Today Ohio State has more than 50,000 students and its large body of alumni makes outstanding contributions in every area of endeavor in Ohio and throughout our country and the world.

The tradition of excellence in higher education at the Ohio State University enriches our Nation. We can all share in and celebrate Ohio State's theme for its 300th Commencement, "A Distinguished Past, a Dynamic Future."

The Congress, by House Joint Resolution 280, has designated June 12, 1987, as a day of observation of the occasion of the 300th Commencement Exercise at the Ohio State University and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 12, 1987, as a day of observation of the occasion of the 300th Commencement Exercise at the Ohio State University. I call upon all Americans to observe this occasion with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of June, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-13914
Filed 6-15-87; 3:27 pm]
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Presidential Documents

Proclamation 5667 of June 13, 1987

Baltic Freedom Day, 1987

By the President of the United States of America

A Proclamation

Historians of the 20th century will chronicle many a tragedy for mankind—world wars, the rise of Communist and Nazi totalitarianism, genocide, military occupation, mass deportations, attempts to destroy cultural and ethnic heritage, and denials of human rights and especially freedom of worship and freedom of conscience. The historians will also record that every one of these tragedies befell the brave citizens of the illegally occupied Republics of Estonia, Latvia, and Lithuania. Each year, on Baltic Freedom Day, we pause to express our heartfelt solidarity with these courageous people who continue to prove that, despite all, their spirit remains free and unconquered.

On June 14, 1940, the Soviet Union, in contravention of international law and with the collusion of the Nazis under the infamous Ribbentrop-Molotov Non-Aggression Pact, invaded the three independent Baltic Republics. The imprisonment, deportation, and murder of close to 100,000 Baltic people followed. Later, during the Nazi-Soviet war, the Nazis attacked through the Baltic nations and established a Gestapo-run civil administration. By the end of World War II, the Baltic states had lost 20 percent of their population; and between 1944 and 1949, some 600,000 people were deported to Siberia.

Totalitarian persecution of the Balts, this time once again under Communism, has continued ever since. While enduring decades of Soviet repression and ruthless disregard for human rights, the Baltic people have continued their noble and peaceful quest for independence, liberty, and human dignity.

This year marks the 65th anniversary of the *de jure* recognition by the United States of the Baltic Republics. The United States Government has never recognized, nor will we, the Soviet Union's illegal and forcible incorporation of the Baltic states. The United States staunchly defends the right of Lithuania, Latvia, and Estonia to exist as independent countries. We will continue to use every opportunity to impress upon the Soviet Union our support for the Baltic nations' right to national independence and to their right to again determine their own destiny free of foreign domination.

Observance of Baltic Freedom Day is vital for everyone who cherishes freedom and the inalienable rights God grants to all men alike; who recognizes that regimes denying those rights are illegitimate; who sees, shares, and salutes the Baltic peoples' hope, endurance, and love of liberty.

The Congress of the United States, by Senate Joint Resolution 5, has designated June 14, 1987, as "Baltic Freedom Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 14, 1987, as Baltic Freedom Day. I call upon the people of the United States to observe this day with appropriate remembrances and ceremonies and to reaffirm their commitment to the principles of liberty and self-determination for all peoples.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of June, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-13944
Filed 3-15-87; 4:33 pm]
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Rules and Regulations

Federal Register
Vol. 52, No. 116
Wednesday, June 17, 1987

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 843

Federal Employees Retirement System; Death Benefits and Employee Refunds

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adopting its interim rules to implement the death benefit and employee refunds provisions of the Federal Employees Retirement System (FERS) Act of 1986. These rules regulate payments of refunds to separated employees and death benefits to survivors of employees, separated employees, and retirees. These rules also regulate the application and eligibility requirements for receiving these benefits.

EFFECTIVE DATE: July 17, 1987.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 632–4682.

SUPPLEMENTARY INFORMATION: The FERS Act of 1986, Pub. L. 99–335, created a new retirement system for Federal employees. On January 16, 1987, OPM published and requested comments on interim rules (52 FR 2071) to implement the death benefits and employee refund provisions of FERS. Although no comments were received on these rules, clarifying changes are being made for precision.

Several sections have been amended to replace statutory references with their corresponding regulatory references. The statutory references were included in the interim rule because the corresponding regulation had not been promulgated when we issued the interim rule.

Telephone inquiries demonstrated confusion over whether the basic employee death benefit could be paid to a spouse who failed to meet the marriage duration requirements. Such a spouse does not meet the statutory definition of widow or widower. Sections 843.309(a) and 843.303(a) have been amended to eliminate any confusion.

During the first 3 months after FERS became effective, we received 40 claims for death benefits. These early cases exposed a need to address what happens to the unexpended balance (i.e., the employee's contributions) when a child is entitled to a survivor annuity but the amount of annuity payable is zero because of the offset for social security benefits. This issue was not addressed in the interim rules.

Section 843.211 clarifies that a child eligible for a survivor annuity generally prevents payment of the unexpended balance, even if no payments to the child are being made. This result is required by statute and is consistent with long-established CSRS practice.

Section 8443 of title 5, United States Code, sets the amount of children's survivor annuities as the amount that the children would have received under CSRS minus any social security child survivor benefits for which the children are eligible. Usually, when the children are eligible for social security benefits, those benefits will exceed the CSRS benefit, reducing the FERS benefit to zero as long as the social security eligibility continues. However, in many (probably most) cases, a non-zero FERS benefit will become payable when the child loses social security eligibility but continues FERS eligibility, principally in "adult student" situations.

Section 8424 (e) and (f) of title 5, United States Code, provides that the lump-sum credit will be paid if the employee dies without a survivor eligible for an annuity or all survivor annuity rights have terminated. The conditions causing termination of survivor annuity rights do not include situations in which the annuity is reduced to zero because of receipt of offsetting social security benefits.

We recognize that this approach can delay payment of the unexpended balance for many years. However, we believe that prudence as well as the underlying statute require that the unexpended balance not be paid until the last child's entitlement terminates in accordance with 5 CFR § 843.408(b). The unexpended balance will continue to earn market interest during this period.

The exception to this rule on payment of the unexpended balance will be cases involving disabled children over age 23. Considering that the FERS definition of disabled is the same as the social security definition, both benefits will continue or both will terminate together. Since no reasonable expectation of a non-zero FERS benefit exists we will pay the unexpended balance in these cases.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect retirement payments to retired Government employees, spouses, and former spouses.

List of Subjects in 5 CFR Part 843

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Law enforcement officers, Pensions, Retirement.

Office Of Personnel Management.

James E. Colvard,

Deputy Director.

Accordingly, OPM is adopting its interim rule (Part 843 death benefits) published at 52 FR 2071 on January 16, 1987, as final with the following changes:

PART 843—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEATH BENEFITS AND EMPLOYEE REFUNDS

1. An authority citation for Part 843 is added as set forth below, and all subpart authorities are removed:

Authority: 5 U.S.C. 8461; Sections 843.205, 843.208, and 843.209 also issued under 5 U.S.C. 8424; Section 843.309 also issued under 5 U.S.C. 8442; Section 843.406 also issued under 5 U.S.C. 8441.

Subpart B—One-time Payments

2. Section 843.211 is added to read as follows:

§ 843.211 Determining when children prevent payment of the unexpended balance.

Someone entitled to an annuity for purposes of §§ 843.203 and 843.204 includes a child, even if the amount of the child's annuity is zero because the amount of the social security child survivor benefits exceeds the child survivor benefits payable under CSRS, unless—

(a) The child's annuity entitlement has terminated under § 843.408(b); or

(b) The child is—

(1) A disabled child under § 843.407,

(2) At least age 23, and

(3) Entitled to social security child survivor benefits in an amount that equals or exceeds the amount of the child survivor benefits payable under CSRS.

3. In § 843.303, the introductory language of paragraph (a) is revised to read as follows:

§ 843.303 Marriage duration requirements.

(a) The current spouse of a retiree, an employee, or a separated employee can qualify for a current spouse annuity or the basic employee death benefit only if—

* * * * *

4. In § 843.309, the introductory language in paragraph (a) is revised to read as follows:

§ 843.309 Basic employee death benefit.

(a) Except as provided in § 843.312, if an employee or Member dies after completing at least 18 months of civilian service creditable under Subpart C of Part 842 of this chapter and is survived by a current spouse who meets the requirements of § 843.303, the current spouse is entitled to the basic employee death benefit equal to the sum of—

* * * * *

§§ 843.306, 843.307, 843.310, 843.311 [Amended]

5. In the listing below, for each section indicated in the left column, remove the reference indicated in the middle column from the section cited, and add the reference indicated in the right column in its place:

Section	Remove	Add
Intro text of 843.306(a)	Section 8415 of title 5, United States Code.	Subpart D of Part 842 of this chapter.
843.307(a)	Section 8452 of title 5, United States Code, (disability annuitant).	Part 844 of this chapter.
843.307(b)(1)	Subchapter IV of chapter 84, United States Code.	Part 844 of this chapter.
Do	Section 8452(a)(2) of title 5, United States Code	§ 844.302(b)(2) or (c)(2) of this chapter.
843.307(b)(2)	Section 8452 of title 5, United States Code	§ 844.303 of this chapter.
Do	Section 8452 of title 5, United States Code	§ 844.303(a) of this chapter.
843.310	Section 8415 of title 5, United States Code	Subpart D of Part 842 of this chapter.
Intro text of 843.311(a)	An deferred annuity under section 8413 of title 5, United States Code.	A deferred annuity under § 842.212 of this chapter.
843.311(b)	Section 8415 of title 5, United States Code	Subpart D of Part 842 of this chapter.

[FR Doc. 87-13751 Filed 6-16-87; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 845

Federal Employees Retirement System; Debt Collection

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adopting its interim rules to provide for recovery of debts due the United States from benefits payable under the Federal Employees Retirement System (FERS) Act of 1986. These rules provide the procedures that OPM must follow in collecting debts from FERS benefits and the standards for waiver of overpayments made under FERS.

EFFECTIVE DATE: July 17, 1987.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202)-632-5560.

SUPPLEMENTARY INFORMATION: The FERS Act of 1986, Pub. L. 99-335, created a new retirement system for Federal employees. On February 27, 1987, OPM published 52 FR 5931 and requested comments on interim rules to provide procedures for the collection of debts due the United States from FERS basic benefits and standards for waiver of overpayments made in connection with these benefits. These procedures comply with the Debt Collection Act of 1982, Pub. L. 97-365, the revised Federal Claims Collection Standards, 4 CFR 101.1 *et. seq.*, 49 FR 8889, March 9, 1984, and related Federal court decisions. These rules state the procedures for collection and the standards for waiver as they apply to basic benefits payable under the FERS Act of 1986.

Only one comment was received. The commentor suggested that the 30-day time period for requesting reconsideration of a debt run from the date the notice is received rather than the date of the notice. The suggestion is impractical given the difficulties that would be associated with documenting receipt date, especially in view of existing provisions for extending the time period.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government employees.

List of Subjects in 5 CFR Part 845

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

James E. Colvard,

Deputy Director.

Accordingly, OPM is adopting its interim rules published on February 27, 1987, at 52 FR 5931 as final rules with the following changes:

PART 845—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEBT COLLECTION

1. An authority citation for Part 845 is added to read as follows:

Authority: 5 U.S.C. 8461.

2. The authorities following all subpart headings are removed.

[FR Doc. 87-13752 Filed 6-16-87; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 918, 948, and 953

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Orders 918, 948 Area III, and 953 for the

1987–88 fiscal period. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATES: March 1, 1987–February 29, 1988 (§ 918.224); July 1, 1987–June 30, 1988 (§ 948.229); June 1, 1987–May 31, 1988 (§ 953.224).

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250–1400, telephone (202) 475–3914.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be 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 of 1937, as amended (the Act, 7 U.S.C. 601–674), and rules promulgated thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are an estimated 18 handlers of Georgia peaches, 19 handlers of Colorado Area III potatoes, and 50 handlers of Southeastern Potatoes who will be subject to regulation under these marketing orders during the course of the repective season for each specified commodity. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $100,000, and agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers are believed to be classified as small entities.

Pursuant to the requirements set forth in the RFA, the Administrator of the Agricultural Marketing Service has considered the economic impact on small entities. Each marketing order requires that the assessment rate for a particular fiscal period shall apply to all assessable commodities handled from the beginning of each period. An annual budget of expenses is prepared by each administrative committee and submitted to the Department of Agriculture for approval. The members of administrative committees are handlers and/or producers of the regulated commodities. This is appropriate because they are familiar with the committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate an appropriate budget. Budgets are formulated and discussed in public meetings, thus all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is a derived figure. It is merely applying a rate per unit of the commodity (e.g. per pound, ton, box, carton, etc.), to the estimated production in order to produce income sufficient to pay the committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts and expenses are incurred on a continuous basis, therefore budget and assessment rate approval must be expedited in order that the committees will have funds to pay their expenses.

While this action may impose some additional costs on handlers, including small entities, the costs are in the form of uniform assessments on all handlers which do not impose a significant economic impact on the small entities involved.

Based on the foregoing, the Secretary finds that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and to engage in public rulemaking procedure with repect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is found that the specified expenses and assessment rates will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Parts 918, 948, and 953

Marketing agreements and orders, Peaches (Georgia), Potatoes (Colorado, Virginia, and North Carolina).

For the reasons set forth in the preamble, 7 CFR Parts 918, 948, and 953 are amended as follows:

1. The authority citation for 7 CFR Parts 918, 948, and 953 continues to read as follows:

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

2. New §§ 918.224, 948.299, and 953.224 are added to read as follows (the following sections prescribe the annual expenses and assessment rates and will not be published in the Code of Federal Regulations):

PART 918—FRESH PEACHES GROWN IN GEORGIA

§ 918.224 Expenses and assessment rate.

Expenses of $12,660 by the Industry Committee are authorized, and an assessment rate of $0.01 per bushel of peaches is established for the fiscal period ending February 29, 1988. Unexpended funds may be carried over as a reserve.

PART 948—IRISH POTATOES GROWN IN COLORADO

§ 948.299 Expenses and assessment rate.

Expenses of $3,662.10 by the Colorado Potato Administrative Committee Area III are authorized, and an assessment rate of $0.002 per hundredweight of potatoes is established for the fiscal period ending June 30, 1988. Unexpended funds may be carried over as a reserve.

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

§ 953.244 Expenses and assessment rate.

Expenses of $10,000 by the Southeastern Potato Committee are authorized and an assessment rate of $0.005 per hundredweight of potatoes is established for the fiscal period ending May 31, 1988. Unexpended funds may be carried over as a reserve.

Dated: June 11, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87–13780 Filed 6–16–87; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 87–049]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of Arkansas from Class C to Class B. This action is necessary because we have determined that Arkansas meets the standards for Class