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Presidential Documents

Title 3—

The President

Memorandum of October 26, 1988

Interim Directive Regarding Disposition of Certain Mergers, Acquisitions, and Takeovers

Memorandum for the Secretary of the Treasury

By virtue of the authority vested in me by the Constitution and statutes of the United States, including without limitation Section 301 of Title 3 of the United States Code, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, August 23, 1988) (the "Act"), it is ordered as follows:

Pending the issuance of an Executive order to implement the Act, the Secretary of the Treasury is hereby designated and empowered to perform the following-described functions of the President: The authority vested in the President by Section 721 of the Defense Production Act of 1950, as amended, relative to mergers, acquisitions, and takeovers proposed or pending on or after the date of enactment of the Act by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States.

The Secretary of the Treasury shall consult with the Committee on Foreign Investment in the United States, established pursuant to Executive Order No. 11858 and chaired by the representative of the Secretary of the Treasury, to take such actions or make such recommendations as requested by the Secretary of the Treasury.

The delegation provided herein shall terminate, and this interim directive shall be without any further effect, except as may be provided in the Executive order implementing the Act, upon the effective date of such order.

This interim directive shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, October 26, 1988.

[FR Doc. 88-25343
Filed 10-28-88; 1:20 pm]
Billing code 4810-25-M

Rules and Regulations

Federal Register
Vol. 53, No. 211
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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 Stabilization and Conservation Service

7 CFR Part 760

Dairy Indemnity Payment Programs

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to amend the Dairy Indemnity Payment Program regulations to extend the operation of the program through September 30, 1990. This regulation is being promulgated as an interim rule because of an immediate need to reimburse dairy farmers as the result of aflatoxin contamination in milk and dairy cattle in Texas.

DATES: This regulation shall become effective November 1, 1988. Comments must be received by January 3, 1989.

ADDRESSES: Comments concerning this interim regulation should be addressed to: Director, Emergency Operations and Livestock Program Division, ASCS, USDA, South Building, room 4095, Washington, DC 20013. All comments will be available for public inspection, in Room 4095, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC, between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Susan Schneider, Agricultural Program Specialist, Emergency Operations and Livestock Programs Division, ASCS, USDA, Washington, DC 20013; Telephone (202) 447-5171.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 760) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Control No. 0560-0116.

This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, federal, State or local government agencies, or geographic regions; or (3) 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.

The title and number of the federal assistance program to which this rule applies are: Title: Dairy Indemnity Payments; Number: 10.053, as found in the Catalog of Federal Domestic Assistance.

Milton Hertz, Administrator, ASCS, certifies that this action will not increase federal paperwork burden for industry, small business, and other persons and will not have a significant economic impact or a substantive burden on small entities. Therefore the action is exempt from the provisions of the Regulatory Flexibility Act. Additionally, the Regulatory Flexibility Act is not applicable to this rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

The Dairy Indemnity Payment Program was originally authorized by section 331 of the Economic Opportunity Act of 1964 (78 Stat. 508). The statutory authority for the program has been extended several times, most recently by section 152 of the Food Security Act of 1985 (99 Stat. 1337) (the 85 Act) which authorized the program to be carried out through September 30, 1990. The objective of the program is to indemnify dairy farmers and manufacturers of dairy products who, through no fault of their own, suffer income losses with respect to milk or milk products which are removed from commercial markets because such milk or milk products contain certain harmful residues. In addition, dairy farmers can be indemnified for income losses with respect to milk which is required to be removed from commercial markets due to residues of chemicals or toxic substances or contamination by nuclear radiation or fallout.

The 85 Act made no substantive changes with respect to the Dairy Indemnity Payment Program but merely extended the time period for conducting the program through September 30, 1990. The regulations governing the program (7 CFR Part 760) currently authorize the operation of the program through January 31, 1988. Accordingly, it is necessary to amend § 760.2 of these regulations to make them effective through September 30, 1990.

This regulation is being promulgated as an interim rule because of an immediate need to reimburse dairy farmers as the result of aflatoxin contamination in milk and dairy cattle in Texas. This rule does not make any substantive changes in the program but merely extends the time period for conducting the program to conform with the 85 Act. A 60-day comment period is being provided to allow interested persons an opportunity to comment on the provisions of this interim rule. A final rule will be issued together with any changes which are necessary as a result of the comments received on the provisions of the interim rule.

List of Subjects in 7 CFR Part 760

Dairy producers, Indemnity payments, Pesticides, Pests.

Interim Rule

Accordingly, the regulations at 7 CFR Part 760 are amended as follows:

PART 760—[AMENDED]

1. The authority citation for 7 CFR Part 760 continues to read:

Authority: 7 U.S.C. 450j, k, and l.

§ 760.2 [Amended]

2. In § 760.2, paragraphs (k) (1) and (2), (l), and (o) are amended by striking out "January 31, 1988" and inserting in lieu thereof "September 30, 1990".

Signed at Washington, DC, on October 26, 1988.

Vern Neppl,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 88-25171 Filed 10-31-88; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 636, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 23 through October 29, 1988, from 264,000 cartons to 289,000 cartons. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 636, Amendment 1 (§ 910.936) is effective for the period October 23 through October 29, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington DC 20090-6456; telephone: (202) 447-5697.

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 action 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 issued 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.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988-89. The committee conducted a telephone poll on October 24, 1988, and, upon considering the current and prospective conditions of supply and demand, unanimously recommended that the quantity of lemons deemed advisable to be handled during the specified week be increased from 264,000 cartons to 289,000 cartons. The committee reports that the demand for lemons has improved beyond what was anticipated by the committee on October 19, 1988, when the 264,000 carton recommendation was made.

Pursuant to 5 U.S.C 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect 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 because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.936 is revised to read as follows:

[Note.—This section will not appear in the Code of Federal Regulations.]

§ 910.936 Lemon Regulation 636, Amendment 1.

The quantity of lemons grown in California and Arizona which may be handled during the period October 23, 1988 through October 29, 1988, is established at 289,000 cartons.

Dated: October 27, 1988.

Eric M. Forman,

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

[FR Doc. 88-25261 Filed 10-31-88; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 80876-8176]

15 CFR Part 775

Documentation Requirements: Grace Period for Requiring a Consignee/Purchaser Statement, International Import Certificate, and Indian Import Certificate

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Licensing (OEL) requires a Form ITA-629P, Statement by Ultimate Consignee and Purchaser, an International Import Certificate, or an Indian Import Certificate in support of certain individual export license applications (and reexport authorization requests). The consignee/purchaser statement, International Import Certificate, and Indian Import Certificate assure that foreign consignees and purchasers are aware of their responsibilities for the representations they make to OEL and for the disposition of U.S. origin goods.

A "special license" is an authorization for making multiple exports of a commodity(ies) under a single license. A Form ITA-6052P is required with most applications for special license in lieu of the forms filed with individual validated licenses. Form ITA-6052P provides the assurances normally obtained on the Form ITA-629P, the International Import Certificate, or the Indian Import Certificate.

This rule amends the Export Administration Regulations by requiring exporters to file a consignee/purchaser statement, International Import Certificate, or Indian Import Certificate with license applications for commodities removed from eligibility for