

**PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON**

**Determination Relative to Changing Fiscal Period**

Notice was published in the November 15, 1963 issue of the FEDERAL REGISTER (28 F.R. 12167) that consideration is being given to the proposal regarding the changing of the fiscal period (July 1 through June 30) under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601, et seq.).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was presented by the Oregon Fresh Prune Marketing Committee (established pursuant to the said marketing agreement and order), it is hereby found that the changing of the fiscal period, as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policies of the Agricultural Marketing Agreement Act of 1937, as amended. Such change of the fiscal period is hereby approved; and said change is as follows:

**§ 925.107 Change in fiscal period.**

The fiscal period which began June 1, 1963, shall end June 30, 1964. Thereafter the fiscal period shall begin July 1 of each year and end June 30 of the following year.

It is hereby further found that good cause exists for not postponing the effective date of § 925.107 beyond the date of publication in the FEDERAL REGISTER in that: (1) No advance preparation for such effective date will be required of handlers for compliance therewith; (2) the changed fiscal period will tend to effectuate the declared policy of the act; and (3) no useful purpose would be served by postponing such effective date.

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

Dated: December 11, 1963.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 63-12993; Filed, Dec. 13, 1963; 8:48 a.m.]

[945.322, Amdt. 1]

**PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON**

**Limitation of Shipments**

Findings. (a) Pursuant to Marketing Agreement No. 98, and Order No. 945

(7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments regulations hereinafter established, limiting the grade and size of such potatoes will maintain orderly marketing conditions tending to increase returns to potato growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of potatoes, in the manner set forth below, (3) regulations have been issued under the order since 1948 and have been in effect this season since July 17, 1963, so compliance with this amendment will not require any special preparation on the part of handlers, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended. Amend paragraph (a) of § 945.322 (28 F.R. 7212), to read:

**§ 945.322 Limitation of shipments.**

(a) Minimum quality requirements.—(1) *Grade*:

(i) *Round varieties*. U.S. No. 1, or better grade.

(ii) *Long varieties*. U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties*. 2 inches minimum diameter.

(ii) *Long varieties*. 6 ounces minimum weight except that potatoes of U.S. No. 1, or better grade, may be shipped if they are 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Kennebec variety*. Not more than "slightly dirty."

(ii) *All other varieties*. At least "generally fairly clean."

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

Dated December 11, 1963, to become effective December 16, 1963.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 63-12991; Filed, Dec. 13, 1963; 8:47 a.m.]

**PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY**

**Approval of Expenses and Rate of Assessment**

Notice of rule making regarding proposed expenses and a proposed rate of assessment, to be effective under Marketing Agreement No. 114, and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur was published in the FEDERAL REGISTER October 31, 1963 (28 F.R. 11637). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

**§ 947.216 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, and Order No. 947, both as amended, to enable such Committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period beginning July 1, 1963 and ending June 30, 1964, will amount to \$21,800.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended, shall be \$0.003 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1963, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

Dated: December 11, 1963.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 63-12992; Filed, Dec. 13, 1963;  
8:47 a.m.]

## PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALI- FORNIA

### Subpart—Administrative Rules and Regulations

#### MISCELLANEOUS AMENDMENTS

The Raisin Administrative Committee has unanimously recommended an amendment of § 989.158(a) of the administrative rules and regulations, as amended (Subpart—Administrative Rules and Regulations; 7 CFR 989.101 to 989.176). The amendment would permit persons (mainly producers) tendering natural condition raisins to handlers to remove, during the inspection and certification process, certain defects from the raisins. The Committee is established under, and its recommendation is made pursuant to, the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Subparagraph (3) of § 989.158(a) provides that natural condition raisins received by a handler shall, prior to acceptance, be inspected at the handler's inspection point during the unloading process. Handlers occasionally receive from tenderers some lots (as defined in § 989.104(a)(1)) of such raisins which contain a few wet boxes, or boxes with wet or high moisture content raisins in some areas of the individual boxes, especially along the edges or in the corners. Also, a few boxes may contain foreign material which can readily be removed, such as sandburs, puncture vine seed, Eucalyptus pods or leaves, rocks, and sticks. Under § 989.104(a)(4), all such raisins would, if the defects were not removed, become a separate lot or lots and certified as off-grade raisins. However, individual boxes of raisins off grade only due to such defects could, at times, be made to meet the minimum grade and condition standards by removing the wet bunches or foreign material, spreading the wet or high moisture content raisins among the other raisins in the same box so the moisture will equalize, dumping the raisins in a wet box into a dry box, or by a combination of such methods. Such actions can be, and often are, taken by the tenderers prior to delivery of the raisins to the handler. But occasionally boxes of raisins requiring such corrective action are not discovered by the producers prior to delivery and are detected by the inspector at the inspection point. If limited to a small number of boxes of a size which can be easily handled (e.g., not more than 10 or such lesser number

of boxes that does not exceed five percent of the lot, and boxes which are not larger than sweat boxes), such action can be taken at the inspection point promptly, and quickly completed, during the inspection and certification process without causing undue delay. Allowing a tenderer to take this action at the handler's inspection point during such process should, of course, be with the handler's permission. It would afford producers an opportunity to eliminate the cost that would otherwise be incurred in removing the raisins from the inspection point, returning them thereto after reworking the raisins at the farm or elsewhere outside of the inspection point, and subjecting them to another inspection and certification as a new lot or lots.

Based on the recommendation of the Committee, the information submitted therewith, other available information, and the foregoing, it is hereby found that the amendment of § 989.158(a) to permit (to the extent hereinafter set forth in the amendment) persons tendering natural condition raisins to handlers to remove, during the inspection and certification process, certain specified defects from the raisins will tend to reduce costs to producers, and other tenderers, thereby increasing producers' overall return, and thus tend to effectuate the declared policy of the act.

Therefore, § 989.158(a) of Subpart—Administrative Rules and Regulations (7 CFR 989.101-989.176) is amended by the addition thereto of subparagraph (9) reading as follows:

#### § 989.158 Natural condition raisins.

(a) \* \* \*

(9) With respect to any lot (as defined in § 989.104(a)(1)) of natural condition raisins being received and inspected at a handler's inspection point pursuant to subparagraph (3) of this paragraph and notwithstanding separation of the meeting portion of the original lot from the failing portions thereof for the purposes of § 989.104 and subparagraph (4) of this paragraph, any tenderer may, when permitted by the handler and when notified by the inspector of defects during the inspection and certification process, and in accordance with the provisions of this subparagraph, perform any one or more of the following on an individual box basis:

(i) Mix raisins within boxes containing raisins that are wet, or of high moisture content, in some areas of the box; (ii) dump raisins from wet boxes into dry boxes; (iii) remove wet raisins; or (iv) remove foreign material such as sandburs, puncture vine seed, Eucalyptus pods or leaves, rocks, and sticks. This authorization to the tenderer shall not extend to raisins in containers larger than sweat boxes; and the number of boxes in the original lot on which the aforesaid actions may be performed during such process shall not exceed ten, or five percent of the total number of containers in the lot, whichever is less. Where the percentage computation results in a fraction of a box and is less than ten boxes, it shall be rounded upward to the next number. The entire lot of raisins

shall remain under surveillance of the inspector during such process. The actions of the tenderer shall be done without delay, take place at the unloading dock in the inspection point, or in the immediate area thereof, and be under observation of the inspector.

It is hereby found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) This action relaxes restrictions on the inspection of raisins; (2) raisins of the 1963 production are now being received and inspected; and (3) this amendment should become effective promptly so that it will be applicable to as much of the 1963 production as practicable and thus tend to maximize the benefits derivable therefrom.

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

Dated: December 10, 1963, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,  
Director,  
Fruit and Vegetable Division.

[F.R. Doc. 63-12966; Filed, Dec. 13, 1963;  
8:46 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 74—SCABIES IN SHEEP

#### Designation of Free, Infected and Eradication Areas

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

#### § 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Kansas, Louisiana, Maine, Maryland, Massachu-

setts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, Wisconsin, and Wyoming;

(2) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Scotts Bluff, and Thomas;

(3) The following counties in Missouri: Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis; and all counties in the State of Missouri lying south thereof;

(4) The following counties in Illinois: Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all counties in the State of Illinois lying south thereof;

(5) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-De Baca County line to the northeastern corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

#### § 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Scotts Bluff, and Thomas;

(3) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(4) All counties in Missouri except Jackson, Lafayette, Saline, Cooper, Moniteau, Cole, Osage, Gasconade, Franklin, St. Louis; and all counties in the State of Missouri lying south thereof;

(5) All counties in Illinois except Madison, Bond, Clinton, Marion, Clay, Richland, and Lawrence; and all counties in the State of Illinois lying south thereof;

(6) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-De Baca County line to the northeastern corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

**Effective date.** The foregoing amendments shall become effective upon issuance.

The amendments add Hawaii County in the State of Hawaii to the list of free areas and delete such State from the list of infected and eradication areas as sheep scabies is no longer known to exist therein. The entire State of Hawaii has now been designated as a free area.

Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such State. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and the amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1963.

M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 63-12995; Filed, Dec. 13, 1963; 8:48 a.m.]

## Title 13—BUSINESS CREDIT AND ASSISTANCE

### Chapter I—Small Business Administration

[Rev. 1]

#### PART 127—JOINT SET-ASIDES

Part 127 of Chapter I of Title 13 of the Code of Federal Regulations is revised to read as follows:

Sec.	Statutory provisions.
127.15	Statutory provisions.
127.15-1	General.
127.15-2	Procedures for the set-aside of Government purchases.
127.15-3	Procedures for the set-aside of Government sales.
127.15-4	Participation of small business concerns in Government procurement and disposal program.

**AUTHORITY:** Section 15 of the Small Business Act, 72 Stat. 385.

#### § 127.15 Statutory provisions.

SEC. 15. To effectuate the purposes of this Act, small business concerns within the meaning of this Act shall receive any award or contract or any part thereof, and be awarded any contract for the sale of Government property, as to which it is determined by the Administration and the contracting procurement or disposal agency (1) to be in the interest of maintaining or mobilizing the Nation's full productive capacity, (2) to be in the interest of war or national defense programs, (3) to be in the interest of assuring that a fair proportion of the total purchases and contracts for property and services for the Government are placed with small business concerns, or (4) to be in the interest of assuring that a fair proportion of the total sales of Government property be made to small business concerns; but nothing contained in this Act shall be construed to change any preferences or priorities established by law with respect to the sale of electrical power or other property by the