Thursday, July 30, 1964

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

SUBPART C—PROCEDURE FOR CONTRACT APPEALS

Board of Contract Appeals; Membership

Section 1.103 Board of Contract Appeals is amended as follows:

§ 1.103 Board of Contract Appeals.

(a) Membership. The Board of Contract Appeals shall be designated by the Administrative Assistant Secretary for each case and be composed of not less than three members as follows: One member from the Office of the General Counsel, who shall serve as Chairman, one member from the Office of Plant and Operations, who shall serve as Secretary, and one member from the Department, experienced in the subject matter of the work involved in the contract. Other members from the Department may be designated upon recommendation by the Director of Plant and Operations. No member shall have been directly involved in the formulation or administration of the contract in dispute. An alternate may be designated by the Administrative Assistant Secretary for any Board member who dies, is absent, or disqualified. The Director of Plant and Operations shall, in consultation with the agencies involved, determine availability of employees best qualified to serve on the Board and advise the Administrative Assistant Secretary thereof with his recommendations for composition of the Board.

* * * * *

This amendment shall become effective upon publication.


JOSPH M. ROBERTSON,
Administrative Assistant Secretary.

(P.R. Doc. 64-7003; Filed, July 29, 1964; 8:50 a.m.)

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Apples

On June 3, 1964, a notice of proposed rule making was published in the Federal Register (29 F.R. 7242) regarding

a proposed revision of United States Standards for Grades of Apples (7 CFR, §§ 51.300-51.323).

Statement of considerations leading to the revision of the grade standards. These grade standards were last revised in September 1963. Experience in the application of the standards during the past packing season indicated the need for further changes in packing requirements in § 51.311 and in the definition of diameter in § 51.322 in order to bring the standards into line with current sizing and packaging practices. In addition to these changes the proposal included clarification of several other requirements and definitions in the interest of more uniform interpretation and application of the grade standards.

In response to the proposed revised standards a large retail organization submitted comments recommending a number of changes. Important among these were higher color requirements and reduced tolerances for defects, particularly in individual containers. These views generally are not shared by producers and shippers of apples, and in the absence of change in the grading data no change is made in the requirements of the standards as published under notice of proposed rule making.

After consideration of all relevant matters presented, including the proposed set forth in the aforesaid notice, the following United States Standards for Grades of Apples are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

GRADES

§ 51.300 U.S. Extra Fancy.

"U.S. Extra Fancy" consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal breaking, external breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible water core, and broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from injury caused by smooth net-like russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and from damage by smooth solid, slightly rough or rough russetting, or stem or calyx cracks, and free from damage by invisible water core after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in § 51.305 for the variety. (See §§ 51.305 and 51.307.)

§ 51.301 U.S. Fancy.

"U.S. Fancy" consists of apples of one variety which are mature but not overripe, carefully hand-picked, clean, fairly well formed; free from decay, internal breaking, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible water core, and broken skins and bruises except those which are incident to proper handling and packing. The apples are also free from damage caused by russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible water core after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in § 51.305 for the variety. (See §§ 51.305 and 51.307.)

§ 51.302 U.S. No. 1.

The requirements of this grade are the same as for U.S. Fancy except for color, russetting, and invisible water core. In this grade less color is required for all varieties with the exception of the yellow and green varieties other than Golden Delicious. Apples of this grade are free from excessive damage caused by russetting which means that apples meet the russetting requirements for U.S. Fancy as defined under the definitions of "damage by russetting," except the aggregate area of an apple which may be covered by smooth net-like russetting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russetting shall not exceed 10 percent. Provided, That in the case of the yellow Newtown and similar varieties the aggregate area of an apple which may be covered with smooth solid russetting shall not exceed 20 percent. Each apple of this grade has the amount of color specified in § 51.305 for the variety. There is no requirement in

§ 51.303 U.S. Condition Standards for Export.

Sec. 51.323 U.S. Condition Standards for Export.

AUTHORITY: The provisions of this subpart issued under secs. 203, 206, 80 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

Chapters 2 to 89 inclusive of Title II of the Act (22 U.S.C. 2451 et seq.) are not applicable to the United States Standards for Grades of Apples.
this grade pertaining to invisible water core. (See §§ 51.305 and 51.307.)

(a) U.S. No. 1 Early: "U.S. No. 1 Early" consists of apples which meet the requirements of U.S. No. 1 grade except as to color and maturity, and meet a minimum size requirement. Apples of this grade have no color requirements, need not be mature, and are not less than 3 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See § 51.307.)

(b) U.S. No. 1 Hall: "U.S. No. 1 Hall" consists of apples which meet the requirements of U.S. No. 1 grade except that hall marks where the skin has not been broken, and well healed hall marks where the skin has been broken, are permitted, provided the apples are fairly well formed. (See §§ 51.305 and 51.307.)

§ 51.303 U.S. Utility.

"U.S. Utility" consists of apples of one variety which are mature but not overripe, carefully hand-picked, not seriously bruised, sound; free from decay, internal browning, internal breakdown, scald, and freezing injury. The apples are also free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russetting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, disease, insects, or other means. (See § 51.307.)

§ 51.304 Combination grades.

(a) Combinations of the above grades may be used as follows:

(1) Combination U.S. Extra Fancy and U.S. Fancy;

(2) Combination U.S. Fancy and U.S. No. 1;

(3) Combination U.S. No. 1 and U.S. Utility.

Combinations other than these are not permitted in connection with the U.S. apple grades. When Combination grades are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See § 51.307.)

COLOR REQUIREMENTS

§ 51.305 Color requirements.

In addition to the requirement specified for the grades set forth in §§ 51.300 to 51.304 apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface where the skin has been broken, where the skin has not been broken, are permitted, provided the apples are fairly well formed. (See §§ 51.305 and 51.307.)

§ 51.306 Unclassified.

"Unclassified" consists of apples which have not been classified in conformity with any of the foregoing grades. "U.S. Grade Unclassified" is no grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.307 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances are provided as specified:

(a) Defects: (1) U.S. Extra Fancy, U.S. Fancy, U.S. No. 1 Early, U.S. No. 1 Hall grades: 10 percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be blemished, infected, or otherwise damaged by insects or affected by decay or internal breakdown.

(b) U.S. Utility grade: 10 percent of the apples may not comply with the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be blemished, infected, or otherwise damaged by insects or affected by decay or internal breakdown.

(c) Size: When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may have one defective apple or more than 5 percent of the apples in any lot may be smaller than the designated minimum diameter, but not more than 10 percent may be larger than the designated maximum.

APPLICATION OF TOLERANCES

§ 51.308 Application of tolerances.

The contents of individual packages in the lot, are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade. (See § 51.307.)

(1) Shall have not more than one and one-half times a specified tolerance of the apples in any lot, but not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in each package.

(2) Packages which contain 10 pounds or more of:

(a) Packages which contain 10 pounds or more of:

(1) Shall have not more than one and one-half times a specified tolerance of the apples in any lot, but not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in each package.

(b) Packages which contain 10 pounds or less:

(1) Not over 10 percent of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: Provided, That not more than one apple or more than twice the tolerance (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

CALCULATION OF PERCENTAGES

§ 51.309 Calculation of percentages.

(a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.
will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following specific defects, any other defect, or any combination of defects, which materially detract from the appearance, or make the edible or shipping quality of the apple. The following specific defects shall be considered as injury:

(a) Russetting in the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russetting.

The area referred to that of a circle of the specified diameter.

(d) Hall marks, drought spots, other similar depressions or scars:

(1) When the skin is broken, whether healed or unhealed;

(2) When there is appreciable discoloration of the surface of the fruit;

(3) When any surface indentation exceeds one-sixteenth inch in depth;

(4) When any surface indentation exceeds one-eighth inch in depth, or;

(5) When the aggregate affected area of such spots exceeds one-half inch in diameter.

(e) Disease; (1) Cedar rust infection which affects a total area of more than three-sixteenths inch in diameter.

(2) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(3) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(f) Insects; (1) Any healed sting or healed stings which affect a total area of more than one-sixteenth inch in diameter, including any encircling discolored rings.

(2) Worm holes.

§ 51.319 Damage.

"Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detract from the appearance, or make the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

(a) Russetting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russetting.

(b) Russetting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russetting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted.

(3) Smooth solid russetting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russetting when the appearance is affected to a greater extent than the above amount permitted.

§ 51.313 Mature.

"Mature" means that the apples have reached the stage of development which
(4) Slightly rough russetting which covers an aggregate area of more than one-half inch in diameter.

(5) Rough russetting which covers an aggregate area of more than one-fourth inch in diameter.

(6) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting.

(7) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russetting.

(8) Hall marks, drought spots, other similar depressions or scars:

(e) When any unhealed mark is present;

(2) When any surface indentation exceeds one-eighth inch in depth;

(3) When the skin has not been broken and the characteristic affected area exceeds one-half inch in diameter;

(4) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(f) Invisibles water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the area encircling the bundles meet or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Disease:

(1) Scab spots which affect a total area of more than one-fourth inch in diameter.

(2) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-fourth inch in diameter.

(5) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(h) Insects:

(1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter by encircling discolored rings.

(2) Worm holes.

§ 51.320 Serious damage.

“Serious damage” means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russetting shall be considered as serious damage:

(1) Smooth solid russetting, when more than one-half of the surface in the aggregate is covered, including any russetting in the stem cavity or calyx basin, or slightly rough, or excessively rough or bark-like russetting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russetting permitted: Provided, That any amount of russetting shall be permitted on Roxbury Russet and other similar varieties.

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hall marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-fourth inch in diameter, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting.

(e) When any unhealed mark is present:

(2) When any surface indentation exceeds one-eighth inch in depth;

(3) When the skin has not been broken and the characteristic affected area exceeds one-half inch in diameter;

(4) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(f) Invisibles water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the area encircling the bundles meet or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Disease:

(1) Scab spots which affect a total area of more than three-fourths inch in diameter.

(2) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.

(3) Sooty blotch or fly speck which affects more than one-third of the surface.

(4) Red skin spots which affect more than one-fourth inch in diameter.

(5) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(h) Insects:

(1) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter by encircling discolored rings.

(2) Worm holes.

§ 51.321 Seriously deformed.

“Seriously deformed” means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.322 Diameter.

When measuring for minimum size, “diameter” means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size, “diameter” means the smallest dimension of the apple determined by passing the apple through a round opening in any position.

U.S. CONDITION STANDARDS FOR EXPORT

§ 51.323 U.S. Condition Standards for Export

(2) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(3) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(4) Not more than a total of 5 percent of the apples in any lot shall be affected by scald, internal breakdown, freezing injury, or decay; or damaged by water core, bitter pit, Jonathan spot, or other condition factors: Provided, That:

(1) Not more than a total of 2 percent shall be allowed for apples affected by decay and soft scald;

(2) Not more than 2 percent shall be allowed for apples affected by internal breakdown;

(3) Not more than 2 percent shall be allowed for apples affected by slight scald.

(d) Container packs shall comply with packing requirements specified in §19.311 of the United States Standards for Grades of Apples.

(e) Any lot of apples shall be considered as meeting the U.S. Condition Standards for Export if the entire lot averages within the requirements specified: Provided, That no package in any lot shall have more than double the percentages specified, except that for packages containing more than 100 pounds of less, individual packages in any lot may have not more than three times the tolerance or one apple (whichever is the greater amount).

Note: “Damage by water core” means external or invisible water core existing around the core and extending to water core in the vascular bundles; or surrounding the vascular bundles when the area encircling the bundles meet or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles; or any externally visible water core.

The United States Standards for Grades of Apples contained in this subpart shall become effective September 1, 1964, and will thereupon supersede the United States Standards for Grades of Apples which have been in effect since September 20, 1963 (7 C.F.R., §§ 51.300-51.323).

Dated: July 24, 1964.

R. R. GRANGER, Deputy Administrator, Marketing Services.

Chapter VIII—Agriculture Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 945.2—Supp. 3]

PART 845—MAINLAND CANE SUGAR AREA

Approved Local Areas for 1963 Crop

§845.5 Approved local areas for the 1963 crop.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1963-crop sugar cane pursuant to paragraph (e) of §845.2, as amended, the local ASC parish committees in Louisiana and the
§ 921.204 Expenses and rate of assessment for the 1964-65 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1964, and ending March 31, 1965, will amount to $10.187.

(b) Rate of assessment: The rate of assessment which each handler who first handles fresh peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at seventy cents ($0.70) per ton of fresh peaches so handled by such handler during such fiscal period.

(c) Reserve: Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1964, shall be carried over as a reserve assessment, which each handler who engages in the handling of fresh peaches during the fiscal period ended March 31, 1964, shall be charged with, at the rate of one dollar ($1.00) per ton of fresh peaches so handled during such period.

(d) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the Federal Register (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said marketing agreement and order and this Part 921 have occurred in the following parish and local producing area:

LOUISIANA

Parish approved in its entirety:

West Feliciana.

All of Florida.

Statement of bases and considerations:

This supplement provides public notice of the parish and local producing area in Louisiana and Florida where due to drought, flood, storm, freeze, disease or insects, the 1965 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment or deficiency payments. Producers on these farms who have not filed applications for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before December 31, 1964, as provided in 7 C.F.R. 892.1 (29 F.R. 9426).


Effective date: Date of publication.


RAY F. FITZGERALD, Deputy Administrator, State and County Operations.

[F.R. Doc. 64-7866; Filed, July 29, 1964; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to the Expenses and the Fixing of the Rate of Assessment for the 1964-65 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the July 8, 1964, issue of the Federal Register (29 F.R. 3339) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1965, under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Commission and the Washington-Oregon Fresh Peach Marketing Agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peaches, in the manner hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to go into public proceedings, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective, it is necessary to establish and declare that policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for not postponing the effective time of this section until 30 days after publication in the Federal Register.

It is hereby further found that the limitation of shipments of fresh peaches, in accordance with the provisions of § 921.42 of said marketing agreement and order, to enable such peaches to be shipped if they grade at least U.S. No. 1: (a) Uniform grade requirement.

Such prunes for export may be shipped if they otherwise grade at least U.S. No. 1: (b) Order. During the period beginning at 12:01 a.m., P.S.T., August 1, 1964, and ending at 12:01 a.m., P.S.T., November 1, 1964, no handler shall handle any lot of peaches unless such prunes meet the following applicable requirements, or are handled in accordance with the provisions of said committee on July 16, 1964, after information were submitted to the Department; shipments of the current crop of such peaches will begin on or about August 1, 1964, and ending at 12:01 a.m., P.S.T., November 1, 1964, no handler shall handle any lot of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will await the development of the crop and adequate information thereof therefore necessary to the Washington-Oregon Fresh Prune Marketing Committee until July 16, 1964, recommendation as to the need for, and the extent of, limitation of shipments of such peaches, was not available at the meeting of said committee on July 16, 1964, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department; shipments of the current crop of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will await the development of the crop and adequate information thereof therefore necessary to be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will await the development of the crop and adequate information thereof therefore necessary to

(a) Furnished by the Washington-Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 924.303 Prune Regulation 2.

(a) Findings. (1) Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Commission and the Washington-Oregon Fresh Peach Marketing Agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to go into public proceedings, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective, it is necessary to establish and declare that policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for not postponing the effective time of this section until 30 days after publication in the Federal Register.
test of the juice from the blossom end sections of not less than 10 prunes selected at random from the lot. The blossom end section of each prune shall be cut at right angles to the longitudinal axis to the depth of the pit, and the juice therefrom tested either on a composite basis or individual tests averaged.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 924.41 (Assessment) and 924.55 (Inspection and certification) of this part.

(4) The term "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (§§ 51-1520-51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Fresh Plums and Prunes (§§ 51-1520-51.1537 of this title); the term "weight may be handled without regard to the restrictions specified in this part."

REGULATIONS

No. 2" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51-1520-51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1964); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: August 1, 1964.


GEORGE L. MEHREN, Assistant Secretary.

[F.R. Doc. 64-7681; Filed, July 29, 1964; 8:47 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Part 211 is amended to read as follows:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Sec. 211.1 Visas.
211.2 Passports.
211.3 Expiration of immigrant visas; reentry permits, and Forms I-151.


§ 211.1 Visas. A valid unexpired immigrant visa shall be presented by each arriving immigrant alien except an immigrant who (a) is a child born subsequent to the issuance of an immigrant visa to his accompanying parent and applies for admission during the validity of such a visa, or (b) is a child born during the temporary visit abroad of a father who is a lawful permanent resident alien, or a national, of the United States, provided the child's application for admission to the United States is made within two years of his
I Republics, or Yugoslavia, except when the
public), the Union of Soviet Socialist
of Germany (German Democratic Re-
ialia, Estonia, Hungary, Latvia, Lithu-
States has been waived, or except when the
an, in, or through Bulgaria, Czechoslo-

The contracts with transportation lines referred to in sections 238 (a) and (b) of the Act shall be made by the regional commissioner in behalf of the Government and shall be in such form as prescribed. The contracts with transportation lines referred to in section 238 (d) of the Act shall be made by the Commissioner in behalf of the Government and shall be on Form I-426. The contracts with transportation lines desiring their passengers and crews preinspected at places outside the United States shall be made by the Commissioner in behalf of the Government and shall be on Form I-426.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

2. Section 238.1 is amended to read as follows:

§ 238.1 Contracts.

The contracts with transportation lines referred to in sections 238 (a) and (b) of the Act shall be made by the regional commissioner in behalf of the Government and shall be in such form as prescribed. The contracts with transportation lines referred to in section 238 (d) of the Act shall be made by the Commissioner in behalf of the Government and shall be on Form I-426. The contracts with transportation lines desiring their passengers and crews preinspected at places outside the United States shall be made by the Commissioner in behalf of the Government and shall be on Form I-426.

PART 299—IMMIGRATION FORMS

4. The list of forms in § 299.1 prescribed forms is amended by adding the following form and reference thereto in numerical sequence:

Form No. Title and description
I-425... Agreement for Preinspection at Places Outside United States.
(Rev. 4-76; 36 U.S.C. 1103)

This order shall become effective on the date of its publication in the Federal Register. Compliance with the provisions of section 4 of the Administrative Procedure Act (50 Stat. 238; 5 U.S.C. 553) as a notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and confer benefits upon persons affected thereby.

Dated: July 24, 1964.

RAYMOND P. FARRELL, Commissioner of Immigration and Naturalization.

(P.R. Doc. 64-7588; Filed, July 29, 1964; 8:48 a.m.)

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

PART 364—TRADE FAIRS IN THE UNITED STATES

Sec.
364.1 Definitions.
364.2 Who may apply for designation of a fair.
364.3 How to apply for designation of a fair.
364.4 Subsistence of application.
364.5 Extending closing date of a fair.

Authority: The provisions of this Part issued under 73 Stat. 18, 19 U.S.C. 1701 through 1706.

§ 364.1 Definitions.

For the purpose of the regulations in this part:
§ 364.1 Who may apply for a designation of a fair.

(a) An operator of a fair to be held in the United States shall make application for designation of the fair, in accordance with the instructions set forth on the form and in this part.

(b) Form IA–32 shall be completed in quadruplicate. Two copies of the form shall be filed with the Bureau of International Commerce, Office of International Trade Promotion, Bureau of International Commerce, to have the fair designated as being in the public interest in promoting trade and therefore eligible for the privileges of duty-free entry provided by the Act for articles to be exhibited at the fair or for use in constructing, installing, or maintaining foreign exhibits at the fair.

§ 364.3 How to apply for designation of a fair.

(a) An operator of a fair to be held in the United States shall make application upon Form IA–32, Application for Designation of a Fair, with the Bureau of International Commerce, Office of International Trade Promotion, Bureau of International Commerce, listed in paragraph (c), which is nearest to the applicant. The fourth copy shall be retained in the applicant’s files for the duration of the fair.

(c) Application forms may be obtained from the Bureau of International Commerce or any of the following Department of Commerce Field Offices:

- Anchorage, Alaska, 99501, Room 306 Loussac-Sogn Building.
- Atlanta, Ga., 30303, Fourth Floor, Home Savings Building, 75 Forsyth Street NW.
- Baltimore, Md., 21222, Room 306 U.S. Customhouse, Gay and Lombard Streets.
- Birmingham, Ala., 35203, Title Building, 2050 Fourteenth Avenue North.
- Boston, Mass., 02110, Room 260, 90 Federal Street.
- Buffalo, N.Y., 14203, 504 Federal Building.
- Charleston, S.C., 29401, No. 4 North Atlantic Wharf.
- Charleston, W. Va., 25301, 3002 New Federal Office Building, 500 Quay Street.
- Cheyenne, Wyo., 82001, 207 Majestic Building, 16th and Capital Ave.
- Chicago, Ill., 60606, Room 1302, 226 West Adams Boulevard.
- Cincinnati, Ohio, 45202, 6028 Federal Office Building, 550 Main Street.

1 Copies of Form IA–32 have been filed with the Office of the Federal Register.
FEDERAL REGISTER

It is ordered, That respondent Walter J. Black, Inc., a corporation and its officers, agents, representatives, and employees, directly or through any corporation, firm, or other device, in connection with or for the purpose of offering for sale, sale or distribution of publications, books or other merchandises in commerce, as “commerce” is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Using the term “Mohair” in lieu of the word “wool” in setting forth the required information on labels affixed to wool products without setting forth the correct percentage present.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[FR Doc. 64-7556; Filed, July 29, 1964; 8:45 a.m.]

[Docket No. C-782] PART 13—PROHIBITED TRADE PRACTICES

Colvinni Ltd. et al.


Subpart—Concealing subterfuge or that any accounts have been turned over to a bona fide credit reporting agency; or that accounts have been turned over to such agencies or other law enforcement agencies.

Subpart—Offering for sale, sale or distribution of books, publications, and any other agency or bureau, unless respondent establishes that there is a business or firm of attorneys, or law firm, or firm of attorneys, or lawyer at law or firm of attorneys representing respondent.


Consent order requiring New York City importers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling sweaters falsely as “65% Mohair, 30% Wool, 5% Nylon”, failing to label certain sweaters with the percentage of the constituent fibers contained therein, and using the term “Mohair” in lieu of the word “Wool” on wool products labels without setting forth the correct percentage of the mahair present.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Colvinni Ltd., a corporation, and its officers, and Seymour P. Silver, Harold Silver, and Sol Bier, individually and as officers of said corporation, consent order requiring New York City importers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling sweaters falsely as “65% Mohair, 30% Wool, 5% Nylon”, failing to label certain sweaters with the percentage of the constituent fibers contained therein, and using the term “Mohair” in lieu of the word “Wool” on wool products labels without setting forth the correct percentage of the mahair present.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Colvinni Ltd., a corporation, and its officers, and Seymour P. Silver, Harold Silver, and Sol Bier, individually and as officers of said corporation, consent order requiring New York City importers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling sweaters falsely as “65% Mohair, 30% Wool, 5% Nylon”, failing to label certain sweaters with the percentage of the constituent fibers contained therein, and using the term “Mohair” in lieu of the word “Wool” on wool products labels without setting forth the correct percentage of the mahair present.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:


Consent order requiring a seller of books, in Garden City, N.Y., and its two subsidiaries to cease representing falsely, in letters and notices to purportedly delinquent customers, that, if payment was not made, the delinquent's name was transmitted to a credit reporting agency and his credit rating adversely affected; and by use of letterheads of the fictitious "The Mail Order Credit Reporting Association, Inc." and "Mr. John J. Murphy, Attorney at Law", that accounts had been, or would be, turned over to a bona fide collection agency or an outside attorney for collection or legal proceed-
Trade Commission Act, do forthwith cease and desist from representing directly or by implication that:

1. (a) A customer's name will be or has been turned over to a bona fide credit reporting agency unless respondents established that where payment is not received, the information of said delinquency is referred to a separate, bona fide credit reporting agency; and

(b) A customer's general or public credit rating will be adversely affected unless respondents establish that where payment is not received, the information of said delinquency is referred to a separate, bona fide credit reporting agency or other business organizations;

2. Delinquent accounts will be or have been turned over to a bona fide, separate, independent collection agency or attorney for collection unless respondents in fact turn such accounts over to such agencies, or attorney; and

3. Delinquent accounts will be turned over to an attorney to institute suit or other legal action where payment is not made, unless respondents establish that such is the fact;

4. Delinquent accounts have been or will be turned over to the "The Mail Order Credit Reporting Association, Inc." for collection or any other purpose;

5. "The Mail Order Credit Reporting Association, Inc.", any fictitious name, or any trade name owned in whole or in part by respondents or over which respondents exercise operating control is an independent, bona fide collection or credit reporting agency;

6. "John J. Murphy," or any other person or firm is an outside, independent attorney at law or firm of attorneys representing respondents for collection of past due accounts unless respondents established that a bona fide attorney-client relationship exists between respondents and said attorney or attorneys, for purposes of collecting such amounts;

7. Mailers, notices or other communications in connection with the collection of respondents' accounts which have been prepared or originated by respondents have been prepared or originated by an independent attorney or firm, or corporation.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[F.R. Doc. 64-7588; Filed, July 29, 1964; 8:45 a.m.]

[Docket No. 7228-o.]

PART 13—PROHIBITED TRADE PRACTICES

Flotill Products, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820

Direct buyers: [Discriminating in price under section 2, Clayton Act]—Payment or services or facilities for processing or sale under 2(d): § 13.834 Advertising expenses.


In the Matter of Flotill Products, Inc., a Corporation, Mrs. Meyer L. Lewis, Albert S. Heiser, and Arthur H. Heiser, Individually and as officers of Said Corporation

Order requiring Stockton, Calif., canners of various fruit and vegetable items such as peaches, fruits, cocktails, and tomatoes, to cease violating section 2(e) of the Clayton Act by such practices as granting an allowance of 2 1/2 percent in lieu of brokerage on its total purchases to a large wholesale grocer which purchases directly without broker expense; and violating section 2(d) of the Act by granting promotional allowances to certain retail grocery chains without making comparable payments available to the chains' competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Tillie Lewis Foods, Inc. (formerly Flotill Products, Inc.), Mrs. Meyer L. Lewis, Albert S. Heiser, and Arthur H. Heiser, individually and as officers of said corporation, and respondents' and said attorney or attorneys, or any representative of respondents, fail to, and it hereby is, adopted as the definition of "subscription service," for purposes of the Fur Products Labeling Act.

It is further ordered, That, with the exception of findings numbered 105 through 110 which have not been reviewed, the initial decision, as modified, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents Tillie Lewis Foods, Inc. (formerly Flotill Products, Inc.), Mrs. Meyer L. Lewis, Albert S. Heiser and Arthur H. Heiser shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth herein.

By the Commission. Commissioner Elmendorf's views are for other separate opinion. Commissioner MacIntyre dissented in part. Commissioner Reilly did not participate for the reason he did not hear oral argument.

Issued: June 26, 1964.

[SEAL] W. S. SHEA, Secretary.

[F.R. Doc. 64-7588: Filed, July 29, 1964; 8:45 a.m.]

[Docket No. C-784]

PART 13—PROHIBITED TRADE PRACTICES

Grace's Inc., and George Marshall Trammell Jr.


(b) Place.


Consent order requiring retail furriers in Nashville, Tenn., to cease violating the Fur Products Labeling Act by representing falsely, in advertising and on labels that prices of fur products were reduced from former prices which were, in fact, fictitious; failing, in invoicing and advertising, to show the true animal and country of origin of furs; and to use the terms "Persian Lamb" and "Dyed Broadtail-processed Lamb" as re-