

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Interstate Commerce Commission

Section 213.3322 is amended to show the exception under Schedule C of the position of Congressional Liaison Officer in the Interstate Commerce Commission. Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 213.3322 as set out below.

§ 213.3322 Interstate Commerce Commission.

(c) One Congressional Liaison Officer.
(R.S. 1763, sec. 2, 22 Stat. 403, as amended;
§ U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521,
3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 65-179; Filed, Jan. 8, 1965;
8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 1]

PART 16—MILK INDEMNITY PAYMENT PROGRAM

Subpart—Regulations Governing Milk Indemnity Payments

MISCELLANEOUS AMENDMENTS

The regulations issued by the Department of Agriculture, which set forth the terms and conditions under which the indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content, 29 F.R. 14837, are amended as follows:

1. Section 16.2 (h) and (j) is amended to read as follows:

§ 16.2 Definitions.

(h) "Eligible farmer" means a person who produces milk which is removed from the commercial market anytime from January 1, 1964, through January 31, 1965, pursuant to direction of a public agency or a milk handler because of detection of pesticide residue in such milk by tests made by a public agency or under a milk testing program deemed adequate for the purpose by a public agency.

(j) "Application period" means any period with respect to which application

for payment is made beginning not earlier than January 1, 1964, and ending not later than January 31, 1965, during which an eligible farmer's milk is removed from the commercial market pursuant to direction of a public agency or milk handler for reason specified in paragraph (h) of this section.

2. Section 16.8 is amended to read as follows:

§ 16.8 Application for payment.

Application for payment shall be made, on a form prescribed therefor by the Deputy Administrator, by the eligible farmer or his legal representative, as set forth in § 16.12, who must sign and file the form with the ASCS county office for the county where the farm headquarters are located no later than March 1, 1965. However, applications may be accepted after such date if the State Committee determines that the eligible dairy farmer was prevented from filing by such date because of illness, or other reasons beyond his control. Applications for payment shall cover application periods of at least 28 days, except that, if the entire application period or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period.

(Sec. 331, Economic Opportunity Act of 1964, 78 Stat. 525)

Effective date: Date of publication.

Signed at Washington, D.C., on January 5, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-259; Filed, Jan. 8, 1965;
8:46 a.m.]

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 868.17]

PART 868—SUGARCANE; VIRGIN ISLANDS

Wage Rates; Calendar Year 1965

Pursuant to the provisions of section 301(c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 27, 1964, the following determination is hereby issued.

§ 868.17 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1965.

(a) Requirements. A producer of sugarcane in the Virgin Islands shall be

deemed to have complied with the wage provisions of the act during the calendar year 1965 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) Wage rates. All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after January 9, 1965, the date of publication of this section in the FEDERAL REGISTER, or January 1, 1965, whichever is later, not less than the following:

(i) Basic time rates. The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker	Basic rates per hour
A—Operator of mechanical loaders.....	\$0.90
B—Operator of tractors and trucks.....	.75
C—Chemical sprayers.....	.70
D—All others.....	.65

(ii) Apprentice operators of mechanical loaders and tractors. For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for tractor operators in Class B of subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided*, That the training period for such workers shall not exceed six work-weeks: *And provided further*, That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) Handicapped workers. For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided*, That the producer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) Overtime. Persons employed in excess of 8 hours in any 24-hour period or in excess of 40 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regulations.

(v) Piecework rates. If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided*, That

the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of two years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the Area office records or such other evidence as may satisfy such office that the requirements of this section have been met.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Area office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms may be obtained by writing to the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the Area office is not acceptable, either party may file an appeal with the Deputy Adminis-

trator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1965, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(c) *1965 Wage determination.* This determination continues the wage rates and other provisions of the 1964 determination, except that producers are required to keep and preserve for a period of two years records which will fully demonstrate that workers have been paid in full in accordance with the requirements of this determination.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 27, 1964, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1965. A representative of Harvian, Inc. (recent purchaser of the sugarcane production and processing facilities of the Virgin Islands Corporation), the largest producer and only processor of sugarcane in the Virgin Islands, recommended that there be no change in the minimum wage provisions of the determinations. The witness testified that the outlook for the 1965 crop was very poor, due to severe drought conditions and continued low prices for raw sugar. He stated that the company employed about 140 workers, all of whom were paid the minimum hourly rates or more; that it was necessary to import foreign workers because the local supply of labor was insufficient; and that the company was committed

to operate the mill only through the 1966 crop year.

A representative of one of the larger independent producers recommended that there be no change in the minimum wage provisions of the determination. The witness testified that the drought was such that the crop would be very poor, or perhaps no crop at all. He stated that he was employing 28 workers, of whom 2 were skilled and the remainder were unskilled; that in 1964 cane cutters were paid \$1.80 per ton as compared to \$1.50 in 1963; that workers who loaded cane on trucks were paid \$1.08 per ton, while those who loaded cane in carts were paid \$0.90; that truck drivers were paid 75-85 cents per hour, depending upon experience; that it was necessary to import foreign workers; and that there had been no change in local laws affecting the minimum wage.

Consideration has been given to the testimony presented at the hearing, to the economic position of sugarcane producers, and to other pertinent factors. The returns, costs, and profits for the sugarcane producing operations of the corporation (now Harvian, Inc.) and of independent producers, obtained by field study in prior years, have been recast in terms of prospective price and production conditions for the 1965 crop. The analysis indicates that sugarcane production costs have varied substantially during recent years as a result of major differences in annual production and yields of sugarcane and that the production of sugarcane is profitable only when weather and growing conditions are favorable. Present prospects indicate that the 1965 crop will not be profitable.

Prior wage determinations have provided that the producer was required to furnish, upon request, to the Area office acceptable and adequate proof that all workers had been paid in accordance with the requirements of the determination. This determination strengthens that requirement. Producers are required to keep and preserve for a two-year period beyond the date of filing his application for a Sugar Act payment, adequate records relating to wage payments to sugarcane workers on the farm. The requirement that wage payment records be kept for a period of two years after applying for a Sugar Act payment coincides generally with the period in which a worker may file a wage claim. This additional requirement will facilitate the settlement of wage claims which may be filed by workers.

After consideration of the pertinent factors involved, the rates established in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau

of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective on January 9, 1965.

Signed at Washington, D.C., on January 6, 1965.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 65-274; Filed, Jan. 8, 1965;
8:48 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 878.17]

PART 878—SUGARCANE; VIRGIN ISLANDS

Prices; 1965 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 27, 1964, the following determination is hereby issued:

§ 878.17 Fair and reasonable prices for the 1965 crop of Virgin Islands sugarcane.

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1965 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements, or at a combined rate of not less than the sum of the rates determined in accordance with the following requirements:

(a) **Definitions.** For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to a 96° basis.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

(3) "Price of raw sugar" means the simple average of the daily spot quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the settlement period, except that, if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F.O.B. mill price" means the price of raw sugar minus selling and de-

livery expenses actually incurred by the processor in marketing raw sugar of the 1965 crop.

(5) "Yield of raw sugar" means the quantity of raw sugar recovered per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement period and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, $R = (S - 0.3B) F$, where:

R = Yield of raw sugar.

S = Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.

B = Brix of the laboratory power mill juice obtained from the sugarcane of each producer.

F = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula $(S - 0.3B)$, and the number of hundred-weight of sugarcane; and

(b) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.

(iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the subsequent period.

(b) **Payment for sugarcane.** (1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane	Percentage
6.0.....	53.0
7.0.....	54.0
8.0.....	55.0
9.0.....	56.0
10.0.....	57.0
11.0.....	58.0
12.0.....	59.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses

computed by applying the following applicable percentage to the product of 11.5 cents per gallon and the average number of gallons of blackstrap molasses produced per 100 pounds of sugarcane of the 1965 crop:

Pounds of raw sugar per 100 pounds of sugarcane	Percentage
6.0.....	86.0
7.0.....	80.0
8.0.....	74.0
9.0.....	68.0
10.0.....	62.0
11.0.....	56.0
12.0.....	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) **Delivery point and transportation allowances.** The price for sugarcane established by this section shall be applicable to sugarcane delivered to the mill. For each 100 pounds of sugarcane delivered to the mill the processor shall make an allowance to the producer for loading and transporting such sugarcane in an amount not less than one-half of the loading and transportation rate applicable to the 1964 crop. The rates and allowances shall be posted at the mill by the processor.

(d) **Reporting requirements.** The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico, for approval a certified statement itemizing the actual expenses deducted in determining the f.o.b. mill price of raw sugar.

(e) **Subterfuge.** The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this determination through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) **General.** The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1965 crop grown by other producers.

(b) **Requirements of the act.** Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) **1965 price determination.** This determination continues the provisions of the 1964 crop determination, except that the molasses payment to producers is based on a price of 11.5 cents per gallon instead of 10 cents per gallon. This reflects the most recent 5-year average net proceeds received from sales of molasses by processors in Puerto Rico.

A public hearing was held in Christiansted, St. Croix, Virgin Islands on October 27, 1964, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1965 crop of sugarcane. The witness for Harvian, Inc., recommended that there be no change in the 1965 crop determination. He stated that the prolonged drought would limit production of sugarcane and, if continued, jeopardize the entire crop, and that the outlook was worsened further by the very low prices for raw sugar. The witness stated that it was the intention of Harvian to pay producers a higher percentage of raw sugar recovered from sugarcane than was required by the determination, and that the method of payment to the producers for molasses used in the prior determination was satisfactory. One of the larger independent producers recommended that the 1965 crop determination adopt the same sharing relationship used by the processor to purchase 1964 crop sugarcane from the producers; and that the molasses payment to producers be based on the actual net proceeds per gallon received by the processor from the sale of molasses.

Consideration has been given to the recommendations made at the public hearing, to prospective production and price conditions for the 1965 crop, and to other pertinent factors. Analysis of these factors indicate that the sharing relationship provided in this determination is favorable to independent producers. Accordingly, the recommendations of producers that the 1965 crop determination adopt the higher percentage share used by the processor to purchase 1964 crop sugarcane has not been adopted.

The recommendation by a representative of independent producers that the molasses payment to producers be based on the actual net proceeds received by the processor has not been adopted. In recent years the determinations have provided that the molasses payment to producers was to be based on the most recent 5-year average net proceeds per gallon received by processors in Puerto Rico. This formula has resulted in stable returns to producers for molasses. Under present arrangements between the processor and users of molasses the price is contingent upon importations from foreign countries, and if no molasses is imported the price must then be negotiated or arbitrated. Accordingly, it is deemed desirable to continue a fixed price in the determination based on the average net proceeds realized by processors in Puerto Rico where more competitive practices prevail.

The price determinations for a number of years have provided that the processor make allowances to producers equivalent to 50 percent of the commercial carrier rates for the loading of sugarcane at the farm and its transportation to the mill. The allowance is applied to rates developed by the processor which are related to the rates a producer would have

to pay a commercial carrier for such services. In 1964, representatives of growers and the processor negotiated a 20 percent increase in the loading and transportation rates and higher rates may be negotiated for the 1965 crop. However, this determination continues the requirements that as a minimum the processor make an allowance of not less than 50 percent of the commercial carrier rates applicable to the 1964 crop.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I find and conclude that the foregoing price determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. 1131, as amended)

Effective date. This determination shall become effective on January 9, 1965, and is applicable to the 1965 crop of Virgin Islands sugarcane.

Signed at Washington, D.C., on January 6, 1965.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 65-275; Filed, Jan. 8, 1965; 8:48 a.m.]

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

PART 900—GENERAL REGULATIONS

Filing; Extensions of Time; Effective Date of Filing; and Computation of Time

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the General Regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby further amended as follows:

Section 900.15(a) is amended by adding thereto the following sentence:

§ 900.15 Filing; extensions of time; effective date of filing; and computation of time.

(a) * * * The provisions of this subpart concerning filing with the hearing clerk of hearing notices, recommended and final decisions, marketing agreements and orders, and all documents described in § 900.17 shall be met by filing a true copy thereof with the hearing clerk.

Done at Washington, D.C., this 6th day of January 1965.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 65-276; Filed, Jan. 8, 1965; 8:49 a.m.]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.444 Orange Regulation 45.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as 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 give preliminary notice, 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) because 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 in order to effectuate the declared 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 making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 5, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of

oranges, including Temple oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., January 11, 1965, and ending at 12:01 a.m., e.s.t., January 25, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet;

(iii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller;

(iv) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(v) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

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

Dated: January 7, 1965.

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

[F.R. Doc. 65-298; Filed, Jan. 8, 1965; 8:50 a.m.]

No. 6—Pt. I—2

[Grapefruit Reg. 46]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.445 Grapefruit Regulation 46.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as 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 give preliminary notice, 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) because 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 in order to effectuate the declared 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 making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 5, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., January 11, 1965, and ending at 12:01 a.m., e.s.t., January 25, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be shipped if such grapefruit (a) meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade, and (b) are not smaller than $4\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of such grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(v) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: January 7, 1965.

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