upon a reasonable request by C&MS or OIG. OIG shall also have the right to make audits of the records and operations of any school or child-care institution. In making administrative analyses or audits for any fiscal year, the State Agency and OIG in connection with audits of operations under the jurisdiction of a State Agency, may disregard any overpayment which does not exceed $5 or does not exceed the amount which is established under State law, regulation or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however*, That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 215.14 Nondiscrimination.

The Department's regulation on nondiscrimination in federally assisted programs are set forth in Part 15 of this title. The Department's agreements with State Agencies, the State Agencies' agreements with schools and child-care institutions, and the CFPDO agreements with nonprofit private schools and child-care institutions shall contain the assurances required by the said regulations.

§ 215.15 Miscellaneous provisions.

(a) *Disqualification and noncompliance*. Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreements with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any nonprofit private school or child-care institution in which CFPDO administers the Program, by an improper or negligent action, is diminshed, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, SLD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause*. Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however*, That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by CFPDO.

(c) *State requirements*. Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 215.16 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State educational agency, or the appropriate Consumer Food Programs District Office of C&MS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Consumer Food Programs, Northeast District Office, C&MS, U.S. Department of Agriculture, 346 Broadway, New York, N.Y. 10013.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Consumer Food Programs, Southeast District Office, C&MS, U.S. Department of Agriculture, 1795 Peachtree Street NE, Atlanta, Ga. 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Consumer Food Programs, Midwest District Office, C&MS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Consumer Food Programs, Southwest District Office, C&MS, U.S. Department of Agriculture, 500 Ervay Street, Dallas, Tex. 75201.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Consumer Food Programs, Western District Office, C&MS, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

These regulations shall be effective upon publication in the FEDERAL REGISTER.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

AUGUST 25, 1967.

[F.R. Doc. 67-10212; Filed, Aug. 30, 1967; 8:47 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 11]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Miscellaneous Amendments

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (31 F.R. 15581, 32 F.R. 2609, 3085, 4015, 6387, 7011, 7521, 7581, 8577, 9149, 9949) is to determine and to prorate deficits in quotas established pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act."

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or the proration of a deficit. On the basis of evidence submitted by Panama and Nicaragua prior to August 1 these countries will be unable to supply more than 32,815 and 52,889 short tons, raw value, respectively. Accordingly, it is hereby found that Panama will fall short of filling its quota by 461 short tons, raw value, and that Panama and Nicaragua will be unable to fill deficit prorations previously made to them of 4,528 and 7,198 short tons, raw value, respectively. Pursuant to section 202(d)(4) it is hereby determined that the amount of the short fall in the quota for Panama is within a reasonable tolerance under the circumstances prevailing in 1967 and that the quota for future years will not be subject to reduction by reason of such shortfall. Pursuant to sections 202 and 204 of the Act, the quotas for Panama, and Nicaragua are herein established at 32,815 and 52,889 tons, raw value, respectively, representing the quantity of sugar each country has indicated it will be able to supply in 1967. Pursuant to section 204 of the Act, the deficit herein determined for Panama of 461 short tons, raw value, and the deficit prorations previously made to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, totaling 12,187 short tons, raw value, are herein prorated (on the basis of quotas in effect) to Western Hemisphere countries which are able to supply such additional sugar.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.52 and 811.53 as follows:

1. Section 811.52 is amended by adding paragraph (c) to read as follows:

§ 811.52 Prorations and allocation of deficits and quotas in effect.

* * * * *

(c) Pursuant to section 204(a) of the Act a deficit of 461 short tons, raw value, is herein determined in the quota established for Panama and such deficit together with the previous prorations of deficits to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, respectively, are herein prorated on the basis of quotas in effect to other Western Hemisphere countries listed in section 202(c)(3)(A) of the Act.

2. Section 811.53 is amended by amending paragraph (c) to read as follows:

§ 811.53 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1967, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4), section 202(d), and section 204(a) of the Act are as follows:

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) [1]	Previous deficit prorations and allocation	New deficits and deficit prorations [2]	Total quotas and prorations
	(Short tons, raw value)				
Mexico	222,321	237,008	62,508	2,344	524,181
Dominican Republic	217,432	231,801	166,134	2,764	618,131
Brazil	217,432	231,793	61,134	2,292	512,651
Peru	173,428	184,884	48,761	1,828	408,901
British West Indies	86,858	73,460	22,502	821	183,641
Ecuador	31,637	33,725	8,895	334	74,591
French West Indies	27,323	23,108	7,078	258	57,767
Argentina	26,748	28,514	7,520	282	63,064
Costa Rica	25,597	27,292	7,198	270	60,357
Nicaragua	25,597	27,292	7,198	−7,198	52,889
Colombia	23,009	24,528	6,469	244	54,250
Guatemala	21,571	23,000	6,065	227	50,863
Panama	16,106	17,170	4,528	−4,989	[4] 32,815
El Salvador	15,819	16,867	4,448	167	37,301
Haiti	12,080	12,877	3,396	127	28,480
Venezuela	10,929	11,650	3,073	115	25,767
British Honduras	6,327	5,352	1,639	60	13,378
Bolivia	2,588	2,759	728	27	6,102
Honduras	2,588	2,744	726	27	6,085
Australia	103,539	87,000			190,539
Republic of China	43,141	36,250			79,391
India	41,416	34,800			76,216
South Africa	30,487	25,616			56,103
Fiji Islands	22,721	19,092			41,813
Thailand	9,491	7,975			17,466
Mauritius	9,491	7,975			17,466
Malagasy Republic	4,889	4,108			8,997
Swaziland	3,739	3,142			6,881
Ireland	5,351	0			5,351
Total	1,439,653	1,441,782	430,000	0	3,311,437

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.
[2] Reflects a short fall in the quota for Panama of 461 short tons, raw value, and previous deficits prorated to Panama and Nicaragua of 4,528 and 7,198 short tons, raw value, respectively, totaling 12,187 short tons, raw value, prorated to other Western Hemisphere countries on the basis of quotas previously in effect.
[4] Unadjusted quota for Panama is 33,276 short tons, raw value.

* * * * *

(Secs. 201, 202, 204, 403; Stat. 923, as amended, 924, as amended, 925, as amended, 7 U.S.C. 1111, 1112, 1114, 1153)

Effective date. This action establishes deficits of 12,187 short tons, raw value, and prorates such deficits to Western Hemisphere countries with sugar quotas in effect. To permit such countries for which larger quotas or prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 28th day of August 1967.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-10262; Filed, Aug. 30, 1967; 8:51 a.m.]

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

[948.356]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 2

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, 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 Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby 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 in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1967 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) the time intervening between the date of the Committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient; (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (5) information regarding the Committee's recommendation of these regulations has been disseminated to producers and handlers in the production area.

§ 948.356 Limitation of shipments.

During the period September 1, 1967, through June 30, 1968, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1967, at 11:59 p.m. m.d.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2¼ inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned" for U.S. No. 1 grade, and not more than "moderately skinned" for U.S. No. 2 grade.

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping Stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special purposes.* (i) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief or charity.

(ii) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards*. Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a certificate of privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity*. For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection*. (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period of not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c)(1) of this section shall be exempt from this 5-day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Reports*. Pursuant to § 948.80, no handler may ship Size B potatoes from Area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions*. The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports*. Pursuant to section 608e-1 of the act and § 980.1 of this chapter, red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period September 5, 1967, through June 30, 1968, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated, August 29, 1967, to become effective September 5, 1967.

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

[F.R. Doc. 67-10292; Filed, Aug. 30, 1967; 8:51 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of domestic dates produced or packed in a designated area of California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California, as amended (Order No. 987, as amended; 7 CFR Part 987), and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued July 27, 1967 (F.R. Doc. 67-8943; 32 F.R. 11164), with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such dates. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter in amended form, as applicable, the various texts of the codified portion of said Order No. 987, as amended (7 CFR Part 987) and as further amended by the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations*. The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706.)

(b) *Findings upon the basis of the hearing record*. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Indio, Calif., on April 12, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings*. It is further found that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order adds certain date repackers to those persons who are defined as handlers and makes the repackers subject to container regulation and, if the dates for repacking are machine pitted, to certain other regulations. Since the only issue of compliance with the container regulation involves filling a given container to a specific net weight, in lieu of a net weight of the repacker's choice, and other compliance involves inspection services and identification which can be readily arranged, no extended time of preparation to comply is needed. Moreover, since packaging of dates occurs in volume by mid-September, if these provisions are not effective soon, a substantial volume can escape regulation and so jeopardize price stability in the early part of the 1967 crop year.

(d) *Determinations*. It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of

Domestic Dates Produced or Packed in a Designated Area of California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1966, through May 31, 1967, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1966, through May 31, 1967 (which has been determined to be a representative period), have been engaged in the production for market of Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of domestic dates produced or packed in Riverside, Orange, and Los Angeles Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of domestic dates produced or packed in a designated area of California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as further amended as follows:

1. Section 987.8 *Handler* is revised to read:

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any repacker: *Provided*, That for the purposes of §§ 987.22 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

2. A new section, § 987.8a *Repacker*, is added:

§ 987.8a Repacker.

"Repacker" means any wholesaler or jobber who receives packed dates certified for handling pursuant to § 987.41(a), repackages them in containers other than those in which received, and handles such repackaged dates.

3. Section 987.21 *Establishment of Date Administrative Committee* and § 987.22 *Membership representation* are revised to read:

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee composed of seven members is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members may be changed pursuant to § 987.22 (b) and (c). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply to the number, nomination, and selection of alternate members.

§ 987.22 Membership representation.

(a) Members shall be selected by the Secretary from the following groups:

(1) The group comprised of (i) handlers each of whom produced during the then current crop year through February at least 51 percent of all the dates handled by him during such period, and (ii) producers each of whom delivered to such handlers during such period at least 50 percent of his deliveries to all handlers during the period.

(2) The group comprised of cooperative marketing associations.

(3) The group comprised of all other handlers and producers.

(b) Each such group shall have, for each term of office, one member for each quantity of dates handled in the group that represents 14.28 percent of the tonnage handled by all groups: *Provided*, That each group shall have at least one member. For each term of office, the tonnages handled shall be those handled through February of the crop year in which the selection occurs. In computing the number of members for a group, the group may have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide a member for any such fractional part and at least one member for each group, the Secretary may increase the total number of members of the Committee beyond seven. When a group specified in paragraph (a) (1) or (3) of this section is entitled to an even number of members, one-half of the members shall be handler members and one-half shall be producer members; and when such a group is entitled to an odd number of members other than one, there shall be one more handler member than producer members. At least one of the members for the group specified in paragraph (a)(2) of this section shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations.

(c) The members of the Committee serving on the effective date of this amended subpart shall, subject to the limitations in § 987.25, continue to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.23. The number of members as provided in § 987.122 prior to such effective date for each of the various groups (i.e., one member for the group specified in paragraph (a)(1) of this section, five members for the group specified in paragraph (a)(2) of this section, and one member for the group specified in paragraph (a)(3) of this section) shall continue applicable so long as the number of members for each group meets the requirements prescribed in paragraph (b) of this section. Whenever it is determined pursuant to paragraph (b) of this section that a change of representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee and other available information, revise the representation consistent with the provisions of said paragraph (b) of this section.

4. Section 987.24 *Nominations* is revised to read:

§ 987.24 Nomination and selection.

(a) Each group specified in § 987.22 (a) may nominate, at a nomination meeting or meetings held during each crop year on or before April 15, nominees for members to represent the group during the ensuing term of office. For any group specified in § 987.22(a) (1) or (3) entitled to more than one member, separate meetings of producers and of handlers shall be held. For any such group which is not entitled to more than one member, joint meetings of producers and handlers shall be held. Except as otherwise set forth in this section, in any of such meetings each producer and each handler shall be entitled to one vote for each position to be filled, and the individual receiving the highest number of votes for the position shall be the nominee. Whenever there is more than one cooperative marketing association in the group specified in § 987.22(a)(2), the associations shall jointly select their nominees. In case of lack of agreement among the associations, and in the voting by handlers separately from producers of the group specified in § 987.22 (a)(3), the vote for each position shall be weighted by the tonnage of dates each association or handler acquired from producers and had certified for handling or for further processing during the then current crop year through February.

(b) Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is required by the Secretary. The Secretary shall select, in his discretion, members from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

5. The center heading "Research and Development," and § 987.33 *Research and development* are revised to read:

MARKET DEVELOPMENT

§ 987.33 Research and promotion.

(a) The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expenses of such projects shall be paid from funds collected pursuant to § 987.72. However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members when the total membership is seven, or seven members when the total is eight. Upon conclusion of each program, but at least annually, the Committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. A similar report to the Committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the Committee and the Secretary. The Committee shall, with the approval of the Secretary, establish criteria which will determine such major program.

6. Section 987.39 *The establishment of minimum standards* is revised to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U.S. Grade C, or, if for further processing, U.S. Grade C (Dry), of the effective U.S. Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the Committee, prescribe other minimum standards of quality for any variety of dates. To aid the Secretary in prescribing such other minimum standards, the Committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. Notice of the minimum standard regulation shall be sent by the Committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard.

7. Section 987.51 *Interhandler transfers* is revised to read:

§ 987.51 Interhandler transfers.

Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the Committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided*, That in the absence of the Committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production. Except for packed dates inspected and certified for handling prior to transfer and which are not repacked, any receiving handler (other than a repacker not otherwise a handler, who shall comply with § 987.53) shall comply with the requirements of § 987.41 on all dates, but this shall apply to repacked dates previously inspected and certified for handling only if the handler also packs dates received as field-run dates.

8. A new section, § 987.53 *Application of regulations to repackers*, is added:

§ 987.53 Application of regulations to repackers.

Repackers shall be exempt from those requirements of this part, including reporting requirements, with respect to packed dates which had been certified for handling, pursuant to § 987.41(a), prior to receipt, except that: (a) A repacker who processes such dates by machine pitting shall comply with the grade, size, inspection, certification, and identification requirements, and (b) a repacker who repackages such dates in containers other than those in which received, shall comply with the then effective container regulations established pursuant to § 987.48.

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

Dated August 25, 1967, to become effective September 8, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10213; Filed, Aug. 30, 1967; 8:47 a.m.]

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

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the period of September 1967 through April 1968:

In § 1002.40(a) the provision (plus 20 cents through April 1968) and the provisions of subparagraphs (3) through (10) of this paragraph.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. The current information with respect to the extent of the shift in Class I sales was not available until reports filed by handlers were compiled on or about August 15, and the petition requesting suspension action was not received until August 21, 1967.

(3) This suspension action will eliminate for the period through April 1968 any adjustment to the Class I-A milk price resulting from application of the utilization percentage (supply-demand) provisions of the Class I-A price formula. The action of the utilization percentage provisions is effecting a substantial price decline as a result of a substantial shift of Class I sales and milk receipts historically pooled under the New York-New Jersey order, to the Delaware Valley order beginning in June 1967 when the Delaware Valley marketwide pooling provision became effective. Such price decline is unwarranted in the face of the downward trend in producer receipts and the intent of the several amendments to the Class I-A pricing provisions of the order over the past year and a half to stem the downward trend in milk supplies.

(4) This suspension action is also necessary to restore and maintain orderly marketing by insuring the continuing interorder Class I price relationships among Federal order markets in the northeast through April 1968 concluded in the Assistant Secretary's decision issued April 25, 1967 (32 F.R. 6501) to be appropriate on the basis of a public hearing convened at Washington, D.C., on April 14, 1967. Pursuant to that decision temporary emergency amendments were made in the Class I price provisions of the Delaware Valley and Massachusetts-Rhode Island orders effective May 1, 1967 and the New York-New Jersey order effective June 1, 1967. Such amendments made effective through April 1968 were contemplated to provide Class I prices of \$6.08, \$6.35, and \$6.65 for the New York-New Jersey, Massachusetts-Rhode Island and Delaware Valley orders, respectively. The mechanics of the amendments made to the Massachusetts-Rhode Island and Delaware Valley orders insure continuation of the existing price level through April 1968. Because of the shifting of Class I sales and associated milk from New York-New Jersey to Delaware Valley the New York-New Jersey Class I-A price has declined to \$5.97 in August and in the absence of this suspension action would be \$5.86 in September and still lower in subsequent months. The resulting Class I price disparity among these markets in which many handlers have extensive overlapping sales competition constitutes a serious threat to orderly marketing of milk in the marketing areas.

Suspension of the utilization percentage (supply-demand) provisions of the New York-New Jersey order will result in a Class I-A price of \$6.11 and thereby restore as closely as possible the inter-order Class I price relationships among these markets contemplated by the amendment effected on the basis of the April 1967 hearings.

(5) This emergency suspension action was requested by cooperative associations representing approximately 70 percent of the producers supplying the New York-New Jersey market and is supported by producer cooperatives in the Massachusetts-Rhode Island market. Such associations contend that such emergency action is necessary to maintain orderly marketing pending action on their petition to convene a hearing on proposals to provide a common Class I price formula for the New York-New Jersey, Massachusetts-Rhode Island and Connecticut orders. Pursuant to such petition the market administrators of the various orders have been requested to ask interested persons to submit additional proposals within 30 days.

Obviously, it will take additional time to hold a hearing and complete the necessary procedures on the cooperatives' hearing proposal to provide more appropriate price alignment between the New York-New Jersey and Massachusetts-Rhode Island markets on other than a temporary emergency basis. This suspension action will provide a Class I-A price under the New York-New Jersey order which is 24 cents below the Massachusetts-Rhode Island Class I price and will result in restoring approximately the same price spread between these markets which prevailed in 1964 (24 cents), 1965 (21 cents), and 1966 (31 cents) pending completion of the necessary procedures on their hearing proposal.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period September 1967 through April 1968.

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

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10216; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Mo., marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of September, October, and November 1967.

(1) In § 1062.51(a) the following words of the introductory text preceding subparagraph (1): "And plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:"

(2) Subparagraph (1) of § 1062.51(a).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for the months of September through November 1967 the effect of the prior suspension orders issued June 1 and July 25, 1967, which eliminated price adjustments due to the supply-demand adjustor for the periods of June 3–30 and the months of July and August 1967. Such prior suspension orders were issued at the request of cooperative associations whose members comprise a large majority of producers serving the St. Louis market and other markets affected by this supply-demand adjustor. Hearings have been held in St. Louis, Mo., January 24, 1967, pursuant to notice issued January 13, 1967 (32 F.R. 613) and February 28–March 3, 1967, pursuant to notice issued January 24, 1967 (32 F.R. 1042) at which proposals to revise the supply-demand adjustor were considered. The present suspension action is being taken to prevent supply-demand adjustments for this additional period while consideration is being given to revision of the supply-demand adjustor based upon the hearings which have been held.

(4) The previous suspensions were taken so that a decrease in the Class I price would not unduly reduce returns to producers in the St. Louis, Mo., Ozarks, Southern Illinois, and Paducah markets. Since the same conditions that prompted the previous suspension orders continue to prevail this order effective for the months of September through November 1967 is warranted.

Therefore, good cause exists for making this order effective September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September, October, and November 1967.

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

Effective date: September 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10217; Filed, Aug. 30, 1967; 8:48 a.m.]

[Milk Order 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of August and September: In § 1067.11(b) in the table and opposite the months of August and September the figures "25" and "35".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action has been requested by three cooperative associations, representing more than 80 percent of the producers in this market. The cooperatives state that the suspension is necessary to maintain pool plant status for supply plants so as to facilitate the orderly disposition of the market's reserve supply of milk during the months of August and September. An unusual increase in milk supply for this time of year has resulted in greater deliveries from farms directly to fluid milk processing plants, and has reduced the need for such plants to receive milk from supply plants.

(4) This suspension action will make it unnecessary for the operators of supply plants to make unneeded and uneconomical shipments to processing plants in order to maintain pool status. This suspension will maintain producer status of many farmers regularly associated with the market and will promote orderly marketing conditions.

(5) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 11887). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of August and September 1967.

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

Effective date: August 1, 1967.

Signed at Washington, D.C., on August 25, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-10214; Filed, Aug. 30, 1967; 8:48 a.m.]