

the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, canning, freezing, and "other processing," export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

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

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* (1) During the period beginning the effective date hereof through July 31, 1973, no handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraph (c), (d), or (e) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 of this title effective September 1, 1971, as amended February 5, 1972, 37 F.R. 2745), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421-52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for

dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 608e-1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) (excepting (a) (2) (iv)) and (b) of this section.

*Effective date and termination of previous regulation.* This regulation will become effective July 16, 1972, and will supersede § 945.330 which is hereby terminated upon such effective date.

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

Dated: July 7, 1972.

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

[FR Doc.72-10671 Filed 7-11-72; 8:49 am]

## PART 999—SPECIALTY CROPS— IMPORT REGULATIONS

### Certain Requirements for Imported Raisins

Notice was published in the June 7, 1972, issue of the FEDERAL REGISTER (37 F.R. 11339) regarding a proposal to amend paragraphs (b) and (e) of § 999.300 (7 CFR 999.300; 37 F.R. 5282) governing the importation of raisins, to permit importation of raisins which do not meet the applicable grade and size requirements set forth in paragraph (b) of § 999.300 for use in the production of alcohol, or syrup for industrial use. In conjunction with such usages, certain reporting requirements were included in the proposal. This action is pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act."

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. The period for receipt of such data, views, or arguments was extended to June 26, 1972, in a notice published in the FEDERAL REGISTER on June 16, 1972 (37 F.R. 11977). Written comments were received within the period prescribed therefor.

Section 8e of the act provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the act (7 U.S.C. 608c) contains any terms or conditions regulating the grade, size, quality, or maturity of raisins produced in the United States, the importation of raisins into the United States during the period of time such order is in effect shall be prohibited unless such commodity complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under said section 8e.

Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to as the "order"), is effective under the act. The order prescribes terms and conditions regulating the grade and size of such raisins. Under the order, raisins which do not meet the applicable grade and size requirements may be used in the production of alcohol, and syrup for industrial use. Raisins for importation which do not meet the applicable grade and size requirements of § 999.300 should similarly be permitted to be used in such outlets.

In written comments submitted pursuant to the notice, none of the persons commenting opposed the proposal. A number of those commenting stated that the import regulations should contain adequate procedures to insure that those raisins which do not meet the applicable grade and size requirements and are imported for use in the production of alcohol, or syrup for industrial use do not enter normal channels for consumption as raisins.

The amended regulation will require that all raisins be inspected by USDA inspectors. Importers of raisins which do not meet the applicable grade and size requirements for use in the production of alcohol, or syrup for industrial use will be required to file certain forms with the Bureau of Customs and the Department for administrative and compliance purposes. As a means of improving administration and compliance, Raisin Form Nos. 1 and 2 contained in the notice of proposed rule making are revised to require inclusion of the applicable USDA Certificate of Quality and Condition Number. Furthermore, all raisins to be imported are subject to the requirements of the Plant Quarantine Act of 1912 and the Federal Food, Drug and Cosmetic Act. Hence, adequate surveillance is provided which should insure that any such raisins would not enter the normal channels for raisins imported for use as raisins.

After consideration of all relevant information, including that in the notice, the written comments received pursuant to the notice, and other available information, it is hereby ordered that § 999.300 (b) and (e) are amended as follows:

1. Amend the second sentence of paragraph (b) by changing "No" to "no" and inserting immediately prior thereto "Except as provided in subparagraph (2) of paragraph (e) of this section".

2. Designate the provisions of current paragraph (e) as subparagraph (1) thereof; and add a new subparagraph (2) to said paragraph reading as follows:

§ 999.300 Regulations governing importation of raisins.

(e) \* \* \*

(2) Any person may import any lot of raisins which does not meet the applicable grade and size requirements of paragraph (b) of this section for use in the production of alcohol, or syrup for industrial use. Prior to such importation, such person shall file with the Bureau of Customs' Regional Commissioner or District Director, as applicable, at the port at which the customs entry is filed an executed "Raisins—section 8e Entry Declaration" prescribed in subdivision (i) of this subparagraph as "Raisin Form No. 1". Promptly after such filing, such person shall transmit a copy of this form to the Fruit and Vegetable Division. No person may import, sell, or use any raisins which do not meet the applicable grade and size requirements of paragraph (b) of this section other than for use as set forth in this subparagraph. Each person importing raisins which do not meet the applicable grade and size requirements of paragraph (b) of this section for use in the production of alcohol, or syrup for industrial use shall obtain from each purchaser, not later than the time of delivery to such purchaser, and file with the Fruit and Vegetable Division not later than the 5th day of the month following the month in which the raisins were delivered, and executed "Raisins—section 8e Certification of Processor or Reseller," prescribed in subdivision (ii) of this subparagraph as "Raisin Form No. 2". One copy of this executed form shall be retained by the importer and one copy shall be retained by the purchaser. Each reseller of raisins imported pursuant to this subparagraph should, for his protection, obtain from each purchaser and hold in his files an executed Raisin Form No. 2, covering such sales of such raisins during the calendar year. One copy of this executed form shall be retained by the reseller and one copy shall be retained by the purchaser.

(1) Raisin Form No. 1. The following is prescribed as Raisin Form No. 1.

RAISIN FORM NO. 1

RAISINS—SECTION 8e ENTRY DECLARATION

I certify to the U.S. Department of Agriculture and the Bureau of Customs that none of the raisins being imported and which are identified below will be used other than in the production of alcohol, or syrup for industrial use.

1. Name of vessel: \_\_\_\_\_
2. Country of origin of raisins: \_\_\_\_\_
3. Date of arrival: \_\_\_\_\_
4. City of arrival: \_\_\_\_\_
5. Unloading pier: \_\_\_\_\_
6. USDA Certificate of Quality and Condition Number: \_\_\_\_\_
7. Raisins entered: \_\_\_\_\_

| Lot or chop mark | Number of containers | Total net weight (lbs.) |
|------------------|----------------------|-------------------------|
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |
| -----            | -----                | -----                   |

I agree to obtain from each person to whom any of the raisins listed above are delivered, an executed Raisin Form No. 2 "Raisins Section 8e Certification of Processor or Reseller" and to file the same with the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the fifth day of the month following the month in which the raisins were delivered.

Dated: \_\_\_\_\_  
Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

(ii) Raisin Form No. 2. The following is prescribed in Raisin Form No. 2.

RAISIN FORM NO. 2

RAISINS—SECTION 8e CERTIFICATION OF PROCESSOR OR RESELLER

I hereby certify to the U.S. Department of Agriculture that I have acquired the raisins covered by this certification; that I will use or sell them for use only in production of alcohol, or syrup for industrial use, as permitted by the Regulation Governing the Importation of Raisins (7 CFR 999.300; 32 F.R. 5282) and I am: (check one or more if applicable)

☐ Producer of alcohol ☐ Producer of syrup for industrial use ☐ Reseller

1. Date of purchase: \_\_\_\_\_
2. Place of purchase: \_\_\_\_\_
3. Name and address of importer or seller: \_\_\_\_\_
4. USDA Certificate of Quality and Condition Number: \_\_\_\_\_
5. Raisins acquired: \_\_\_\_\_

| Number of containers | Total net weight (lbs.) |
|----------------------|-------------------------|
| -----                | -----                   |
| -----                | -----                   |
| -----                | -----                   |
| -----                | -----                   |
| -----                | -----                   |
| -----                | -----                   |
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| -----                | -----                   |
| -----                | -----                   |

Dated: \_\_\_\_\_  
Name of firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

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. 553) in that: (1) This action permits importation of raisins which do not meet the applicable grade and size requirements of this part for use in the production of alcohol, and syrup for industrial use; (2) heretofore, the importation of such raisins for use in such outlets was prohibited, and thus this action relieves restriction on importation of

raisins; (3) importers of such raisins require no advance preparation to comply with this action; and (4) no useful purpose would be served by postponing the effective time of this amendatory action.

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

Dated July 6, 1972, to become effective upon publication in the FEDERAL REGISTER (7-12-72).

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[FR Doc.72-10637 Filed 7-11-72;8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Rev. 3, Amdt. 8]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICING OF GRAIN

The regulations issued by the Commodity Credit Corporation published at 29 F.R. 13475, 30 F.R. 2854, 6909, 31 F.R. 13532, 32 F.R. 14372, 34 F.R. 14206, 36 F.R. 9497, and 37 F.R. 7149, which contain specific requirements for the Livestock Feed Program are further amended to reflect a change in the pricing of barley as a feed grain for secondary livestock in § 1475.208(b). Because of the need for making this change effective on July 1, 1972, the beginning of the marketing year for barley, it is determined impracticable to comply with the notice of proposed rule making procedure. Accordingly, paragraph (b) of § 1475.208 is amended to read as follows:

§ 1475.208 Pricing of grain.

(b) Price for secondary livestock. The sales price of feed grain approved for secondary livestock shall be: (1) For oats the applicable county loan rate. (2) For barley, corn, and grain sorghum the applicable county loan rate plus: 5 cents per bushel for barley, 6 cents per bushel for corn, and 11 cents per hundredweight for grain sorghum.

(Secs. 1-4, 73 Stat. 574, as amended; secs. 407 and 421, 63 Stat. 1055, as amended; secs. 4 and 5, 62 Stat. 1070, as amended; 7 U.S.C. 1427, 1427 note and 1433; 15 U.S.C. 714 b and c)

Effective date: July 1, 1972.

Signed at Washington, D.C., on July 6, 1972.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.72-10672 Filed 7-11-72;8:51 am]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

### FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

#### Expenses and Rate of Assessment for Fiscal 1972-73 and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

#### § 925.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, during the period June 1, 1972, through May 31, 1973, will amount to \$4,870.

(b) That there be fixed, at \$0.01 per one-half bushel 30-pound containers or equivalent quantity of fresh prunes when in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

(c) That unexpected assessment funds, in excess of expenses incurred during the fiscal period ended May 31, 1972, be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 7, 1972.

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

[FR Doc.72-10667 Filed 7-11-72; 8:49 am]

[7 CFR Part 967]

### CELERY GROWN IN FLORIDA

#### Proposed Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the committee reflect its appraisal of the expected supply and prospective market conditions for the 1972-73 season. The annual allotment requirement provided for herein will tend to effectuate the declared policy of the act.

For the 1971-72 season nearing an end, Florida's fresh market celery sales are expected to be about 7.1 million crates, which is approximately 724,000 crates less than the total allotment. The 1971-72 crop sold at prices above a year earlier and the average of the 3 preceding years. Further, abandonment of acreage in 1971-72 was materially smaller than normal. The relatively strong market for Florida celery last year was due in part to considerable weather damage to celery grown in competing areas in California. A repeat of such unusual circumstances is not likely in the coming season. Nevertheless, the Committee recommended that the Marketable Quantity for 1972-73 be set above that of last season in order to provide an opportunity for increased sales to be expected based partly on population increase. In addition the Committee tentatively plans an extensive promotion program to increase the demand for the potentially larger production of Florida celery.

Although the recommended Marketable Quantity is above a year earlier, it still is 850,000 crates smaller than the total Base Quantities of present producers. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional Base Quantities.

On the basis of the foregoing considerations, as well as industrywide trends

in the production and sales of celery, it is believed that these regulations are necessary to maintain orderly marketing and increase returns to growers, and will tend to effectuate the declared policy of the act.

The proposal is as follows:

#### § 967.308 Marketable quantity for 1972-73 season; Uniform Percentage; and limitation on handling.

(a) The Marketable Quantity for the 1972-73 season is established, pursuant to § 967.36(a), as 8,371,803 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1972-73 season is determined as 90 percent.

(c) During the season August 1, 1972, through July 31, 1973, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1972-73 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: July 6, 1972.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

[FR Doc.72-10668 Filed 7-11-72; 8:49 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 6, 8, 121, 130, 135,  
146]

### ENVIRONMENTAL IMPACT STATEMENTS

#### Proposed Preparation Procedures

The National Environmental Policy Act of 1969 (Public Law 91-190; 83 Stat. 852 et seq.; 42 U.S.C. 4321-4347) directs Federal agencies to consider environmental factors in their decisionmaking processes by including environmental impact statements in reports on legislative proposals and major agency actions having significant environmental impact.

Section 102(2)(C) of the act, 42 U.S.C. 4332, states in pertinent part:

The Congress authorizes and directs that, to the fullest extent possible . . . (2) all agencies of the Federal Government shall—

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(1) The environmental impact of the proposed action,