rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, Section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under Section 22 on certain cheese. The change from 78 to 84 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) has been increased.

The subpart, Section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

§ 6.16 Price determination.

The price referred to in terms 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 84 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 84 cents per pound.

The foregoing amendment shall be effective January 16, 1975. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 78 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 10th day of January 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-1407 Filed 1-15-75;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

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

Subpart—United States Standards for Grades of Fresh Tomatoes[1]

COLOR CLASSIFICATION

The United States Department of Agriculture is amending the United States Standards for Grades of Fresh Tomatoes (7 CFR 51.1855–51.1877) to reference newly developed U.S.D.A. visual aids. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon payment of a fee to cover the cost of such service.

Statement of considerations leading to the amendment of the standards. This document amends the United States Standards for Grades of Fresh Tomatoes by referencing a new U.S.D.A. Tomato Visual Aid TM–L–1. This visual aid consists of a chart containing the Color Classification § 51.1860 of the Standards and twelve color photographs illustrating guides of the shade and percentage of surface color specified for the color terms "Green", "Breakers", "Turning", "Pink", "Light Red" and "Red". This visual aid was developed by The John Henry Company, Lansing, Michigan, with the collaboration of and approval by the U.S. Department of Agriculture in cooperation with United Fresh Fruit and Vegetable Association. This visual aid is designed to promote more uniform interpretation and better understanding of the grade standards.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

The Administrator has designated United States Department of Agriculture Visual Aid TM–L–1, as official tomato color standards and has authorized its manufacture and sale by The John Henry Company.

Section 51.1860 is amended by the addition of the following paragraph (d):

§ 51.1860 Color classification.

* * * * *

(d) Tomato color standards U.S.D.A. Visual Aid TM–L–1 consists of a chart containing twelve color photographs illustrating the color classification requirements, as set forth in this section. This visual aid may be examined in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of such Service. Duplicates of this visual aid may be purchased from The John Henry Co., Post Office Box 1410, Lansing, Michigan 48904.

It is hereby found that notice of proposed rulemaking and public procedure thereon is impracticable, unnecessary, contrary to the public interest in that this amendment is necessary to reference the newly developed color standards illustrating the color terms set forth in § 51.1860 of the U.S. Standards for Grades of Fresh Tomatoes.

It is hereby found that good cause exists for not postponing the effective date of this amendment 30 days beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) the 1975 packing season for Fresh Tomatoes has already started and it is in the interest of the public and the industry that this amendment be placed in effect as soon as possible; and, (2) no special preparation is required for compliance with this amendment on the part of members of the fresh tomato industry or of others.

Accordingly, this amendment shall become effective February 1, 1975.

(Sec. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; (7 U.S.C. 1622, 1624))

Dated: January 10, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-1404 Filed 1-15-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 73, Amdt. 4; Export Reg. 24, Amdt. 2]

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

Grade and Size Requirements

These amendments lower the minimum grade requirement applicable to fresh shipments of Murcott Honey oranges, grown in the production area in Florida, to those grading Florida No. 1 Golden. These amendments also lower the minimum diameter requirement for such shipments to 2-6/16 inches. The specification of such lower minimum grade and size for Florida Murcott Honey oranges is necessary to satisfy the current and prospective demand for such oranges. The amended regulations recognize the quality of much of the Murcott Honey oranges currently available for fresh shipment.

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 recommendation of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for fresh Murcott Honey oranges by domestic and export market outlets. Less restrictive grade and size requirements for such fruit are consistent with the external appearance and available supply of such oranges in the production area. Fresh 1974-75 shipments of Florida Murcott Honey oranges are currently estimated at 1,200 carlots.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. 1. The provisions of paragraph (b) (7) and (b) (8) and paragraph (c) of § 905.555 (Orange Regulation 73; 39 FR 32976, 37186, 40745, 42899) are amended to read as follows:

§ 905.555 Orange Regulation 73.

* * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⁶⁄₁₆ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

* * * * *

(c) 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; Florida No. 1 Golden Grade shall have the same meaning as provided in Section (1) (b) of Regulation 105-1.02, as amended, of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, 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 (7 CFR 51.1140-51.1180) or the United States Standards for Florida Tangerines (7 CFR 51.1810-51.1835).

* * * * *

2. In § 905.559 (Export Regulation 24; 39 FR 32976, 37186) the provisions of paragraph (b) (7) and (b) (8) and paragraph (c) are amended to read as follows:

§ 905.559 Export Regulation 24.

* * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⁶⁄₁₆ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;.

* * * * *

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meanings as are given to the respective terms in said amended marketing agreement and order; Florida No. 1 Golden Grade shall have the same meaning as provided in Section (1) (b) of Regulation 105-1.02, as amended, of the Regulations of the Florida Citrus Commission, and all other terms relating to grade, except Improved No. 2 grade, and diameter, as used herein shall have the same meanings as are given to the respective terms in the following United States Standards, as applicable: United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1180 of this title), United States Standards for Florida Grapefruit (§§ 51.750-51.784 of this title), or the United States Standards for Florida Tangerines (§§ 51.1810-51.1835 of this title).

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

Dated, January 13, 1975, to become effective January 20, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-1526 Filed 1-15-75;8:45 am]

[Navel Orange Reg. 335]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 17-23, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.635 Navel Orange Regulation 335.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, 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 and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is fair. Prices f.o.b. averaged $3.41 per carton on a reported sales volume of 928 carlots last week, compared with an average f.o.b. price of $3.56 per carton and sales of 787 carlots a week earlier. Track and rolling supplies at 368 cars were up 13 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) 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 hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and 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. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1974.

(b) *Order*. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 17, 1975, through January 23, 1975, are hereby fixed as follows:

(i) District 1: 1,032,000 cartons;

(ii) District 2: 144,000 cartons;

(iii) District 3: 24,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-1711 Filed 1-15-75;11:42 am]

[Lime Reg. 34, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

This amendment sets the minimum size requirement for shipments of Persian type limes grown in Florida at 1¾ inches for the period January 13 through April 13, 1975, rather than 1⅞ inches currently established for the period. This requirement is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes 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 Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Shipment of Persian type limes 1⅞ inches in diameter and larger is currently authorized under Lime Regulation 34, Amendment 2 (39 FR 15097) through April 30, 1975. However, this requirement should be modified to allow the shipment of limes 1¾ inches in diameter and larger during the period January 13 through April 13, 1975, as limes are maturing at smaller sizes than normal this season, particularly late bloom fruit, which is not sizing normally. These smaller limes are of good quality, and they meet the minimum juice content requirements. The release of these smaller-sized limes would make more fruit available for market during the remainder of this season. The minimum size requirement would return to 1⅞ inches on April 14, 1975, when new crop fruit becomes available and the higher minimum is necessary to prevent the shipment of immature fruit.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes.

Order. The provisions of paragraph (a)(3) of § 911.336 Lime Regulation 34 (38 FR 12324; 13385; 39 FR 15097) are amended to read as follows:

§ 911.336 Lime Regulation 34.

Order. (a) * * *

(3) Any limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That during the period January 13 through April 13, 1975, any handler may handle limes of such group that are smaller than 1⅞ inches in diameter providing such limes are not smaller than 1¾ inches in diameter.

* * * * *

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

Dated, January 13, 1975, to become effective January 13, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-1528 Filed 1-15-75;8:45 am]

[Lime Reg. 5, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Limitation of Shipment

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), paragraph (a)(3) of § 944.204 (Lime Regulation 5; 36 FR 10774; 22008; 38 FR 12603) is amended to read as follows:

§ 944.204 Lime Regulation 5.

(a) * * *

(3) Such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varities) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That during the period January 13 through April 13, 1975, such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1¾ inches in diameter; and

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter