

presidential documents

[3195-01]

Title 3—The President

Memorandum of November 5, 1977

Determination Under Section 620(x) of the Foreign Assistance Act of 1961, as Amended, To Permit the Sale of Certain Specified Defense Articles to the Government of Turkey

[Presidential Determination No. 78-1]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, November 5, 1977.

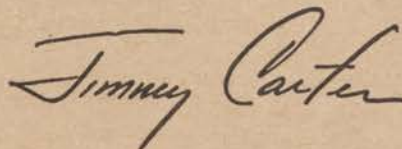
Pursuant to the authority vested in me by Section 620(x) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(a) Determine that defense articles and defense services in the amount of \$93.7 million in connection with the production and procurement of 40 F/RF-4E aircraft are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, and

(b) Suspend the provisions of Section 620(x) of the Act and of Section 3(c) of the Arms Export Control Act, as amended, for the fiscal year 1978 in order that the aforementioned defense articles and defense services may be sold to Turkey and the Turkish procurement of said articles and defense services may be financed under the authority of the Arms Export Control Act, as amended, within the limitations specified in Section 620(x) of the Act.

This determination supplements Presidential Determinations No. TQ-3 of August 27, 1976 (41 FR 37561), No. 77-8 of November 19, 1976 (41 FR 53315), and No. 77-16 of July 21, 1977 (42 FR 41401).

This determination shall be published in the FEDERAL REGISTER.



[FR Doc.77-33347 Filed 11-15-77;3:08 pm]

PROCEEDINGS

OF THE

ANNUAL MEETING

OF THE
AMERICAN SOCIETY OF
CLIMATE AND WEATHER

HELD AT

THE UNIVERSITY OF

CHICAGO, ILLINOIS

DECEMBER 12-14, 1906

BY

THE AMERICAN SOCIETY OF
CLIMATE AND WEATHER

AND THE
AMERICAN SOCIETY OF
METEOROLOGICAL ENGINEERS

AND THE
AMERICAN SOCIETY OF
METEOROLOGICAL PHYSICISTS

AND THE
AMERICAN SOCIETY OF
METEOROLOGICAL CHEMISTS

AND THE
AMERICAN SOCIETY OF
METEOROLOGICAL BIOLOGISTS

AND THE
AMERICAN SOCIETY OF
METEOROLOGICAL AGRICULTURISTS

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METEOROLOGICAL AGRICULTURISTS

Memorandum of November 14, 1977

Federal Cash Management

Memorandum for the Heads of Executive Departments and Agencies

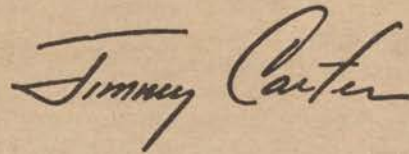
THE WHITE HOUSE,
Washington, November 14, 1977.

I have directed my reorganization staff, in conjunction with the Treasury Department, to conduct a comprehensive review of cash management policies, practices and organization throughout the Federal government.

The purpose of this effort is to identify further opportunities to apply modern cash management techniques to our massive cash flow. Within the constraints of monetary and economic policy, and building on the continuing work of the Treasury Department, the effort will seek ways to use our cash more efficiently with a view toward reducing Federal debt requirements and interest costs. The study will pay special attention to how effectively the government collects and disburses money, compensates banks and other financial institutions for services, controls cash balances, and provides incentives to make Federal managers more aware of the cash management implications of their decisions.

Representatives of my reorganization staff will contact you. They may ask you for help, advice, staff resources, or to participate in reviewing your own cash management activities. Inasmuch as I consider this to be a major management improvement effort, I trust you will share my enthusiasm and cooperate to the fullest extent possible.

In order to inform all affected parties that this review is underway, I have directed that this memorandum be published in the FEDERAL REGISTER.



[FR Doc.77-33404 Filed 11-16-77;9:12 am]

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the history of the United States is a complex and varied one, and that it is necessary to study it from many different angles in order to gain a complete picture of it.

2. The second part of the paper discusses the role of the government in the development of the United States. It is argued that the government has played a crucial role in the development of the country, and that it is essential for the government to continue to play this role in the future. The author points out that the government has been responsible for the establishment of the Constitution, the development of the federal system, and the creation of the various departments and agencies of the government.

3. The third part of the paper discusses the role of the individual in the development of the United States. It is argued that the individual has played a crucial role in the development of the country, and that it is essential for the individual to continue to play this role in the future. The author points out that the individual has been responsible for the establishment of the various states, the development of the various industries, and the creation of the various social and economic institutions of the country.

4. The fourth part of the paper discusses the role of the future in the development of the United States. It is argued that the future is a crucial part of the development of the country, and that it is essential for the future to be planned and developed in a sound and sensible way. The author points out that the future is a complex and varied one, and that it is necessary to study it from many different angles in order to gain a complete picture of it.

[Faint signature]

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.

[3410-02]

Title 7—Agriculture

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

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 1, Amdt. 1]

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

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for Florida oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t., November 23, 1977, and ending 12:01 a.m., e.s.t., November 27, 1977. The regulation is needed to assist in preventing the accumulation of excessive market supplies of these fruits during the Thanksgiving Holiday period specified in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: November 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the marketing agreement and order, and upon other information it is found that the limitation of shipments of oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment reflects the Department's appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges, grapefruit, tangerines, and tangelos by the trade prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of fruit in the markets during and immediately following the

Thanksgiving Day week contributes to unstable marketing conditions. Hence, the curtailment of shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is further 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 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 became available upon which the amendment is based and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective. Domestic shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated through September 24, 1978; determinations as to the need for, and extent of, regulation under § 905.52(a) (3) of the order must await the development of the crops and the availability of information about market supplies and the demand for such fruits; the recommendation and supporting information for limiting the total quantity of fresh citrus by prohibiting shipments, under said section, during the period herein provided, were promptly submitted to the Department after open meetings of the committees on November 8, 1977, held to consider recommendations for such regulation, after giving due notice of the meetings, and interested persons were afforded an opportunity to submit their views; information regarding the provisions of the regulation recommended by the committees has been provided to shippers of such fruits, and the regulation, including the effective time, is identical with the recommendations of the committees; and compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

Accordingly, it is found that the provisions in § 905.301 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 1; 42 F.R. 57947) following paragraph (d) thereof should be and hereby are revised by adding a new paragraph (e) to read as follows:

§ 905.301 Orange, Grapefruit, Tangerine, and Tangelo Regulation 1.

(a) Order. * * *

(e) During the period beginning at 6:00 p.m., e.s.t., November 23, 1977, and ending at 12:01 a.m., e.s.t., November 27, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, grapefruit, tangerines, or tangelos of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

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

Dated, November 14, 1977, to become effective 6:00 p.m., e.s.t., November 23, 1977.

D. S. KURYLOSKI,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-33277 Filed 11-16-77; 8:45 am]

[3410-02]

[Docket No. AO-85-A8]

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

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This decision amends the Federal marketing agreement and order for fresh oranges, grapefruit, tangerines, and tangelos grown in Florida. Growers of these fruits voted in a referendum held September 19 through 28, 1977, to amend the order. More than 84 percent of those growers voting who produced more than 72 percent of the volume voted favored the amendment.

The amendment merges the Shippers Advisory Committee and Growers Administrative Committee to form the Citrus Administrative Committee, which reflects both shipper and grower interests. The amendment authorizes separate regulations for Dancy and Robinson varieties of tangerines to recognize seasonal and other differences between the two varieties. In addition, it changes provisions relating to a percentage grade or size limitation to authorize a broader, more representative, basis for computation of shipments of a specified grade or size. It also makes other minor changes in the order to reflect current practices.

EFFECTIVE DATE: December 30, 1977.
FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director,
Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250, 202-447-6393.

SUPPLEMENTARY INFORMATION:
Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area in Florida. Upon the basis of the record it is found that:

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

(2) The order, as amended, and as hereby further amended, regulates the handling of oranges (including Temple oranges), grapefruit, tangerines, (including Honey tangerines), and tangelos grown in the production area, in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area in Florida as are necessary to give due recognition to the differences in the production and marketing of oranges, grapefruit, tangerines, and tangelos grown in the production area in Florida; and

(5) All handling of such fruit grown in the said production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

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

(1) The "Marketing Agreement, as Amended, Regulating the handling of oranges (including Temple oranges), grapefruit, tangerines (including Honey tangerines), and tangelos grown in the production area in Florida", upon which the aforesaid public hearing was held has signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1976, through July 31, 1977, handled not less than 50 percent of the volume of such fruit 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, 1976, through July 31, 1977 (which has been deemed to be a representative period), have been engaged within the production area in Florida, in the production of such fruit for market, such producers having also produced for market at least two-thirds of the volume of such commodities represented in the referendum.

ORDER RELATIVE TO HANDLING

Accordingly, it is determined, that on and after the effective date hereof, the handling of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area in Florida, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 905.1 *Secretary* is revised to read as follows:

§ 905.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. Section 905.4 *Fruit* is revised by amending paragraph (f) to read as follows:

§ 905.4 Fruit.

(f) Honey tangerines.

3. Section 905.5 *Variety* is revised by amending paragraphs (i), (j), and (k), and adding new paragraphs (l) and (m). As amended § 905.5 reads as follows:

§ 905.5 Variety.

(i) Dancy and similar tangerines, excluding Robinson and Honey tangerines;

(j) Robinson tangerines;

(k) Naval oranges; and

(l) Naval oranges; and

(m) Other varieties of citrus fruits specified in § 905.4 as recommended by the committee and approved by the Secretary.

4. Section 905.6 *Producer* is revised to read as follows:

§ 905.6 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of fruit in the production area and who has a proprietary interest in the fruit so produced.

5. Section 905.10 *Standard packed box* is revised to read as follows:

§ 905.10 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (4/5) of a United States bushel of fruit, whether in bulk or in any container.

6. The provisions of §§ 905.12, 905.13, 905.14, 905.15, 905.16 are redesignated as §§ 905.13, 905.15, 905.16, 905.17, and 905.18, respectively, and a new § 905.12 is added reading as follows:

§ 905.12 Committee.

"Committee" means the Citrus Administrative Committee established pursuant to § 905.19.

7. Section 905.13 is revised and a new § 905.14 is added to read as follows:

§ 905.13 District.

(a) "Citrus District One" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Citrus District Two" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner, Districts One, Two, and Three of Volusia County, and that part of the Counties of Indian River and Brevard not included in Regulation Area II.

(c) "Citrus District Three" shall include the County of St. Lucie and that part of the Counties of Brevard, Indian River, Martin, and Palm Beach described as lying within Regulation Area II, and County Commissioner's Districts Four and Five of Volusia County.

(d) "Citrus District Four" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Sota, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and that part of the Counties of Palm Beach and Martin not included in Regulation Area II.

(e) "Citrus District Five" shall include the County of Polk.

8. Section 905.14 is revised to read as follows:

§ 905.14 Redistricting.

The committee may with the approval of the Secretary, redefine the districts into which the production area is divided

or reapportionment or otherwise change the grower membership of districts, or both: *Provided*, That the membership shall consist of at least eight but not more than nine grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of fruit shipped from each district; (2) the volume of fruit produced in each district; and (3) the total number of acres of citrus in each district. The committee shall consider such redistricting and reapportionment during the 1980-81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

9. Delete §§ 905.20 through 905.26 and insert in lieu thereof the following:

§ 905.19 Establishment and membership.

(a) There is hereby established a Citrus Administrative Committee consisting of at least 8 but not more than 9 grower members, and 8 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers and employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he is an alternate.

§ 905.20 Term of office.

The term of office of members and alternate members shall begin on the first day of August and continue for one year and until their successors are selected and have qualified. The consecutive terms of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in §§ 905.22 and 905.23.

§ 905.21 Selection of initial members of the committee.

The initial members of the Citrus Administrative Committee and their respective alternates shall be the members and alternates of the Growers Administrative Committee and the Shippers Advisory Committee serving on the effective date of his amendment. Each member and alternate shall serve until completion of the term for which he was selected and until his successor has been selected and qualified.

§ 905.22 Nominations.

(a) *Grower member.* (1) The committee shall give public notice of a meeting of producers in each district to be held not later than July 10 of each year, for the purpose of making nominations

for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he is a producer. At least three of the nominees and their alternates so nominated shall be affiliated with a bona fide cooperative marketing organization.

(b) *Shipper members.* (1) the Committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nomination of at least three members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations for not more than five members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handler or his authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit by such handler during the then current fiscal period.

§ 905.23 Selection.

(a) From the nominations made pursuant to § 905.22(a) or from other qualified persons, the Secretary shall select one member and one alternate member to represent District 2 and two members and two alternate members each to represent District 1, 3, 4, and 5 or such other number of members and alternate members from each district as may be prescribed pursuant to § 905.14. At least three such members and their alternates shall be affiliated with bona fide cooperative marketing organizations.

(b) From the nominations made pursuant to § 905.22(b) or from other qualified persons, the Secretary shall select at least three members and their alternates to represent bona fide cooperative marketing organizations which are handlers, and the remaining members and their alternates to represent handlers who are not so affiliated.

10. Section 905.31 *Duties of Growers Administrative Committee* is revised by: (1) Revising the title and introductory sentence thereof; and (2) deleting paragraphs (j) and (k). As amended § 905.31 reads as follows:

§ 905.31 Duties of Citrus Administrative Committee.

It shall be the duty of the Citrus Administrative Committee:

(j) [Deleted]

(k) [Deleted]

§ 905.32 [Revoked]

11. Section 905.32 *Duties of Shippers Advisory Committee* is deleted.

12. Section 905.33 *Compensation and expenses of committee members* is revised to read as follows:

§ 905.33 Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this part.

13. Section 905.34 *Procedure of committees* is revised to read as follows:

§ 905.34 Procedure of committee.

(a) Ten members of the committee shall constitute a quorum.

(b) For any decision or recommendation of the committee to be valid, ten concurring votes, five of which must be grower votes, shall be necessary: *Provided*, That the committee may recommend a regulation restricting the shipment of grapefruit grown in Regulation Area I or Regulation Area II which meets the requirements of the Improved No. 2 grade or the Improved No. 2 Bright grade only upon the affirmative vote of a majority of its members present from the regulation area in which such restriction would apply; and whenever a meeting to consider a recommendation for release of such grade is requested by a majority of the members from the affected area, the committee shall hold a meeting within a reasonable length of time for the purpose of considering such a recommendation. If after such consideration the requesting area majority present continues to favor such release for their area the request shall be considered a valid recommendation and shall be transmitted to the Secretary. The votes of each member cast for or against any recommendation made pursuant to this subpart shall be duly recorded. Whenever an assembled meeting is held each member must vote in person.

(c) The committee may, in cases of emergency, vote by telephone and all such votes must be confirmed in writing. Any proposition so voted upon shall first be fully explained to all members or alternates acting as members. When any proposition is submitted to be voted on by telephone, two (2) dissenting votes shall prevent its adoption.

(d) The committee shall give the Secretary the same notice of meetings as is given to the members thereof.

14. Section 905.51 *Recommendations for regulation* is amended by revising paragraph (a), by deleting paragraph (b) and substituting "committee" for "Growers Administrative Committee" in paragraph (c) and by redesignating paragraph (c) as paragraph (b). As amended § 905.51 reads as follows:

§ 905.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate any variety in the manner provided in § 905.52, it shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (3) other pertinent market information and (4) the level and trend of consumer income. The committee shall submit to the Secretary its recommendations and supporting information respecting the factors enumerated in this section.

(b) The committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with the committee for this purpose. The committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

15. Section 905.52 *Regulation by the Secretary* is revised by:

- (1) Revising the title thereof;
- (2) Substituting "committee" for "Shippers Advisory Committee" and the "Growers Administrative Committee" in the first sentence of paragraph (a);
- (3) Revising the proviso in subparagraph (1) of paragraph (a);
- (4) Substituting "Chapter 601 of the Florida Statutes and regulations effective thereunder" for the "Florida Citrus Code" in subparagraph (5) of paragraph (a);
- (5) Deleting "Growers Administrative Committee" in paragraph (b) and "Shippers Advisory Committee and the Growers Administrative Committee" in paragraph (c) and substituting therefor the word "committee"; and
- (6) Adding "of any variety" following the words "to any or all shipments" in the first sentence of paragraph (c). As amended § 905.52 reads as follows:

§ 905.52 Issuance of regulations.

(a) Whenever the Secretary shall find from the recommendations and reports

of the committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Limit the shipments of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety, the quantity of such grade or size that may be shipped by a handler during a particular week shall be established as a percentage of the total shipments of such variety by such handler in such prior period established by the committee with the approval of the Secretary, in which he shipped such variety.

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada and Mexico: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of Chapter 601 of the Florida Statutes and regulations effective thereunder.

(b) Prior to the beginning of any such regulations, the Secretary shall notify the committee of the regulation issued by him, and the committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with the committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of any variety of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) * * *

§ 905.54 [Revoked]

16. Section 905.54 *Exemptions* is deleted.

§ 905.14 [Redesignated]

A typographical error in § 905.14 (redesignated herein as § 905.16) is corrected by substituting "Township 15 South, Range 32 East;" for "Township 18 South, Range 32 East;" As so revised and redesignated said section reads as follows:

§ 905.16 Regulation Area II.

"Regulation Area II" shall include that part of the State of Florida particularly described as follows:

Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; * * *

17. The following sections are revised by substituting "committee" for references to "Growers Administrative Committee and Shippers Advisory Committee".

§ 905.27 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 905.22 * * *

§ 905.28 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee * * *

§ 905.29 Inability of members to serve.

(a) An alternate for a member of the committee * * *

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee * * *

§ 905.30 Powers of the committee.

The committee, * * *

§ 905.35 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee, * * *

§ 905.36 Funds.

(a) All funds received by the committee * * *

(b) The Secretary may, at any time, require the committee * * *

(c) Upon the removal or expiration of the term of office of any member of the committee * * *

EXPENSES AND ASSESSMENTS

§ 905.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee * * *

§ 905.41 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for the

maintenance and functioning, during each fiscal period, of the committee established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee * * *

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee established under § 905.19, handlers may make advance payment of assessments.

§ 905.42 Handler's accounts.

(a) * * *

(b) The committee * * *

REGULATIONS

§ 905.50 Marketing policy.

(a) Before making any recommendations pursuant to § 905.51 for any variety of fruit the committee shall, with respect to the regulations permitted by § 905.52, submit to the Secretary a detailed report setting forth an advisable marketing policy for such variety for the then current shipping season. Such report shall set forth the proportion of the remainder of the total crop of such variety of fruit (determined by the committee to be available for shipment during the remainder of the shipping season of such variety) deemed advisable by the committee to be shipped during such season.

(b) In determining each such marketing policy and advisable proportion, the committee shall give due consideration to the following factors relating to citrus fruit produced in Florida and in other States: (1) The available crop of each variety of citrus fruit in Florida, and in other States, including the grades and sizes thereof, which grades and sizes in Florida shall be determined by the committee * * *

(c) In addition to the foregoing, the committee shall set forth a schedule of proposed regulation for the remainder of the shipping season for each variety of fruit for which recommendations to the Secretary pursuant to § 905.51 are contemplated. Such schedules shall recognize the practical operations of harvesting and preparation for market of each variety and the change in grades and sizes thereof as the respective seasons advance. In the event it is deemed advisable to alter such marketing policy or advisable proportion as the shipping season progresses, in view of changed demand and supply conditions with respect

to fruit, the committee shall submit to the Secretary a report thereon.

(d) The committee * * *

§ 905.53 Inspection and certification.

(a) Whenever the handling of a variety of a type of fruit is regulated pursuant to § 905.52, each handler who handles any variety of such type of fruit shall, prior to the handling of any lot of such variety, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified unless such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety regulated pursuant to § 905.52(a)(4), the committee * * *

HANDLER'S REPORT

§ 905.70 Manifest Report.

The committee may request information from each handler regarding the variety, grade, and size of each standard packed carton of fruit shipped by him and may require such information to be mailed or delivered to the committee or its duly authorized representative, within 24 hours after such shipment is made, in a manner or by such method as the committee may prescribe, and upon such forms as may be prepared by it.

§ 905.71 Other information.

Upon request of the committee, made with the approval of the Secretary, every handler shall furnish the committee, * * *

MISCELLANEOUS PROVISIONS

§ 905.80 Fruit not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 905.52 and 905.53 and the regulations issued thereunder, ship any variety for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; or (e) in such minimum quantities, types of shipments, or for such purposes as the committee * * *

§ 905.84 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of committee, * * *

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary, (2) shall, from time to time, account for all receipts and disbursements of deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) * * *

(d) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said joint trustees.

§ 905.88 Personal liability.

No member or alternate of the committee * * *

Subpart—Rules and Regulations

§ 905.120 Nomination procedure.

Meetings shall be called by the committee in accordance with the provisions of § 905.22 for the purpose of making nominations for members and alternate members of the committee. The manner of nominating members and alternate members of the committee shall be as follows:

(a) At each such meeting the Secretary's agent shall announce the requirements as to eligibility for voting for nominees and the procedure for balloting, and shall explain the duties of the committee under §§ 905.51 through 905.89, inclusive.

(b) A chairman and a secretary of each meeting shall be selected.

(c) At each meeting there shall be presented for nomination and there shall be nominated not less than the number of nominees required under the provisions of §§ 905.19 and 905.22, all of whom shall have the qualifications therein provided.

(d) At the meetings of handlers, any person authorized to represent a handler may cast a ballot for such handler.

(e) At each meeting there may be cast at least the number of persons required to be nominated to represent the several districts or groups, as the case may be.

(f) All voting shall be by ballot and all ballots shall be delivered by the chairman or the secretary of the meeting to the agent of the Secretary.

§ 905.125 [Revoked]

§ 905.126 [Revoked]

§ 905.130 [Revoked]

§ 905.132 [Revoked]

Section 905.125 *Redefinition of districts*, § 905.126 *Changes in district representation*, § 905.130 *Exemption certificates*, § 905.131 *Issuance of certificates*, and § 905.132 *Reports* are deleted.

NON-REGULATED FRUIT

§ 905.140 Gift packages.

During any day any handler may, without regard to the provisions of § 905.52 and § 905.53 and the regulations issued thereunder, ship any variety for the following purpose, and in the following quantity, and types of shipment: (a) To any person one gift package containing such variety, individually addressed to such person, not in excess of two standard packed cartons if such packages are shipped direct to the addressee for use by such person other than for resale; or (b) to any distributor individually addressed gift packages of such variety not in excess of two standard packed cartons each for distribution by such distributor to the respective addressee, but not for resale.

§ 905.141 Minimum exemption.

Any shipment of fruit which meets each of the following requirements may be transported from the production area during any one day by any person or by occupants of one vehicle exempt from the requirements of § 905.52 and § 905.53 and regulations issued thereunder:

(a) The shipment does not exceed a total of 15 standard packed cartons (12 bushels) of fruit either a single fruit or a combination of two or more fruits;

(b) The shipment consists of fruit not for resale; and

(c) Such exempted quantity is not included as a part of a shipment exceeding 15 standard packed cartons (12 bushels) of fruit.

§ 905.145 Certification of certain shipments.

Whenever a regulation pursuant to § 905.52 restricts the shipment of a portion of a specified grade or size of a variety, each handler shipping such variety during the regulation period shall, with respect to each such shipment, certify to the U.S. Department of Agriculture and the committee the quantity of the partially restricted grade or size, or both, contained in such shipment. Such certification shall accompany the manifest of such shipment which the handler furnishes to the Federal-State Inspection Service.

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

Effective date: December 30, 1977.

Signed at Washington, D.C., on November 11, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-33274 Filed 11-16-77; 8:45 am]

[3410-02]

[Navel Orange Reg. 414]

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

Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh California-Arizona navel oranges shipped to market from Districts 1 and 3 to be at least 2.20 inches in diameter for the period November 18, 1977, through December 29, 1977. This requirement is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: November 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: Findings. 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 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 this marketing order, and upon other information, it found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on November 4 and 8, 1977, to consider crop and market conditions and other factors affecting the need for regulation, and recommended that navel oranges in fresh domestic shipments from Districts 1 and 3 be required to be 2.20 inches in diameter or larger. The 1977-78 season navel orange crop is estimated at 41,200 cartons, compared with the past 3-season average of 56,870 cartons. Fresh domestic shipments for the 1977-78 season are expected to amount to 72 percent of the crop (29,700 cartons), compared with an average of 65 percent (36,898 cartons) shipped during the past 3 seasons. Shipment of this season's navel orange crop is now in progress, and ample supplies of navel oranges 2.20 inches in diameter or larger are available to satisfy the demand in fresh domestic markets. This regulation is designed to prevent shipment of very small oranges which have relatively small amounts of juice and high amounts of peel in relation to their size. Navel oranges smaller than 2.20 inches in diameter may be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing. The regulation is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers, and it reflects the Department's appraisal of the need for regulation based on the current and prospective crop and market conditions.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information be-

came available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at open meetings. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.714 Navel Orange Regulation 414.

(a) Order. During the period November 18, 1977, through December 29, 1977, no handler shall handle any navel oranges grown in District 1 or District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) As used in this section, "handler", "handle", "District 1", and "District 3", mean the same as defined in the marketing order.

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

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: November 14, 1977.

D. S. KURYLOSKI,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-33273 Filed 11-16-77; 8:45 am]

[3410-02]

[Navel Orange Regulation 415]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 18-24, 1977. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 18, 1977.
FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-3545.

SUPPLEMENTARY INFORMATION: Findings. 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