such return or claim. The amendments also modify the commencement of the 3-year period during which certain materials are required to be retained by certain income tax return preparers. Finally, the amendments require permission from the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) for the use of the preparer's postal zip code (in lieu of the complete business address) on returns and claims for refund prepared by income tax return preparers.

The amendment pertaining to the 3-year period for retention of certain material by income tax return preparers is effective immediately. The other two amendments are effective with respect to returns and claims presented to taxpayers (for filing) after April 30, 1977.

The principal draftsperson of this regulation was Elsie S. Little of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style. Miss Little may be contacted at 202-566-3926 or by mail at 1111 Constitution Avenue, NW., Washington, D.C. 20224.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to prescribe amendments to the temporary regulations on procedure and administration relating to certain requirements for income tax return preparers under sections 6107(b) and 6109(a)(4) of the Internal Revenue Code of 1954 as added or amended by section 1203 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1688), the following amendments to the temporary regulations are hereby adopted:

Paragraph 1. Section 404.6107-1 is amended by revising paragraph (b) thereof to read as follows:

§ 404.6107-1 Income tax return preparer must furnish copy of return to taxpayer and must retain a copy or list.

* * * * *

(b) *Copy or list to be retained*. Any person who is an income tax return preparer with respect to a return or claim for refund shall—

1)(i) Retain a completed copy of such return or claim for refund, or

(ii) Retain, on a list, the name, taxpayer identification number, and taxable year of the taxpayer for whom such return or claim for refund was prepared and the type of return or claim for refund prepared;

(2) Retain a record, with respect to each such return or claim for refund presented to the taxpayer (for filing) after April 30, 1977, of the name of the individual preparer required to sign such return or claim for refund pursuant to § 404.6695-1; and

(3) Make such copy or list or record available for inspection upon request by the district director.

Such material described in this paragraph (b) shall be retained and kept available for inspection upon request for the three year period following the close of the return period during which such return or claim for refund was presented to the taxpayer for filing. However, in the case of a return which becomes due during a return period (including extensions, if any) following the return period during which the return was presented to the taxpayer for filing, then such materials as described in paragraph (b) shall be retained and kept available for inspection upon request for the three year period following the close of such later return period in which the return became due. For the definition of the "return period" see section 6060(c) and § 404.6060-1(c).

* * * * *

Par. 2. Section 404.6109-1 is amended by revising paragraph (b) thereof to read as follows:

§ 404.6109-1 Furnishing identifying number of income tax return preparer.

* * * * *

(b) *Furnishing address*. (1) Any return or claim for refund of tax under subtitle A of the Internal Revenue Code of 1954 which is prepared by an income tax return preparer shall bear the street address, city, State, and postal zip code of the preparer's place of business where the return or claim for refund was prepared. However, if the place of business where the return or claim for refund was prepared is not maintained by the preparer as a place of business on a year-round basis, the return or claim for refund shall bear the street address, city, State, and postal zip code of the preparer's principal office or business location which is maintained on a year-round basis, or if none, the preparer's residence.

(2) For purposes of satisfying the requirement of the first sentence of paragraph (b)(1) of this section, an income tax return preparer may request permission to use only the postal zip code of such place of business as a satisfactory address. Any such request for approval of the use of the postal zip code shall be in writing and addressed to the Office of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service), 1111 Constitution Avenue, NW., Washington, D.C. 20224. Any income tax return preparer who has received written permission from an office of the Internal Revenue Service other than the Office of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) must secure written permission from such Office of the Assistant Commissioner to use only the zip code in lieu of the complete business address with respect to returns or claims for refund presented to the taxpayer (for filing) after April 30, 1977.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury Decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code.

(Section 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: March 18, 1977.

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77-9697 Filed 3-30-77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Plans for Coping With Radiological Emergencies

On June 27, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 27260), and invited written comments on, proposed regulations in the form of amendments to 10 CFR Part 70, "Special Nuclear Material." The purposes of the amendments were to set forth (1) the requirement that an application for a license to possess and use special nuclear material in fuel processing and fuel fabrication plants contain plans for coping with emergencies and (2) the minimum information that applicants should include in these emergency plans.

Interested parties were invited to submit written comments within 60 days after publication of the proposed amendments in the FEDERAL REGISTER. One comment suggested that the amendments were unnecessary because § 70.22 (a)(8) of 10 CFR Part 70 requires an applicant to provide "Proposed procedures to protect health and minimize danger to life and property (such as * * * emergency procedures, etc.)." and should be withdrawn. Currently licensees engaged in processing and fuel fabrication, scrap recovery, and conversion of uranium hexafluoride develop plans for coping with radiological emergencies based on requirements imposed as a condition of such licenses. The amendments which follow impose a requirement that radiological emergency plans shall be developed for a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride. They also go beyond 10 CFR § 70.22(a)(8) by establishing minimum requirements for these emergency plans. Two commenters asserted that the amendments should not refer to Sections II and IV of Appendix E to 10 CFR Part 50. Their concern was that reference to Part 50 and to the Preliminary Safety Analysis Report in Section II in particular might lead to confusion regarding the Part 70 licensing sequence and requirements. To avoid this possible concern, the proposed amendments have been revised to eliminate the references to Appendix E in the body of the text. Another comment questioned the adaquacy of the present Appendix E for development of emergency plans. Based on experience, the staff considers that Appendix E does provide the necessary framework of regulatory requirements for establishing adequate radiological emergency plans. However, guidance concerning certain related aspects, such as implementation on the part of licensees and development of supportive interfaces between licensees and State and local government emergency response organizations, requires improvement. A Regulatory Guide to provide additional guidance in these areas is being developed by the staff. Section IV of Appendix E contains an appropriate listing of the elements which, as a minimum, should be included in radiological emergency plans of licensees to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride. These elements are similar to the current requirements imposed as a condition of these licenses. Since Section IV of Appendix E to 10 CFR Part 50 contains an appropriate description of the required information, and since it is an established part of NRC regulations, a footnote has been added indicating that this information should be included in such emergency plans. There is no intent, thereby, to establish a two step review process of the type used for production and utilization facilities. Another comment noted that the proposed amendments only addressed fuel processing and fuel fabrication plants and stated that a definition should be included in § 70.4 if the amendments were intended to cover less than the scope of activities licensed under 10 CFR Part 70. In order to clarify this ambiguity, revisions have been made (1) to eliminate the references to "fuel processing and fuel fabrication plants," and (2) to specify that radiological emergency plans are required for a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, and conversion of uranium hexafluoride. The revised provision in § 70.23(a)(11) that plans be "adequate" instead of "adequate to protect public health and safety and prevent damage to property" is made to conform with parallel language in preceding clauses.

On the basis of the foregoing and after careful consideration of the comments received and other factors involved, the Nuclear Regulatory Commission has adopted these amendments in the form set forth below.

Since these amendments codify requirements already being imposed for developing emergency plans, good cause exists for making the amendments effective upon publication.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 70, is published as a document subject to codification.

1. A new paragraph (i) is added to § 70.22 to read as follows:

§ 70.22 Contents of applications.

* * * * *

(i) Each application for a license to possess and use special nuclear material for processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride shall contain, in addition to the other information required by this section, plans for coping with emergencies.[2]

2. A new paragraph (a)(11) is added to § 70.23 to read as follows:

§ 70.23 Requirements for the approval of applications.

(a) An application for a license, other than a license for export, will be approved if the Commission determines that:

* * * * *

(11) Where the proposed activity is processing and fuel fabrication, scrap recovery, or conversion of uranium hexafluoride, the applicant's proposed emergency plans are adequate.[3]

Effective date: The foregoing amendments become effective March 31, 1977.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 29th day of March 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-9867 Filed 3-30-77;8:45 am]

[2] Emergency plans shall contain the elements that are listed in Section IV, "Content of Emergency Plans," of Appendix E to Part 50 of this Chapter.

[3] Elements listed in Section IV, "Content of Emergency Plans," in 10 CFR Part 50 of this chapter will be used by the Commission in determining the adequacy of such plans.

Title 7—Agriculture

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

[Valencia Orange Regulation 553]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation requires fresh Valencia oranges shipped from District 1 or 3 of the California-Arizona production area to measure at least 2.32 inches in diameter (163 and larger sizes), during the period April 1, 1977, through January 15, 1978. The regulation recognizes that the composition of the crop is such that more than ample quantities of larger, more desirable sizes of oranges are available to meet fresh market demand. It is in the interest of producers and consumers to establish the minimum size of Valencia oranges as specified. The smaller sizes of oranges can be disposed of in export and in processing outlets.

DATES: Effective during the period April 1, 1977, through January 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545

SUPPLEMENTARY INFORMATION: Notice was published in the FEDERAL REGISTER on March 7, 1977 (42 FR 12888) and on March 14, 1977 (42 FR 14880), that consideration was being given to the establishment of a size regulation for Valencia oranges grown in District 1 or District 3, under the applicable provisions of the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The regulation was recommended by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notices provided that written comment in connection with the proposed regulation be submitted by March 18, 1977 (for District 3) and by March 23, 1977 (for District 1). None were received.

The specified minimum size requirement reflects the Secretary's appraisal of the crop and current and prospective marketing conditions.

The 1976-77 season crop of Valencia oranges is currently estimated at 55,500 carlots. The demand in regulated fresh market channels is expected to require about 38 percent of this volume. The remaining 62 percent would be available for utilization in export, processing and other outlets. Fresh shipments of California-Arizona Valencia oranges are now in progress. The volume and size composition of the crop of Valencia oranges grown in the production area are such that ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels. The regulation is necessary to assure shipment of Valencia oranges of the more desirable sizes in the interest of growers and consumers, and it would contribute to the establishment and maintenance of orderly marketing conditions.

After consideration of all relevant matters presented, including the proposals set forth in the notices and other available information, it is hereby found that the regulation of shipments of Valencia oranges, as hereinafter set forth, is in accordance with the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notices of proposed rulemaking concerning this regulation were published in the FEDERAL REGISTER on March 7, 1977 (42 FR 12888) and March 14, 1977 (42 FR 14880), and no objection to it was received; (2) the regulatory provisions are the same as those contained in the notices; (3) the recommendation and supporting information for regulation of Valencia oranges were submitted to the Department after open meetings of the committee in Districts 1 and 3 of the production area, which were held to consider recommendations for regulation, after giving due notice of the meetings, and interested persons were afforded an opportunity to submit their views at these meetings; (4) information concerning the provisions and effective time has been provided to handlers of Valencia oranges; and (5) compliance will not require any special preparation on the part of the persons subject to the regulation which cannot be completed by the effective time hereof.

Accordingly, the minimum size requirement for the handling of Valencia oranges is as follows:

§ 908.853 Valencia Orange Regulation 553.

Order.—(a) During the period April 1, 1977, through January 15, 1978, no handler shall handle any Valencia oranges grown in District 1 or District 3, which are of a size smaller than 2.32 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 Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handle", "handler", "District 1", and "District 3" shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: March 29, 1977, to become effective April 1, 1977.

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

[FR Doc.77-9910 Filed 3-30-77;12:19 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: The amendment would: (1) provide a uniform rule for allocation of early maturity and freeze damage allotments to Valencia orange handlers; (2) provide the Valencia Orange Administrative Committee, established under Marketing Order No. 908, more adequate control of oranges exported to Mexico; and (3) provide that a grower, after obtaining committee approval, may market oranges, exempt from volume and size regulations, direct to consumers. The amendment is needed to provide for more effective administration of the marketing order, to more equitably allocate early maturity allotments, and to improve marketing opportunities for growers.

DATES: Comments must be received on or before April 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

Notice is hereby given that the Secretary is considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 908.100-908.142) currently in effect under the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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). The amendment of the rules and regulations was proposed by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file two copies with the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, not later than April 7, 1977. All written submissions will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would: (1) simplify the definition of carload and define regular meeting day; (2) delete the no longer needed reference to nomination of initial committee members; (3) require that handlers furnish more information relating to the growers' oranges under their control, when applying for a prorate base and allotment; (4) revise the procedure for computing the weekly shipment allocation schedules for the districts; (5) require that handlers furnish additional information relating to oranges shipped in containers other than cartons or bags to enable the committee to accurately determine the amount of oranges shipped; (6) provide a schedule for filing for early maturity and freeze damage allotments when the committee meets on days other than the regular meeting day, and change the method of computing early maturity allotments to afford handlers among districts equal shipping opportunity; (7) tighten the safeguards relating to the issuance of exemptions under § 908.67, and delete reference to "district" in § 908.130; (8) require exporters to furnish additional proof indicating that oranges for export are actually exported, and stipulate that only exporters approved by the committee may export oranges exempt from allotment to Mexico; and (9) require producers who apply for exemption to sell their oranges direct to the consumer, to furnish the committee additional information relating to their marketing plans, and exempt from regulations oranges furnished as gifts or for exhibits.

The proposed amendments are as follows:

1. In § 908.100 Definitions revise paragraph (e) and add a new paragraph (h) reading as follows:

§ 908.100 Definitions.

* * * * *

(e) Pursuant to § 908.18, the quantity of oranges comprising a carload, as such term is therein defined, means a quantity of oranges equivalent to 1,000 cartons of oranges.

* * * * *

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Los Angeles. Whenever the committee determines that its meeting should be at another place or on a day other than the regular weekly day, it shall advise handlers by notice mailed not less than five days before the meeting.

2. Revise the first two sentences of paragraph (a) § 908.102 to read as follows:

§ 908.102 Nomination procedure.

(a) The time of nominating grower and handler members and alternate members of the committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the committee. The manner of nominating members and alternate members of the committee shall be as follows:

* * * * *

3. Revise paragraph (a) of § 908.108 to read as follows:

§ 908.108 Prorate bases and allotments.

(a) *Application to be filed.* Each person who has oranges available for current shipment and desires to handle the oranges shall submit to the committee upon request, on V.O.A.C. Form No. 1, an application for a prorate base and allotments. The application shall contain the information required pursuant to § 908.53(b) and a certification to the U.S. Department of Agriculture and the Valencia Orange Administrative Committee by the handler that the information in the application is true and that he has control, for all purposes relating to this part, of the oranges described in the application. The application shall be supported by a list of growers, on V.O.A.C. Form No. 1-A, whose oranges the applicant controls for all purpose relating to the marketing order showing for each listed grower's oranges, the name and address of the grower and the location, acreage, tree count, year in which trees were planted for trees less than eight years in the ground, and estimated yield of each grove or portion of a grove as may be designated by the committee.

* * * * *

4. In § 908.110 *Equity of marketing opportunity* revise paragraphs (c), (d), (e) and the fourth sentence of paragraph (f) to read as follows:

* * * * *

§ 908.110 Equity of marketing opportunity.

(c) Following any or all marketing policy meetings for the districts, the committee may review and make equitable modifications as it considers advisable in the equity factor and weekly shipping schedules.

(d) The committee shall develop a weekly shipment allocation schedule for each district commencing the week that regulation other than early maturity allotment is first recommended for the district and continuing through the remainder of the season. The quantities of oranges shown for each week shall be the cars appearing on the then effective shipping schedule for the week for the district, plus a proportionate amount of the quantities appearing on the weekly shipping schedule during weeks when no regulation or early maturity allotment was in effect for the district. Whenever two or more districts are shown on the weekly shipment allocation schedule, the committee shall combine into a weekly total the quantity of oranges shown thereon for each week and the weekly quantity for a district shall be converted into a percentage of the weekly total. The percentage shall be known as the percentage allocation to a district.

(e) Insofar as practicable, the committee shall, pursuant to § 908.51(a), base its weekly recommendations for the allocation of general maturity allotments and of freeze damage allotments among the prorate districts upon the percentage allocations for the districts provided for in § 908.110(d) of this subpart.

(f) * * *

Whenever a prorate district nears the end of the shipping schedule for that district and the committee ascertains that oranges (grown in that district) remain for handling under volume regulation, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly shipping schedules for all districts or (2) adjust the weekly shipment allocation schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipment allocation schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity and freeze damage allotment.

* * * * *

§ 908.112 [Amended]

* * * * *

5. Add the following sentence to the end of § 908.112.

If the shipment contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates, and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the assignment of allotment certificate.

6. Revise paragraphs (a) and (c) of § 908.113 to read as follows:

§ 908.113 Early maturity allotments.

(a) *Applications to be filed.* On or before 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day, any handler controlling early maturity oranges who desires to receive early maturity allotment for use during the following week must request the allotment from the committee by telephone or telegram, or by an application on V.O.A.C. Form No. 9 delivered to the committee at any of its designated offices. Telephone and telegram requests shall be confirmed either by (1) delivering to the committee not later than the meeting day a duly executed V.O.A.C. Form No. 9 or (2) by mailing to the committee such V.O.A.C. Form No. 9 postmarked not later than the meeting day. Requests for early maturity allotment, or for changes in requests previously made, shall not be considered by the committee if received after 12 o'clock noon of the day preceding the regular weekly meeting day of the committee, or if received after the time prescribed by the committee whenever the weekly meeting is held other than on the regular meeting day or is preceded by a holiday. Each application, and each confirmation, on V.O.A.C. Form No. 9 shall indicate the name and address of the applicant, the general location of early maturity oranges for which allotment is desired, the number of cartons of allotment desired, and such other pertinent information as the committee may from time to time request.

* * * * *

(c) Early maturity allotments shall be allocated to handlers on the basis of requests whenever the committee considers it advisable to grant the full amount of the requests. Whenever the committee considers it inadvisable to grant the full amount of early maturity allotments requested by all handlers, the requests of each handler shall be granted in the same proportion as the handler's tree crop is to the tree crop of all requesting handlers without regard to districts, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests in the same proportion as aforesaid, but not in excess of the amount requested. District allotments shall be the sum of allotments allocated to handlers within each district as determined according to the foregoing procedure.

7. Revise paragraph (c) of § 908.117 to read as follows:

§ 908.117 Freeze damage allotments.

* * * * *

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing V.O.A.C. Form No. 35 on or before 12 o'clock noon of the day before the regular weekly meeting of the committee, or at another time and day which may be prescribed by the committee whenever it determines that its meeting should be on a day other than the regular weekly meeting day or whenever a holiday precedes the meeting day. Such request may be made at any of the offices of the committee. V.O.A.C. Form No. 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made on a properly completed V.O.A.C. Form No. 35 shall be confirmed by delivery to the committee at any of the offices, not later than the meeting day, a properly completed V.O.A.C. Form No. 35 or by mailing a properly completed form to the committee not later than the meeting day.

* * * * *

8. Revise § 908.130 to read as follows:

§ 908.130 Exemptions under § 908.67.

The exemptions authorized by § 908.67 apply only to oranges handled by the initial handler direct for the purpose stated. Except as specifically provided in this subpart, any transaction wherein the oranges are handled by a third party, such party is not entitled to exemption.

9. Revise § 908.132 to read as follows:

§ 908.132 Export of oranges.

(a) *Oranges exported.* Except for the handling of oranges to an exporter for export to Mexico as provided in this section, any person who packs oranges and forwards the oranges directly to the destination for export, and who shows proof of export by submitting to the committee a copy of a signed dock receipt, a signed car bill of lading or other documents acceptable to the committee covering the shipment of the oranges to export, no later than 48 hours following the shipment, shall be considered to have exported the oranges within the meaning of § 908.67.

(b) *Handling oranges to an exporter for export to Mexico.* No person shall be eligible for an exemption under § 908.67 for handling oranges to an exporter for export to Mexico unless the exporter is approved as prescribed in paragraph (c) of this section.

(c) *Approved exporter to Mexico.* Any person who desires to become an approved exporter eligible to handle exempt oranges to Mexico shall submit to the committee an application on V.O.A.C. Form No. 36 which shall contain the following information: (1) the name and home address of the applicant; (2) the applicant's business address; (3) the applicant's permit, identification, or border crossing number; (4) the approximate quantity of oranges to be handled each week for export to Mexico; (5) a certification to the United States and to the Valencia Orange Administrative Committee that the oranges obtained for export to Mexico will not be placed in the current of commerce in the Continental United States, Canada, or Alaska; and (6) an agreement that the applicant will deposit with the U.S. Customs Inspector at the Mexican border within 36 hours after handling oranges for export to Mexico by purchase or otherwise, a copy of V.O.A.C. Form No. 16, Certificate of Purchase of Oranges For Export to Mexico, or file the certificate with the committee as provided in paragraph (d) of this section; and based upon information provided in the application, the investigation thereof by the committee staff, and other available information the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed on the approved list of exporters to Mexico. Should the applicant at any time fail to abide by the terms of his agreement with the committee, his name shall be removed from the list of approved exporters to Mexico.

(d) Mexican export certificate. For each export shipment of oranges to Mexico, the handler shall obtain from the purchaser at time of delivery of such oranges, a certification on V.O.A.C. Form No. 16 to the United States Department of Agriculture and the Valencia Orange Administrative Committee that such oranges are to be exported to Mexico and will not re-enter the Continental United States or be reshipped to Canada or Alaska. The certificate shall state the date of shipment, the quantity of oranges included in the shipment, the truck license number or other identification of the carrier of the oranges, the purchaser's permit, identification, or border crossing number, the name of the packinghouse from which the oranges were purchased, the destination of the oranges, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and the original shall be forwarded by the handler to the committee at the close of each day's business. The duplicate and triplicate copy shall accompany the oranges, and within 36 hours of the time they are purchased, the purchaser shall deposit the duplicate copy with the U.S. Customs Inspector at the Mexican Border, or, in lieu thereof, shall mail the duplicate copy to the committee in an envelope mailed from Mexico.

10. Revise the title of and paragraphs (a) and (c) in § 908.133 to read as follows:

§ 908.133 Other exemptions.

(a) Any producer whose principal occupation is not that of food distribution may apply to the committee on V.O.A.C. Form No. 18 for an exemption to sell oranges produced by him direct to consumers without regard to volume or size regulation or both. The application shall show: (1) The name and address of the producer; (2) the location of the producer's grove, the acreage in the grove, and the estimated production of the grove; (3) the estimated quantity of oranges which producer desires to sell to consumers under the exemption; (4) the location at which producer will sell his oranges to consumers, and the name of the facility employed in the sale, if any; (5) the name of the person or persons who will sell the oranges, and if the oranges are to be sold by a person other than the applicant, the nature of the selling agreement between such person and the applicant including information as to the extent to which applicant has control over the sale of the oranges; and (6) evidence that his principal occupation is not that of food distribution. The committee shall determine the extent to which the application should be granted on the basis of its evaluation of the information provided in the application, other available information, and its judgment as to the manner in which granting the application will effect the purposes of the marketing order. In making such determination, the committee shall consider: (1) the extent to which other handlers will be adversely affected in the marketing of their oranges in regular channels, if the exemption is granted; and (2) the degree of risk that the oranges covered by the exemption wil re-enter nonexempted channes, if the exemption is granted. The producer sha be notified in writin gof the action taken by the committee on his application. Upon approval of the application, the producer may sell oranges produced by him direct to a consumer without regard to the restrictions of volume or size or both, prescribed pursuant to Order No. 908. This exemption shall not apply to any sale of oranges made at a packinghouse.

* * * * *

(c) Any handler who desires to furnish, at his own expense, oranges for gifts, exhibits, or for experimental or research work by a university or other similar research institution, which does not involve the sale or such oranges in fresh fruit channels, may do so without regard to volume and size regulations then in effect. Any such oranges shall be reported to the committee on V.O.A.C. Form No. 4, Report of Weekly Orange Movement, and shall show the quantity of oranges furnished, and the name and address of the university or other research institution.

§ 908.141 [Amended]

11. Add the following sentence to the end of § 908.141.

* * * * *

If the shipment was by rail and contained oranges not packed in cartons or in bags, the handler shall file with the committee, no later than 10 days following the shipment, information satisfactory to the committee which substantiates and which shows the derivation of the amount of equivalent cartons, by sizes, contained in the shipment and reported on the manifest report.

Dated: March 28, 1977.

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

[FR Doc.77-9662 Filed 3-30-77;8:45 am]

Agricultural Marketing Service

[7 CFR Parts 1071, 1073, 1097, 1102, 1104, 1106, 1108, 1120, 1126, 1132, 1138]

[Docket Nos. AO-231-A45, etc.]

MILK IN THE TEXAS AND CERTAIN OTHER MARKETING AREAS

Revised Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing area	Docket Nos.
1071	Neosho Valley	AO-227-A34
1073	Wichita, Kans	AO-173-A35
1097	Memphis, Tenn	AO-219-A34-RO1
1102	Fort Smith, Ark	AO-237-A28-RO1
1104	Red River Valley	AO-206-A28
1106	Oklahoma Metropolitan	AO-210-A41
1108	Central Arkansas	AO-243-A32-RO1
1120	Lubbock-Plainview, Tex.	AO-328-A21
1126	Texas	AO-231-A45
1132	Texas Panhandle	AO-262-A30
1138	Rio Grande Valley	AO-335-A26

A notice was issued on February 11, 1977 (42 FR 9674) giving notice of a public hearing to be held March 15, 1977 with respect to the tentative marketing agreements and to the orders, regulating the handling of milk in the Texas and certain other marketing areas. Another notice was issued March 3, 1977 (42 FR 13024) giving notice that the hearing was rescheduled to begin at 9:30 a.m., local time, on April 5, 1977.

Notice is hereby given, pursuant to the rules of practice applicable to these proceedings (7 CFR Part 900), that the said hearing notices are revised in the following respects:

1. The hearing will start on the first day at 11 a.m., local time, rather than at 9:30 a.m. as originally scheduled.

2. The proposed base-excess payment months in proposal No. 1 are changed from April through July to February through July.

3. The proposed base transfer rules in proposal No. 1 are changed to read as follows: A. In the event of death of a baseholder or in the event of ceasing to produce milk and the complete dispersal of a dairy herd by a baseholder, the base held, or any part thereof, may be transferred to other producers.

B. If a base is held jointly and such joint holding is terminated, the apportioned base may be transferred to each of the joint holders.

For the convenience of interested parties, the complete notice of hearing, which incorporates the information contained in the notices issued February 11, 1977 and March 3, 1977 and the revisions noted above, is restated below:

Notice is hereby given of a public hearing to be held April 5 1977, at the Holiday Inn—D.F.W. North, Highway 114 and Esters Road (northeast corner of Regional Airport), Irving, Texas, beginning at 11 a.m., local time, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the