ulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.742 Navel Orange Regulation 442.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period December 1, 1978, through December 7, 1978, are established as follows:

(1) District 1: 1,200,000 cartons;

(2) District 2: Unlimited movement;

(3) District 3: Unlimited movement;

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: November 29, 1978.

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

[FR Doc. 78-33745 Filed 11-29-78; 11:18 am]

[3410-02-M]

PART 981—ALMONDS GROWN IN CALIFORNIA

Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule would reduce the weight obligation of almond material that handlers—those regulated by the marketing order for California almonds—must deliver to non-human consumption outlets for quality control. This rule applies only to the 1978-79 crop year, and is intended to augment the very short existing supplies of California almonds.

DATES: Effective July 1, 1978 to June 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: Notice was published in the November 3, 1978, FEDERAL REGISTER (43 FR 51405) to amend Subpart—Administrative Rules and Regulations (7 CFR 981.442-981.474) by revising §§ 981.442. Two comments were received.

The subpart is issued under the marketing agreement, as amended, and Order No. 981, as amended (7 CFR 981) regulating the handling of almonds grown in California. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The rule is based on a recommendation of the Almond Board of California.

Section 981.42 provides for each handler to cause to be determined, through the inspection agency, and at the handler's expense, the percent of inedible kernels in each variety of almonds received by him, and report this determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, constitutes a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. Section 981.42 also authorizes the Board, with the approval of the Secretary, to change this percentage for any crop year and to establish rules and regulations necessary and incidental to the administration of this provision.

Section 981.442 specifies the procedures for implementing § 981.42. In lieu of the two percent tolerance specified in § 981.42, § 981.442(a)(4) currently provides that the quantity of inedible kernels in each variety in excess of one and one-half percent of the kernel weight received, constitutes a handler's weight obligation to be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. The proposal was to revise § 981.442(a)(4) for the 1978-79 crop year so that the quantity of inedible kernels in each variety in excess of three percent, instead of the current one and one-half percent, would constitute a handler's weight obligation.

In its October 13, 1978, meeting, the Almond Board of California said that the change was needed primarily to allow more almonds to be shipped to the trade. The Board believes the 1978 crop will be less than the previous forecast of 205,000,000 pounds (kernel weight basis). When compared with last year's crop of 313,000,000 pounds, the current estimate of 1978 production represents a severe shortage of almonds. The Board noted that with a tolerance of three percent there would be no significant reduction in the quality of almonds offered to the public as a result of its proposed change.

Of the two comments, one person opposed the proposal and one favored it. The person opposing the proposal indicated that any relaxation in the tolerance could result in the marketing of seriously damaged almond kernels which could pose a marketing problem. He also expressed concern that a "one time only" relaxation of the tolerance opens the door in the future to similar changes when "special" conditions exist, and may become permanent. "The gravest concern", however, is that the "change has not been handled on an equal basis" because the large handler is in the best position to benefit by the change, and small handlers operated on the assumption that the one and one-half percent tolerance would not be changed. They incurred higher labor costs of sorting to that tolerance, and now have pickouts from the graded kernels which they cannot now blend back into the finished product without additional cost, thus they are at a competitive disadvantage. The commentator also contended that the Board was being operated to benefit the large handler.

The other commentator urged adoption of the rule change and stressed that seriously damaged rejects for the 1978 production which could cause a marketing problem, can and are being, sorted from the good product and disposed of in non-human consumption channels regardless of any tolerance change. Also, the change would make more almonds available to the trade and thus augment the returns to at least 70 to 75 percent of all almond growers.

Much of the damage in the 1978 production is cosmetic in nature in that the kernels are lightly damaged or surface damaged. Based on the Board discussions and the comment favoring the change, it would appear that a relaxation of the tolerance would not result in (1) any appreciable diminution in the quality of the almonds marketed during the remainder of the 1978-79 crop year, and (2) an unacceptable product which would pose marketing problems. Indications are that handlers are sorting out those kernels with more serious damage. In addition, the 1978 production is small in comparison to demand, and it is estimated that the change would make several million more pounds of almonds available for disposition by handlers. It is recognized, as pointed out in the comment in opposition to the change, that some handlers may have processed their receipts of 1978 crop almonds on the basis of the one and one-half percent tolerance, and may be unable to fully avail themselves of the more liberal tolerance without incurring additional cost. However, for the reasons stated previously, the change in the tolerance results from circumstances probably unique to the 1978 crop of almonds, and would be of benefit to a majority of the almond industry, and therefore should be adopted as soon as possible.

Therefore, after consideration of all relevant matter presented, including that in the notice, the comments received, the recommendation submitted by the Board, and other available information, it is found that to amend the administrative rules and regulations as herein set forth will tend to effectuate the declared policy of the act.

It is further found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The 1978-79 crop year began July 1, 1978, and this rule change is applicable for that crop year; (2) this regulation reduces a restriction on handlers; and (3) immediate establishment of this rule is necessary so that handlers and growers may avail themselves of it as soon as possible.

Therefore, § 981.442(a)(4) is revised to read as follows:

§ 981.442 Quality control.

(a) * * * (4) *Disposition obligation.* The weight of inedible kernels in excess of one and one-half percent of the kernel weight reported to the Board of any variety received by a handler shall constitute his disposition obligation, except that for the 1978-79 crop year ending June 30, 1979, this percentage shall be three percent. If a variety other than Peerless is used as bleaching stock, the weight so used may be reported to the Board and the disposition obligation for that variety reduced proportionately.

* * * * *

Dated: November 27, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 78-33583 Filed 11-29-78; 8:45 am]

[3410-02-M]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Expenses of the California Date Administrative Committee, and Rate of Assessment for 1978-79 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1978-79 crop year, to be collected from handlers to support activities of the California Date Administrative Committee which locally administers the Federal marketing order covering domestic dates produced or packed in Riverside County, California.

DATES: Effective October 1, 1978, through September 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, 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 Committee, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

§ 987.323 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the California Date Administrative Committee during the 1978-79 crop year, will amount to $27,550.

(b) The rate of assessment for said year payable by each handler in accordance with § 987.72 is fixed at 7 cents per hundredweight on all assessable dates.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), as the order requires that the rate of assessment for a particular crop year shall apply to all assessable dates handled from the beginning of such year which began October 1, 1978. To enable the Committee to meet crop year obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

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

Dated: November 27, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 78-33584 Filed 11-29-78; 8:45 am]

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations concerning real property insurance. The intended effect of this action is to eliminate any suggestion of sexual bias.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Agnes M. Copeland, 202-447-4572.

SUPPLEMENTARY INFORMATION: Section 1806.2(b)(7) of Part 1806 of Chapter XVIII, Title 7, Code of Federal Regulations is amended. The purpose of this amendment is to require that the property insurance policy include the names of all borrowers who are owners of the property being insured. Since this is an amendment of a procedural rule, publication in prior rulemaking format is unnecessary.

Accordingly, § 1806.2, paragraph (b)(7) is amended to read as follows:

§ 1806.2 Companies and policies.

* * * * *

(b) Insurance policies. * * * (7) *Name and location.* The policy should contain names of all the borrowers who are owners of the property being insured, and it will be returned for correction if it does not do so. The location of the property should be so described in the policy that the property can easily be identified. The complete legal description of the property by metes and bounds is not required. Any deviation from the requirements of this paragraph must first be cleared with the National Office.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority for Rural Development, 7 CFR 2.70; delegations of authority by Director OEO 29 FR 14764, 33 FR 9850)

Dated: November 17, 1978.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc. 78-33585 Filed 11-29-78; 8:45 am]

[3410-10-M]

SUBTITLE A—OFFICE OF SECRETARY OF AGRICULTURE

[Amdt. 3]

PART 16—LIMITATION ON IMPORTS OF MEAT

Section 204 Import Regulations; Restrictions on the Importation of Meat From Australia and Nicaragua

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations set forth in this Subpart are amended to limit imports of certain meats from Australia and Nicaragua to no more than 766.2 million and 59.5 million pounds, respectively, during calendar year 1978. Such action is necessary to carry out the 1978 restraint program, including agreements entered into by the United States with Australia and Nicaragua pursuant to Section 204 of the Agricultural Act of 1956 limiting the export from Australia and Nicaragua and the importation into the United States of certain meats.

EFFECTIVE DATE: November 30, 1978. See supplementary information.

FOR FURTHER INFORMATION CONTACT:

John E. Riesz (FAS), 202-447-7217, Dairy, Livestock and Poultry Division, CP, FAS, USDA, Room 6621 South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The Secretary of State and the Special Representative for Trade Negotiations concur in the issuance of these regulations.

These regulations establish quantitative restrictions applicable to meat imported from Australia and Nicaragua which may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly, at the level of 766.2 million and 59.5 million pounds, respectively, during calendar year 1978.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, these regulations fall within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and E.O. 12044.

EFFECTIVE DATE

Meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery)) prior to November 30, 1978, shall not be denied entry.

Subpart A, Section 204 Import Regulations, of Part 16, Limitation on Imports of Meat, of Title 7 of the Code of Federal Regulations is amended to add § 16.5 "Quantitative Restrictions" which reads as follows:

§ 16.5 Quantitative restrictions.

(a) Imports from Australia. During calendar year 1978, no more than 766.2 million pounds of meat, exported from Australia in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20, may be entered or withdrawn from warehouse for consumption in the United States, whether such meat was shipped directly or indirectly, from Australia to the United States.

(b) Imports from Nicaragua. During calendar year 1978, no more than 59.5 million pounds of meat, exported from Nicaragua in the form in which it would fall within the definition of meat in TSUS 106.10 or 106.20, may be entered or withdrawn from warehouse for consumption in the United States, whether such meat was shipped directly or indirectly, from Nicaragua to the United States.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733).)

Issued at Washington, D.C. this 28th day of November 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-33740 Filed 11-29-78; 10:58 am]

[4410-10-M]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENTS

PART 323—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN ADOPTED BY UNITED STATES CITIZENS

Implementation of Sec. 7 of Pub. L. 95-417 Elimination of Residence Requirement for Naturalization of Adopted Alien Children

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service regarding residence requirements for adopted alien children to comply with recently enacted legislation. Effective October 5, 1978, section 323 of the Immigration and Nationality Act was repealed. The regulatory amendments set forth in this order are necessary and intended to bring our regulations into compliance with the repeal of section 323.

EFFECTIVE DATE: October 5, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, telephone: 202-376-8373.

SUPPLEMENTARY INFORMATION: This final rulemaking order amends the regulations of the Immigration and Naturalization Service by revising 8 CFR 322.1, and by revoking 8 CFR Part 323 and 8 CFR 323.11. The reason for this action is the repeal by the Congress of section 323 of the Immigration and Nationality Act in Pub. L. 95-417 (92 Stat. 918), effective October 5, 1978. Before its repeal by section 7 of Pub. L. 95-417, section 323 of the Immigration and Nationality Act required an alien adopted child to reside with the adoptive parents in the United States for two years before the child would be eligible for naturalization. This two year residence requirement was not applicable to natural born children. Section 323 also required 1 year physicial presence by the adopted child in the United States prior to the filing of the petition for naturalization. Section 7 of Pub. L. 95-417 repeals section 323 of the Immigration and Nationality Act. In so doing, it makes an adopted child eligible for naturalization immediately following his adoption and lawful admission for permanent residence, thus abolishing the distinction between adopted and natural born children as regards eligibility for naturalization. These children will now be naturalized