That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

6. Revise paragraph (a) of § 911.53, so that after revision such paragraph reads as follows:

§ 911.53 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled to destinations within the forty-eight contiguous States of the United States, the District of Columbia and Canada during the next succeeding week: *Provided,* That such volume regulation shall not be recommended for any week except during the 18-week regulatory period beginning with the week preceding the first full week in May: *Provided, further,* That no such regulation shall be recommended after such regulations have been in effect for an aggregate of eight (8) weeks during the aforesaid period.

* * * * * *

Revise § 911.54 to read as follows:

§ 911.54 Issuance of volume regulations.

Whenever the Secretary finds from the recommendation and information submitted by the committee, or from other available information, that to limit the quantity of limes which may be handled to destinations within the 48 contiguous States of the United States, the District of Columbia and Canada during a specified week of a regulatory period will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more than eight (8) weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price. The Secretary may, upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation pursuant to this section at any time.

* * * * *

Revise paragraph (d) of § 911.55 to read as follows:

§ 911.55 Prorate bases.

* * * * *

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of the section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and the eighteen weeks for each of such immediately preceding seasons within the representative period in which the handler shipped limes. For purposes of this section "shipments" shall include only those limes which were shipped to destinations within the forty-eight contiguous States of the United States, the District of Columbia and Canada; "representative period" means the two preceding seasons together with the current season; the term "season" means the eighteen-week period beginning with the week preceding the first full week in May of any fiscal year; and the term "current season" means the period beginning with the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee the said "current season" shall extend through the third full week preceding the week of regulation.

7. Section 911.110 contains erroneous references to § 911.54. The correct reference is § 911.50. As corrected, § 911.110 reads as follows:

Subpart—Rules and Regulations

§ 911.110 Exemption certificates.

Exemption certificates under § 911.50 shall be issued by the Florida Lime Administrative Committee pursuant to the following rules and regulations:

* * * * *

(c) Approval of the application shall be evidenced by the issuance to the applicant, by the Manager of the Florida Lime Administrative Committee on its behalf, of one or more exemption certificates which shall authorize the handling of such quantity of the applicant's limes as may be necessary to accomplish the purposes of § 911.50.

* * * * *

Section 911.130(a) contains erroneous references to §§ 911.52 and 911.55. The correct references are §§ 911.48, 911.54 and 911.55. Paragraph (b) contains erroneous references to §§ 911.52 and 911.55. The correct references are 911.48 and 911.51. Paragraph (c) contains an incorrect reference to § 911.56. The correct referece is § 911.52. As corrected, § 911.130 reads as follows:

§ 911.130 Limes not subject to regulation.

(a) *Minimum quantity.* During any one day any handler may handle not to exceed 55 pounds total of limes exempt from the provisions of §§ 911.41, 911.48, 911.51 and 911.54, and the regulations issued thereunder,* * *

(b) *Gift shipments.* Any handler may, exempt from the provisions of §§ 911.41, 911.48, and 911.51, and the regulations issued thereunder. * * *

(c) *Commercial processing into products.* The term "commercial processing into products," as used in § 911.52(c) means the manufacture of any lime product which has been preserved by any recognized commercial process, * * *

In § 911.311(a)(2) change the word "marketing" which appears in the proviso to "marking". As corrected, the proviso reads as follows:

Subpart—Pack Regulation

§ 911.311 Lime Regulation 9.

(a)(1) * * *

(2) * * * *Provided,* That in lieu of such marking requirement, any handler may affix to the container a label, brand, or trademark, registered with the Florida Lime Administrative Committee in accordance with the following, which appropriately identifies the grade:

* * * * *

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

Effective date: September 30, 1978.

Signed at Washington, D.C. on: August 29, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 78-24837 Filed 9-1-78; 8:45 am]

[3410-02]

[Docket No. AO-254-A8]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This decision amends the Federal marketing agreement and order for fresh avocados grown in south Florida. Avocado growers ap-

proved the amendment in a referendum held June 21 through June 30, 1978. The principal changes: Authorize addition of a public member to the committee; allow an assessment rate exceeding 20 cents per bushel when recommended by a specified majority of the committee; change the financial reserve provision to permit the carryover of up to three years' expenses; authorize regulations for export shipments that are different from regulations for shipments to domestic markets; and delete the provision allowing compensation to committee members for performing program duties.

EFFECTIVE DATE: September 30, 1978.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, 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. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida.

Upon the basis of the record it is found that:

(1) The marketing agreement and 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 marketing agreement and order, as amended, and as hereby further amended, regulate the handling of avocados grown in the production area in the same manner as, and are 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 marketing agreement and order, as amended, and as hereby further amended, are limited in their application to the smallest regional production area 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 marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of avocados grown in the production area; and

(5) All handling of avocados grown in the production area as defined in the marketing agreement and order, as amended, and as hereby further amended, 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 avocados grown in south Florida" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping avocados covered by the said order, as amended, and as hereby further amended) who, during the period April 1, 1976, through March 31, 1977, handled not less than 50 percent of the volume of such avocados 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 April 1, 1976, through March 31, 1977 (which has been deemed to be a representative period), have been engaged within the production area, in the production of avocados for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of avocados grown in south 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. Add a new § 915.12 Export as follows:

§ 915.12 Export.

"Export" means to ship avocados to any destination which is not within the 48 contiguous States or the District of Columbia of the United States or Canada.

* * * * *

Amend § 915.51(a) by adding a new subparagraph (7). As amended, § 915.51 reads as follows:

§ 915.51 Issuance of regulations.

(a) * * *

(7) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of avocados which are different from those applicable to the handling of the same variety to other destinations.

* * * * *

2. Revise § 915.20 by designating the first paragraph as paragraph (a) and by adding a new paragraph (b). As amended, § 915.20 reads as follows:

§ 915.20 Establishment and membership.

* * * * *

(b) The committee may be increased by one public member and an alternate. Persons for the public member positions would be 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 public member and alternate.

Revise paragraph (a) of § 915.30 and add a new paragraph (c) to such section. As amended, § 915.30 reads as follows:

§ 915.30 Procedure.

(a) Except as provided in paragraph (c) of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommendation or other action of the committee shall require not less than five concurring votes including one by a handler, or an alternate acting as such: *Provided,* That if the committee is increased by one, the quorum requirement shall be increased to seven and any decision, recommendation or other action of the committee shall require not less than six concurring votes including one by a handler, or an alternate acting as such.

* * * * *

(c) For any recommendation of the committee for an assessment rate exceeding $0.20 per bushel to be applied pursuant to § 915.41, the quorum requirement shall be eight members or alternates acting for members and eight concurring votes shall be required.

3. Revise paragraph (b) of § 915.41 to read as follows:

§ 915.41 Assessments.

* * * * *

(b) The Secretary shall fix the rate of assessment per 55-pounds of fruit or equivalent in any container or in bulk, to be paid by each such handler. At any time during or after a fiscal year, the Secretary may increase the rate of assessment, in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance.

4. Revise § 915.31 to read as follows:

§ 915.31 Expenses.

The members of the commmittee and their respective alternates when performing duties at the direction of the committee, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

5. Revise paragraph (a)(2) of § 915.42. As amended § 915.42 reads as follows:

§ 915.42 Accounting.

(a) * * *

(2) The secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such year may be carried over into following years as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal years' operational expenses. Funds in the reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations during any fiscal year prior to the time that assessment income is sufficient to cover such expenses and to cover deficits incurred during any fiscal year when income is less than expenses. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

7. Section 915.205(a) refers to a reserve fund not to exceed the amount of "$10,000". Amendment 5 would increase the authorized reserve to an amount not to exceed approximately 3 fiscal years' operational expenses. Accordingly, § 915.205 should be revised. As revised, § 915.205 reads as follows:

Subpart—Budget of Expenses, Rate of Assessment and Carryover of Unexpended Funds

§ 915.205 Reserve fund.

(a) The establishment of a reserve fund at an amount not to exceed approximately 3 fiscal years' operational expenses is appropriate and necessary to the maintenance and functioning of the Avocado Administrative Committee. Such reserve, including funds carried forward from prior fiscal years, shall be used to provide for the maintenance and functioning of the committee in accordance with the provisions of the marketing agreement, as amended, and this part.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

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

Effective date: September 30, 1978.

Signed at Washington, D.C., on: August 29, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing Services.

[FR Doc. 78-24836 Filed 9-1-78; 8:45 am]

[3410-02]

PART 927—HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Rates of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These regulations authorize expenses and rates of assessment for the 1978-79 fiscal period, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering Oregon, Washington, and California winter pears, and Bartlett pears grown in Oregon and Washington.

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

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to marketing order Nos. 927 and 931 (7 CFR Parts 927 and 931), respectively, regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, and Bartlett pears grown in Oregon and Washington, 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 committees, established under these marketing orders, and upon other information, it is found that the expenses and rates of assessment, as hereafter provided, will tend to effectuate the declared policy of the act.

MARKETING ORDER 927

§ 927.218 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Control Committee during the period July 1, 1978, through June 30, 1979, will amount to $99,788.

(b) The rate of assessment for said period payable by each handler in accordance with § 927.41 is fixed as $0.0075 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

MARKETING ORDER 931

§ 931.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee during the fiscal period July 1, 1978, through June 30, 1979, will amount to $21,896.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 931.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

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), as the orders require that the rates of assessment for a particular fiscal year shall apply to all assessable pears handled from the beginning of such year which began July 1, 1978. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rates are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rates at an open meeting of each 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: August 30, 1978.

CHARLES R. BRADER,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-24897 Filed 9-1-78 8:45 am]

[3410-02]

CHAPTER X—AGRICULTURAL (MARKETING SERVICE MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

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

MILK IN THE TEXAS AND CERTAIN OTHER MARKETING AREAS

Order Amending Order

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-298-A28
1106	Oklahoma Metropolitan	AO-210-A41
1108	Central Arkansas	AO-243-A32-RO1
1120	Lubbock-Plainview, Tex.	AO-323-A21
1126	Texas	AO-231-A45
1132	Texas Panhandle	AO-262-A30
1138	Rio Grande Valley	AO-335-A26

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action provides for a "base-excess" plan for paying producers under 11 southwestern Federal milk orders, beginning September 1, 1979. The plan was proposed by a major cooperative association at a public hearing held in April 1977. Under the plan, each producer's average daily delivery of milk during September through December would be his established base. In the following March through July, each producer would be paid a higher uniform base price for milk deliveries up to his base, and a lower price for any excess milk. During August through February, producers would receive the blend price for all their deliveries. The intent of the plan is to provide an incentive to producers to even out their milk production during the year.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notices of hearing: issued February 11, 1977, published February 14, 1977, (42 FR 9674); issued March 3, 1977, published March 25, 1977, published March 31, 1977 (42 FR 17130). Notice of extension of time for filing briefs: Issued May 18, 1977, published May 23, 1977 (42 FR 26217).

Notice of recommended decision: Issued December 20, 1977, published December 29, 1977 (42 FR 65088). Notices of extension of time for filing exceptions: Issued January 20, 1978, published January 26, 1978 (43 FR 3568); issued February 15, 1978, published February 22, 1978 (43 FR 7327).

Final decision: Issued July 23, 1978, published July 28, 1978 (43 FR 33192).

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 each of the aforesaid orders and of the previously issued amendments 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.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas, and the minimum prices specified in the orders as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commerical activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* This order should not be made effective until September 1, 1979. The cooperative association that proposed the adoption of uniform base-excess plans in the 11 orders, and which represents the majority of producers in the 11-market area, requested that implementation of the plans be delayed until such date. It was indicated in the final decision on this issue that the base-excess plans, if approved by producers, would become effective on October 1, 1978.

The cooperative association stated that producers need more time in which to make adjustments in their milk production operations. The cooperative held that the Department's final decision was issued too late this year for producers to make any substantive changes in their fall milk production plans.

Producers should be provided time to make adjustments in their production operations before the start of the base-making period. If the base-making period were to start October 1, 1978, producers would have only 1 month's notice after the issuance of the amended orders that the base-excess plans that had been under consideration were, in fact, going to become effective. This short notice would give producers inadequate time to make changes in their production operations which they might consider desirable under the new payment plans. With the delayed effective date, however, producers will have more opportunity, for example, to have their cows freshen during the base-making months of September through December, when additional milk supplies are usually needed, rather than during the base-paying months of March through July, when milk supplies normally are in excess of the fluid demand. By providing time for produc-