

Dated: October 1, 1980

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.
[FR Doc. 80-31083 Filed 10-2-80; 12:01 pm]
BILLING CODE 3410-02-M

7 CFR Part 982

Filberts Grown in Oregon and Washington; Expenses of the Filbert Control Board, and Rate of Assessment, for the 1980-81 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1980-81 fiscal year, to be collected from handlers to support activities of the Filbert Control Board which locally administers the Federal marketing order covering filberts grown in Oregon and Washington.

DATES: Effective August 1, 1980, through July 31, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, (202) 447-5053.

SUPPLEMENTARY INFORMATION: Findings: Pursuant to Marketing Order No. 982, as amended (7 FR Part 982), regulating the handling of filberts 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 Board, 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.

It is further found that it is impracticable 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 fiscal year shall apply to all assessable filberts handled from the beginning of such year which began August 1, 1980. To enable the Board to meet fiscal 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 Board. To

effectuate the declared purposes of the act, it is necessary to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication, without opportunity for further public comments. The regulation has not been classified "significant" under USDA criteria for implementing the Executive Order. An Impact Analysis is available from J. S. Miller (202) 447-5053.

The expenses and assessment rate for the 1980-81 fiscal year follow:

§ 982.325 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Filbert Control Board during the 1980-81 fiscal year, will amount to \$45,543.

(b) The rate of assessment for said crop year payable by each handler in accordance with § 982.61 is fixed at 0.20 cent per pound of filberts.

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

Dated: September 30, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 80-30898 Filed 10-2-80; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 989

Raisins Produced From Grapes Grown in California—Quality Control; Temporary Change in Minimum Grade Standards for Packed Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This rule temporarily relaxes maturity requirements for packed seedless raisins under the Federal marketing order for California raisins. Adverse weather conditions this summer delayed proper sugar development. This, coupled with the threat of September rains, prompted producers to make raisins from grapes with lower than desired sugar levels. Although the full effect of the lower sugar content is still unknown, early tests indicate that the 1980 crop will be below current maturity requirements prescribed under the marketing order. The temporary grade change would make more 1980 crop raisins available to consumers and the trade than would

otherwise be available, minimize as much as possible producers' and handlers' 1980 crop losses, and lessen the chances of price increases from higher processing costs. The change was unanimously recommended by the Raisin Administrative Committee. The Committee works with USDA in administering the order.

EFFECTIVE DATES: September 29, 1980 until January 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053. A Final Impact Statement is being developed.

SUPPLEMENTARY INFORMATION: This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant". Jerry Hill, Deputy Assistant Secretary for Marketing and Transportation Services, determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this emergency final action because handlers are in the process of acquiring seedless raisins from the 1980 crop and will begin processing them soon, and the producers and handlers need to know promptly what regulation will be effective with respect to such raisins. Moreover, the temporary relaxation should become effective as soon as possible to minimize any inequities among producers and handlers due to different requirements for different time periods of the same crop year.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the *Federal Register*.

The temporary grade change made herein is pursuant to the marketing agreement, and Order No. 989, both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to collectively as the "act".

Currently, § 989.702 requires, among other things, Natural (sun-dried) Seedless, Dipped and Related Seedless, Golden Seedless and Monukka raisins

to meet the requirements in U.S. Grade C, including that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured. U.S. Grade C is defined in the effective United States Standards for Grades of Processed Raisins (7 CFR 52.1841—52.1858).

A significant portion of the 1980 crop raisins of these varietal types delivered to handlers to date are well below these requirements and will not be available for shipment to domestic or export markets without intensive processing at substantial extra costs to the handlers. No significant improvement in maturity's expected in later deliveries.

The temporary grade change, hereinafter set forth, will end December 31, 1981, and will permit handlers to process the 1980 raisin crop without incurring higher processing costs, make more raisins available to consumers and the trade than would otherwise be available, and lessen the changes of significant price increases.

After consideration of all relevant matter presented, the Committee's information and recommendation, and other available information, it is further found that the temporary changes in the minimum grade standards for packed seedless raisins, as contained in § 989.703 hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, § 989.703 in Subpart—Quality Control (7 CFR Part 989.701—989.703) is revised to read as follows:

§ 989.703 Changes in minimum grade standards for packed seedless raisins for the period ending December 31, 1981.

Effective pursuant to § 989.59(b), the requirements for Natural (sun-dried) Seedless, Dipped and Related Seedless, Golden Seedless, and Monukka raisins in U.S. Grade C that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured, shall be suspended until January 1, 1982.

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

Dated: September 26, 1980 to become effective September 29, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 80–30788 Filed 10–2–80; 8:45 am]

BILLING CODE 3410–02–M

ACTION: Emergency final rule.

SUMMARY: This rule temporarily relaxes maturity requirements for imported raisins. The Agricultural Marketing Agreement Act of 1937, as amended, requires that raisin imports must meet equal or comparable grade requirements as domestic raisins under a Federal marketing order. Under the marketing order for California raisins, temporary relaxations are being made in the maturity requirements for packed seedless raisins and similar relaxations must be made in the requirements for imported Thompson Seedless and Monukka raisins.

EFFECTIVE DATES: September 29, 1980, until January 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053. A Final Impact Statement is being developed.

SUPPLEMENTARY INFORMATION: This emergency final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant".

Jerry Hill, Deputy Assistant Secretary for Marketing and Transportation Services, has determined that an emergency situation exists which warrants publication of this emergency final action without an opportunity for a public comment period. Section 8e of the AMA Act of 1937 makes this action mandatory and requires that it conform with a simultaneous relaxation of the grade requirements on certain domestic raisins under the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter collectively referred to as the "order"). Moreover, compliance with this emergency final rule will not require any special preparation by importers which cannot be completed by the effective date, and it relaxes restrictions on the importation of raisins.

The domestic action is being implemented without an opportunity for public comment so the relaxed requirements can be made effective sooner than would otherwise be possible. Domestic handlers are in the process of acquiring 1980 crop raisins and will be processing and packing them soon. Hence, prompt action would lessen the chances of any inequity among producers or handlers due to different requirements for different time periods of the same crop year.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register.

The raisin import regulation is effective pursuant to the requirements of section 8e of the AMA Act of 1937 (7 U.S.C. 601–674), hereinafter referred to as the "act". Section 8e requires the Secretary of Agriculture to issue, after reasonable notice, grade requirements on imported raisins which are the same as, or comparable to, those imposed on domestic raisins under the order.

Adverse weather conditions in California this summer delayed proper sugar development in grapes. This coupled with the threat of September rains, prompted producers to make raisins from grapes with lower than desired sugar levels.

Early tests indicate that the 1980 domestic raisin crop will be below current maturity requirements prescribed under the order. The temporary relaxation in domestic requirements necessitates a similar change in the import requirements for imported Thompson Seedless and Monukka raisins.

Based on the foregoing, and all other relevant information, it is further found that the amendment of the raisin import regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 999.300 is amended by revising § 999.300(b)(6) to read as follows:

§ 999.300 Regulation governing the importation of raisins.

* * * * *

(b) * * *

(6) Until January 1, 1982, the requirement in U.S. Grade C that not less than 55 percent, by weight, of the raisins must be well-matured or reasonably well-matured shall not apply to Thompson Seedless and Monukka Raisins.

* * * * *

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

Dated September 29, 1980 to become effective September 29, 1980.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 80–30787 Filed 10–2–80; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 999

Raisin Import; Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

CFR Parts 1062, 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

Milk in the St. Louis-Ozarks Marketing Area, et al.; Determination of Class II Prices

7 CFR part and marketing area

1062—St. Louis-Ozarks.
1007—Georgia.
1011—Tennessee Valley.
1030—Chicago Regional.
1032—Southern Illinois.
1046—Louisville-Lexington-Evansville.
1049—Indiana.
1050—Central Illinois.
1064—Greater Kansas City.
1065—Nebraska-Western Iowa.
1068—Upper Midwest.
1071—Neosho Valley.
1073—Wichita, Kansas.
1076—Eastern South Dakota.
1079—Iowa.
1094—New Orleans-Mississippi.
1096—Greater Louisiana.
1097—Memphis, Tennessee.
1098—Nashville, Tennessee.
1099—Paducah, Kentucky.
1102—Fort Smith, Arkansas.
1104—Red River Valley.
1106—Oklahoma Metropolitan.
1108—Central Arkansas.
1120—Lubbock-Plainview, Texas.
1126—Texas.
1131—Central Arizona.
1132—Texas Panhandle.
1138—Rio Grande Valley.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Determination of class II prices for temporary period; interim rules.

SUMMARY: This action relates to the procedure for announcing Class II prices under the 29 Federal milk orders listed above. In a recent decision, the U.S. Court of Appeals for the District of Columbia ruled that the present method of announcing Class II prices under these orders is invalid. The Court ordered the Department to establish on the basis of further rulemaking procedures a method for announcing such prices and, pending the completion of these procedures, to implement on an interim basis the same notice procedure used for announcing Class I prices. To carry out the Court's order, Class II prices must be announced in advance of the month in which they apply rather than after such month, as has been the usual case. In the absence of order provisions for establishing Class II prices that may be announced in this manner, it is necessary during this interim period to determine for each month a Class II price for each of the 29 orders. This document sets forth the

procedure that will be followed by the Department in determining and announcing such prices.

DATE: The procedures set forth herein become effective October 3, 1980.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable provisions of the respective orders, as amended, regulating the handling of milk in the aforesaid marketing areas, it is hereby found and determined with respect to these orders that:

(1) The provisions in the orders for announcing Class II prices have been declared legally invalid. In an action against the Department (*American Dairy of Evansville Inc., et al., v. Robert Bergland, Secretary of Agriculture, et al.*), the U.S. Appeals Court for the District of Columbia Circuit recently ruled that the Class II price announcement procedure in the 29 orders is invalid due to inadequate findings when the procedure was established in the orders.

(2) The Court has ordered the Department to establish on the basis of further rulemaking procedures a method for announcing Class II prices and, pending the completion of these procedures, to implement on an interim basis the same notice procedure used for announcing Class I prices.

(3) As a result of the Court's ruling, the Department held a public hearing at Clayton, Missouri, on August 12-14, 1980 (45 FR 47432, July 15, 1980, and 45 FR 49584, July 25, 1980) to consider proposals for establishing an appropriate method for announcing Class II prices under the 29 orders. A decision on the proposals considered is pending.

(4) Pending the completion of the amendment proceeding, it is necessary, in carrying out the Court's order to announce Class II prices in advance of the month in which they apply, to determine for each month during the interim period a Class II price for each of the 29 orders. Accordingly, for each month, the Director of the Dairy Division, Agricultural Marketing Service, will determine the Class II price, which will be his estimate of the average Minnesota-Wisconsin manufacturing milk price (3.5 percent butterfat content) for that month, plus 10 cents. This Class II price will be determined and announced by the

Director on the same day of the preceding month that the Class I price is announced and will be announced by the market administrators of the affected orders at that same time. This procedure will continue as closely as possible the present relationship between the Class II and Class III prices of each order, while announcing Class II prices in a manner that carries out the Court's order.

(5) Notice of proposed rulemaking, public procedure thereon and 30 days' prior notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest in that (a) the present method of announcing Class II prices for the orders has been declared invalid by a Court and a void is thereby created in the orders; (b) the determination of Class II prices is necessary in order to announce such prices in the manner directed by the Court; and (c) the determination does not require substantial or extensive preparation by any person.

Effective date: The procedures set forth herein become effective October 3, 1980.

Signed at Washington, D.C., on: September 26, 1980.

H. L. Forest,

Director, Dairy Division.

Each of the CFR sections listed below is affected by the Court ruling and will carry a note as follows:

Note.—The announcement of Class II prices are affected by a Court ruling. See document published on October 3, 1980 at 45 FR —.

7 CFR part and marketing area

1062.50(b)—St. Louis-Ozarks.
1007.50(b)—Georgia.
1011.50(b)—Tennessee Valley.
1030.50(b)—Chicago Regional.
1032.50(b)—Southern Illinois.
1046.50(b)—Louisville-Lexington-Evansville.
1049.50(b)—Indiana.
1050.50(b)—Central Illinois.
1064.50(b)—Greater Kansas City.
1065.50(b)—Nebraska-Western Iowa.
1068.50(b)—Upper Midwest.
1071.50(b)—Neosho Valley.
1073.50(b)—Wichita, Kansas.
1076.50(b)—Eastern South Dakota.
1079.50(b)—Iowa.
1094.50(b)—New Orleans-Mississippi.
1096.50(b)—Greater Louisiana.
1097.50(b)—Memphis, Tennessee.
1098.50(b)—Nashville, Tennessee.
1099.50(b)—Paducah, Kentucky.
1102.50(b)—Fort Smith, Arkansas.
1104.50(b)—Red River Valley.
1106.50(b)—Oklahoma Metropolitan.
1108.50(b)—Central Arkansas.
1120.50(b)—Lubbock-Plainview, Texas.
1126.50(b)—Texas.
1131.50(b)—Central Arizona.
1132.50(b)—Texas Panhandle.
1138.50(b)—Rio Grande Valley.

7 CFR part and marketing area

- 1062.53—St. Louis-Ozarks.
- 1007.53—Georgia.
- 1011.53—Tennessee Valley.
- 1030.53—Chicago Regional.
- 1032.53—Southern Illinois.
- 1046.53—Louisville-Lexington-Evansville.
- 1049.53—Indiana.
- 1050.53—Central Illinois.
- 1064.53—Greater Kansas City.
- 1065.53—Nebraska-Western Iowa.
- 1068.53—Upper Midwest.
- 1071.53—Neosho Valley.
- 1073.53—Wichita, Kansas.
- 1076.53—Eastern South Dakota.
- 1079.53—Iowa.
- 1094.53—New Orleans-Mississippi.
- 1096.53—Greater Louisiana.
- 1097.53—Memphis, Tennessee.
- 1098.53—Nashville, Tennessee.
- 1099.53—Paducah, Kentucky.
- 1102.53—Fort Smith, Arkansas.
- 1104.53—Red River, Valley.
- 1106.53—Oklahoma Metropolitan.
- 1108.53—Central Arkansas.
- 1120.53—Lubbock-Plainview, Texas.
- 1126.53—Texas.
- 1131.53—Central Arizona.
- 1132.53—Texas Panhandle.
- 1138.53—Rio Grande Valley.

[FR Doc. 80-30605 Filed 10-2-80; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2853

Grading, Certification, and Standards;
Delay of Implementation of Effective Date

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of delay of implementation of effective date.

SUMMARY: A final rule was published in the August 5, 1980, *Federal Register* (45 FR 51757-51763) to amend certain official United States standards for grades of meat and the related meat grading regulations. One change provided that beef carcasses must be ribbed a minimum of 10 minutes prior to presentation for grading. Due to the necessity of modifying their automatic carcass handling systems, some establishments will be unable to comply with the October 6, 1980, effective date. Therefore, the effective date for the 10 minute ribbing time only is extended to January 12, 1981, to allow sufficient time for these modifications to be made.

EFFECTIVE DATE: January 12, 1981.

FOR FURTHER INFORMATION CONTACT: Michael L. Huggins, Acting Director, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3499.

SUPPLEMENTARY INFORMATION: On August 5, 1980, the Food Safety and Quality Service published in the *Federal Register* (45 FR 51757-51763) a final rule to amend certain official United States standards for grades of meat and the related meat grading regulations. One change provided that beef carcasses must be ribbed a minimum of 10 minutes prior to being presented for grading. Some packers have notified the Department that due to the extensive modifications of their automatic carcass handling systems necessary to comply with this regulation, the needed changes cannot be accomplished by the October 6, 1980, effective date. These packers have requested that the effective date be extended to allow completion of these modifications.

The Department recognized that some modifications would be necessary. However, it was anticipated that these changes could be accomplished by October 6, 1980. Because of the inability of some packers to meet this deadline and because an extension to allow completion of modifications does not have an adverse impact, an extension of the effective date to January 12, 1981, is made for the 10 minute ribbing time requirement provided for in § 2853.13(b) (7 CFR 2853.13(b)). This will allow all users of the service to be treated uniformly and will not delay the benefits of the other amended changes, which are effective on October 6, 1980.

Done at Washington, D.C., on: September 30, 1980.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-30694 Filed 10-2-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 215

Controls Upon Departure of Persons
From and Entry Into the United States;
Revised Title: Control of Aliens
Departing From the United States

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The Immigration and Naturalization Service (INS) is deleting the present regulations contained in 8 CFR Part 215 which cover controls upon departure of persons from and entry into the United States. Part 215 is being revised pursuant to an agreement

between the State Department and the Justice Department. That agreement provides that the regulations presently at 22 CFR Part 46, which set forth controls of aliens departing from the United States should be revised, and that the regulations of the INS found at 8 CFR Part 215 should contain the same provisions because the provisions of 22 CFR Part 46¹ affect the duties of immigration officers.

EFFECTIVE DATE: October 3, 1980.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieskiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048

For specific information: Joanna London, General Attorney, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3201

SUPPLEMENTARY INFORMATION: On June 16, 1980, the Department of State and the Immigration and Naturalization Service agreed that 22 CFR Part 46 should be amended and that the regulations of both should contain the provisions of 22 CFR Part 46, as amended, because these provisions affect the duties of Immigration Officers. Pursuant to that agreement, this rule deletes the present provisions of 8 CFR Part 215 and replaces them with the provisions of 22 CFR Part 46, as amended on September 29, 1980 (45 FR 64174).

The present 8 CFR Part 215 is entitled "Controls Upon Departure of Persons From and Entry Into the United States" and contains only § 215.1, which provides that wartime or national emergency travel controls for United States citizens are contained in 22 CFR Part 53, and controls upon aliens departing from the United States are contained in 22 CFR Part 46. The new 8 CFR Part 215 is entitled "Control of Aliens Departing From the United States" and adopts the language and format of the amended 22 CFR Part 46, which provides controls for alien departures from the United States.

The new 8 CFR 215.1 defines terms for the purposes of Part 215. This section adopts the language and format of 22 CFR 46.1.

The new 8 CFR 215.2 provides the authority of departure control officers. This section adopts the language and format of 22 CFR 46.2 as amended.

The new 8 CFR 215.3 lists aliens whose departures from the United States would be prejudicial to the

¹ For revised 22 CFR Part 46, see 45 FR 64174, Sept. 29, 1980.