

sooner than the earliest time allowable under Section 906 of Title 5 of the United States Code.

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 16, No. 13: Mar. 31, Presidential message transmitting Reorganization Plan No. 1 of 1980 to Congress.

Vol. 16, No. 19: May 12, Presidential message transmitting amendments to Reorganization Plan No. 1 of 1980. (Also printed as House Document No. 96-307.)

HOUSE REPORT No. 96-1043 (Comm. on Government Operations).

SENATE REPORT No. 96-790 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Mar. 27, H. Res. 624, resolution of disapproval, introduced in House and referred to Committee on Government Operations.

Mar. 28, S. Res. 397, resolution of disapproval, introduced in Senate and referred to Committee on Governmental Operations.

May 30, H. Res. 624, rejected by House.

[FR Doc. 80-18212

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 913

Grapefruit Grown in the Interior District in Florida; Public Member Eligibility Requirements and Nominating Procedure

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes eligibility requirements and procedure for nominating the public member on the Interior Grapefruit Marketing Committee established under Marketing Order No. 913.

EFFECTIVE DATE: July 16, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, (202) 447-5975.

SUPPLEMENTARY INFORMATION: This amendment is issued under the marketing agreement and Order No. 913 (7 CFR Part 913) regulating the handling of grapefruit grown in the Interior District in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amendment is based upon the recommendations and information submitted by the Interior Grapefruit Marketing Committee and upon other information.

Section 913.15 of the order specifies that the committee may be increased by one public member and alternate nominated by the committee and selected by the Secretary. This section further provides that the committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the public member and alternate.

The amendment specifies that the public member shall be neither a producer nor a handler of grapefruit grown in the regulation area and shall not be financially interested in the production or marketing of grapefruit. It also provides that the public member should attend committee activities regularly and become familiar with the background and economics of the grapefruit industry. The amendment specifies that the public member serve a one-year term of office which coincides with the term of industry members of the committee.

Notice of the proposed amendment was published in the May 9, 1980, issue of the *Federal Register* (45 FR 30638). No comments were received during the period provided in the notice for interested persons to submit written comments. It is found that this amendment is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act.

This amendment has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant." An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

Therefore, a new § 913.160 is added as follows:

§ 913.160 Public member eligibility requirements and nomination procedure.

(a) The public member shall be neither a producer nor a handler of grapefruit produced in the regulation area and shall have no financial interest in the production or marketing of grapefruit.

(b) The public member should be able to devote sufficient time and express a willingness to attend committee activities regularly and become familiar with the background and economics of the industry.

(c) The public member must be a resident of the regulation area.

(d) The public member should be nominated by the Interior Grapefruit Marketing Committee and should serve a one-year term which coincides with the term of office of producer and handler members of the committee.

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

Dated: June 11, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-18064 Filed 6-13-80; 8:45 am]

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7 CFR Part 925

[Docket No. F&V AO-79-2]

Grapes Grown in a Designated Area of Southeastern California; Order Regulating Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule issues a Federal marketing order regulating the handling of grapes grown in southeastern California. Growers approved the marketing order in a referendum held May 1-2, 1980. The marketing order establishes a committee of 11 producer and handler members and one public member for local administration; authorizes grade, size, quality, maturity, pack, container, and volume regulations; and allows the committee to engage in production and marketing research and development projects financed by handler assessments. The primary objective is to promote orderly marketing of grapes. Consumers would benefit from a consistent supply of good quality fruit and growers would benefit from an expanded market.

EFFECTIVE DATE: August 1, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone: 202-447-5975. This action was anticipated under the provisions of the Secretary's Decision (45 FR 26967), and was specifically considered in the Final Impact Statement prepared for that action. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum Order 1955 to implement Executive Order 12044, and has been classified as "significant." Prior actions in this proceeding: Notice

of Hearing; issued November 23, 1979, and published in the *Federal Register* (44 FR 67990) on November 28, 1979; Public hearing on proposed marketing agreement and order held December 12-13, 1979, at Coachella, California; Notice of Recommended Decision; issued February 22, 1980, and published in the *Federal Register* (45 FR 12797) on February 27, 1980; and Decision and Referendum Order; issued April 16, 1980, and published in the *Federal Register* (45 FR 26967) on April 22, 1980.

Findings and Determinations

(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 marketing agreement and a proposed order, regulating the handling of grapes grown in a designated area in California.

Upon the basis of the record it is found that:

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

(2) The order regulates the handling of grapes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(3) The order is limited in its 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) There are no differences in the production and marketing of grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

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

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

(1) The "Marketing Agreement Regulating the Handling of Grapes Grown in a Designated Area in California", 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 grapes covered by the proposed order) who during the period January 1, 1979, to December 31, 1979, handled not less than 50 percent of the volume of such grapes covered by this order, and

(2) The issuance of this order 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 January 1, 1979, to December 31, 1979 (which has been deemed to be a representative period), have been engaged within the designated area in California in the production of grapes 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 grapes grown in a designated area of southeastern California shall be in conformity to and in compliance with the following terms and conditions:

A new Part 925 is added to read as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

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Authority: 7 U.S.C. 601-674.

Definitions

§ 925.1 Secretary.

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

§ 925.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 925.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 925.4 Grapes.

"Grapes" means any variety of vinifera species table grapes grown in the production area.

§ 925.5 Production area.

"Production area" means Imperial County, California, and that part of Riverside County and San Diego County, California, situated east of a line drawn due north and south through the Post Office in White Water, California.

§ 925.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of *Vitis vinifera* table grapes.

§ 925.7 Producer.

"Producer" is synonymous with "grower" and means any person who produces grapes for the fresh market and who has a proprietary interest therein.

§ 925.8 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of grapes owned by another person) who handles grapes or causes grapes to be handled.

§ 925.10 Handle.

"Handle" is synonymous with "ship" and means to pack, sell, deliver (including delivery to a storage facility), transport, or in any way to place grapes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include the sale of grapes on the vine and except when regulations are effective pursuant to § 925.52(a)(5) shall not include the transportation or delivery of grapes to a packinghouse within the production area for preparation for market.

§ 925.11 Pack.

"Pack" means the specific arrangement, weight, grade or size, including the uniformity thereof, of the grapes within a container: *Provided*, That when used in or with respect to § 925.52(a)(5) such term shall mean to place grapes into containers for shipment to market as fresh grapes.

§ 925.12 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12 month period beginning on December 1 of one year and ending the last day of November of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

§ 925.13 Container.

"Container" means any lug, box, bag, crate, carton, or any other receptacle used in packing grapes for shipment as fresh grapes, and includes the dimensions, capacity, weight, marking, and any pads, liners, lids, and any or all appurtenances thereto or parts thereof. The term applies, in the case of grapes packed in consumer packages, to the master receptacle and to any and all packages therein.

§ 925.14 Committee.

"Committee" means the California Desert Grape Administrative Committee established under § 925.20.

Administrative Body**§ 925.20 Establishment and membership.**

(a) There is hereby established a California Desert Grape Administrative Committee consisting of 12 members, each of whom shall have an alternate who shall have the same qualifications as the member. Five of the members and their alternates shall be producers or officers or employees of producers (producer members). Five of the members and their alternates shall be handlers or officers or employees of handlers (handler members). One member and alternate shall be either a producer or handler or officer or employee thereof. One member and alternate shall represent the public.

(b) Not more than two members and not more than two alternate members shall be affiliated with the same handler entity.

(c) The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership, or both, as may be necessary to assure equitable representation.

§ 925.21 Term of office.

The term of office of the members and alternates shall be one fiscal period. Each member and alternate shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 925.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the Committee responsible for promulgation of this part. Such nominations may be made by means of a meeting of the growers and a meeting of the handlers. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in § 925.20.

(b) *Successor members.* The Secretary shall cause to be held, not later than November 15, of each year, meetings of producers and handlers for the purpose of making nominations for members and alternate members of the committee.

(c) Only producers, including duly authorized officers or employees of producers, who are present at such nomination meetings, may participate in the nomination and election of nominees for producer members and their alternates. Each producer entity shall be entitled to cast only one vote. If a person is both a producer and a handler of grapes, such person may participate in both producer and handler nominations.

(d) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler entity shall be entitled to cast only one vote.

(e) One member and alternate member shall be nominated by a vote of both producers and handlers and may be of either group.

(f) The public member and alternate member shall be nominated by the committee. The committee shall prescribe, with the approval of the Secretary, procedures for the nomination of the public member and qualification requirements for such member.

§ 925.23 Selection.

The Secretary shall select members and alternate members of the committee from persons nominated pursuant to § 925.22 or from other qualified persons.

§ 925.24 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 925.22 the Secretary may select the members and alternate members of the committee without regard to nominations on the basis of the representation provided for in § 925.20.

§ 925.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 925.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 925.22 and 925.23. If the names of the nominees to fill any such vacancy are

not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 925.20.

§ 925.27 Alternate members.

An alternate member shall act in the place of the member during such member's absence or at such member's request, and may be assigned other program duties by the chairman or the committee. In the event of the death, removal, resignation, or disqualification of a member the alternate shall act for the member until a successor for such member is selected and has qualified. In the event that both a member and that member's alternate are unable to attend a committee meeting, the member or committee members present may designate any other alternate to serve in such member's place at the meeting if such action is necessary to secure a quorum: *Provided*, That not more than two members or alternates acting for members who are affiliated with the same handler entity shall serve as members at the same meeting.

§ 925.28 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 925.29 Duties.

The committees shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;
- (d) To keep minutes, books, and records, which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal period and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to grapes;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as may be requested; and

(k) To investigate compliance with the provisions of this part.

§ 925.30 Procedure.

(a) Eight members of the committee shall constitute a quorum and any action of the committee shall require at least eight concurring votes;

(b) The committee may vote by telephone, telegraph, or other means of communications; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 925.31 Compensation and expenses.

The members of the committee, and alternates when acting as members, shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided*, That the committee at its discretion may request the attendance of one or more alternates at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

§ 925.32 Annual report.

The committee should, as soon as practicable, after the close of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

Expenses and Assessments

§ 925.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this

part. The funds to cover such expenses shall be acquired in the manner prescribed in § 925.41.

§ 925.41 Assessments.

(a) Each person who first handles grapes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after a fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later findings by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all grapes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments in the current period's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

(c) Any assessment not paid by a handler within a period of time prescribed by the committee may be subject to an interest or late payment charge, or both. The period of time, rate of interest, and late payment charge shall be recommended by the committee and approved by the Secretary. Subsequent to such approval, all assessments not paid within the prescribed time shall be subject to the interest or late payment charge, or both.

§ 925.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of that person's pro rata share of the

expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time the assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative; or (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, 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 practicable such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee under this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in such member's possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

Research and Market Development

§ 925.45 Production research and market research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve or promote the marketing, distribution and consumption or the efficient production of grapes. The expense of such projects shall be paid from funds collected pursuant to this part.

Regulations

§ 925.50 Marketing policy.

Each season prior to making any recommendation pursuant to § 925.51 the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relative to:

- (a) The estimated total shipments of grapes produced within the production area;
- (b) The expected general quality of grapes in the production area;
- (c) The expected demand conditions for grapes;
- (d) The probable prices for grapes;
- (e) Supplies of competing commodities, including foreign produced grapes;
- (f) Trend and level of consumer income;
- (g) Other factors having a bearing on the marketing of grapes; and
- (h) The type of regulations expected to be recommended during the marketing season.

§ 925.51 Recommendation for regulation.

Upon complying with the requirements of § 925.50 the committee may recommend regulations to the Secretary whenever the committee deems that such regulations as are provided in § 925.52 will tend to effectuate the declared policy of the act.

§ 925.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of grapes upon finding from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may: (1) Limit the handling of any grade, size, quality, maturity, or pack, or any combination thereof, of any or all varieties of grapes during any period or periods; (2) limit the handling of any grade, size, quality, maturity, or pack of grapes differently for different varieties, or any combination of the foregoing during any period or periods; (3) limit the handling of grapes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level; (4) fix the size, capacity, weight, dimensions, markings, materials, or pack of the container which may be used in handling of grapes; (5) establish holidays by prohibiting the packing of all varieties of grapes during a specified period or periods.

(b) No handler shall handle grapes that were packed during any period when such packing was prohibited by any regulation issued under paragraph (a)(5) of this section unless such grapes are handled under § 925.54.

§ 925.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 925.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

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

§ 925.54 Special purpose shipments.

(a) Regulations in effect pursuant to §§ 925.41, 925.52, or § 925.55 may be modified, suspended, or terminated to facilitate handling of grapes for purposes which may be recommended by the committee and approved by the Secretary.

(b) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent grapes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section.

Inspection and Certification

§ 925.55 Inspection and certification.

(a) Whenever the handling of any variety of grapes is regulated pursuant to § 925.52, each handler who handles grapes shall, prior thereto, cause such grapes to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall not be required for grapes which previously have been so inspected and certified if such prior inspection was performed within such period as may be established pursuant to paragraph (b) of this section. Promptly after the inspection and

certification each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such grapes.

(b) The committee may, with the approval of the Secretary, establish a period prior to shipment during which the inspection required by this section must be performed.

(c) The committee may enter into an agreement with the Federal and Federal-State Inspection Services with respect to the costs of the inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata share of such costs.

Reports

§ 925.60 Reports.

(a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, each shipment of grapes as follows: (1) The name of the shipper and the shipping point; (2) the car or truck license number (or name of the trucker), and identification of the carrier; (3) the date and time of departure; (4) the variety; (5) the number and type of containers in the shipment; (6) the destination; and (7) identification of the inspection certificate pursuant to which the grapes were handled.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal periods after the end of the fiscal period in which the transactions occurred, such records of the grapes received and disposed of by such handler as may be necessary to verify the reports such handler submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the

form of general reports in which the identities of the individual handlers furnishing the information are not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

Miscellaneous Provisions

§ 925.61 Compliance.

Except as provided in this part, no handler shall handle grapes except in conformity with the provisions of this part and the regulations issued thereunder.

§ 925.62 Right of the Secretary.

The members of the committee (including successors and alternates) and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 925.63 Termination.

(a) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever the Secretary finds that such provisions do not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this part whenever it is found by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has during the current marketing season produced more than 50 percent of the volume of grapes which were produced within the production area for shipment in fresh form. Such termination shall become effective on the first day of December subsequent to the announcement thereof by the Secretary.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 925.64 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the

time of such termination. Any action by said trustees shall require the concurrence of a majority of the trustees.

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

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 925.65 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part; or (b) release or extinguish any violation of this part or any regulation issued under this part; or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 925.66 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 925.67 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States: (a) To exercise any powers granted by the act or otherwise; or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 925.68 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held

personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 925.69 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

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

Effective date: August 1, 1980.

Signed at Washington, D.C., on June 10, 1980.

Jerry C. Hill.

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-18068 Filed 6-13-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-ASW-26; Amdt. 39-3791]

Airworthiness Directives; Mooney Aircraft Corp. Models M20E, M20F, and M20J Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: A new Airworthiness Directive (AD) is being issued to require the installation of a filter in the fuel line between the emergency fuel pump and the main fuel pump on Mooney Models M20E, M20F, and M20J airplanes. This AD is needed to preclude the failure of both fuel pumps due to a single fault.

DATES: Effective June 10, 1980.

Compliance required within the next 25 hours time in service after the effective date of this AD.

ADDRESS: The Mooney Aircraft Corporation service bulletin specified in this directive may be obtained upon request to the Service Parts Department, Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028.

This document may also be examined at FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Martin J. Saunders, Propulsion Section

(ASW-214), Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 524.

SUPPLEMENTARY INFORMATION: There have been sixty-nine (69) reported failures of the Dukes Model 4140-00-19A electric fuel pumps on Mooney Models M20E, M20F, and M20J airplanes. Most of the failure modes result in a pump's not operating but do not constitute an immediate hazard unless the engine driven pump also fails on the same flight. One failure mode, that of a vane breakage, can cause debris to enter the engine driven pump and cause a check valve to stay open, making the engine driven pump inoperative. This has happened, causing total loss of fuel pressure and immediate loss of engine power. Therefore, the FAA has determined that a vane breakage on a Dukes Model 4140-00-19A fuel pump can cause loss of fuel pressure and immediate loss of engine power. Since this condition is likely to develop on other airplanes of the same type design, an airworthiness directive is being issued to require the installation of a fuel filter between the two pumps, within 25 hours time in service after the effective date of this AD on Mooney Aircraft Corporation Models M20E, M20F, and M20J airplanes.

Since a situation exists which requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this document effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Mooney: Applies to the following airplane models equipped with a Duke's Model 4140-00-19A electric emergency fuel pump: Model M20E (Serial Numbers 101 through 1217; 1219; 1221; 1223 through 1308; 670001 through 670062; 690001 through 690073; 700001 through 700039; 700041 through 700043; 700045 through 700052; 700055; 700058; 700060; 700061; 21-0001 through 21-0060; and 21-1161 through 21-1180); Model M20F (Serial Numbers 660002 through 660004; 670001 through 670363; 670365 through 670385; 670387 through 670482; 670484 through 670539; 680001 through 680208; 690003 through 690090; 690092; 700001 through 700061; 700063 through 700066; 700070 through 700072; 22-0001 through 22-0078; and 22-1179 through 22-1438); Model

M20J (Serial Numbers 24-0002 through 24-1030 airplanes. (Airworthiness Directive Docket No. 80-ASW-26.)

Compliance is required within the next 25 hours time in service after the effective date of this AD unless already accomplished.

To prevent loss of both fuel pumps, accomplish the following:

(a) Install an Air-Maze Model No. 00736ASSYR9W1822 fuel filter in accordance with Mooney Service Bulletin No. M20-222, "Installation of Inline Fuel Filter Between Dukes Auxiliary Fuel Pump and Engine Driven Pump," dated April 21, 1980, or FAA-approved equivalent.

Note.—As an approved alternate to installing the Air-Maze fuel filter, as required by paragraph (a) above, the Dukes Model 4140-00-19A fuel pump can be replaced by a Dukes Model 1499-00-19 fuel pump.

(b) Special flight permits may be issued in accordance with FAR 21.197 and FAR 21.199 to fly airplanes to a base where this AD can be accomplished.

(c) Any alternate equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Parts Department, Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective June 20, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 28, 1979).

Issued in Fort Worth, Texas, on May 28, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

The incorporation by reference in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80-18012 Filed 6-13-80; 8:45 am]

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