

# Rules and Regulations

Federal Register

Vol. 48, No. 140

Wednesday, July 20, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 989

#### Raisins Produced From Grapes Grown in California; Order Amending Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the California raisin marketing agreement and order program. The amendment was favored by the required two-thirds majority of growers voting in a referendum. The amendment changes the method of establishing marketing policy and volume regulation to permit more timely responses to changing marketing conditions; changes committee composition and nomination procedures; abolishes the Executive Operations Committee and transfers its compliance responsibility to the Raisin Administrative Committee; adds provisions for export merchandising programs; provides authority for advertising and promotion programs; provides authority for crediting a handler's assessments for certain kinds of advertising and promotion; and provides authority to charge interest fees on delinquent assessments. The changes improve the effectiveness and operation of the program. The amendment is based on proposals submitted by the Committee which works with USDA in administering the program. These proposals were considered at a public hearing in August 1982. The referendum was conducted by the Department by mail ballot May 28-June 10, 1983.

**EFFECTIVE DATE:** July 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA,

Washington, D.C. 20250, (202) 447-5053.

**SUPPLEMENTARY INFORMATION:** Prior documents in the proceeding: Notice of Hearing—Issued August 5, 1982, and published August 11, 1982 (47 FR 34790).

Notice of Recommended Decision—Issued March 29, 1983, and published April 6, 1983 (48 FR 14911).

Final Decision—Issued May 6, 1983, and published May 11, 1983 (48 FR 21147).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 7 CFR Part 989

Agricultural Marketing Service, Marketing Agreements and Orders, Grapes, Raisins, and California.

*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 of the previously issued amendments thereto. Except the findings as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed.

#### (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 proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California.

Upon the basis of the record it is found that:

(1) The 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 order, as amended, and as hereby further amended, regulates the handling of raisins produced from 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, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, 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 raisins produced from 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 raisins produced from grapes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make all of the amendatory provisions effective upon publication in the **Federal Register**. Any delay beyond that date would interfere with effective order administration. The marketing year begins August 1, and the improvements in program operations and procedures provided by the amendatory order should be utilized from the start of the 1983-84 season. The harvesting and drying of grapes usually begins in late August and producers and handlers need time to plan their 1983 operations accordingly. Also, some provisions of the amendatory order may require rulemaking and, therefore, should be made effective in time to enable the Raisin Administrative Committee to make such considerations before active raisin harvesting begins.

In view of the foregoing, it is hereby found and determined that good cause exists for making this amendatory order effective upon publication in the **Federal Register**, and that it would be contrary to the public interest to delay the

effective date of this order for 30 days after its publication in the **Federal Register** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

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

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown 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 covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1981 through July 31, 1982, handled not less than 50 percent of the volume of such raisins 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 August 1, 1981 through July 31, 1982 (which has been deemed to be a representative period), have been engaged within the State of California, in the production of grapes which were sun-dried or dehydrated by artificial means until they became raisins 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 raisins produced from grapes grown in California, shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

#### PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. Section 989.10 is revised to read as follows:

##### § 989.10 Varietal types.

"Varietal types" means raisins generally recognized as possessing characteristics differing from other raisins in a degree sufficient to make necessary or desirable separate identification and classification. Varietal types are the following: Natural (sun-dried) Seedless, Dipped Seedless, Golden Seedless, Muscats (including other raisins with seeds), Sultana, Zante Currant, Monukka, and Oleate and Related Seedless: *Provided*, That the

Committee may, subject to approval of the Secretary, change this list of varietal types.

##### § 989.19 [Removed]

2. Section 989.19 is removed.

3. Section 989.22 is revised to read as follows:

##### § 989.22 District.

"District" means any one of the geographical areas referred to in § 989.26, and designated in the rules and regulations.

4. Section 989.26 is revised to read as follows:

##### § 989.26 Establishment and membership.

A Raisin Administrative Committee is hereby established consisting of 47 members of whom 35 shall represent producers, 10 shall represent handlers, 1 shall represent the cooperative bargaining association(s) and 1 shall be a public member. The producer members shall be selected as follows:

(a) Producer members representing the cooperative marketing association(s) shall be members of such association(s) engaged in the handling of raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year, and those members shall be equal to the product, rounded to the nearest whole number, obtained by multiplying 35 by the ratio the cooperative marketing association(s) raisin acquisitions are to the acquisitions of all handlers during the preceding crop year.

(b) Producer members representing cooperative bargaining association(s) shall be members of such associations, and the number of those members shall be equal to the product, rounded to the nearest whole number, obtained by multiplying 35 by the ratio the raisins acquired by handlers from bargaining association members are to the total acquisitions of all handlers during the preceding crop year.

(c) All other producer members who shall not be members of a cooperative bargaining association(s), cooperative marketing association(s) engaged in the handling of raisins which acquired 10 percent or more of the total acquisitions during the preceding crop year, nor sold for cash to cooperative marketing association(s), shall represent all producers not defined in paragraph (a) or (b) of this section and shall be selected in the number and, when appropriate, for the districts as designated in the rules and regulations.

(d) The handler members shall be divided into two groups and include the following:

(1) Handler members shall be selected from and represent cooperative marketing association(s) engaged in the handling of raisins each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year, and the number of those members shall be equal to the product, rounded to the nearest whole number, obtained by multiplying 10 by the ratio of the cooperative marketing association(s) raisin acquisitions are to the total acquisitions of all handlers during the preceding crop year.

(2) The remaining handler members shall be selected from and represent all other handlers, which would include all independent handlers and small cooperative marketing association(s) who acquired less than 10 percent of the total raisin acquisitions during the preceding crop year. Handler nominees for this group shall be nominated by all handlers in the group in a manner determined by the Committee, with the approval of the Secretary, and specified in the rules and regulations.

(e) The "cooperative" bargaining association(s) member shall be selected from the cooperative bargaining association(s). The public member shall be nominated by the Committee and selected by the Secretary as public member.

(f) For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

##### § 989.26a [Removed]

5. Section 989.26a is removed.

##### § 989.26b [Removed]

6. Section 989.26b is removed.

##### § 989.26c [Removed]

7. Section 989.26c is removed.

8. Section 989.27 is revised to read as follows:

##### § 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the Committee who is not actively engaged in the business of the group which he represents either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That only producers, as defined in § 989.11, engaged as such with respect to the most recent grape crop, are eligible to serve on the Committee. Only handlers who packed or processed raisins during the then current crop year shall be eligible to represent handlers on the Committee. Any handler eligible to represent a particular group shall

continue to represent handlers for the entire term for which he was selected.

9. Section 989.28 is revised to read as follows:

**§ 989.28 Term of office.**

The term of office of all representatives serving on the Committee shall be for two years and shall end on April 30 of even numbered calendar years, but each such member and alternate member shall continue to serve until their successor is selected and has qualified.

10. Section 989.29 is revised to read as follows:

**§ 989.29 Initial members and nomination of successor members.**

(a) *Initial members.* Members and alternate members of the Committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are eligible, serve on the Committee until April 30, 1984, and until their respective successors have been selected and qualified.

(b) *Nominations for successor members.* Nominations for successor members and alternate members of the Committee shall be made as follows:

(1) The Committee shall notify the cooperative marketing association(s) engaged in handling not less than 10 percent of the total raisin acquisitions during the preceding crop year, and cooperative bargaining association(s), of the date by which nominations to fill member and alternate member positions shall be made. The Committee shall give reasonable publicity of a meeting or meetings of producers who are not members of cooperative bargaining association(s), or cooperative marketing association(s) which handled 10 percent or more of the total raisin acquisitions during the preceding crop year, and of independent handlers and cooperative marketing association(s) who handled less than 10 percent of the total raisin acquisitions during the preceding crop year, for the purpose of making nominations to fill the member and alternate member positions prescribed in § 989.26 (c) and (d): *Provided*, That member and alternate member nominations by independent handlers and cooperative marketing association(s) who acquired less than 10 percent of the total raisin acquisitions during the preceding crop year may be made to the Committee by mail in lieu of meetings.

(2) Any producer representing independent producers and producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin

acquisitions during the preceding crop year must have produced grapes which were made into raisins in the particular district for which he is nominated, to represent said district as a producer member or alternate producer member on the Committee. In the event any such nominees are engaged as producers in more than one district, they may be a nominee for only one district. One or more producers or producers affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year may be nominated for each such producer member or alternate member position. Each independent producer and producer affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop year shall cast only one vote with respect to each position for which nominations are to be made. The person receiving the majority of the votes with respect to each such position to be filled shall be the person to be certified to the Secretary as the nominee. In the event no person receives a majority there shall be a run off vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a producer nomination meeting shall be certified by the Committee during or after the meeting, and in the event one or more producers who voted were not eligible and this may have affected the result of any nomination vote, another meeting with respect to such producer nominations shall be held.

(3) One or more eligible handlers for each handler position to be filled may be proposed for nomination to represent independent handlers and cooperative marketing association(s) which acquired less than 10 percent of the total raisin acquisitions during the preceding crop year on the Committee. Nominations shall be made by and from handlers, or employees, representatives or agents of handlers falling within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each handler member of handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4) Each vote cast shall be on behalf of the person voting, his agent, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The results of each ballot at each handler meeting shall be announced at that meeting. Voting at each meeting of producers shall be by

secret ballot. The results of the voting at producer meetings shall be announced by the Committee following the verifications of eligibility of those participating at such meetings.

(5) Each nomination shall be certified by the Committee to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

11. Section 989.30 is revised to read as follows:

**§ 989.30 Selection.**

The Secretary shall select producer, handler, cooperative bargaining association(s), and public members and alternate members in the number specified in 989.26, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from nominations certified pursuant to § 989.29 or from other eligible producers, handlers, or cooperative bargaining association(s) officers or employees.

12. Section 989.32 is revised to read as follows:

**§ 989.32 Acceptance.**

Each person to be selected by the Secretary as a member or as an alternate member of the Committee shall, prior to such selection, qualify by advising the Secretary that he/she agrees to serve in the position for which nominated for selection.

13. Section 989.35 is amended by adding a new paragraph (d) reading as follows:

**§ 989.35 Powers.**

(d) To receive, investigate, and report to the Secretary complaints of violations of this part.

14. Section 989.36 is amended by redesignating seriatim current paragraphs (b) through (k) as paragraphs (c) through (l), and adding a new paragraph (b) reading as follows:

**§ 989.36 Duties.**

(b) To investigate compliance and to use means available to it to prevent violations of this part.

15. Section 989.36(j), redesignated as § 989.36(k) is amended by removing the words "and the making of nominations to the Secretary for member and alternate member positions on the Executive Operations Committee".

16. Section 989.38 is amended by removing the phrase "Except as otherwise provided in § 989.45," from

the second sentence, and by removing the fifth sentence. As amended, § 989.38 reads as follows:

**§ 989.38 Procedure.**

The Committee shall meet at the call of the chairman, or vice-chairman when acting as chairman, or at the call of any three members. All decisions of the Committee reached shall be by majority vote of the members present. All votes shall be cast in person and a quorum must be present. The presence of 25 members shall be required to constitute a quorum. The Committee shall give to the Secretary the same notice of meetings of the Committee as it gives to its members.

**§ 989.39 [Amended]**

17. Section 989.39 is amended by removing the words "and the Executive Operations Committee," from the first sentence.

**§§ 989.43 through 989.52 [Removed]**

18. Sections 989.43 through 989.52 and the center heading "Executive Operations Committee" preceding § 989.43 are removed:

19. Section 989.53 is revised to read as follows:

**§ 989.53 Research and development.**

(a) *General.* The Committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving marketing research and development and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of raisins in domestic and foreign markets. These projects may include, but need not be limited to those designed to:

- (1) Improve through research the accuracy of raisin production estimates;
- (2) Improve through research the preparation for market, sanitation, quality, condition, storability, processing, or packaging of raisins;
- (3) Ascertain through research the factors affecting acceptance of raisins by manufacturers or consumers;
- (4) Promote the marketing, distribution, or consumption of raisins in domestic and foreign markets by collecting data thereon, consulting with members of the trade, and making the information available to producers, handlers, and exporters; and
- (5) Promote the marketing, distribution, or consumption of raisins in foreign markets through the use of merchandising programs.

The expense of any such project relating solely to free tonnage raisins shall be paid from funds collected

pursuant to § 989.80. The expense of any such project relating solely to reserve tonnage raisins shall be paid from the sale proceeds of such raisins. If any such project encompasses both free tonnage and reserve tonnage raisins, such as one which is designed to promote the consumption in export outlets of raisins generally on a long-term basis, the expense of the project may be allocated between the assessment fund and the pool fund.

(b) *Creditable expenditures.* The Committee, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion, including paid advertising, that promotes the sale of raisins, raisin products, or their use. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising.

(c) *Criteria.* Before any project involving marketing promotion, including paid advertising, and the crediting of the handler's pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary after recommendation by the Committee, shall approve appropriate criteria to effectively regulate such activity.

20. Section 989.54 is revised to read as follows:

**§ 989.54 Marketing policy.**

(a) *Trade demand.* On or before August 15 of each crop year, the Committee shall hold a meeting to review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the Committee shall compute a trade demand. The trade demand shall be 90 percent of the prior crop year's shipments (converted to a natural condition weight) of free tonnage and reserve tonnage sold for free use for that varietal type, into all market outlets, adjusted by the carryin on August 1 of the current crop year and the desirable carryout for the varietal type at the end of that crop year. If the prior year's shipments were limited because of crop conditions, the Committee may select the shipments of one of the three years preceding the prior crop year. The desirable carryout shall be increased from 35,000 to 50,000 tons for Natural (sun-dried) Seedless raisins at a rate of 5,000 tons per year for three crop years, following the effective date of this amended subpart.

The desirable carryout for Dipped Seedless raisins shall be 1,500 tons, and for Oleate and Related Seedless raisins, 1,500 tons. The trade demand computed by the Committee shall be announced by the Committee in accordance with paragraph (h) of this section.

(b) *Preliminary percentages.* On or before October 5 of each crop year (except that the Committee may extend this date not more than five business days if warranted by a late crop), the Committee shall estimate the production of any varietal type of raisins for which it has computed a trade demand. If the Committee determines that volume regulation is desirable during the crop year for that varietal type, it shall compute and announce preliminary free and reserve percentages for that varietal type. The Committee shall compute a preliminary free percentage to release 85 percent of the computed trade demand, if it determines that a field price has been established for that varietal type, or 65 percent of the trade demand if no field price has been established. The preliminary free percentage shall be computed by multiplying the trade demand by either 85 percent or 65 percent (as the case may be) and dividing the product by the estimated production of that varietal type and rounding the resulting percentage to the nearest full percent. The difference between 100 percent and the preliminary free percentage shall be the preliminary reserve percentage.

(c) *Interim percentages.* Prior to February 15, the Committee may modify the preliminary free and reserve percentages to release less than the trade demand.

(d) *Final percentages.* No later than February 15, the Committee shall recommend to the Secretary, final free and reserve percentages which will tend to release the full trade demand for any varietal type for which preliminary or interim percentages have been computed and announced. The difference between any final free percentage designated by the Secretary and 100 percent shall be the final reserve percentage. With its recommendation, the committee shall report on its consideration of the factors in paragraph (e) of this section.

(e) *Factors.* When computing preliminary and interim percentages, or determining final percentages for recommendation to the Secretary, the Committee shall give consideration to the following factors:

- (1) The estimated tonnage held by producers, handlers, and for the account of the Committee at the beginning of the crop year;

(2) The expected general quality and any modifications of the minimum grade standards;

(3) The estimated tonnage of standard and off-grade raisins which will be produced;

(4) If different than the computed trade demand, the estimated trade demand for raisins in free tonnage outlets;

(5) If not estimated as provided in paragraph (a) of this section, an estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage;

(6) The estimated market requirements for raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(7) Current prices being received and the probable general level of prices to be received for raisins by producers and handlers;

(8) The trend and level of consumer income;

(9) Any prohibition of trade practices, pursuant to § 989.62 intended for the crop year, and

(10) Any other pertinent factors bearing on the marketing of raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

(f) *Modification.* In the event the Committee subsequently deems it advisable to modify its marketing policy on any crop, because of national emergency, crop failure, or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within 5 days (exclusive of Saturdays, Sundays, and holidays) after the holding of such meeting, which report shall show such modification and the basis therefor.

(g) *Reserve tonnage to sell as free tonnage.* On or before November 15 of the crop year, the Committee shall make two simultaneous offers of reserve tonnage to handlers to sell as free tonnage for each varietal type for which preliminary percentages have been computed and announced. One offer shall consist of a quantity equal to 10 percent of the prior year's (or the alternative year selected by the Committee pursuant to paragraph (a) of this section) shipments of free tonnage and reserve tonnage sold for free use into all market outlets to equate the current year's supply with the prior year's shipments. This offer shall be allocated to handlers on the basis of their prior year's acquisitions. The

second offer, to provide for market expansion, shall consist of a quantity equal to 10 percent of the prior year's (or the alternative year selected by the Committee pursuant to paragraph (a) of this section) shipments of free tonnage and reserve tonnage sold for free use. This offer shall be allocated to handlers on the basis of their prior year's shipments of free tonnage and reserve tonnage sold for free use. Each offer shall be open to handlers not more than five business days, and subsequently, two offers of any tonnage unsold in the original offers open not more than two business days each, may be made. The reoffer tonnage shall be allocated to handlers who purchase 100 percent of their allocation in preceding offers, and shall be on the basis of the quantity each handler purchased, as a percentage of the total quantity purchased by all handlers eligible to participate. At the close of the second reoffer, any remaining tonnage may be offered to handlers who purchased all of their allocations from previous offers on a first-come first-served basis and such offer shall be open to handlers for one business day. Any handler who had no shipments or acquisitions of raisins during the prior crop year will be allocated raisins under these offers on the basis of his acquisition (up to the time the original offer is made) of raisins in the current crop year. If field prices are not established, the offer shall be made not more than fifteen days following such establishment. The price of reserve tonnage raisins offered to handlers to sell as free tonnage, pursuant to this paragraph, shall be the established field price for free tonnage raisins of that varietal type, plus 3 percent of the established field price, plus the estimated costs incurred by the Committee for equity holders.

(h) *Publicity.* The Committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar publicity shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the Committee, where they shall be made available for examination by any producer, dehydrator, handler, or

cooperative bargaining association representative. The Committee shall notify handlers, dehydrators and the cooperative bargaining association(s), and give reasonable publicity to producers of its computation of the trade demand, preliminary percentages, and interim percentages and shall notify handlers, dehydrators, and the cooperative bargaining association(s) of the Secretary's action on percentages by registered or certified mail.

21. Section 989.55 is revised to read as follows:

**§ 989.55 Regulation by the Secretary.**

Whenever the Secretary finds, from the recommendation and supporting information supplied by the Committee or from other available information, that to designate final free and reserve percentages for any varietal type of standard raisins acquired by handlers, during the crop year will tend to effectuate the declared policy of the Act, the Secretary shall designate such percentages. In the event the Secretary finds that suspension or termination of any percentages computed by the Committee or designated by the Secretary tend to effectuate the declared policy of the Act, the Secretary shall suspend or terminate such percentages.

22. Section 989.65 is revised to read as follows:

**§ 989.65 Free and reserve tonnage.**

The standard raisins acquired by handlers which are free tonnage, and any reserve tonnage purchased for free use, may be disposed of by him in any marketing channel, subject to the applicable provisions of this part. A handler's free tonnage of a varietal type of raisin shall be either the free percentage of the standard raisins of the varietal type acquired by him or all of the standard raisins of the varietal type acquired by him if no free percentage is established by the Committee or designated by the Secretary for that varietal type. A handler's reserve tonnage of a varietal type shall be the reserve percentage of the standard raisins of that varietal type acquired by him.

**§ 989.66 [Amended]**

23. Section 989.66 is amended by removing the proviso in paragraph (b)(1) and changing the punctuation after the word "control" from a colon (:) to a period (.).

**§ 989.67 [Amended]**

24. Section 989.67(j) is amended by

changing the reference from "§ 989.54(d)" to "§ 989.54(g)".

**§ 989.69 [Removed]**

25. Section 989.69 is removed.  
26. Section 989.73 is amended by redesignating current paragraph (c) as (d), and adding a new paragraph (c) reading as follows:

**§ 989.73 Reports.**

(c) Each handler shall file such reports of creditable promotion including paid advertising as recommended by the Committee and approved by the Secretary.

**§ 989.76 [Amended]**

27. Section 989.76 is amended by adding the following sentence at the end of that section reading as follows: The Committee, with the approval of the Secretary, may prescribe rules and regulations to include under this section handler records that detail promotion and advertising activities which the Committee may need to perform its functions under § 989.53.

**§ 989.77 [Amended]**

28. Section 989.77 is amended by adding at the end of the first sentences the phrase "and promotion and advertising activities conducted by handlers under § 989.53".  
29. The first sentence of § 989.80(a) is amended by adding at the end of the sentence the words, "less any amounts credited pursuant to § 989.53".  
30. Section 989.80 is revised by adding paragraph (d) to read as follows:

**§ 989.80 Assessments.**

(d) Each handler shall, with respect to administrative assessments not paid within 30 calendar days of the date of the Committee's invoice, pay to the Committee interest on the unpaid assessment at the rate of the prime rate established by the bank in which the Committee has its administrative assessment funds deposited, on the day that the administrative assessment becomes delinquent plus 2 percent; and further, that such rate of interest be added to the bill monthly until the delinquent handler's assessment plus applicable interest has been paid: *Provided*, That the Committee may, with the approval of the Secretary, modify the interest rate applicable to delinquent handler's assessment through the establishment of applicable rules and regulations.

**§ 989.85 [Amended]**

31. Section 989.85 is amended by removing the words "and no member or alternate member of the Executive Operations Committee".

**§ 989.95 [Amended]**

32. Section 989.95 is amended by removing the words: "and the Executive Operations Committee" from the first sentence; "or of the Executive Operations Committee" from the second sentence, and "or the Executive Operations Committee" from the third sentence.

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

Dated: July 14, 1983, to become effective upon publication in the Federal Register.  
**C. W. McMillan,**

*Assistant Secretary, Marketing and Inspection Services.*

[FR Doc. 83-19494 Filed 7-19-83; 8:45 am]  
**BILLING CODE 3410-02-M**

**FEDERAL RESERVE SYSTEM**

**12 CFR Part 220**

**Credit by Brokers and Dealers; Comparison Chart of Old and New Regulation T Sections**

**AGENCY:** Board of Governors of the Federal Reserve System.  
**ACTION:** Regulation T Comparison Chart.

**SUMMARY:** On May 16, 1983, the Board approved a completely revised and simplified Regulation T. The new regulation is effective as of November 21, 1983 or any earlier date after June 20, 1983, at the option of the creditor. To facilitate an understanding of the new regulation, this chart provides a cross-reference of section numbers in the old Regulation T to their corresponding section numbers in the new regulation and vice versa. This chart will serve as an aid to persons tracing the regulatory treatment of specific issues addressed in Regulation T.

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**SUPPLEMENTARY INFORMATION:** The following comparison chart is being published as an aid to understanding the completely revised Regulation T.

COMPARISON CHART

| Section comparison |                                    | Section comparison |                 |
|--------------------|------------------------------------|--------------------|-----------------|
| Old with new       |                                    | New with old       |                 |
| Sec.               | Sec.                               | Sec.               | Sec.            |
| 220.1              | 220.1(a)                           | 220.1              |                 |
| 220.2              |                                    | 220.1(a)           | 220.1           |
| (a)                | 220.2 (first sentence)             | 220.1(b)(1)        | 220.3(a)        |
| (b)                | 220.2(b)                           | 220.1(b)(2)        | 220.7(e)        |
| (c)                | 220.2(c)                           |                    |                 |
| (d)                | 220.2(v)                           | 220.2              |                 |
| (e)(1)             | 220.2(a)                           | First sentence     | 220.2(a)        |
| (2)                | 220.2(a)                           | (a)                | Added           |
| (3)                | 220.17(c)                          | (b)                | 220.2(b)        |
| (4)                | 220.17(d)                          | (c)                | 220.2(c)        |
| (5)                | 220.17(e)                          | (d)                | Added           |
| (f)                | 220.2(o)                           | (e)                | Added           |
| (g)                | Deleted                            | (f)                | Added           |
| (h)                | Deleted                            | (g)                | Added           |
| (i)                | 220.2(f)                           | (h)                | Added           |
|                    |                                    | (i)                | Added           |
| 220.3              |                                    | (j)                | 220.4(g)(2)(iv) |
| (a)                | 220.1(b)(1) and 220.4(a)           | (k)                | 220.4(g)(2)(v)  |
| (b)(1)(i)          | 220.4(b), (c) (1), (2), and (3)(i) | (l)                | Added           |
| (2)                | Deleted                            | (m)                | Added           |
|                    | 220.4(e)                           | (n)                | Added           |
|                    |                                    | (o)                | 220.2(f)        |
|                    |                                    | (p)                | Added           |