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SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Miscellaneous Amendments; Correction

On November 9, 1965, the Commission issued miscellaneous amendments to the rules and regulations under the Textile Fiber Products Identification Act (72 Stat. 1717, 15 U.S.C. 70). Such amendments were published in the FEDERAL REGISTER on Saturday, November 13, 1965.

The reference in paragraph (a)(1) of amended § 303.16 (Rule 16) to "paragraph (b) of § 303.6 (Rule 6)" as appearing on page 14254 of the Saturday, November 13, 1965, issue of the FEDERAL REGISTER is hereby corrected to read "paragraph (b) of § 303.3 (Rule 3)."

The reference in paragraph (a) of amended § 303.42 (Rule 42) to "paragraph (b) of § 303.6 (Rule 6)" as appearing on page 14254 of the Saturday, November 13, 1965 issue of the FEDERAL REGISTER is hereby corrected to read "paragraph (b) of § 303.3 (Rule 3)."

(Sec. 7, 72 Stat. 1717; 15 U.S.C. 70e)

Issued: December 8, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-13275; Filed, Dec. 10, 1965; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show the exception under Schedule A of the position of Personnel Security Specialist in the Bureau of Naval Personnel. Effective on publication in the FEDERAL REGISTER, subparagraph (9) is added to paragraph (a) of § 213.3108 as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* * * *

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13278; Filed, Dec. 10, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112 is amended to extend the exception under Schedule A of positions in The Alaska Railroad in Alaska and of four technical positions in The Alaska Railroad's Seattle, Wash., Office for an additional year until December 31, 1966. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (h) of § 213.3112 is amended as set out below.

§ 213.3112 Department of the Interior.

* * * * *

(h) *The Alaska Railroad.* (1) Until December 31, 1966, all positions in Alaska in The Alaska Railroad and four technical positions in The Alaska Railroad Office in Seattle, Wash.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13279; Filed, Dec. 10, 1965; 8:46 a.m.]

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Sociological Interns

Section 511.201(b) is amended to show the exclusion from Part 511 and the Classification Act of 1949, as amended, of certain sociological interns, Department of Health, Education, and Welfare. Section 534.202(b) is amended to show the exclusion from the Federal Employees Pay Act and the Classification Act, and the maximum stipends prescribed for, these sociological interns. Sections 511.201(b) and 534.202(b) are amended as follows:

1. Effective on publication in the FEDERAL REGISTER, the following item is added to paragraph (b) of § 511.201 as set out below.

§ 511.201 Coverage of and exclusions from the Classification Act.

* * * * *

(b) *Exclusions.* * * *

Sociological interns, Department of Health, Education, and Welfare, approved training after a minimum of 3 years college level training.

(Sec. 2, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Effective on publication in the FEDERAL REGISTER, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

* * * * *

(b) * * *

Sociological interns, Department of Health, Education, and Welfare: Approved training after a minimum of 3 years college level training, L-4.

* * * * *

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-13280; Filed, Dec. 10, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1966

Basis and purpose and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended and as further amended by Public Law 89-331 approved November 8, 1965), hereinafter referred to as the "Act", and the memorandum from the President of the United States to the Secretary of Agriculture dated November 20, 1965, hereinafter set forth. The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Act the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966, and to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined by the Secretary of Agriculture to be needed in 1966.

Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

In accordance with the rule making requirements of the Administrative Procedure Act (60 Stat. 237) there was published in the FEDERAL REGISTER (30 F.R. 14440) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1966. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted by interested persons prior to November 30, 1965. All data, views, and comments received relative to the proposed regulation were thoroughly considered. This determination differs from the proposed determination in one major respect; the quota of Southern Rhodesia of 6,094 short tons, raw value has been withheld pursuant to section 202(d)(1)(B) of the Act upon the following finding of the President of the United States:

THE WHITE HOUSE

WASHINGTON

NOVEMBER 20, 1965.

Memorandum for the Secretary of Agriculture.

Subject: Finding Pursuant to Section 202(d)(1)(B) of the Sugar Act of 1948, as Amended by the Sugar Act Amendments of 1965.

In view of the unilateral declaration of independence by Southern Rhodesia and the tensions that have arisen as a result of that declaration, I find that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia for 1965 or to establish a sugar quota for Southern Rhodesia for 1966. You are directed to take the necessary steps to see that no sugar originating in Southern Rhodesia is imported to the United States from the date of this finding.

LYNDON B. JOHNSON.

The quota withheld from Southern Rhodesia has been prorated to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

Section 201 of the Act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the 12-month period ended September 30, 1965, distribution of sugar for consumption in the continental United States totaled 9,980,000 short tons, raw value. While deliveries during the first 11 months of this period probably represented sugar consumption during that period, the high rate of deliveries in September (1,007,000 tons) resulted in some overall increase in users stocks during the 12-month period.

Based on this distribution, the quantity of sugar to be consumed in calendar year 1966 is expected to be about 10,100,000 short tons, raw value, when allowance is made for increased consumption due to the normal increase in population and for refining losses.

Refiners' inventories of quota sugar at the beginning of 1966 are expected to be below the level of a year earlier but about at the average of the last 10 years. It is not possible now to estimate the level of such inventories at the end of 1966.

The domestic price of raw sugar was quite stable during the first 10 months of 1965 and averaged 6.74 cents per pound, within one percent of the price referred to in section 201 of the Act.

In recognition of possible inventory variations during 1966 of quota sugar in the hands of refiners and users and to encourage the maintenance of sugar prices in line with the objectives of the Act at a level which will protect the domestic sugar industry, quotas established by this regulation total 9.8 million tons or about 300,000 tons below anticipated consumption. During the course of the year, it will be necessary to increase the requirements determination for the purpose of raising the quota for Hawaii pursuant to section 202(a)(2)(B) of the Act. This cannot be done until final production from the 1965 Hawaiian crop becomes known.

In view of the wide differential between the price of domestic raw sugar and the world price of raw sugar, there would be a strong tendency for an excessive quantity of foreign sugar to be shipped to this country early in 1966. This would preclude meeting the price objectives of the Act. Accordingly, in order to achieve the objectives of the Act, it is necessary that provision be made for quantitative limitations on the total importation of raw sugar from foreign countries for the first quarter and the first half of the year.

The limitation for the first half of the year is established at 1,700,000 tons of which 700,000 tons may be imported during the first quarter. During the last 3 years, importations of foreign sugar during the first half of the year have averaged about 1,700,000 tons with about 650,000 tons being imported during the first quarter.

To give recognition to the seasonality of production and movement of sugar from the foreign countries, allocations during the first quarter and first half of 1966 will primarily be based on their average imports during those periods during 1963, 1964, and 1965.

Effective date. The Act provides that the Secretary of Agriculture shall, during the last 3 months of 1965, determine sugar requirements and establish sugar quotas for the continental United States for the calendar year 1966. The regulations determining 1966 sugar requirements and quotas apply not only to sugar imported or marketed beginning January 1, 1966, but also to any sugar imported prior thereto for refining, storage, and subsequent release within 1966 quotas as may be provided for by regulation. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. The aspects of § 811.43 relating to the submission and approval or acceptance of applications shall be effective when filed with the FEDERAL REGISTER and all other provisions of this regulation shall become effective January 1, 1966.

Sec.

811.40 Sugar requirements, 1966.
811.41 Quotas for domestic areas.
811.42 [Reserved]
811.43 Quotas for foreign countries.
811.44 Applicability of quotas.
811.45 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.40 to 811.45 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118 and 1119.

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 9,800,000 short tons, raw value.

§ 811.41 Quotas for domestic areas.

(a) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,025,000	No limit
Mainland cane sugar	1,100,000	No limit
Hawaii	1,110,000	33,516
Puerto Rico	1,140,000	147,000
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.42 [Reserved]

§ 811.43 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1966 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1966 the quota for the Republic of the Philippines is 1,060,860 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1966, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) and section 202(d) of the Act are as follows provided the Secretary receives prior to December 31, 1965, the assurances required by sections 202(c)(4) and 202(d)(6) of the Act from the foreign countries named herein:

	Country quotas	Temporary quotas pursuant to—		Total quotas
		Sec. 202(d)(1)(A)	Sec. 202(d)(1)(B)	
	(1)	(2)	(3)	(4)
	(Short tons, raw value)			
Mexico	181,175	181,175	1,163	363,513
Dominican Republic	177,191	177,190	1,137	355,518
Brazil	177,191	177,190	1,137	355,518
Peru	141,331	141,331	907	283,569
British West Indies	70,783	70,783	454	142,020
Ecuador	25,782	25,782	165	51,729
French West Indies	22,266	22,266	143	44,675
Argentina	21,797	21,797	140	43,734
Costa Rica	20,860	20,860	134	41,854
Nicaragua	20,860	20,860	134	41,854
Colombia	18,750	18,750	120	37,620
Guatemala	17,578	17,578	113	35,269
Panama	13,125	13,125	84	26,334
El Salvador	12,891	12,891	82	25,864
Haiti	9,844	9,844	63	19,751
Venezuela	8,906	8,906	57	17,869
British Honduras	5,156	5,156	33	10,345
Bolivia	2,109	2,109	14	4,232
Honduras	2,109	2,109	14	4,232
Australia	84,377	84,377	-------	168,754
Republic of China	35,157	35,157	-------	70,314
India	33,751	33,751	-------	67,502
South Africa	24,844	24,844	-------	49,688
Fiji Islands	18,516	18,516	-------	37,032
Thailand	7,734	7,734	-------	15,468
Mauritius	7,734	7,734	-------	15,468
Malagasy Republic	3,984	3,985	-------	7,969
Swaziland	3,047	3,047	-------	6,094
Ireland	5,351	-------	-------	5,351
Total	1,174,199	1,168,847	[1]6,094	2,349,140

[1] Prorations of the quota for Southern Rhodesia withheld in accordance with a Presidential Finding of Nov. 20, 1965, pursuant to sec. 202(d)(1)(B) of the Act. From cols. 1 and 2 each, there have been excluded 3,047 short tons, raw value, representing the total quota to which Southern Rhodesia would otherwise be entitled.

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 1,700,000 short tons, raw value of raw sugar may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1966, and of such 1,700,000 short tons, raw value, 700,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) The importation of raw sugar within the above specified quarterly limitations will be authorized on the basis of applications for "Set-Aside of Quota" on Form SU-8A or "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter except as provided in subparagraph (3) of this paragraph for first quarter importations and in subparagraph (4) of this paragraph for second quarter importations. Applications to import raw sugar from the Republic of the Philippines must, before final approval of any priority granted pursuant to subparagraphs (3) and (4) of this paragraph, be supplemented by certification from the Sugar Quota Administrator of the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(3) (i) Applications for the importation of sugar during the first quarter received on or before 10 days after the effective date of this order will be considered as having been received at the same time.

(ii) First priority shall be given to applications to import sugar from countries from which sugar was imported during the first quarter of 1963, 1964, and 1965 but not to permit importations of sugar during the first quarter to exceed the average of the country's first quarter importations as set forth in subparagraph (5) of this paragraph;

(iii) Second priority shall be given to applications to import sugar from countries in order of size of quota, smallest first, but not to exceed 20 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among applications for priority under subdivision (ii) that were not approved in the full amount applied for, and such proration shall be made on the basis of the amounts of such applications approved for priority.

(4) (i) Applications for the importation of sugar during the second quarter received on or before January 15, 1966, will be considered as having been received at the same time.

(ii) First priority shall be given to applications to import sugar from countries from which sugar was imported during the first half of 1963, 1964, and 1965, but not to permit importation of sugar during the first half to exceed the average of such country's importations as set forth in subparagraph (5) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the second quarter is less than the quantity needed to approve such applications, the quantity of sugar which may be imported during the second quarter shall be prorated on the basis of importations from countries as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to applications to import sugar from countries in the order of the size of quota, smallest first, but not to permit the importation of sugar during the first half of 1966 in excess of 50 percent of the country's annual quota.

(iv) Any quantity not prorated under subdivision (ii) and (iii) of this subparagraph shall be prorated among applications for priority under subdivision (ii) of this subparagraph that were not approved in the full amount applied for, and such proration shall be made on the basis of the amounts of such applications approved for priority.

(5) Average importations into the continental United States within quota, during the first quarter and first half of the years 1963, 1964, and 1965:

Country	First quarter	First half
	(Short tons, raw value)	
Philippines	179,256	484,864
Mexico	116,479	301,760
Dominican Republic	81,525	250,869
Brazil	73,276	101,073
Peru	61,068	104,190
British West Indies	14,643	69,728
Ecuador	8,023	9,935
French West Indies	5,667	38,780
Argentina	7,805	28,550
Costa Rica	3,455	23,315
Nicaragua	8,241	23,329
Colombia	0	11,377
Guatemala	13,029	34,648
Panama	4,328	9,917
El Salvador	3,965	12,437
Haiti	8,572	18,842
Venezuela	0	1,949
British Honduras	0	1,739
Bolivia	0	0
Honduras	0	0
Australia	12,994	12,994
Republic of China	6,939	60,211
India	7,833	55,008
South Africa	32,376	32,376
Fiji Islands	0	0
Thailand	0	0
Mauritius	0	0
Malagasy Republic	0	0
Swaziland	2,088	2,088
Southern Rhodesia	0	0
Total	651,562	1,689,979

(e) For the calendar year 1966, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country	*Short tons, raw value*
Ireland	5,351
Panama	3,817

(f) For the calendar year 1966 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.44 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by §§ 811.41 and 811.43, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant

to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.45 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after the applicable quota or quantity set forth in §§ 811.41 to 811.43, inclusive, has been filled or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Issued at Washington, D.C., this 8th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13276; Filed, Dec. 9, 1965; 8:50 a.m.]

[Sugar Reg. 817, Amdt. 3]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Miscellaneous Amendments

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the memorandum from the President of the United States to the Secretary of Agriculture dated November 20, 1965 hereinafter set forth. The purposes of this amendment are (1) to make effective the finding of the President of the United States of November 20, 1965, that no sugar originating in Southern Rhodesia be imported into the United States from the date of such finding; and (2) to provide for a revised Set-Aside Application and Agreement applicable to sugar importations after 1965. The regulation pertaining to sugar quota set-aside agreements also has been revised by this amendment to include notice that a set-aside agreement does not reserve a quota in the event the President acts under section 202(d) (1) (B) of the Act to withhold or suspend such quota. The President's directive of November 20, 1965, was as follows:

THE WHITE HOUSE

WASHINGTON

NOVEMBER 20, 1965.

Memorandum for the Secretary of Agriculture.

Subject: Finding Pursuant to Section 202(d) (1) (B) of the Sugar Act of 1948, as Amended by the Sugar Act Amendments of 1965.

In view of the unilateral declaration of independence by Southern Rhodesia and the tensions that have arisen as a result of that declaration, I find that it would be contrary to the national interest of the United States to continue the sugar quota for Southern Rhodesia for 1965 or to establish a sugar quota for Southern Rhodesia for 1966. You are directed to take the necessary steps to see that no sugar originating in Southern Rhodesia is imported to the United States from the date of this finding.

LYNDON B. JOHNSON.

Effective date. In view of the directions of the President to the Secretary of Agriculture, the 30-day notice and public procedure provisions of the Administrative Procedure Act will be contrary to the public interest and this amendment with respect to § 817.8(a) shall become effective on November 20, 1965. To afford all interested persons the opportunity of making commitments to supply this market with sugar and to make arrangements for the orderly shipping of such sugar to serve the needs of this market during the first 6 months of 1966, it is important that this amendment be made effective at the earliest possible time. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impractical and contrary to the public interest and with respect to §§ 817.4 and 817.6 this amendment shall become effective when published in the FEDERAL REGISTER.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932), Part 817 of this chapter is amended at §§ 817.4(e), 817.6 and 817.8.

1. Section 817.4 is amended by adding a new subparagraph (5) to § 817.4(e) to read as follows:

§ 817.4 Application by importer.

* * * * *

(e) * * *

(5) (i) With respect to importations of sugar from foreign countries, beginning with the calendar year 1966, application for set-aside of quota or quota proration for the importation of a specified quantity of raw sugar may be made to the Sugar Quota Group and approved, as provided in this subparagraph (5). Such application for set-aside shall be in the form of a Set-Aside Application and Agreement Form SU-8-A as hereafter set forth. The submission of a Set-Aside Application does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota or quota proration submitted pursuant to this subparagraph (5) covering a quantity of sugar to be imported within a quota or quota proration established in Part 811 of this chapter for a specified foreign country, or a quantity of sugar to be imported within a quota deficit quantity established for allocation or allocated in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 75 days prior to the first day of the 3 month importation period stated in the Set-Aside Application and Agreement. During the period from the date of approval of a Set-Aside Application and Agreement through the 15th day after the end of the importation period stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota or quota proration designated in the application shall be set aside to the extent of the quantity of sugar approved for set-aside under such Application and Agreement. A sugar quota set-aside agreement would not be effective to reserve a quota in the event that the President acting under section 202(d) (1) (B) of the Act withholds or suspends the quota applicable to the sugar covered by the set-aside agreement, since the agreement is necessarily based on there being a quota in effect at the time of importation.

(ii) Set-Aside Applications and Agreements submitted pursuant to this subparagraph (5) shall be submitted in triplicate on Form SU-8-A to provide the following information and certification:

Form SU-8-A (Dec. 6, 1965) — Budget Bureau No. 40-R-3282.2 Approval Expires 3-31-68

SUGAR QUOTA SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of
(Name of applicant)

_____
(Street address) (City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control _____ short tons (commercial weight) of sugar in _____, and
(Name of country)

I hereby make application under the provisions of § 817.4(e)(5) of Sugar Regulation 817 for the set-aside of that quantity of the quota or quota proration for such country established in Sugar Regulation 811.

I agree that in consideration of the approval of this application I will import the sugar into the continental United States during the 3 month importation period specified in this agreement in accordance with the provisions of this agreement and applicable provisions of Sugar Regulation 817 and 811, regardless of whether sugar quotas are suspended on or before such date of importation.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota or quota proration pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota or quota proration under this application which is not imported into the continental United States on or before the 15th day after the end of the importation period stated in this application, except that no liquidated damages shall be paid (1) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to the smaller of eleven per centum of the quantity imported (commercial weight) or five thousand tons, and (2) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the end of the importation period stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of

such duration or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care as to prevent such importation.

I further certify that I have arranged for and will deposit an irrevocable letter of credit within 3 business days after the approval date of this application and agreement expiring no earlier than 60 days after the end of the importation period stated in this agreement, issued by _____

_____

(Name and address of bank)

in an amount not less than an amount determined by multiplying the total number of tons stated in this application by 2,000 and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit as described above is not received by the Agricultural Stabilization and Conservation Service or a wire notice from a United States bank of the issuance of such letter of credit has not been received by the Agricultural Stabilization and Conservation Service within 3 business days after the approval date of this Application and Agreement as furnished to the applicant by a telegraphic notice from the Sugar Quota Group, any approval of this Application and Agreement will be cancelled and this Application and Agreement shall be null and void.

In the event the full quantity applied for cannot be approved, I will accept a smaller quantity of not less than _____ short tons, commercial weight.

Importation period: The sugar covered by this agreement will be imported during the 3-month period beginning _____, (Date)

and ending _____ (Date)

Solely for the general guidance of the U.S. Department of Agriculture, I anticipate that the sugar will arrive as follows:

Month	*Short tons, commercial weight*
_____	_____
_____	_____
_____	_____

Signed _____

Title _____

Date _____

Approved as Set-Aside No. _____, for _____ short tons (commercial weight), on _____. (Date)

By _____ (Head, Sugar Quota Group)

2. Section 817.6 is amended by amending paragraphs (a) and (b) to read:

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Quota Group.

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph (b) is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record", Form SU-3, for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4(e) shall become eligible for authorization at 12:01 a.m., on the 5th calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin, or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota or quota proration is of the total quantity covered by such applications. If two or more applications for set-aside become eligible at the same time and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications the quantity to be approved under each such application shall be determined by multiplying the quantity covered by each application by the percentage which the unfilled balance of the quota or quota proration is of the total quantity covered by such applications.

* * * * *

3. Section 817.8 is amended by amending paragraph (a) to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar or liquid sugar may not be imported pursuant to this section from any country with which the United States is not in diplomatic relations or from any country whose quota has been withheld or suspended by the President pursuant to section 202(d)(1)(B) of the Act. Accordingly, the application required by § 817.4 must show that the sugar covered by such application was produced from sugarbeets or sugarcane grown in the sugar producing country as identified on the application.

* * * * *

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, as amended, and as further amended by Public Law 89-331, approved Nov. 8, 1965.)

Issued at Washington, D.C., this 8th day of December 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-13277; Filed, Dec. 9, 1965; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 91]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.391 Navel Orange Regulation 91.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 907, as amended), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of 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 Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby

found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 9, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., December 19, 1965, are hereby fixed as follows:

(i) District 1: 1,500,000 cartons;
(ii) District 2: 89,753 cartons;
(iii) District 3: 180,000 cartons;
(iv) District 4: 50,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: December 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-13370; Filed, Dec. 10, 1965; 11:26 a.m.]

[Grapefruit Reg. 30]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.330 Grapefruit Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 909, as amended), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on December 2, 1965, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Department on December 7, 1965; information regarding the provisions of the section recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Grapefruit Regulation 29 (30 F.R. 13052) is hereby terminated at 12:01 a.m., P.s.t., December 12, 1965.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., December 12, 1965, and ending at 12:01 a.m., P.s.t., August 1, 1966, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purposes of this regulation shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That the tolerances prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{11}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{5}/_{16}$ inches in diameter and smaller.

(3) Subject to the requirements of subparagraph (2) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3^{5}/_{16}$ inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{5}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{13}/_{16}$ inches in diameter and smaller.

(4) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "fairly well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest