

§911.53

limes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the limes will not be used for any purpose not authorized by this section.

[20 FR 4179, June 15, 1955, as amended at 22 FR 2527, Apr. 13, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, further redesignated and amended at 37 FR 10498, May 24, 1972]

§911.53 Recommendation for volume regulation.

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

(b) In making its recommendations, the committee shall give due consideration to the following factors:

- (1) Market prices for limes;
- (2) Supply of limes en route to principal markets;
- (3) Supply, maturity, and condition of limes in the production area;
- (4) Market prices and supplies of fruits from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits;
- (5) Trend and level in consumer income; and
- (6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to §911.54, has fixed the quantity of limes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

[37 FR 10498, May 24, 1972, as amended at 43 FR 39321, Sept. 5, 1978]

7 CFR Ch. IX (1-1-01 Edition)

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.53 was suspended indefinitely.

§911.54 Issuance of volume regulations.

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

[43 FR 39321, Sept. 5, 1978]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, §911.54 was suspended indefinitely.

§911.55 Prorate bases.

(a) Each person who desires to handle limes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and §911.56.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the

Agricultural Marketing Service, USDA

§ 911.58

committee the factors considered in making the correction.

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

[37 FR 10499, May 24, 1972, as amended at 43 FR 39321, Sept. 5, 1978]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, § 911.55 was suspended indefinitely.

§ 911.56 Allotments.

Whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each person who has applied for a prorate base and for whom such a base was computed by the committee. Such quantity shall be the allotment of

such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice in writing to each person of the allotment computed for him pursuant to this section.

[37 FR 10499, May 24, 1972]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, § 911.56 was suspended indefinitely.

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equal to 50 bushels or two percent of such total allotment, whichever is the greater, except that during two weeks of each regulatory period any handler may overship his total allotment by more than such amount: *Provided*, That such overshipment shall not exceed an amount equal to 10 percent of such total allotment: *And provided, further*, That each handler who intends to so overship notifies the committee of his intended overshipment no later than the close of business on Thursday during the week of such intended overshipment.

[40 FR 52604, Nov. 11, 1975]

EFFECTIVE DATE NOTE: At 61 FR 17552, Apr. 22, 1996, § 911.57 was suspended indefinitely.

§ 911.58 Undershipments.

If any person handles during any week a quantity of limes, covered by a regulation issued pursuant to § 911.54, in an amount less than the total allotment available to him for such week, he may handle, during the next week, only, a quantity of limes, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with