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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATES OF ASSESSMENT FOR 1950–51 SEASON

On May 13, 1950, notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 2879) regarding the expenses and the fixing of the rates of assessment for the 1950–51 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.204 *Budget of expenses and rates of assessment for the 1950–51 season*—(a) *Budget of expenses.* The expenses likely to be incurred by the Control Committee during the 1950–51 season for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $23,058.68;

(2) Early varieties of plums, $15,201.23;

(3) Late varieties of plums, $18,490.62; and

(4) Elberta peaches, $10,334.47.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 20 mills ($0.020) per hundred pounds of Bartlett pears;

(2) 25 mills ($0.025) per hundred pounds of early varieties of plums;

(3) 25 mills ($0.025) per hundred pounds of late varieties of plums; and

(4) 15 mills ($0.015) per hundred pounds of Elberta peaches.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1950–51 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 25, 1950, with shipments of Bartlett pears following on or about July 1, 1950; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-4839; Filed, June 6, 1950; 8:48 a. m.]

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52488]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

ARTICLES FOR EXHIBITION

Applications are made from time to time to collectors of customs for permission to amend entries to make claim for free entry under paragraph 1809 of the Tariff Act of 1930. In order that such applications may be acted upon by collectors without approval by the Bureau, § 10.49 (a), Customs Regulations of 1943 (19 CFR 10.49 (a)), is hereby amended by adding the following sentence at the end thereof: "Claim for free entry under paragraph 1809, Tariff Act of 1930, may be made for articles of the character described therein which have been previously entered under any other provision of law and the entry amended accordingly upon compliance with the requirements of this section, provided the articles have not been released from customs custody."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies

par. 1809, sec. 201, 46 Stat. 684; 19 U. S. C. 1201, par. 1809)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: May 31, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-4844; Filed, June 6, 1950; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 135—COLOR CERTIFICATION

LISTING OF FD&C VIOLET NO. 1 FOR USE IN FOOD, DRUGS, AND COSMETICS

In the matter of listing an additional coal-tar color, to be known as FD&C Violet No. 1, for use in food, drugs, and cosmetics:

By virtue of the authority vested in the Federal Security Administrator by sections 406 (b), 504, 604, and 701 (e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1049, 1052, 1055; 21 U. S. C. 346 (b), 354, 364, and 371 (e)), and on the basis of substantial evidence received at the hearing held pursuant to notice thereof published in the FEDERAL REGISTER of January 26, 1950 (15 F. R. 453), no exceptions having been filed to the tentative order issued by the Acting Federal Security Administrator and published in FEDERAL REGISTER on May 11, 1950 (15 F. R. 2814), the following order is made:

Findings of fact.[1] 1. The chemical identity of the pure dye in the color proposed for listing as FD&C Violet No. 1 is as follows:

Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino) - phenyl] - methylene} - (N,N - dimethyl - $\Delta^{2,5}$ - cyclohexadienimine).

(R. 10, 26, 27; Ex. 1, 2, 4)

2. Practical and accurate methods of analysis exist for the quantitative determination of the pure dye and all intermediates and other impurities contained in the color proposed for listing as FD&C Violet No. 1. (R. 17, 18, 20, 26, 30–35; Ex. 2, 3, 3a, 4)

3. Analytical tests performed on a sample of FD&C Violet No. 1 disclosed that it contained the impurities listed below, in the respective percentages shown:

Analysis		*Percent*
Volatile matter (at 135° C.)		5.2
Water-insoluble matter		.04
Ether extracts		.4
p-Dimethylaminobenzoic acid	Less than	.05
Sodium chloride		.2
Sodium sulfate		Trace
Mixed oxides		.14
Lead	Less than	.001
Arsenic as As_2O_3	Less than	.0001
Heavy metals		Trace

(R. 26; Ex. 4)

[1] Citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

4. These results are reproducible within the range of experimental error of methods. (R. 16, 17, 27; Ex. 2)

5. The lot of color from which the samples tested were taken was produced under ordinary manufacturing conditions and complied with the proposed specifications for FD&C Violet No. 1 listed in finding 6. (R. 10–15; Ex. 2, 4)

6. While it is not possible under good manufacturing practices to produce a coal-tar color that is free from all impurities, a coal-tar color conforming to the general provisions of the coal-tar color regulations, and at the same time meeting the following specifications, can be produced under good manufacturing practices:

Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino) - phenyl] - methylene} - (N,N - dimethyl - $\Delta^{2,5}$ - cyclohexadienimine).

Volatile matter (at 135° C.), not more than 8.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.4 percent.

p-Dimethylaminobenzoic acid, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 4.0 percent.

Mixed oxides, not more than 1.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

The sum of the volatile matter, chlorides and sulfates of sodium, pure dye, and leuco base of the dye, not less than 95.0 percent.

These specifications provide for a color which is as pure as practical under good manufacturing practices. (R. 13, 30–36; Ex. I)

7. D&C Violet No. 1 is now listed in § 135.4 as a color which may be certified as harmless and suitable for use in drugs and cosmetics. The coal-tar color proposed for listing as FD&C Violet No. 1 has the same chemical composition as the color now listed as D&C Violet No. 1, except that it contains less impurities. (R. 27–29; Ex. I, 2, 4)

8. It would be impossible to distinguish between D&C Violet No. 1 and FD&C Violet No. 1 if both colors were allowed to be used in coloring food, drugs, and cosmetics. (R. 36–37)

9. A color meeting the proposed specifications for FD&C Violet No. 1 could be certified under existing regulations as a color complying with the specifications listed for D&C Violet No. 1, and because of the presence of less impurities and an increased content of pure dye would be more suitable for use in drugs and cosmetics than a color meeting the specifications now listed for D&C Violet No. 1. (R. 28, 37, 61)

10. A coal-tar color conforming to the general provisions of the coal-tar color regulations and meeting the specifications listed in finding 6 would be chemically suitable for use in food. (R. 18, 37–38; Ex. 2)

11. Practical and accurate methods of analysis exist for the identification of FD&C Violet No. 1 in food, drugs, and cosmetics colored therewith. (R. 18, 19, 36; Ex. 2, 4)

12. Samples of the coal-tar color proposed for listing as FD&C Violet No. 1 were used in pharmacological tests conducted to determine whether the color would be harmless if used in food. The pharmacological tests conducted were the usual tests employed to determine the toxicity of coal-tar colors. (R. 42–43, 48, 57–58; Ex. 5, 6)

13. The amount of color fed the animals in the tests referred to in finding 12 was far in excess of the amount that any human might obtain as a result of food colored with FD&C Violet No. 1. (R. 39–40, 54–55, 60–61)

14. The pharmacological tests performed with samples of the coal-tar color proposed for listing as FD&C Violet No. 1, and the testimony of pharmacologists who performed the tests and are familiar with the results obtained, disclose that the coal-tar color FD&C Violet No. 1 is harmless and suitable for use in food. (R. 48, 53–55, 59–61; Ex. 5, 6)

Conclusions. On the basis of the foregoing findings of fact, it is concluded:

1. That a coal-tar color conforming to the coal-tar color regulations and specifications proposed for FD&C Violet No. 1 is harmless and suitable for use in food, drugs, and cosmetics;

2. That it is not practicable to list both FD&C Violet No. 1 and D&C Violet No. 1; and

3. That FD&C Violet No. 1 is more suitable for use in coloring food, drugs, and cosmetics than is D&C Violet No. 1.

Therefore, it is ordered, That the color certification regulations under the Federal Food, Drug, and Cosmetic Act (21 CFR 135.1 et seq., as amended 14 F. R. 3373, 7484) be amended in the following respects:

1. In § 135.3 *List of straight colors and specifications for their certification for use in food, drugs, and cosmetics,* paragraph (a) is amended by adding to the colors listed the following:

FD&C VIOLET NO. 1

SPECIFICATIONS

Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino) - phenyl] - methylene} - (N,N - dimethyl - $\Delta^{2,5}$ - cyclohexadienimine).

Volatile matter (at 135° C.), not more than 8.0 percent.

Water-insoluble matter, not more than 0.3 percent.

Ether extracts, not more than 0.4 percent.

p-Dimethylaminobenzoic acid, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 4.0 percent.

Mixed oxides, not more than 1.0 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

The sum of the volatile matter, chlorides and sulfates of sodium, pure dye, and leuco base of the dye, not less than 95.0 percent.

2. In § 135.4 *List of straight colors and specifications for their certification for use in drugs and cosmetics,* paragraph (a) is amended by deleting the color listed as D&C Violet No. 1.

Effective date. These amendments shall become effective 90 days from the date of publication of this order in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 406, 504, 604, 702, 706, 52 Stat. 1049, 1052, 1055, 1056, 1058; 21 U. S. C. 346, 354, 364, 372, 376)

Dated: June 1, 1950.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 50-4840; Filed, June 6, 1950; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

RECEIVING TEXAS WOOL AND MOHAIR FOR STORAGE IN TEXAS

An application was filed by the Texas Sheep and Goat Raisers Association for a determination that the industry engaged in receiving raw shorn Texas wool and/or mohair for storage constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

It appears from the application that (1) there is an industry in Texas which is engaged in the receiving of raw shorn Texas wool (as that term is used in the industry) and/or mohair at warehouses for storage; (2) the bulk of the wool and mohair produced in Texas is shorn during the months of April, May, and June (and a minor amount in September and October) and is received from growers by warehouses immediately after shearing; and (3) warehouses engaged in the storing of Texas wool and mohair receive for storage more than 50 percent of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

On May 3, 1950, upon consideration of the facts stated in said application, I determined, pursuant to § 526.5 (b) (2), that a prima facie case had been shown for finding that there is an industry in Texas engaged in receiving for storage Texas wool (as that term is used in the industry) and/or mohair and that such industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part. This preliminary determination was published in the FEDERAL REGISTER on May 6, 1950, and interested persons were given 15 days from such date to file objections or a request for a hearing.

No objection or request for hearing has been received within the said 15 days.

Accordingly, pursuant to § 526.5 (b) (2), I hereby find that there is an industry in the State of Texas engaged in the receiving for storage of raw shorn Texas wool (as that term is used in the industry) and/or mohair and that such industry is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part.

The "receiving of raw shorn Texas wool and/or mohair for storage" includes the unloading, weighing, marking for identification, placing into storage and storing of Texas wool (as that term is used in the industry) and/or mohair and any operations or services necessary or incident to the foregoing, including incidental grading and selling, during the period or periods when wool or mohair is being received for storage.

In view of the fact that the industry in question is in the midst of its season at the present time, I find that it is necessary to make this determination effective immediately. Accordingly, it shall become effective upon publication in the FEDERAL REGISTER.

(52 Stat. 1060; 29 U. S. C. 201, et seq.)

Signed at Washington, D. C., this 2d day of June 1950.

WM. R. MCCOMB, *Administrator.*

[F. R. Doc. 50-4864; Filed, June 6, 1950; 8:51 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

Part 3 is amended to read as follows:

Sec.
- 3.1 Applicability of regulations.
- 3.2 Applicability of Federal laws.
- 3.3 Applicability of District of Columbia and State laws.
- 3.4 Definitions.
- 3.5 Penalties.
- 3.6 Place of trial.
- 3.7 Federal property; miscellaneous provisions.
- 3.8 Lamps and lamp posts in park areas.
- 3.9 Comfort stations and other structures.
- 3.10 Trees, shrubs, plants, grass, and other vegetation.
- 3.11 Dogs and cats.
- 3.12 Horses.
- 3.13 Grazing; permitting animals to run loose.
- 3.14 Picnics in park areas.
- 3.15 Athletics.
- 3.16 Model planes.
- 3.17 Gambling.
- 3.18 Hunting and fishing.
- 3.19 Parades and other functions without permits prohibited; exceptions.
- 3.20 Areas available at all times subject to permit for public meetings; permit applications.
- 3.21 Public meetings may be held subject to permit in any park area; exceptions.
- 3.22 Areas in which parades and public gatherings are prohibited.
- 3.22a Policy governing the issuance of permits for public meetings.
- 3.23 Soliciting, advertising, sales.
- 3.24 Nuisances; disorderly conduct.
- 3.25 Indecency, immorality, profanity.
- 3.26 Loitering, camping, vagrancy.
- 3.27 Use of liquors; intoxication.
- 3.28 Laws and regulations applicable to traffic control; enforcement.
- 3.29 Obstructing entrances, exits, sidewalks.
- 3.30 Speed restrictions.
- 3.31 Reckless driving; prohibited operations.
- 3.32 Parking restrictions; impounding of vehicles.
- 3.33 Traffic signs.
- 3.34 Washing of cars prohibited.
- 3.35 Commercial vehicles and common carriers.
- 3.36 Vehicles; weight and tread restrictions.
- 3.37 Tampering with vehicles prohibited.
- 3.38 Prevention of smoke.
- 3.39 Bicycling, roller skating, and coasting restrictions.
- 3.40 Boating.
- 3.41 Collection of scientific specimens.
- 3.42 Lost and found articles.
- 3.43 Photographing; restrictions.
- 3.44 Fees; admission, service.
- 3.45 Discrimination in furnishing public accommodations and in using park areas.
- 3.46 Installation permits.
- 3.101 Schedule of minimum collateral (General Order No. 68).

AUTHORITY: §§ 3.1 to 3.101 issued under sec. 6, 30 Stat. 571, sec. 3, 39 Stat. 535, as amended, sec. 16, 43 Stat. 1126, as amended; 8 D. C. Code 143, 16 U. S. C. 3, 40 D. C. Code 613.

§ 3.1 *Applicability of regulations.* This part applies to all park areas administered by National Capital Parks, National Park Service, in the District of Columbia, Maryland and Virginia, and to other Federal reservations in the environs of the District of Columbia, policed with the approval or concurrence of the head of the agency having jurisdiction or control over such reservations, pursuant to the provisions of the act of March 17, 1948 (62 Stat. 81).

§ 3.2 *Applicability of Federal laws.* In all areas to which this part is applicable all acts shall be enforced insofar as applicable.

§ 3.3 *Applicability of District of Columbia and State laws.* (a) The laws and regulations promulgated for the District of Columbia shall be enforced, insofar as applicable, in all park areas within the District of Columbia.

(b) In areas to which this part is applicable, located outside the geographical limits of the District of Columbia, the laws of the State within which the area is located shall be invoked and enforced in accordance with the act of June 25, 1948 (62 Stat. 686; 18 U. S. C. Supp. II, sec. 13).

§ 3.4 *Definitions.* As used in this part, unless otherwise indicated:

(a) Under the regulations, the term "park area" means any and all developed and undeveloped grounds, playgrounds, plazas, squares, circles, triangles, islands, ways, streets, sidewalks, roads, boulevards, parkways, canals, waters, buildings, monuments, structures and other properties administered by National Capital Parks, National Park Service, including such park areas as herein defined as are used by the District of Columbia Recreation Board pursuant to agreement with the National Capital Parks, National Park Service.

(b) The term "other Federal reservations" means Federal areas, which are not under the administrative jurisdiction of the Department of the Interior, located in Arlington and Fairfax Counties and the City of Alexandria in Virginia, and Prince Georges, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of such areas by the United