

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Veterans Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of § 6.322(a) is amended as set out below.

§ 6.322 Veterans Administration.

(a) *Office of the Administrator.* * * *

(7) One Assistant Administrator for Appraisal.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

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

[F.R. Doc. 60-2002; Filed, Mar. 4, 1960;
8:45 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.426]

PART 325—ADDITIONAL COMPEN- SATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15, *Designation of differential posts*, is amended as follows, effective as of the beginning of the first pay period following February 20, 1960:

1. Paragraph (b) is amended by the deletion of the following:

La Paz, Bolivia.

2. Paragraph (d) is amended by the deletion of the following:

Cochabamba, Bolivia.

3. Paragraph (a) is amended by the addition of the following:

La Paz, Bolivia.

4. Paragraph (b) is amended by the addition of the following:

Cochabamba, Bolivia.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: February 18, 1960, Washington, D.C.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-2051; Filed, Mar. 4, 1960;
8:49 a.m.]

[Dept. Reg. 108.427]

PART 325—ADDITIONAL COMPEN- SATION IN FOREIGN AREAS

Miscellaneous Amendments

Under the authority contained in Executive Order No. 10853, dated November 27, 1959, further amending Part 1 of Executive Order No. 10000, dated September 16, 1948, and pursuant to Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213), the following amendments to Part 325, Chapter III, Title 5 of the Code of Federal Regulations are hereby prescribed, effective as of the beginning of the first pay period following January 1, 1960:

§ 325.1 [Amendment]

1. Section 325.1(f) is deleted and the following is substituted in lieu thereof:

(f) "Basic compensation" means the rate of compensation fixed by law for the position held by an individual, before any deduction is made and exclusive of additional compensation of any kind, such as overtime pay, extra pay for work on holidays, differentials and allowances; except that in the case of teachers appointed under the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213) basic compensation means the rate of compensation fixed by the military departments of the Department of Defense for the position held by an individual (including any appropriate increments for having completed a higher level of academic preparation) before any deduction is made and exclusive of additional compensation, such as overtime pay, extra pay for work on holidays, differentials, and allowances.

2. The introductory portion of § 325.3 is deleted and the following is substituted in lieu thereof; and a new paragraph (e) is added:

§ 325.3 Employees eligible.

With the exceptions contained in § 325.4, an employee shall be eligible for a differential if he is a civilian citizen or national of the United States whose basic compensation is fixed as provided in § 325.1(f), and if the employing agency has determined that he is in a foreign area because of his employment by the United States Government. The list of eligible employees includes, but is not necessarily limited to, the following groups:

(e) Civilian teachers of the Department of Defense. (If such teacher is employed in another position during any recess period between two school years, any differential for which he is otherwise eligible under these regulations shall be based upon the salary of the position in

which he is employed during such recess period.)

§ 325.4 [Amendment]

3. Section 325.4 *Employees excluded* is amended by the addition of the following paragraph:

(c) "Substitute teachers" appointed under the Defense Department Overseas Teachers Pay and Personnel Practices Act (73 Stat. 213) shall not be eligible to receive a differential.

(E.O. 10853, Nov. 27, 1959)

§ 325.15 [Amendment]

4. Section 325.15, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

a. Effective as of the beginning of the first pay period following June 1, 1957, paragraph (a) is amended by the deletion of the following:

Esteli, Madriz and Matagalpa Provinces, Nicaragua.

b. Effective as of the beginning of the first pay period following June 1, 1957, paragraph (a) is amended by the addition of the following:

Esteli Province, Nicaragua.
Madriz Province, Nicaragua.

c. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (a) is amended by the deletion of the following:

Ascension Island.
Behshahr, Iran.
Cocle Province, Panama.
Gwallor, India.
Madriz Province, Nicaragua.
Pipri, India.
Sabana de la Mar, Dominican Republic.
Valle Province, Honduras.

d. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (b) is amended by the deletion of the following:

Garian, Libya.
India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Gwallor, Hyderabad, Izatnagar, Bareilly, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nagpur, Nangal (Ganguwal), New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai (Phoolbagh), Trivandrum, Udaipur and Vellore.
Iran, all posts except Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.
Malgache Republic, all posts except Tananarive Misurata, Libya.

e. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (c) is amended by the deletion of the following:

Ismailia, United Arab Republic.

f. Effective as of the beginning of the first pay period following March 5, 1960,

paragraph (d) is amended by the deletion of the following:

Libya, all posts except Barce, Cirene, Derna, El Awella, Garian, Homs, Misurata, Sebha, Tripoli and Wheelus Field.
Sindri, India.
Tananarive, Malgache Republic.

g. Effective as of the beginning of the first pay period following June 27, 1959, paragraph (a) is amended by the addition of the following:

Sofia, Bulgaria.

h. Effective as of the beginning of the first pay period following September 19, 1959, paragraph (a) is amended by the addition of the following:

Los Brillantes, Guatemala.

i. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Hyderabad, Izatnagar-Bareilly, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nagpur, Nangal (Ganguwal), New Delhi, Poona, Rajkot, Sehore, Tarai (Phoolbagh), Trivandrum, Udaipur and Vellore.

Iran, all posts except Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.

Malagasy Republic, all posts except Tananarive.

j. Effective as of the beginning of the first pay period following March 5, 1960, paragraph (d) is amended by the addition of the following:

Libya, all posts except Barce, Cirene, Derna, El Awella, Homs, Sebha, Tripoli and Wheelus Field.

Tananarive, Malagasy Republic.
Temuco, Chile.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: February 25, 1960, Washington, D.C.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-2052; Filed, Mar. 4, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS

Revision

On January 14, 1960, there was published in the FEDERAL REGISTER (25 F.R. 312) under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) a notice of rule making concerning an amendment of the provisions in 7 CFR, Part 352, as amended. After due consideration of all relevant matters and under the authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 315-318, as amended; 7 U.S.C. 154, 159, 160, 162), sections 103, 105, 106, and 107

of the Federal Plant Pest Act of May 23, 1957 (71 Stat. 32-34; 7 U.S.C. 150bb, 150dd, 150ee, 150ff), the Mexican Border Act of January 31, 1942, as amended (56 Stat. 40, as amended; 7 U.S.C. 149), section 501 of the Act of August 31, 1951 (65 Stat. 290; 5 U.S.C. 140), and the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576), 7 CFR, Part 352, as amended, is hereby amended to read as follows:

- Sec.
352.1 Definitions.
352.2 Purpose; relation to other regulations; applicability.
352.3 Enforcement and administration.
352.4 Documentation.
352.5 Permit; requirement, form, and conditions.
352.6 Application for permit and approval or denial thereof.
352.7 Notice of arrival.
352.8 Marking requirements.
352.9 Ports.
352.10 Inspection; safeguards; disposal.
352.11 Mail.
352.12 Baggage.
352.13 Certain conditions under which change of Customs entry or diversion is permitted.
352.14 Costs.
352.15 Caution.
352.16-352.29 [Reserved]
352.30 Administrative instructions: Certain oranges, tangerines, and grapefruit from Mexico.

AUTHORITY: §§ 352.1 to 352.30 issued under sec. 9, 37 Stat. 318; secs. 103 and 106, 71 Stat. 32, 33; 56 Stat. 40, as amended; 7 U.S.C. 162, 150bb, 150ee, 149. Interpret or apply secs. 1, 5, and 7, 37 Stat. 315-317, as amended; secs. 105 and 107, 71 Stat. 32, 34; sec. 501, 65 Stat. 290; and 64 Stat. 561; 7 U.S.C. 154, 159, 160, 150dd, 150ff, 5 U.S.C. 140, 576.

§ 352.1 Definitions.

(a) This part may be cited by the short title: "Safeguard Regulations." This title shall be understood to include both the regulations and administrative instructions in this part.

(b) Words used in the singular form in this part shall be deemed to import the plural and vice versa as the case may demand. For purposes of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(1) *Division*. The Plant Quarantine Division, Agricultural Research Service, of the United States Department of Agriculture.

(2) *Director*. The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(3) *Inspector*. A properly identified employee of the United States Department of Agriculture or other person authorized by the Department to enforce the provisions of the Federal Plant Pest Act and the Plant Quarantine Act.

(4) *Customs*. The Bureau of Customs, United States Treasury Department, or, with reference to Guam, the Customs Office of the Government of Guam.

(5) *Person*. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(6) *Owner*. The owner, or his agent (including the operator of a carrier), having responsible custody of a plant, plant product, plant pest, soil, or other product or article subject to this part.

(7) *Carrier*; means of conveyance. Automobile, truck, animal-drawn vehicle, railway car, aircraft, ship, or other means of transportation.

(8) *Ship*. Any means of transportation by water.

(9) *Stores and furnishings*. Plants and plant products for use on board a carrier; e.g. as food or decorative material.

(10) *Plant pest*. "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(11) *Plants and plant products*. Nursery stock, other plants, plant parts, roots, bulbs, seeds, fruits, nuts, vegetables, and other plant products, and any product constituted, in whole or in part, of plant material which has not been so manufactured or processed as to eliminate pest risk.

(12) *Soil*. The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

(13) *Other product or article*. Any product or article of any character whatsoever (other than plants, plant products, soil, plant pests, and means of conveyance), which an inspector considers may be infested or infected by or contain a plant pest.

(14) *Prohibited or restricted product or article*. Any product or article as defined in subparagraphs (7) through (13) of this paragraph of a kind which is prohibited or restricted importation into the United States under Part 319, 320, 321, or 330 of this chapter.

(15) *Prohibited*. Importation into the United States forbidden by Part 319, 320, 321, or 330 of this chapter.

(16) *Restricted*. Importation into the United States allowed only in accordance with provisions in Parts 319, 320, 321, and 330 of this chapter.

(17) *Immediate (export, transshipment, or transportation and exportation)*. The period which, in the opinion of the inspector, is the shortest practicable interval of time between the arrival of an incoming carrier and the departure of the outgoing carrier transporting a consignment of prohibited or restricted products or articles.

(18) *Safeguard*. A procedure for handling, maintaining, or disposing of prohibited or restricted products and articles subject to this part so as to eliminate the risk of plant pest dissemination which the prohibited or restricted products and articles may present.

(19) *Plant Quarantine Act*. The act of August 20, 1912, as amended (37 Stat. 315, as amended; 7 U.S.C. 151 et seq.).

(20) *The Federal Plant Pest Act*. Title I of the Act of May 23, 1957 (Title I, 71 Stat. 31; 7 U.S.C. 150aa et seq.).

(21) *Brought in for temporary stay where unloading or landing is not in-*

tended. Brought in by carrier but not intended to be unloaded or landed from such carrier. This phrase includes movement (i) departing from the United States on the same carrier directly from the point of arrival therein; and (ii) transiting a part of the United States before departure therefrom, and applies whether movement under Customs procedure is as residue cargo or follows some form of Customs entry.

(22) *Unloaded or landed for transshipment and exportation.* Brought in by carrier and transferred to another carrier for exportation from the same port, whether or not some form of Customs entry is made.

(23) *Unloaded or landed for transportation and exportation.* Brought in by carrier and transferred to another carrier for transportation to another port for exportation, whether or not some form of Customs entry is made.

(24) *Intended for importation but refused entry.* Brought in by carrier but (i) entry refused under Part 319, 320, 321, or 330 of this chapter after arrival but before unloading or landing and retained on board pending removal from the United States or other disposal, or (ii) entry refused under any of said parts after unloading or landing.

(25) *Intended for unloading and entry at a port other than the port of first arrival.* Brought in by carrier at a port for movement to the port of entry under residue cargo procedure of Customs.

(26) *Residue cargo.* Shipments authorized by Customs to be transported under the Customs bond of the carrier on which the shipments arrive, without entry being filed, for direct export from the first port of arrival, or to another port for entry or for direct export at that port without entry being required.

(27) *Port.* Any place designated by the President, Secretary of the Treasury, or Congress at which a Customs officer is assigned with authority to accept entries of merchandise, to collect duties, and to enforce the various provisions of the Customs and Navigation laws in force at that place.

(28) *Port of arrival.* Any port in the United States at which a prohibited or restricted product or article arrives.

(29) *Port of entry.* A port at which a specified shipment or means of conveyance is accepted for entry or admitted without entry into the United States.

(30) *Foreign trade zone.* A formally prescribed area containing various physical facilities located in or adjacent to ports of entry under the jurisdiction of the United States and established, operated, and maintained as a foreign trade zone pursuant to the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998-1003; 19 U.S.C. 81a-81u), as amended, wherein foreign merchandise, as well as domestic merchandise, may be deposited for approved purposes. Movement into and from such area is subject to applicable customs, plant quarantine, and other Federal requirements.

(31) *United States.* The States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States, and the territorial waters of the

United States adjacent to those land areas.

(32) *Administrative instructions.* Published documents set forth in this part relating to the enforcement of this part, and issued under authority thereof by the Director.

§ 352.2 Purpose; relation to other regulations; applicability.

(a) The importation into the United States of certain plants, plant products, plant pests, soil, and other products and articles which may be infested or infected by, or contain, plant pests is prohibited or restricted by quarantines, orders, and other regulations in Parts 319, 320, 321, and 330 of this chapter, issued under authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act, sections 103, 105, 106, and 107 of the Federal Plant Pest Act, the Mexican Border Act (7 U.S.C. 149), and related laws (5 U.S.C. 140, 576). Under said authorities it is hereby determined that it is not necessary to impose such prohibitions and restrictions upon plants, plant products, plant pests, soil, and other products and articles designated in said parts when they come within any of the following categories and are moved into the United States from any foreign country and handled in the United States in compliance with this part, and said categories of plants, plant products, plant pests, soil, and other products and articles are hereby excepted from said prohibitions and restrictions if they comply with this part, except as otherwise provided in this part: (1) Are brought in for temporary stay where unloading or landing is not intended; (2) are unloaded or landed for transshipment and exportation; (3) are unloaded or landed for transportation and exportation; (4) are intended for unloading and entry at a port other than the port of arrival. However, such determination and exception shall not apply to cotton and covers imported into the United States from any country for exportation or transshipment and exportation or transportation and exportation as provided in §§ 319.8, 319.8-1 et seq. of this chapter and such cotton and covers must comply with said sections in lieu of this part. Moreover, the applicable provisions of §§ 330.100 through 330.109 and 330.400 of this chapter shall continue to apply to products and articles subject to this Part 352.

(b) Prohibited or restricted products and articles offered for entry into the United States and refused such entry under Part 319, 320, 321, or 330 of this chapter shall be subject to the applicable provisions in this part with respect to their subsequent handling in this country.

(c) (1) The provisions in this part shall apply whether the controls over arrival, temporary stay, unloading, landing, transshipment and exportation, or transportation and exportation, or other movement or possession in the United States are maintained by entry or other procedures of the Bureau of Customs, U.S. Department of the Treasury, or in Guam by the Customs of the Government of Guam. Such provisions shall

apply to arrivals in the United States, as defined in § 352.1(b)(31), including arrivals in a foreign trade zone in the United States to which admission is sought in accordance with the Customs Regulations in 19 CFR. Prohibited or restricted products and articles which have arrived in the United States and have been exported therefrom pursuant to this part, and which for any reason are returned to the United States are, upon arrival, again subject to the applicable requirements of this part.

(2) Any restrictions and requirements under this part with respect to the arrival, temporary stay, unloading, landing, transshipment, exportation, transportation and exportation, or other movement or possession in the United States of any product or article shall apply to any person who, respectively, brings into, maintains, unloads, lands, transships, exports, transports and exports, or otherwise moves or possesses in the United States such product or article, whether he is the person who was required to have a permit for the product or article or a subsequent custodian of such product or article, and failure to comply with all applicable restrictions and requirements under this part by any such person shall be deemed to be a violation of this part.

§ 352.3 Enforcement and administration.

(a) Plants, plant products, plant pests, soil, and other products and articles subject to the regulations in this part which are unloaded or landed, or otherwise brought or moved into or through the United States in contravention of this part may be seized, destroyed, or otherwise disposed of as authorized by section 10 of the Plant Quarantine Act (7 U.S.C. 164a), section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), or the Mexican Border Act (7 U.S.C. 149). Any person who unloads or lands or otherwise brings or moves into or through the United States, any plants, plant products, plant pests, soil, or other products or articles subject to this part in any manner contrary to this part, shall be subject to prosecution under the applicable provisions of law.

(b) Whenever the Director of the Division shall find that existing conditions of danger of plant pest escape or dissemination involved in the arrival, unloading, landing, or other movement, or possession in the United States of plants, plant products, plant pests, soil, or other products or articles subject to the regulations in this part, make it safe to modify by making less stringent the restrictions contained in any such regulation, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent with respect thereto, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize arrival, unloading, landing, or other movement, or possession in the United States under conditions that are less stringent than those contained in the regulations in this part.

(c) The Director also may set forth and publish, in administrative instructions, requirements and conditions for any class of products or articles supplemental to the regulations in this part, and may promulgate interpretations of this part.

(d) The Director shall employ procedures to carry out the purposes of this part which will impose a minimum of impediment to foreign commerce, consistent with proper precaution against plant pest dissemination.

§ 352.4 Documentation.

(a) *Manifest.* Immediately upon the arrival of a carrier in the United States the owner shall make available to the inspector for examination a complete manifest or other documentation from which the inspector may determine whether there are on board any prohibited or restricted products or articles subject to this part, other than accompanied baggage and mail.

(b) *Other documentation.* Any notifications, reports, and similar documentation not specified in the regulations in this part, but necessary to carry out the purpose of the regulations, will be prescribed in administrative instructions.

(c) *Procedure after examination of documents.* After examination of the carrier cargo manifest or other documentation the inspector may notify the owner and the Customs officer that certain products or articles on board the carrier are subject to this part and may not be unloaded or landed for any purpose pending plant quarantine inspection. In such case the owner shall not unload or land such products or articles without authorization by an inspector.

§ 352.5 Permit; requirement, form and conditions.

(a) *General.* (1) Permits are required for the arrival, unloading or landing, or other movement into or through the United States of plants, plant products, plant pests, and soil subject to this part. The permit may consist of a general authorization as set out in paragraph (b), (c), or (d) of this section or § 352.11, or it may be a specific permit. A specific permit may be formal or oral except as a formal permit is required by paragraph (c) or (e) of this section. The Director may in administrative instructions require specific or formal permits for any class of products or articles subject to this part.

(2) A formal permit may be issued in prescribed form, in letter form, or a combination thereof. A rubber stamp impression or other endorsement made by the inspector on pertinent Customs documents covering the products or articles involved may constitute the formal permit in appropriate cases.

(b) *Permit for prohibited or restricted products or articles brought in for temporary stay where unloading or landing in the United States is not intended.* No permit other than the authorization contained in this paragraph shall be required for bringing into the United States any plants, plant products, plant pests, or soil subject to this part for temporary stay where unloading or

landing in the United States is not intended, e.g., in connection with residue cargo movement under Customs procedure, or in connection with Customs entry for exportation or for transportation and exportation. This authorization also includes transshipment of products and articles under this paragraph from a carrier directly to another carrier of the same company when necessitated by an emergency or operating requirement and effected in accordance with safeguards prescribed in writing or orally by the inspector under § 352.10.

(c) *Permit for prohibited or restricted products or articles unloaded or landed for immediate transshipment and exportation, or immediate transportation and exportation.* When in the opinion of the inspector it is unnecessary to specify in a formal permit the safeguards required to prevent plant pest dissemination, plants, plant products, plant pests, or soil subject to this part may be unloaded or landed for immediate transshipment and exportation or for immediate transportation and exportation, as provided in § 352.10, with the approval of the inspector and no further permit than the authorization contained in this paragraph; otherwise a formal permit shall be required for such unloading or landing.

(d) *Permit for restricted products or articles moving as residue cargo from port of first arrival to port of entry.* Restricted plants, plant products, plant pests, or soil subject to this part arriving in the United States for movement under residue cargo procedures of Customs from a port of first arrival to another port for Customs entry into the United States may be allowed to so move without permit other than the authorization contained in this paragraph, if the inspector finds that apparently they can meet the applicable requirements of Parts 319, 320, 321, and 330 of this chapter at the port where entry is to be made; otherwise a formal permit shall be required for such movement. Such restricted products and articles shall become subject to the applicable permit and other requirements of Parts 319, 320, 321, and 330 of this chapter upon arrival at the port where Customs entry is to be made and shall not be unloaded or landed unless they comply with the applicable requirements.

(e) *Formal permits required for certain prohibited or restricted products or articles brought into a foreign trade zone.* A formal permit must be obtained to bring any prohibited or restricted plants, plant products, plant pests, or soil subject to the provisions in this part, into a foreign trade zone for storage, manipulation, or other handling, except for immediate transshipment and exportation or for immediate transportation and exportation. Special conditions to safeguard such storage, manipulation, or other possession or handling may be specified in the permit, and when so specified shall be in addition to any other applicable requirements of this part or the safeguards prescribed by the inspector or otherwise under this part.

§ 352.6 Application for permit and approval or denial thereof.

(a) *Plants and plant products.* Except as otherwise provided in this paragraph, any person desiring to unload or land, or otherwise move into or through the United States, any plants or plant products for which a specific permit is required by § 352.5, shall in the case of prohibited plants or plant products, and should in the case of restricted plants or plant products, in advance of arrival in the United States of the plants or plant products, submit an application for a permit to the Division,¹ stating such of the following information as is relevant: the name and address of the importer, the approximate quantity and kind of plants and plant products it is desired to import under this part, the country where grown, the United States port of arrival, the United States port of export, the proposed routing from the port of arrival to the port of exportation, means of transportation to be employed (i.e., mail, air mail, express, air express, freight, air freight, baggage), and the name and address of the agent representing the importer. Applications may be made on forms provided for the purpose by the Division, or orally, or by letter, telegram, or other means of communication furnishing all the information required by this paragraph. Applications need not be made for shipments handled under general authorizations set forth in § 352.5 (b), (c), or (d), or in § 352.11.

(b) *Plant pests.* Any person desiring to unload or land, or otherwise move into or through the United States, any plant pest for which a specific permit is required by § 352.5 shall, in advance of the arrival of the plant pests in the United States, submit an application to the Division² for a permit as specified by § 330.201 of this chapter.

(c) *Soil.* Any person desiring to bring into or unload or land, or otherwise move into or through the United States, any soil for which a specific permit is required by § 352.5 shall, in advance of the arrival of the soil in the United States, submit an application for permit to the Division² as specified by § 330.300(b) of this chapter.

(d) *Constructive oral application.* If a permit has not been issued in advance of arrival, application for any required permit (other than a formal permit) shall be considered to have been made orally to the inspector at the port of arrival by presentation of the shipment for entry or its listing on the manifest or other documentation, but this shall not excuse failure to make timely application as required by this section. Express application is required for a formal permit.

(e) *Approval or denial of permits.* Upon approval of the application, the

¹ Application for such permits should be addressed to the Plant Importations Branch, Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, 209 River Street, Hoboken, N.J.

² Application for permits should be made to the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C.

permit will be issued. Any conditions necessary to eliminate danger of plant pest dissemination may be specified in the permit, or otherwise as provided in § 352.10. Permits will be denied if, in the opinion of the Director, it is not possible to prescribe conditions adequate to prevent danger of plant pest dissemination by the plants, plant products, plant pests, or soil involved.

§ 352.7 Notice of arrival.

Immediately upon arrival of any shipment of plants or plant products subject to this part and covered by a specific permit, the importer shall submit in duplicate through the U.S. Collector of Customs for the U.S. Department of Agriculture a notice of such arrival on a form provided for that purpose (PQ-368) and shall give such information as is called for by that form and, in addition, where relevant, the proposed routing to the proposed U.S. port of exit. Notice of arrival shall not be required for other products or articles subject to this part since other available documentation meets the requirement for this notice.

§ 352.8 Marking requirements.

Prohibited and restricted products and articles subject to this part shall be adequately marked or otherwise identified by documentation to indicate their nature.

§ 352.9 Ports.

The arrival, unloading, landing, or possession of plants, plant products, plant pests, soil, or other products or articles subject to this part shall not be allowed at points within the United States other than at the ports specified in the Customs Regulations in 19 CFR 1.1 and 19 CFR 6.13, and Agana, Guam, or such other ports as may be named in permits or administrative instructions. Restrictions on the ports which may be used for particular types of handling of any products or articles subject to this part may be specified generally in administrative instructions or in permits in specific cases. When ports are specified in permits or otherwise, the arrival, unloading, landing, or possession of the products or articles involved at other ports will not be allowed except as the inspector may authorize changes in the ports specified.

§ 352.10 Inspection; safeguards; disposal.

(a) *Inspection and release.* Prohibited and restricted products and articles subject to this part shall be subject to inspection at the port of first arrival in accordance with § 330.105(a) of this chapter and shall not be released by Customs officers for unloading, landing, or other onward movement or entry until released by an inspector or a Customs officer on behalf of an inspector in accordance with the procedure prescribed in § 330.105(a) of this chapter. If diversion or change of Customs entry is not permitted for any movements authorized under this part, the inspector at the original port of Customs entry shall appropriately endorse Customs documents to show that fact. However, the inspector

at the U.S. port of export may approve diversion or change of Customs entry to permit movement to a different foreign country, or entry into the United States, subject to all other applicable requirements under this part or Part 319, 320, 321, or 330 of this chapter. If diversion or change of Customs entry is desired at a Customs port in the United States where there is no inspector, the owner may apply to the Division^{*} for information as to applicable conditions. If diversion or change of entry is approved at such a port, confirmation will be given by the Division to the appropriate Customs officers and Division inspectors.

(b) *Safeguards.* (1) The unloading, landing, retention on board as stores and furnishings or cargo, transshipment and exportation, transportation and exportation, onward movement to the port of entry as residue cargo or under a Customs entry for immediate transportation, and other movement or possession within the United States of prohibited or restricted products and articles under this part shall be subject to such safeguards as may be prescribed in the permits and this part and any others which, in the opinion of the inspector, are necessary and are specified by him to prevent plant pest dissemination. In the case of prohibited or restricted products or articles subject to this part which are unloaded or landed for transshipment and exportation or transportation and exportation, or for onward movement to the port of entry as residue cargo or under a Customs entry for immediate transportation, this shall include necessary safeguards with respect to any movement within the port area between the point of arrival and the point of temporary storage, other handling, or point of departure, including a foreign trade zone. Prohibited and restricted products and articles subject to this part which are unloaded or landed for transshipment and exportation or transportation and exportation, or for onward movement as residue cargo or under a Customs entry for immediate transportation, shall be transshipped, or transported and exported from the United States, or moved onward immediately. This shall mean the shortest practicable interval of time commensurate with the risk of plant pest dissemination required to transfer the products or articles from one carrier to another and to move them onward or from the United States. If, in the opinion of the inspector, considerations of risk of plant pest dissemination require, such movement shall be made without regard to the noncompetitive or competitive relations of the carriers concerned, and the inspector shall promptly report to the Division the circumstances when the emergency is so acute that subsequent movement is required on a carrier of a company other than the one bringing the products or articles to the United States or on which onward movement was contemplated by the shipper or forwarding carrier. Prohibited or restricted plants, plant products, plant

pests, and soil which were intended for entry into the United States under Parts 319, 320, 321, or 330 of this chapter, or for movement into or through the United States under this part, and which were refused such entry or movement before unloading or landing, or which were refused such entry or movement after unloading or landing and are immediately reladed on the same carrier, may be retained on board pending removal from the United States or other disposal, but shall be subject to the safeguards specified under this section. Prohibited or restricted products and articles which were refused entry or movement under said parts after unloading or landing and which are not immediately reladed in accordance with this section shall be subject to such safeguard action as the inspector deems necessary to carry out the purposes of this part.

(2) Safeguards prescribed by an inspector under this section shall be prescribed to the owner by the inspector in writing except that the inspector may prescribe the safeguards orally when, in his opinion, the circumstances and related Customs procedures do not require written notice to the owner of the safeguards to be followed by the owner. In prescribing safeguards, the relevant requirements of Parts 319, 320, 321, and 330 of this chapter and this part shall be considered. The safeguards prescribed shall be the minimum required to prevent plant pest dissemination. Destruction or exportation shall be required only when no less drastic measures are deemed by the inspector to be adequate to prevent plant pest dissemination. The inspector may follow administrative instructions promulgated for certain situations, or he may follow a procedure selected by him from administratively approved methods known to be effective in similar situations. In the case of aircraft that are contaminated with insect pests, only an insecticidal formulation, approved for use in aircraft, may be so applied as an emergency measure. If the application is not effective against the insect pests or if other pests must be safeguarded against, the inspector shall report the circumstances promptly to the Division and receive instructions as to safeguards that will not have a deleterious effect on the structure of the aircraft or its operating equipment. In prescribing safeguards consideration will be given to such factors as:

(i) The nature and habits of the plant pests known to be, or likely to be, present with the plants, plant products, soil, or other products or articles.

(ii) Nature of the plants, plant products, plant pests, soil, or other products or articles.

(iii) Nature of containers or other packaging and adequacy thereof to prevent plant pest dissemination.

(iv) Climatic conditions as they may have a bearing on plant pest dispersal, and refrigeration if provided.

(v) Routing pending exportation.

(vi) Presence of soil.

(vii) Construction or physical condition and type of carrier.

^{*} The Director, Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C. Telephone: DUdley 8-4493.

(viii) Facilities for treatment, or for incineration or other destruction.

(ix) Availability of transportation facilities for immediate exportation.

(x) Any other related factor which should be considered, such as intent to export to an adjacent or nearby country.

(c) *Disposal.* (1) If prohibited or restricted products or articles subject to this part are not safeguarded in accordance with measures prescribed under this part, or cannot be adequately safeguarded to prevent plant pest dissemination, they shall be seized, destroyed, or otherwise disposed of according to law. Whenever disposal action is to be taken by the inspector he shall notify the local Customs officer in advance.

(2) When a shipment of any products or articles subject to this part has been handled in accordance with all conditions and safeguards prescribed in this part and in the permit and by the inspector, the inspector shall inform the local Customs officer concerned of the release of such products or articles, in appropriate manner.

§ 352.11 Mail.

(a) *Transit mail.* (1) Plants, plant products, plant pests, and soil which arrive in the United States in closed dispatches by international mail or international parcel post and which are in transit through the United States to another country shall be allowed to move through the United States without further permit than the authorization contained in this section. Notice of arrival shall not be required as other documentation meets the requirement for this notice.

(2) Inspectors ordinarily will not inspect transit mail or parcel post, whether transmitted in open mail or in closed dispatches. They may do so if it comes to their attention that any such mail or parcel post contains prohibited or restricted products or articles which require safeguard action. Inspection and disposal in such cases will be made in accordance with this part and Part 330 of this chapter, and in conformity with regulations and procedures of the Post Office Department for handling transit mail and parcel post.

(b) *Importation for exportation.* Plants and plant products to be imported for exportation, by mail, will be handled under permit in accordance with Part 351 of this chapter.

§ 352.12 Baggage.

Products or articles subject to this part which are contained in baggage shall be subject to the requirements of this part in the same manner as cargo.

§ 352.13 Certain conditions under which change of Customs entry or diversion is permitted.

When plants, plant products, plant pests, and soil released for exportation, transshipment and exportation, or transportation and exportation, under this part, have met all applicable permit and other requirements for importation, including inspection and treatment, as provided in Part 319, 320, 321, or 330 of this chapter, the form of Customs entry may be changed and the shipment

may be diverted at any time to permit delivery of the products and articles to a destination in the United States, so far as the requirements in this part are involved. The Customs officer concerned at the original port of Customs entry shall be informed by the inspector that such release has been made and that such change of entry or diversion is approved under this part by appropriate endorsement of Customs documents.

§ 352.14 Costs.

All costs incident to the inspection, handling, safeguarding, or other disposal of prohibited or restricted products or articles under the provisions in this part, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner.

§ 352.15 Caution.

In applying safeguards or taking other measures prescribed under the provisions in this part, it should be understood that inexactness or carelessness may result in injury or damage. It should also be understood by the owners that emergency measures prescribed by the inspector to safeguard against plant pest dissemination may have adverse effects on certain products and articles and that they will take the calculated risk of such adverse effects of authorized measures.

§§ 352.16-352.29 [Reserved]

§ 352.30 Administrative instructions: Certain oranges, tangerines, and grapefruit from Mexico.

The following provisions shall apply to the movement into or through the United States under this part of oranges, tangerines, and grapefruit from Mexico in transit to foreign countries via United States ports on the Mexican border.

(a) *Untreated fruit; general.*—(1) *Permit and notice of arrival required.* The owner shall, in advance of shipment of untreated oranges, tangerines, or grapefruit from Mexico via United States ports on the Mexican border to any foreign country, procure a formal permit as provided in § 352.6, or application for permit may be submitted to the inspector at the port in the United States through which the shipment will move. Notice of arrival of such fruit shall be submitted as required by § 352.7.

(2) *Origin; period of entry.* Such fruit may enter from any State in Mexico throughout the year, in accordance with requirements of this section and other applicable provisions in this part.

(3) *Cleaning refrigerator cars and aircraft prior to return to the United States from Canada.* Refrigerator cars and aircraft that have been used to transport untreated oranges, tangerines, or grapefruit from Mexico through the United States to Canada shall be carefully swept and freed from all fruit, as well as boxes and rubbish, by the carrier involved prior to reentry into the United States.

(4) *Inspection; safeguards.* (i) Each shipment under this paragraph (a) shall be subject to such inspections and safeguards as are required by this section

and such others as may be prescribed by the inspector pursuant to § 352.10.

(ii) *Truck loads of untreated oranges, tangerines, and grapefruit arriving from Mexico at authorized ports in the United States for loading into refrigerator cars, aircraft, or ships for movement to a foreign country shall be preinspected by an inspector for freedom from citrus leaves before entry into the United States or be accompanied by an acceptable certificate from an inspector as to such freedom. Trucks loaded with such untreated fruit that are not free of such leaves will be denied entry into the United States. Loaded trucks free of such leaves shall be conveyed by an inspector from point of arrival in the United States to the point of unloading, or shall move under such other safeguards as the inspector shall prescribe.*

(iii) *All trucks, refrigerator cars, aircraft, and ships used to transport untreated fruit from Mexico through the United States to a foreign country under this paragraph (a) shall be subject to such treatment at the port of first arrival and elsewhere as may be required by the inspector, pursuant to this part, in order to prevent plant pest dissemination.*

(b) *Additional conditions for overland movement of certain untreated fruit.* Untreated oranges, tangerines, and grapefruit from Mexico may move overland through the United States to a foreign country only in accordance with the following additional conditions:

(1) *Containers.* Such fruit shall be packed in containers of approximately the size customarily used by the trade for marketing such fruit in the United States.

(2) *Ports of entry.* Such fruit may enter only at Nogales, Arizona; or Brownsville, Eagle Pass, El Paso, Hidalgo, or Laredo, Texas.

(3) *Carrier.*—(i) *Railway cars.* Refrigerator cars, in good condition, of United States or Canadian ownership only shall be used to transport such fruit by railway through the United States to Canada or other foreign country.

(ii) *Aircraft.* Aircraft may be used to transport such fruit from the ports named in subparagraph (2) of this paragraph to points in Canada.

(iii) *Trucks.* Trucks may be used to haul such fruit from Mexico to shipside, or to approved refrigerated storage pending lading aboard ship, in Brownsville, or alongside refrigerator cars or aircraft at the ports named in subparagraph (2) of this paragraph for movement to a foreign country. Such trucks shall be of the van-type and shall be kept closed from time of entry into the United States until unloading is to commence; or the load shall be covered with a tarpaulin tightly tied down which shall not be removed or loosened from time of entry into the United States until unloading is to commence. Trucks may not be used otherwise to transport such fruit from Mexico overland through the United States.

(4) *Bonded rail movement.*—(i) *Routing.* Shipments of such fruit may move by direct route, in Customs bond and under Customs seal, without diversion or

change of Customs entry en route, from the port of entry to the port of exit en route to Canada or to an approved North Atlantic port in the United States for export to another foreign country, as follows: The fruit may be entered at Nogales, Arizona, only for direct rail routing to El Paso, Texas, after which it shall traverse only the territory bounded on the west by a line drawn from El Paso, Texas, to Salt Lake City, Utah, and then to Portland, Oregon, and on the east by a line drawn from Brownsville, Texas, through Houston, Texas, and Kinder, Louisiana, to Memphis, Tennessee, and then to Louisville, Kentucky, and due east therefrom, such territory to include railroad routes from Brownsville to Houston and direct northward routes therefrom. Such fruit may also enter the United States from Mexico at any port listed in subparagraph (2) of this paragraph for direct eastward rail movement in Customs bond and under Customs seal, without diversion en route, for reentry into Mexico.

(ii) *Icing.* All refrigerator cars transporting such fruit from States in Mexico other than Sonora shall be iced prior to crossing at Brownsville, Eagle Pass, El Paso, or Laredo, Texas, and shall be re-iced if necessary to prevent plant pest dissemination south of Little Rock, Arkansas, or a line drawn east and west therefrom. North of such a line no further icing is required. Icing, insofar as this part requires, may be omitted if all openings leading from the car to the ice bunkers are covered with a 14-mesh fly screen in a manner satisfactory to the inspector. All such cars must move through the United States with all doors closed and sealed.

(5) *Bonded air cargo movement.* Shipments of such fruit may move by direct route as air cargo, in Customs bond and without change of Customs entry while in the United States en route from the port of entry, to Canada. If an emergency occurs en route to the port of export that will require transshipment to another carrier, the owner should apply to the Division^a for information as to applicable conditions.

(c) *Additional conditions for movement of certain untreated fruit by water route.* Untreated oranges, tangerines, and grapefruit from Mexico may move from Mexico to a foreign country by water route through the United States under this section only in accordance with the following additional conditions:

(1) *Ports of entry.* Such oranges, tangerines, and grapefruit may enter only at New York, Boston, or such other North Atlantic ports in the United States as may be named in permits, for exportation, or at Brownsville, Texas, for exportation by water route.

(2) *Routing through North Atlantic ports.* Such fruit entering via North Atlantic ports in the United States shall move by direct water route to New York or Boston, or to such other North Atlantic ports as may be named in the permit only for immediate direct export by

water route to any foreign country, or for immediate transportation and exportation in Customs bond by direct rail route to Canada.

(3) *Exportation from Brownsville by water.* (i) Such fruit laden in refrigerated holds for export from Brownsville shall be stowed in closed compartments if the ship is to call at other Gulf or South Atlantic ports in the United States. The compartments are not to be opened while in such other Gulf or South Atlantic ports.

(ii) Such fruit for export from Brownsville, not laden in refrigerated holds, shall be stowed in closed compartments separate from other cargoes. Bulkheads of such compartments shall be kept closed. Hatches containing such fruit shall be closed and the tarpaulin battened down and sealed with Division seals. Such seal shall remain unbroken while the ship is in any such Gulf or South Atlantic port or waters. Vents and ventilators leading to compartments in which the fruit is stowed must be screened with fine mesh screening. Advance notice of arrival of ships carrying untreated Mexican oranges, tangerines, or grapefruit shall be given to the inspector at such Gulf or South Atlantic ports of call.

(d) *Restriction on diversion or change of Customs entry.* Diversion or change of Customs entry shall not be permitted with movements authorized under paragraph (b) (4) or (5) or paragraph (c) of this section and the inspector at the original port of Customs entry shall appropriately endorse the Customs documents to show that fact: *Provided*, That the inspector at such port of entry may, when consistent with the purposes of this part, approve diversion or change of Customs entry to permit movement to a different foreign country or entry into the United States subject to all other applicable requirements under this part or Part 319 of this chapter. If diversion or change of Customs entry is desired at a Customs port in the United States where there is no inspector, the owner may apply to the Division^a for information as to applicable conditions. If diversion or change of entry is approved at such a port, confirmation will be given by the Division to appropriate Customs officers and Division inspectors.

(e) *Treated fruit.* Oranges, tangerines, and grapefruit from Mexico which have been treated in Mexico in accordance with § 319.56-2e of this chapter may be imported through the United States ports on the Mexican border for exportation in accordance with §§ 319.56 and 319.56-1 through 319.56-8 of this chapter.

(f) *Costs.* Costs shall be borne by the owner of the fruit as provided in § 352.14. This includes all costs for preinspection and conveying of loaded trucks and supervision of transloading from trucks to approved carriers or storage in United States ports when augmented inspection service has to be provided for such preinspection, conveying, and supervision.

This revision brings the provisions of Part 352 into conformity with present day trade and transportation practices

and brings together for the benefit of the public an outline of the procedures deemed necessary to safeguard the United States from the risk of dissemination of plant pests during the presence in this country of foreign plants, plant products, plant pests, soil, and other products and articles, transiting, or otherwise temporarily within, the territorial limits of the United States. This revision also resolves apparent conflicts between the existing language in Part 352 and certain subparts of Part 319. It reduces the responsibilities of those having charge over shipments in the categories covered with respect to application for certain permits. Furthermore, it should also result in a simplification of the minimum essential procedures to prevent plant pest dissemination with these movements.

Two clarifying statements on inspection procedures have been inserted in § 352.10(b) as a result of comments received pursuant to the notice of rule making. They relieve restrictions on the public by limiting the inspectors' authority and are not such as to require any action by affected members of the public beyond that required under the notice of rule making. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found on good cause that notice and other public participation in rule making with respect to the changes are impracticable and unnecessary.

This amendment shall become effective April 4th, 1960.

Done at Washington, D.C., this 1st day of March 1960.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-2082; Filed, Mar. 4, 1960;
8:52 a.m.]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Dates Upon Which Certain Sections of the Act Shall Become Applicable to Nematocides, Plant Regulators, Defoliants, and Desiccants

The Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959, approved August 7, 1959, amended the Federal Insecticide, Fungicide, and Rodenticide Act to include nematocides, plant regulators, defoliants, and desiccants. The amendment became effective upon enactment with certain exceptions. The amendment provides that sections 3, 8, 9 and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act shall not be applicable until March 5, 1960, to two classes of products. These classes are: (1) Any nematocide, plant regulator, defoliant or desiccant marketed commercially prior to the date of the enactment of the amendment, the use of which does not result in a residue remaining in or on a food; and (2) any nematocide, plant regulator, defoliant or desiccant whose use does result in residue remaining in or

^a The Director, Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C. Telephone: DUDLEY 8-4493.

on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958. The amendment further provides that the Secretary of Agriculture may extend the date upon which these sections of the Federal Insecticide, Fungicide, and Rodenticide Act shall become applicable to these classes of products to a date not beyond March 5, 1961, upon a determination that such extension will not be unduly detrimental to the public interest and is necessary to avoid hardships. Notwithstanding any such extensions, all provisions of the Federal Insecticide, Fungicide, and Rodenticide Act shall become fully applicable to any of these products upon the date of its registration under the Act.

The Department has received many requests for an extension, until March 5, 1961, of the date upon which these sections of the Federal Insecticide, Fungicide, and Rodenticide Act shall become applicable to these products. Requests from Experiment Stations, research institutes and users have cited the need for nematocides, plant regulators, defoliant, and desiccants in the production of agricultural commodities, and have emphasized that additional time is required to obtain the data which are necessary to clarify the status of many of these materials under the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act. Since the enactment of the Nematocide, Plant Regulator, Defoliant and Desiccant Amendment, a complete growing season has not been available to obtain such data. The requested extension period would provide an additional growing season for this purpose. Requests have also specified that a variety of chemicals are needed for effective agricultural production in recognition of varying growing conditions.

This Department has given careful consideration to these requests in the light of the knowledge and experience of the Department in this field. Where these materials are well established in agriculture and there is no evidence that their use is detrimental to the public interest, the Department has determined that the requested extensions are justified and in consonance with the intent of Public Law 86-139. However, it is not believed that a blanket extension for all uses of nematocides, plant regulators, defoliant, and desiccants would be justified.

Upon the basis of the foregoing, the Department has determined that it will not be unduly detrimental to the public interest and is necessary to avoid hardships to grant the extensions hereinafter specified.

1. With respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of the enactment of The Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959, the use of which does not result in a residue remaining in or on a food, the date upon which sections 3, 8, 9, and 10 of the Federal Insecticide, Fungicide, and Rodenticide

Act shall become applicable is extended to March 5, 1961, or the date upon which such product is registered under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs. Any manufacturer or formulator of any nematocide, plant regulator, defoliant, or desiccant may immediately consult with the Plant Pest Control Division, Agricultural Research Service of this Department, concerning the applicability of this extension to any particular use of these products.

2. The Nematocide, Plant Regulator, Defoliant and Desiccant Amendment of 1959 provides that with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act, as in force prior to the date of the enactment of the Act of July 22, 1954, (relating to pesticide chemicals on raw agricultural commodities) shall apply until March 5, 1960, or the end of such additional period not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe. Since nematocides, plant regulators, defoliant, and desiccants whose use will result in residues remaining in or on raw agricultural commodities will be subject to the provisions of the Act of July 22, 1954, as well as the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, it is deemed necessary that the dates upon which the provisions of these Acts become applicable to such products be the same. Therefore, with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, the date upon which sections 3, 8, 9, and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act shall become applicable is extended to the same date as that determined by the Secretary of Health, Education, and Welfare to be the date upon which the Act of July 22, 1954 (68 Stat. 511), shall become applicable to such products.

It should be emphasized that the extension granted to chemicals in the two classes specified is not intended to delay immediate registration of them where possible. Registration of any of these materials can be effected at any time during the extension period when adequate evidence is available to justify such registration. The Department recognizes that registration of these new classes of materials will involve unique problems in such fields as nematology, agronomy, plant physiology, chemistry, and pharmacology. In order to spread the tremendous workload upon the Department staff, during the extension period, interested manufacturers, formulators, and distributors should contact the Department promptly with regard to registration of their products.

(Sec. 6, 61 Stat. 168; 7 U.S.C. 135d; 7 CFR 362.3)

Done at Washington, D.C., this 2d day of March 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-2081; Filed, Mar. 4, 1960;
8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 187]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.487 Navel Orange Regulation 187.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), 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 recommendation 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 here-