

proof which satisfies such office that all workers have been paid in accordance with the requirements of this section.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms may be obtained by writing to the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

#### STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1961, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production),

and the differences in conditions among the various producing areas.

(c) *1961 wage determination.* This determination increases the minimum wage rates for chemical sprayers 12 cents per hour and for operators of mechanical loaders, operators of tractors and trucks, and all other workers 10 cents per hour over the rates established by the 1960 determination; and specifies that workers are to receive overtime pay for work in excess of 40 hours per week instead of in excess of 44 hours per week as provided in the 1960 determination. Other provisions of the 1960 determination continue unchanged.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 18, 1960, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1961. A representative of the Virgin Islands Corporation, which is owned by the Federal Government and is the largest producer of sugarcane in the Virgin Islands, presented as an exhibit Act No. 627 of the Third Legislature of the Virgin Islands of the United States, approved June 21, 1960. This Act establishes a minimum wage of 50 cents per hour for agricultural workers in the Virgin Islands. The Act also provides for overtime pay at the rate of one and one-half times the applicable rate for work in excess of 40 hours per week. The witness stated that Vicorp had already adopted the minimum wage of 50 cents per hour as provided in Act No. 627 and recommended that such rate be established in the 1961 wage determination. He further stated that wages paid to higher skilled workers also had been increased in about the same proportion as the increase in the minimum wage. The witness objected, however, to establishing a 40 hour work week, contending that overtime payments for work in excess of 40 hours would add substantially to the cost of producing cane. He pointed out that the Board of Directors of Vicorp had requested the Governor of the Virgin Islands to submit to the Legislature a revision of the law to permit a work week of 44 hours. He recommended that other provisions of the determination continue unchanged and stated that the Corporation imports large numbers of British West Indian workers for sugarcane work because the shortage of labor in the Virgin Islands continues to be a serious problem. In a letter to the Department subsequent to the hearing, the witness recommended minimum rates of 75 cents per hour for operators of mechanical loaders, 60 cents per hour for operators of trucks and tractors, and 55 cents per hour for chemical sprayers.

Two witnesses representing producers did not indicate any opposition to the 50-cent minimum hourly rate prescribed by local law but did object to the adoption of a 40-hour work week. One of the witnesses pointed out that the 40-hour work week imposes a hardship on independent growers because many of their

workers are imported and are given free housing, and with a shorter work week more workers and more housing would be needed.

Consideration has been given to the recommendations made at the hearing, to the economic position of the Virgin Islands Corporation and of independent growers, and to other pertinent factors.

The returns, costs, and profits of the sugarcane producing operations of the Corporation and of independent producers have been obtained by field study for recent years and recast in terms of prospective price and production conditions for the 1961 crop. Analysis of these data show that under favorable weather conditions the production of sugarcane is profitable, but that substantial losses are incurred in the years when the crop is subject to drought. Moisture conditions during 1960 were favorable and it is expected that the 1961 crop will be profitable.

The wage provisions of the Sugar Act require, as a condition for payment, that producers shall have paid workers in full for all work performed and shall have been paid at rates not less than those established by the Secretary. This requirement of the Sugar Act for payment in full is interpreted to mean that where the producer and the worker agree upon wages higher than the minimums established by the Secretary, or where local laws require the producer to pay wages at rates higher than the minimums established, the producer must pay such higher rates to comply with the wage provisions of the Act. The Department has been informed that the Virgin Islands Corporation, being a corporation wholly owned by the United States, need not conform to the territorial minimum wage law. However, all other producers are subject to the wage provisions as enacted by the Virgin Islands Legislature and thus cannot agree to pay workers less than the minimum rates established therein. The Corporation recommended the adoption of the local law insofar as the minimum rate of 50 cents per hour is concerned. Although the Corporation did not recommend the adoption of the overtime provisions of the local law, it is believed that the wage requirements which must be met as a condition for Sugar Act payments should be applied uniformly to all producers.

In recognition of the foregoing factors, the rates established in this wage determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1131)

Issued this 30TH day of August 1961.

ORVILLE L. FREEMAN,  
Secretary of Agriculture.

[F.R. Doc. 61-8454; Filed, Sept. 1, 1961; 8:52 a.m.]

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

[Valencia Orange Reg. 243]

**PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

**Limitation of Handling**

**§ 922.543 Valencia Orange Regulation 243.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia 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 Valencia 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 Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date

hereof. Such committee meeting was held on August 31, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., September 3, 1961, and ending at 12:01 a.m., P.s.t., September 10, 1961, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 600,000 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

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

Dated: September 1, 1961.

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

[F.R. Doc. 61-8511; Filed, Sept. 1, 1961; 11:19 a.m.]

[Lemon Reg. 915]

**PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 953.1022 Lemon Regulation 915.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons 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 lemons and the need for regulations; 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 lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 29, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., September 3, 1961, and ending at 12:01 a.m., P.s.t., September 10, 1961, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 246,450 cartons;
- (iii) District 3: 18,600 cartons.

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

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

Dated: August 31, 1961.

PAUL A. NICHOLSON,  
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8469; Filed, Sept. 1, 1961; 8:53 a.m.]

**PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA**

**Miscellaneous Amendments**

Notice was published in the July 26, 1961, issue of the FEDERAL REGISTER (26 F.R. 6651) that the Department had under consideration certain proposed actions with respect to various subparts (i.e., amendment of Subpart—Administrative Rules and Procedures, and of Subpart—Pack Specifications as to Size), operative pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). The amendments were proposed by the Prune Administrative Committee, hereinafter

referred to as the "committee", the administrative agency for the operation of the order.

In said notice, interested persons were afforded the opportunity to submit written data, views, or arguments with respect to the proposals. Comments were filed by the committee within the time limit specified in the notice.

After consideration of all relevant matters presented, including the proposals and comments submitted by the committee, and other information applicable thereto, it is concluded that the amendment of these subparts, as herein-after set forth, would tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That:

1. The Subpart—Administrative Rules and Procedures and the provisions thereof (§§ 993.101 to 993.176, inclusive) are revised to read as follows:

### Subpart—Administrative Rules and Regulations

#### DEFINITIONS

|         |                               |
|---------|-------------------------------|
| Sec.    |                               |
| 993.101 | Order.                        |
| 993.102 | Committee.                    |
| 993.103 | Terms in the order.           |
| 993.104 | Lot.                          |
| 993.105 | Size count.                   |
| 993.106 | In-line inspection.           |
| 993.107 | Floor inspection.             |
| 993.108 | Non-human consumption outlet. |

#### PRUNE ADMINISTRATIVE COMMITTEE

993.128 Nominations for membership.

#### GRADE AND SIZE REGULATIONS

993.149 Receiving of prunes by handlers.  
993.150 Disposition of prunes by handlers.

#### REPORTS AND BOOKS AND OTHER RECORDS

993.172 Reports of holdings, receipts, sales, uses, and shipments.  
993.173 Reports of accounting.  
993.174 Other reports.  
993.175 Records.

AUTHORITY: §§ 993.101 to 993.175 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

#### DEFINITIONS

##### § 993.101 Order.

"Order" means Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, or as they may be further amended hereafter.

##### § 993.102 Committee.

"Committee" means the Prune Administrative Committee established pursuant to § 993.24.

##### § 993.103 Terms in the order.

Terms defined in the order shall have the same meaning when used in this subpart.

##### § 993.104 Lot.

(a) "Lot" for the purposes of § 993.49 and § 993.149 means any quantity of prunes delivered by one producer or one dehydrator to a handler on which inspection is requested: *Provided*, That a lot shall be limited to (1) the prunes contained in not more than 30 "ton box" containers or (2), if in other containers, not more than 60,000 pounds of prunes. If the prunes in any containers are

markedly inferior in quality and condition to other prunes in the proffered lot, the containers shall be segregated into lots of reasonable uniform quality.

(b) "Lot" for the purposes of § 993.50 and § 993.150 means:

(1) With respect to in-line inspection either (i) the aggregate quantity of prunes of the same size, other than those rejected by inspection, processed in any continuous production of one calendar day and packed during such day in one size and style of container or (ii) the aggregate quantity of prunes of the same size, other than those rejected by inspection, so processed and held in packing containers for later packaging.

(2) With respect to floor inspection either (i) prunes not previously inspected in-line, of the same size, in like containers, bearing the same identification (e.g., brand) if in consumer packages, and offered for inspection as a lot; or (ii) prunes previously inspected in-line but rejected as failing to meet requirements, of the same size, in like containers, processed in any continuous production of one calendar day, and offered for inspection as a new lot.

##### § 993.105 Size count.

"Size count" means the count or number of prunes per pound.

##### § 993.106 In-line inspection.

"In-line inspection" means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

##### § 993.107 Floor inspection.

"Floor inspection" means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers.

##### § 993.108 Non-human consumption outlet.

"Non-human consumption outlet" means any livestock feeder or manufacturer of inedible syrup, industrial alcohol, animal feed, or other product for non-human use, who has established, any prunes or prune waste received for a non-human use will be used only within such outlet.

#### PRUNE ADMINISTRATIVE COMMITTEE

##### § 993.128 Nominations for membership.

(a) *Districts*. [Reserved]

(b) *Voting procedures*—(1) *Independent producers*. Prior to March 1 of each election year, the committee shall cause a meeting to be held, in each of the election districts established pursuant to § 993.28(a) for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as members and alternate members for the respective districts. Each such candidate must be a producer in the district for which he is proposed. Prior to March 15 of that election year, the committee shall prepare for each district and mail to each independent producer of record in such district a ballot as prescribed in said § 993.28(a). Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district

in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. In order to be counted, such a mail ballot must be executed and returned to the committee postmarked not later than the following March 31. One nominee for member and one nominee for alternate member for each district shall be submitted to the Secretary by the committee on the basis of those receiving the plurality of the mail ballots cast for the respective positions in the particular district. Returns shall be considered in the light of the voting by each district separately.

##### (2) *Independent handler nominees*.

(i) Prior to March 15 each election year, the committee shall notify each independent handler of record of the group of independent handlers in which he has been classified pursuant to the provisions of § 993.28(c) and of the number of independent handler positions on the committee for the ensuing term of office pursuant to the provisions of § 993.24 (b) and (c). Prior to April 1 of each election year, each of the two independent handlers classified in the group specified in § 993.28(c)(1) shall notify the committee in writing of his nominee for member and nominee for alternate member as prescribed therein.

(ii) In any election year in which four member positions and four alternate member positions are assigned to independent handlers for the ensuing term of office, the committee shall, prior to April 1 of such year, cause to be held a meeting of the three independent handlers classified in the group specified in § 993.28(c)(2) and a separate meeting of all other independent handlers classified in the group specified in § 993.28(c)(3). Each group at its meeting shall, from among that group, elect one member nominee and one alternate member nominee by plurality vote. Each handler present at the meeting of his group shall be entitled to one vote for a candidate for each position assigned to that group.

(iii) In any election year in which only three member positions and three alternate member positions are assigned to independent handlers for the ensuing term of office, the committee shall, prior to April 1 thereof, cause to be held a meeting of all independent handlers except those classified in the group specified in § 993.28(c)(1). At such meeting one member nominee and one alternate member nominee shall be elected in accordance with the applicable provisions of § 993.28(c).

#### GRADE AND SIZE REGULATIONS

##### § 993.149 Receiving of prunes by handlers.

(a) *Inspection stations*. Prunes shall be inspected only at an inspection station which shall be any plant of a handler, and any other place where prunes are normally and usually received in any considerable volume, and at which there are reasonably adequate facilities for weighing, sampling, and receiving prunes.

(b) *Incoming inspection*—(1) *General*. Upon any producer or dehydrator delivering prunes to a handler, the handler shall issue to the inspection service an identification tag showing the name and address of such producer or dehydrator, the date of delivery, the county of production, the number and type of containers, the approximate net weight of the prunes, the place where the prunes are to be inspected, and any other information necessary to identify such prunes to the satisfaction of the inspector and the committee. For each delivery of such prunes, the handler shall issue to the producer or dehydrator a door receipt or weight certificate showing the name and address of the producer or dehydrator, the weight of the delivery, and any other information necessary to identify the delivery. Such information shall be available to the inspector and the committee. Prunes so delivered to a handler shall not be considered as received prior to the time they have been inspected. Pending inspection the handler shall maintain the identity of such prunes with their corresponding door receipt or weight certificate. Each lot shall be separately inspected. Each inspection certificate shall be limited to the prunes in one lot and shall be based on their net weight. The handler shall supply any necessary information together with any assistance needed by the inspector in drawing samples including the dumping of containers. Handlers shall require inspection of prunes as soon as practicable following delivery. After inspection, each lot of prunes shall be promptly received by the handler or returned to the producer or dehydrator. When a lot of prunes is inspected at other than a handler's plant, the handler shall require the inspector to forward, with such a lot to the handler, the handler's copies of the certificate.

(2) *Certification*. Following inspection of a lot not returned to the producer or dehydrator the handler shall require the inspector to issue, in quintuplicate, a signed certificate containing the following information: (i) The date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, and the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate; (iv) whether the prunes are standard, substandard, or substandard for non-human use only as prescribed in paragraph (d)(1) of this section; (v) the inspector's computations of the percentage of each group or combination of groups of defects for which a maximum tolerance is in effect; and (vi) if substandard, the average size count of all off-grade prunes (those defective pursuant to § 993.97) in the lot, and the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight, of prunes with such defects, necessary to be removed in

order for the balance of the lot to be within the tolerance for such defects.

(c) *Conditional provisions*—(1) *Wet or slack-dry prunes*. Any prunes delivered to a handler by a producer or dehydrator which an inspector determines have not been properly dried and cured in original natural condition, or which show evidence of the addition thereto of water, may be held by the handler for the account of the producer or dehydrator for conditioning by further drying or dehydration: *Provided*, That such prunes shall be identified and kept separate and apart from any other prunes in the handler's possession until resubmitted for inspection and certificated as properly dried and cured, or returned to the producer or dehydrator. The certificate shall show, in addition to other inspection requirements, that the conditioning was performed and indicate the net weight after conditioning.

(2) *Prunes with active insect infestation*. Any prunes delivered to a handler which an inspector determines are not free from active insect infestation, may be returned to the producer or dehydrator or may be held by the handler for the account of the producer or dehydrator for conditioning by fumigation: *Provided*, That such prunes shall be identified and kept separate and apart from any other prunes in the handler's possession until resubmitted for inspection and certificated to show, in addition to other inspection requirements, performance of fumigation and freedom from active infestation.

(3) *High moisture content prunes*. The delivery of any high moisture content prunes to a handler by a producer or dehydrator shall be reported promptly by the handler to the inspection service. The inspection service shall be requested to submit a report to the committee of each such delivery which shall contain the following information: (i) The date and place of the delivery; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; and (iii) the variety of the high moisture content prunes, the county in which they were produced, and their net weight as shown on the door receipt or weight certificate, together with the number of such receipt or certificate. Any handler who, subsequent to delivery to him of high moisture content prunes, elects to dry or dehydrate them or any portion thereof to a point where they are capable of being received by such handler shall, prior to proceeding with such drying or dehydration, notify an inspector of the inspection service of his election, and the same procedure shall apply as set forth in subparagraph (1) of this paragraph. For each day on which a handler processes and packages high moisture content prunes, he shall furnish promptly to the inspector a signed statement and one copy showing the handler's name and address and the net weight of the total tonnage of high moisture content prunes processed and packaged by him on that day. The handler shall furnish promptly to the inspector two copies of the shipping or disposition order or other documents which shall show the date of each shipment or

disposition, the applicable reference number thereof, and an adequate description of the shipment or disposition. One copy of each document so furnished shall be required to be forwarded to the committee. Upon request of the committee a handler shall, within ten days thereafter, file with the committee a signed report on Form PAC 3.1 "Report of High Moisture Content Prunes" which shall contain the following information: (i) The date and the name and address of the handler; (ii) the total tonnage of high moisture content prunes delivered to the handler during the crop year to the date of the report; (iii) the total tonnage of high moisture content prunes shipped or otherwise disposed of by the handler during such period; (iv) the total tonnage of high moisture content prunes delivered to the handler during such period which were dried or dehydrated and received as prunes by the handler; and (v) the total tonnage of high moisture content prunes in the handler's possession on the date of the report.

(4) *Return of prunes to producers and dehydrators*. Any lot of prunes delivered to a handler by a producer or dehydrator may be returned to the producer or dehydrator prior to an inspection thereof. Any lot of prunes so delivered whose identity has been maintained may be so returned following an inspection thereof, except (i) a lot described in paragraph (d)(1) of this section, and (ii) prunes which, after such inspection, have been size graded or sorted by the handler, resulting in a segregation of defects. Prunes which have been sorted for the producer or dehydrator, the identity of which have been maintained to the satisfaction of the inspector and the committee, may be resubmitted for inspection in not more than three new lots, equal in weight to the original lot, and the applicable inspections shall supersede the original inspection.

(d) *Prunes for non-human consumption only*—(1) *Maximum percentage defective*. The maximum percentage of prunes with defects of mold, imbedded dirt, insect infestation, and decay shall be 50 percent and any lot with such prunes in excess of such percentage shall be deemed to have been received by the handler and shall be disposed of by him in its entirety in non-human consumption outlets. Pending disposition, such lot shall be held alone, or with other like lots of prunes, separate and apart from all other prunes held by the handler, and with identity maintained to the satisfaction of the inspector and the committee.

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c)*. To satisfy the obligation imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in non-human consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted aver-

age size count of defective prunes in lots with an excess of such prunes. The inspection certificate applicable to the quantity of prunes in which such defective prunes are included for disposition shall show in addition to items set forth in § 993.150(e)(3), the percentage by weight of such defective prunes, their average size count, and whether they are capable of being stored unpacked without further material deterioration or spoilage. If they are storable and if an appropriate size count, the creditable weight shall be that resulting from the application of such percentage to the total weight of such quantity of prunes. If they are not storable, the creditable weight of defective prunes shall be reduced, and their average size count shall be increased, by the percentage of moisture determined by the inspector as necessary to be removed to render them capable of being stored.

(3) *Disposition.* Prunes accumulated by a handler pursuant to subparagraphs (1) and (2) of this paragraph shall be disposed of in non-human consumption outlets during the crop year in which the prunes establishing such obligation were received from producers and dehydrators.

#### § 993.150 Disposition of prunes by handlers.

(a) *Inspection stations.* An inspection station shall be any plant of a handler, and any other place where he handles prunes.

(b) *Outgoing inspection.* Except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes unless he has, prior to such shipment or final disposition, had them inspected and obtained a certificate showing that such prunes meet the effective minimum standards. Such inspection shall be made during that portion of the final preparation of the prunes for shipment or other final disposition as will permit proper sampling, whether in-line or floor inspection, and no handler shall perform such final preparation unless an inspector is present. The handler shall furnish promptly to the inspector a copy of the shipping or disposition order or other documents, which shall show the date of each shipment or disposition, the applicable reference number thereof, and an adequate description of the shipment or disposition. For the prunes inspected each day which meet the applicable minimum grade and size requirements for standard prunes, or standard processed prunes, the handler shall cause the inspector to issue in triplicate a signed certificate containing the following information: (1) The date and place of inspection; (2) the name and address of the handler and of the inspection service; (3) the number and size of packages or the net weight of prunes; (4) the number of the worksheet or worksheets on which the inspector's computations and results of tests are recorded; and (5) a statement that the prunes meet the effective minimum standards for standard prunes, or standard processed prunes, as the case may be.

(c) *Interhandler transfers.* A handler may transfer prunes other than those

regulated pursuant to § 993.149(d) (1) and (2), to a plant of another handler within the area without inspection: *Provided*, That he shall submit to the committee, not later than ten days (exclusive of Saturdays, Sundays, and legal holidays) following each such transfer, a signed report on Form PAC 1.1 "Interhandler Transfer Report," containing the following information: (1) The date of the transfer; (2) the names and addresses of the handlers and the locations of the plants; (3) the number of containers, and the total net weight of prunes; and (4) the manifest or billing number. Two copies of such report shall be forwarded to the receiving handler, on one of which the receiving handler shall certify to the receipt by him of such prunes and submit it to the committee within ten days (exclusive of Saturdays, Sundays, and legal holidays) following receipt of the prunes. Any prunes so transferred shall be submitted to inspection by the receiving handler prior to shipment or other final disposition by him.

(d) *Tolerances for non-French prunes.* Any lot of standard prunes or standard processed prunes containing more than two percent by weight of non-French prunes shall be disposed of only in prune product outlets as prescribed in § 993.50 (c) unless the non-French prunes therein have an average count of 50 or less per pound (or 60 or less per pound if 90 percent or more by weight of such non-French prunes are of the Robe de Sargent variety) and unless in a 100 ounce sample of the lot, the count per pound of 10 ounces of the smallest prunes in the sample does not vary from the count per pound of 10 ounces of the largest prunes in the sample by more than 35 points. A lot shall be deemed to exceed the two percent tolerance for non-French prunes whenever an inspection shows such prunes exceed two percent in any four consecutive sampling units of two tons or less or, if less than four such units are sampled, in such lesser number of units.

(e) *Prunes which fail to meet minimum standards—(1) Committee's approval of disposition.* Any defective prunes which may be accumulated by a handler by removing them from standard or sub-standard prunes or any prunes received by a handler which fail to meet the minimum standards and are held for disposition without removal of defective prunes in excess of maximum tolerances can only be used, if within tolerances prescribed in § 993.97 II C(1), (2) and (3), as prune products, or, if such tolerances are exceeded and the live infestation corrected by fumigation, can only be used for non-human consumption or destroyed. In order to insure that such prunes will not be used for non-authorized purposes, any handler, prior to making any shipment or other disposition of such prunes, shall file a written application with the committee for permission to do so and receive the written approval of the committee thereto on Form PAC 2.3 "Permission to Dispose of Substandard Prunes." Such application shall set forth, if for shipment: (i) The name and

address of the consignee; (ii) the quantity of prunes to be shipped, and their then present location; (iii) the use to be made of them; and (iv) if such use is to be by someone other than the buyer, the name and address of such other person. If the use and the name and address of the user are not known, approval by the committee shall be withheld subject to the handler's arranging to have the committee informed as to the ultimate user and use of the prunes. If use is to be made by the handler, the application shall so indicate and set forth all applicable information. An approval shall extend only to the disposition described in the application, and any changes in the details of such disposition shall require the filing of a new application. In addition, the handler shall make available for examination by the committee, at his business office at any time during business hours, copies of all applicable purchase orders, sales contracts, or disposition orders, together with any further information which the committee may deem necessary or desirable to enable it to determine whether such prunes have been or will be actually utilized for the permitted purpose. The committee, in acting on the applications, shall specify the maximum quantity of substandard prunes, if any, for which approval is granted. In the event the committee has cause to believe that such prunes will not be shipped or disposed of in accordance with a handler's application or has cause to believe that the prunes will not be utilized for the permitted purpose, the committee shall disapprove the handler's application and shall notify him of such disapproval and he shall not make the proposed shipment or disposition. The handler shall furnish the committee with a copy of the shipping document on each shipment of prunes to a non-human consumption outlet.

(2) *Out of the area shipments.* Whenever substandard prunes for human consumption are packed in closed containers, and if for shipment outside the area they shall be so packed, each such container shall be clearly marked "For Manufacturing Purposes Only". Whenever substandard prunes restricted to non-human usage are shipped in closed containers, each such container shall be clearly marked "For Non-Human Usage". In each instance, the letters shall be of reasonable prominence and in a conspicuous place on the container.

(3) *Inspection of substandard prunes.* Each handler shall cause substandard prunes, for use in prune products, or to be credited against handler disposition obligations in accordance with § 993.149(d) (1) and (2), to be inspected (prior to disposition or shipment by a handler) by an inspector, and that such inspector issue, in triplicate, a signed clearance certificate (for the preparation of which the handler shall make available to the inspector the necessary data) containing the following information: (i) The date and place of inspection and clearance; (ii) the name and address of the inspection service and of the handler; (iii) the number and kind of packages, the net weight, and the

adequacy of the marking; (iv) the lot number or shipping or disposition order number; (v) the committee's approval number; (vi) the destination; and (vii) except for prunes within § 993.149 (d) (1) and (2), the actual percentage of off-grade prunes of each group, or combination of groups, of defects in excess of the then current tolerances for standard prunes or standard processed prunes.

#### REPORTS AND BOOKS AND OTHER RECORDS

##### § 993.172 Reports of holdings, receipts, sales, uses, and shipments.

(a) *Holdings as of March 31.* Each handler shall, on or before the 15th day of April, file with the committee a signed report of holdings of prunes which have not been inspected or received by him as a handler as of March 31. The report shall show for such prunes the name and address of the producer or dehydrator, the date of each identification tag assigned to such prunes, the numbers and dates of door receipts or weight certificates or any other identifying documents assigned to such prunes, the net weight shown on each, the total net weight of all prunes so held, and the name and address of the handler making the report.

(b) *Receipts by handlers.* Each handler shall file with the committee, for each month, prior to the 10th calendar day of the next succeeding month, a signed report on Form PAC 11.1, "Report of Prunes Received," containing the following information: (1) The date, the name and address of the handler, and the period covered by the report; and (2) the total tonnage received during the month from each of (i) producers and dehydrators, (ii) other handlers, including interhandler transfers, and (iii) sources other than producers, dehydrators and other handlers.

(c) *Sales by handlers.* Each handler shall file with the committee, for each month, prior to the 10th calendar day of the next succeeding month, a signed report on Form PAC 12.1, "Report of Sales," containing the following information: (1) The date, the name and address of the handler, and the period covered by the report; (2) the total tonnage of prunes sold by the handler unshipped at the beginning of the crop year plus sales during the crop year to the last day of the month reported on; (3) the total tonnages sold in domestic outlets, including Federal Government agencies, segregated by uses; (4) the total tonnages sold in export markets, segregated as to countries; and (5) the total tonnage sold to other handlers, including interhandler transfers.

(d) *Shipments by handlers.* Each handler shall file with the committee, for each month, prior to the 10th calendar day of the next succeeding month, a signed report on Form PAC 13.1, "Report of Shipments," containing the following information: (1) The date, the name and address of the handler, and the period covered by the report; (2) the total tonnage of prunes shipped or otherwise disposed of by the handler during the period of the report, segregated as to: (i) Do-

mestic outlets, including Federal Government agencies, (ii) commercial foreign export outlets, and (iii) culls, and (3) the total tonnage shipped to other handlers, including interhandler transfers.

##### § 993.173 Reports of accounting.

(a) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a non-profit cooperative agricultural marketing association, makes an accounting or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the accounting or settlement record, which shall contain the following information: (1) The names and addresses of the producer or dehydrator, any other person having a financial interest in the prunes, and the handler; (2) the date of the accounting or settlement; (3) the contract number if any; (4) an itemized statement listing each lot of prunes in the delivery, showing the date received, receiving point, weight certificate or door receipt number, inspection certificate number, variety, crop year of production, the net weight and the average size count of prunes, if any, shown by the applicable incoming inspection certificate to be set aside for non-human consumption in accordance with § 993.149(d) (1) and (2), and the net weight of prunes received in each lot; and (5) the total net weight of prunes to be set aside for non-human consumption, and the total net weight received.

(b) *Cooperative marketing association's reports of accounting.* Upon written notice by the committee, non-profit cooperative agricultural marketing associations which are handlers shall file with the committee within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter a signed cumulative report of the prunes received from its members and any other producers or dehydrators for whom it performs handling services, which shall contain the following information: (1) The name and address of the association and the date of the report; (2) the aggregate net weight and weighted average size count of prunes required to be shown by the applicable incoming inspection certificates to be set aside for non-human consumption in accordance with § 993.149(d), (1) and (2); and (3) the total net weight of prunes received, itemized by crop years of production.

##### § 993.174 Other reports.

(a) *Carryover and marketing policy information.* Upon request of the committee, a handler shall, within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter, file with the committee a signed report on Form PAC 14.1, "Report of Carryover and Marketing Policy Information," containing such of the following items of information as may be requested by the committee: (1) The tonnage of prunes held by the handler, by size and grade, as of the date specified in the committee's request; and (2) the handler's estimate of the tonnage of prunes held by producers and dehy-

drators from who the handler received prunes during the current or preceding crop year, of the tonnage and quality and size of prunes expected to be produced by such producers and dehydrators during the current or following crop year, of current prices being received by producers, dehydrators, and handlers, and of probable market requirements.

##### § 993.175 Records.

Each handler shall maintain such records as are necessary to furnish the reports required to be submitted to the including, but not limited to, records of all transactions on prunes received, held and disposed of by him, and he shall retain such records for at least two years after the end of the crop year in which the applicable transaction occurred.

2. The provisions (§§ 993.501 to 993.518, inclusive) of Subpart—Pack Specifications as to Size are revised to read as follows:

#### Subpart—Pack Specifications As to Size

| DEFINITIONS |                             |
|-------------|-----------------------------|
| Sec.        |                             |
| 993.501     | Consumer package of prunes. |
| 993.502     | Size count.                 |
| 993.503     | Size category.              |
| 993.504     | In-line inspection.         |
| 993.505     | Floor inspection.           |
| 993.506     | Lot.                        |

#### SPECIFICATIONS AS TO SIZE

|         |                             |
|---------|-----------------------------|
| 993.515 | Size categories.            |
| 993.516 | Tolerances and limitations. |

#### LABELING

|         |                 |
|---------|-----------------|
| 993.517 | Identification. |
|---------|-----------------|

#### COMPLIANCE

|         |             |
|---------|-------------|
| 993.518 | Compliance. |
|---------|-------------|

AUTHORITY: §§ 993.501 to 993.518 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

#### DEFINITIONS

##### § 993.501 Consumer package of prunes.

"Consumer package of prunes" means "consumer package" as defined in § 993.22.

##### § 993.502 Size count.

"Size count" means the count or number of prunes per pound.

##### § 993.503 Size category.

"Size category" means each of the size categories listed in § 993.515 and fixes the range or the limits of the various size counts.

##### § 993.504 In-line inspection.

"In-line inspection" means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

##### § 993.505 Floor inspection.

"Floor inspection" means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers for later packaging.

##### § 993.506 Lot.

"Lot" for the purposes of this subpart shall have the same meaning as defined in § 993.104(b) of the Subpart—Administrative Rules and Regulations.

## SPECIFICATIONS AS TO SIZE

## § 993.515 Size categories.

For the purpose of this part, the pack specifications prescribed for the packing of prunes in consumer packages shall, subject to the limitation prescribed in § 993.516, be according to those commercially recognized size categories as are listed in paragraph (a) of this section by numerical designation or in paragraph (b) of this section by nomenclature designation.

(a) *Numerical designations.* Each of the following is a numerical size category described by the range of the size counts of prunes per pound included in the respective size categories expressed as follows or in an applicable equivalent range expressed in the metric system per 500 grams: 15/20, 15/22, 18/24, 20/30, 25/35, 30/40, 35/45, 40/50, 50/60, 60/70, 70/80, 75/85, 80/90, and 90/100.

(b) *Nomenclature designations.* Each of the following is a nomenclature size category:

- (1) Extra large;
- (2) Large;
- (3) Medium; and
- (4) Small, Breakfast, or Petite.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

(1) "Extra large" means any size count which falls within the range of 36 to 43 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 43 to 53 prunes, inclusive, per pound;

(3) "Medium" means any size count which falls within the range of 53 to 67 prunes, inclusive, per pound; and

(4) "Small," "Breakfast," or "Petite" means any size count which falls within the range of 67 to 85 prunes, inclusive, per pound.

## § 993.516 Tolerances and limitations.

With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in § 993.515 if the average size count of the prunes in such lot falls within the range of the size counts specified for such size category, and the count per pound of 10 ounces of the smallest prunes in a sample of 100 ounces varies from the count per pound of 10 ounces of the largest prunes in such sample by no more than 45 points.

## LABELING

## § 993.517 Identification.

The size category of the prunes in any lot shall be clearly marked by the handler on each consumer package of such prunes, on the parts or panels of the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in § 993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such consumer package additional information describing in numerical

terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 36 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in § 993.515(a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in § 993.515(b).

## COMPLIANCE

## § 993.518 Compliance.

Whenever the season average price to producers for prunes is below the parity level specified in section 2(1) of the act, no handler shall ship consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart; and whether prices are above or below parity, no handler shall use the nomenclature designations in § 993.515(b) to describe size categories other than those prescribed pursuant to § 993.515(c).

It is hereby found and determined that good cause exists for not postponing the effective date hereof until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 1001-1011) in that: (1) The amendment of the administrative rules and regulations and the pack specifications as to size are designed to achieve effective administration of this part as recently amended (26 F.R. 475), and should be effective for the entire marketing season which began August 1; (2) handlers are now handling dried prunes received during the 1960-61 crop year and are about to receive 1961 crop dried prunes; (3) the proposals, on which the amendments of the various subparts are based, were submitted by the Prune Administrative Committee (on which handlers are represented) and handlers and producers generally have knowledge of the revisions proposed by the committee; (4) the amendments will make certain provisions of the administrative rules and regulations and order less restrictive and also place into effect procedures and tolerances essential to operation of the program; and (5) notice of proposed rule making in connection with this action was published in the *FEDERAL REGISTER* on July 26, 1961 (26 F.R. 6651), the sole person to submit written data, views, or arguments with respect thereto was the Prune Administrative Committee and such have been duly considered.

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

Dated: August 29, 1961, to become effective upon publication in the *FEDERAL REGISTER*.

FLOYD F. HEDLUND,  
Director,  
Fruit and Vegetable Division.

[F.R. Doc. 61-8425; Filed, Sept. 1, 1961; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-FW-75]

### PART 608—SPECIAL USE AIRSPACE

#### Alteration of Restricted Area

The purpose of this amendment to § 608.56 of the regulations of the Administrator is to alter the Fort Sill, Okla., Restricted Area R-5601.

Following an evaluation of its needs for restricted airspace at Fort Sill, Okla., the Department of the Army has advised the Federal Aviation Agency of a need for an adjustment of the dimensions of R-5601. The Army indicated that the size of R-5601 can be reduced by approximately 50 square miles. Although this modification results in an over-all reduction of restricted airspace, the adjustment of the restricted area boundaries entails the inclusion within R-5601 of a small amount of airspace bordering the north-central edge of the present area. This additional area is approximately  $\frac{1}{2}$  nautical mile in width extending approximately 12 nautical miles in length and would not affect current aeronautical operations.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.56 (26 F.R. 7200), R-5601 Fort Sill, Okla., is amended to read:

R-5601 Fort Sill, Okla.

*Boundaries.* Beginning at latitude 34°46'06" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to the point of beginning.

*Designated altitudes.* Surface to 65,000 feet MSL.

*Time of Designation.* Continuous.  
*Using Agency.* Commanding General, Fort Sill, Okla.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 28, 1961.

LEE E. WARREN,  
Acting Director, Air Traffic Service.

[F.R. Doc. 61-8410; Filed, Sept. 1, 1961;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55456]

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

##### Temporary Reduction in Duty-Free Allowance for Returning Residents

###### Correction

In F.R. Doc. 61-8230, appearing at page 8070 of the issue for Tuesday, August 29, 1961, the following corrections are made:

1. The heading set forth below the "Part" heading should read as set forth above.

2. In the first paragraph, the phrases reading "temporary reduction in duty, free allowance for returning residents" should read "temporary reduction in duty-free allowance for returning residents".

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Adminis- tration, Department of Health, Edu- cation, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 121—FOOD ADDITIVES

##### Subpart D—Food Additives Permitted in Food for Human Consumption

###### POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by U.S. Vitamin and Pharmaceutical Corporation, 250 East 43d Street, New York 17, New York, and Wyeth Laboratories, Inc., Box 8299, Philadelphia 1, Pennsylvania, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive polysorbate 80 as a solubilizing and dispersing agent of fat-soluble vitamins in vitamin and vitamin-mineral preparations. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §121.1009(c) of the food additive regulations (21 CFR 121.1009 (26 F.R. 4739)) is amended by adding thereto a new subparagraph (4), reading as follows:

###### § 121.1009 Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).

(c) \* \* \*

(4) As a solubilizing and dispersing agent for fat-soluble vitamins in vitamin and vitamin-mineral preparations, whereby the maximum intake of additive from the recommended daily dose of vitamins does not exceed 300 milligrams; except that in vitamin A preparations containing more than 30,000 units per dose, the maximum intake of the additive shall not exceed 500 milligrams per day.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 28, 1961.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 61-8431; Filed, Sept. 1, 1961;  
8:48 a.m.]

##### PART 121—FOOD ADDITIVES

##### Subpart D—Food Additives Permitted in Food for Human Consumption

###### BHT AND BHA

The Commissioner of Food and Drugs having evaluated the data submitted in a petition filed by Pillsbury Company, 608 Second Avenue South, Minneapolis 2, Minnesota, and other relevant material, has concluded that the following amendments to the food additive regulations should issue with respect to BHT and BHA as antioxidants in potato flakes. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.1034 and 121.1035 (21 CFR 121.1034, 121.1035) (26 F.R. 1984, 3247, 5677, 7127) of the food additive regulations are amended as set forth below:

1. Section 121.1034(b) is amended by adding thereto a new subparagraph (3), reading as follows:

###### § 121.1034 BHT (butylated hydroxytoluene) as an antioxidant.

(b) \* \* \*

(3) In potato flakes, alone or in combination with BHA (butylated hydroxyanisole), whereby the maximum amount of the additives, alone or in combination, does not exceed 20 parts per million (0.002 percent) of the weight of the potato flakes.

2. Section 121.1035(b) is amended by adding thereto a new subparagraph (5), reading as follows:

###### § 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.

(b) \* \* \*

(5) In potato flakes, alone or in combination with BHT (butylated hydroxytoluene), whereby the maximum amount of the additives, alone or in combination, does not exceed 20 parts per million (0.002 percent) of the weight of the potato flakes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 28, 1961.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 61-8432; Filed, Sept. 1, 1961;  
8:48 a.m.]

#### SUBCHAPTER C—DRUGS

##### PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTI- BIOTIC AND ANTIBIOTIC-CON- TAINING DRUGS

##### Animal Feed Containing Antibiotic Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for the certification of antibiotic and antibiotic-containing drugs

(21 CFR 146.26; 26 F.R. 5371) are amended as follows:

In §146.26 *Animal feed containing penicillin* \* \* \*, paragraph (b)(31) is amended by changing the words "for the first week of lactation" in the first sentence to read "until pigs are weaned."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it relaxes existing requirements and since it would be contrary to public interest to delay providing for the amendment incorporated in this order. I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502(1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

**Effective date.** This order shall become effective 30 days from the date of its publication in the *FEDERAL REGISTER*.

(Sec. 507(c), 59 Stat. 463; 21 U.S.C. 357(c))

Dated: August 28, 1961.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 61-8436; Filed, Sept. 1, 1961;  
8:49 a.m.]

## Title 22—FOREIGN RELATIONS

### Chapter II—International Cooperation Administration, Department of State

#### PART 204—GUARANTIES UNDER THE MUTUAL SECURITY ACT OF 1954

##### Miscellaneous Amendments

Part 204, Chapter II, Title 22, of the Code of Federal Regulations is hereby amended by striking therefrom § 204.4 and redesignating §§ 204.5, 204.6 and 204.7 as §§ 204.4, 204.5 and 204.6, respectively.

This amendment shall become effective September 1, 1961.

D. A. FITZGERALD,  
Deputy Director for Operations.

AUGUST 25, 1961.

[F.R. Doc. 61-8413; Filed, Sept. 1, 1961;  
8:46 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### SUBCHAPTER A—REGULATIONS

#### PART 522—EMPLOYMENT OF LEARNERS

##### Miscellaneous Amendments

I. On August 12, 1961, notice of proposed amendments to 29 CFR Part 522 was published in the *FEDERAL REGISTER* (26 F.R. 7355). After consideration of all such relevant matter presented by interested persons regarding the proposed amendments, the proposals are hereby adopted, subject to the changes herein-

after set forth. In the changes made in § 522.25, the robes and rainwear divisions of the apparel industry have been excluded from the general denial policy. A public hearing will be held in the next few months on the issue of whether the general denial policy should be extended to include the robes and rainwear divisions.

The amendments shall become effective on September 3, 1961. Good cause is hereby found for furnishing no further delay in effective date. The amendments adapt the policies expressed in 25 CFR Part 522 to the changes made by the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30) which also become effective on that date.

The changes in the proposal are set out below.

A. Paragraphs (a) and (c) of § 522.23 are revised.

B. Section 522.25 is revised.

The regulations as amended are set forth below:

1. Paragraphs (a) and (c) of § 522.23, dealing with the apparel industry, are amended to substitute "three years" for the "two years" in connection with the previous experience of workers to be considered. As amended § 522.23 reads as follows:

##### § 522.23 Learner occupations and learning periods.

(a) Sewing machine operating, final pressing, hand-sewing, and finishing operations involving hand-sewing, maximum learning period of 480 hours of any of these occupations; final inspection of assembled garments, all other pressing, and all other machine operating (except the "cutting room" operations of knife or die cutting, spreading and marking, wherever performed in the plant), a maximum learning period of 160 hours; but not more than 320-hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous three years, the worker has had 160 hours or more experience in another of these occupations in any division of the apparel industry as defined in § 522.21.

(c) If, within the previous three years, a worker has been employed in any division of the apparel industry, or in the manufacturing of men's and boys' underwear from any woven fabric in establishments in the knitted wear industry, in an authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment shall be deducted from the learning period applicable to that occupation.

2. Paragraph (a) (1) of § 522.24, dealing with the apparel industry, is amended, paragraph (a) (2) thereof deleted, and paragraph (a) (3) renumbered and amended, and paragraphs (b) and (c) are amended to increase the special minimum rates by fifteen cents per hour for the women's apparel division of the apparel industry and by twenty cents per hour for the divisions of the apparel industry, defined in paragraphs (b) and (c) of § 522.21, so as to read as follows:

##### § 522.24 Special minimum rates.

(a) \* \* \*

(1) Not less than \$1.00 per hour for the first 320 hours and not less than \$1.05 per hour for the next 160 hours.

(2) An experienced worker in any one of the occupations shown in § 522.23(a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph having such a 480-hour maximum period, shall be paid at wage rates not less than \$1.00 per hour for the first 160 hours and not less than \$1.05 per hour for the next 160 hours.

(b) A learner employed in the occupation of final inspection of assembled garments shall be paid, during the authorized 160-hour learning period, not less than \$1.05 per hour.

(c) A learner employed in any occupation, other than final inspection of assembled garments, for which a 160-hour learning period is authorized in § 522.23(a) shall be paid not less than \$1.00 per hour.

3. Paragraphs (b) and (c) of § 522.34, dealing with the knitted wear industry, are amended to substitute "three years" for "two years" in connection with the previous experience of workers to be considered. As amended, paragraphs (b) and (c) of § 522.34 read as follows:

##### § 522.34 Learning periods.

(b) If a worker who is being trained in any authorized learner occupation has been employed in that same occupation in the knitted wear industry within the previous three years, the hours of such previous employment shall be deducted from the authorized learning period.

(c) If a worker is employed in the manufacture of men's and boys' underwear from any woven fabric in the occupations of machine stitcher or presser, all hours of employment within the previous three years as a machine stitcher or presser in the apparel industry shall be deducted from the authorized learning period in the event such worker is subsequently employed in the same occupation.

4. Paragraph (a) of § 522.35 is amended to increase the 90-cent special minimum rate prescribed therein to \$1.05, and reads as follows:

##### § 522.35 Special minimum rates.

(a) The special minimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than \$1.05 per hour.

5. Paragraphs (a) and (d) of § 522.43, dealing with the hosiery industry, are amended to increase by 15 cents, the special minimum rates prescribed therein, and to adjust the authorized learning periods. The codification note following § 522.43(d) is deleted. The revised paragraphs (a) and (d) read as follows:

##### § 522.43 Learner occupations, learning periods and special minimum rates.

(a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of