

this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 29, 1962.

(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., April 1, 1962, and ending at 12:01 a.m., P.s.t., April 8, 1962, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 650,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

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

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

Dated: March 30, 1962.

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

[F.R. Doc. 62-3201; Filed, Mar. 30, 1962;  
11:16 a.m.]

[Valencia Orange Reg. 6]

### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### Limitation of Handling

#### § 908.306 Valencia Orange Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908,

as amended (7 CFR Part 908), 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 March 29, 1962.

(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., April 1, 1962, and ending at 12:01 a.m., P.s.t., April 8, 1962, are hereby fixed as follows:

- (i) District 1: 15,000 cartons;
- (ii) District 2: 17,000 cartons;
- (iii) District 3: 100,000 cartons.

(2) 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: March 30, 1962.

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

[F.R. Doc. 62-3202; Filed, Mar. 30, 1962;  
11:16 a.m.]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

#### § 910.314 Lemon Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), 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 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 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 March 27, 1962.

(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., April 1, 1962, and ending at 12:01 a.m., P.s.t., April 8, 1962, are hereby fixed as follows:

- (i) District 1: 4,650 cartons;
- (ii) District 2: 213,900 cartons;
- (iii) District 3: Unlimited movement.

(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: March 29, 1962.

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

[F.R. Doc. 62-3161; Filed, Mar. 30, 1962;  
8:49 a.m.]

[Grapefruit Reg. 8.]

#### PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

##### Limitation of Handling

##### § 912.308 Grapefruit Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement and order (7 CFR Part 912; 27 F.R. 87) regulating the handling of grapefruit grown in the Indian River District in Florida, 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 Indian River Grapefruit Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication 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 Indian River grapefruit, 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 Indian River grapefruit; 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 March 29, 1962.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., April 2, 1962, and ending at 12:01 a.m., e.s.t., April 9, 1962, is hereby fixed at 185,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 29, 1962.

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

[F.R. Doc. 62-3180; Filed, Mar. 30, 1962;  
9:01 a.m.]

[Grapefruit Reg. No. 4, Amdt. 1]

#### PART 944—FRUITS; IMPORT REGULATIONS

##### Seedless Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of § 944.100 (a) (2) (Grapefruit Regulation 4; 26 F.R. 12064) are hereby amended to read as follows:

(2) On and after the effective time hereof, the importation of any seedless grapefruit is prohibited unless such seedless grapefruit are inspected and meet the following applicable requirements: All seedless grapefruit shall grade at least U.S. No. 1, except that such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade and may have slightly rough texture caused only by speck type melanose; all white seedless grapefruit shall be of a size not smaller than 3 $\frac{3}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and all pink seedless grapefruit shall be of a

size not smaller than 3 $\frac{3}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of seedless grapefruit as the grade and size restrictions being made applicable to the shipment of seedless grapefruit grown in Florida under Grapefruit Regulation 7 (§ 905.319) issued simultaneously herewith to become effective March 30, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of seedless grapefruit.

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

Dated March 28, 1962, to become effective at 12:01 a.m., e.s.t., March 30, 1962.

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

[F.R. Doc. 62-3114; Filed, Mar. 30, 1962;  
8:47 a.m.]

[948.338, Amdt. 2; Area No. 1]

#### PART 948—IRISH POTATOES GROWN IN COLORADO

##### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Agreement No. 97, as amended, and Marketing Order No. 948, as amended (7 CFR Part 948; formerly Order No. 58, Part 958), regulating the handling of potatoes grown in Area No. 1 defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Area No. 1 Committee (Western Slope), established pursuant to § 948.50 of said order, as amended, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the Act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amend-

ment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (3) reasonable time is permitted under the circumstances, for such preparation, (4) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of potatoes in the production area.

*Order, as amended.* In § 948.338 (26 F.R. 8591, 9067), delete paragraph (a) and substitute in lieu thereof new paragraph (a) as set forth below.

**§ 948.338 Limitation of shipments.**

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter;

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

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

Dated March 27, 1962, to become effective April 1, 1962.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 62-3116; Filed, Mar. 30, 1962; 8:47 a.m.]

**PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

**Subpart—Administrative Rules and Regulations**

Notice was published in the FEDERAL REGISTER (26 F.R. 12520) on December 27, 1961, regarding a proposed revision of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101-989.180; 26 F.R. 2385), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Said notice afforded interested persons a 30-day period (which was to have expired January 26, 1962) to submit written data, views, or arguments on the proposal. The time for the receipt of such comments was extended to 5 p.m., e.s.t., February 16, 1962, by action published in the FEDERAL REGISTER January 24, 1962 (27 F.R. 697). Comments were received within the prescribed time from a raisin producer and the Raisin Admin-

istrative Committee which submitted the proposal on which the notice was issued.

After consideration of all relevant matters presented, including the comments submitted and other available information, it is concluded that the revision of the administrative rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the administrative rules and regulations, as revised (Subpart—Rules and Regulations; 7 CFR 989.101-989.180; 26 F.R. 2385) are hereby revised to read as follows:

**Subpart—Administrative Rules and Regulations**

**DEFINITIONS**

Sec.	
989.101	Order.
989.102	Inspection service.
989.103	Terms in the order.
989.104	Lot.
989.105	Inspection point.
989.106	Ship.
989.107	Inspection certificate.

**RAISIN ADVISORY BOARD**

989.129 Voting at nomination meetings.

**RAISIN ADMINISTRATIVE COMMITTEE**

989.148 Compensation for attendance of alternates at Committee meetings.

989.152 Mail or telegraphic voting.

**GRADE AND CONDITION STANDARDS**

989.158 Natural condition raisins.

989.159 Regulation of the handling of raisins subsequent to their acquisition.

989.160 Exemptions.

**VOLUME REGULATION**

989.166 Reserve and surplus tonnage generally.

989.167 Disposition of reserve tonnage.

989.168 Disposal of surplus tonnage raisins.

989.169 Substitution for Layer Muscats.

**REPORT AND RECORDS**

989.173 Reports.

989.176 Records.

AUTHORITY: §§ 989.101 to 989.176 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

**DEFINITIONS**

**§ 989.101 Order.**

"Order" means Marketing Agreement No. 109, as amended, and Order No. 989, as amended (§§ 989.1 to 989.97) regulating the handling of raisins produced from grapes grown in California, or as the same may be amended further hereafter.

**§ 989.102 Inspection service.**

"Inspection service" means the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

**§ 989.103 Terms in the order.**

Terms defined in §§ 989.1 to 989.97 of the order shall have the same meaning when used in this subpart.

**§ 989.104 Lot.**

(a) *Natural condition raisins*—(1) *Basic definition.* For the purpose of incoming and outgoing inspection of natural condition raisins, "lot" means, except as otherwise provided in this paragraph,

the quantity of such raisins of the same varietal type or of differing varietal types when commingled within their containers (including sweat and picking boxes and bins), which does not exceed a car, truck, or truck-trailer load, and which is submitted for inspection at one time and in the same place.

(2) *Separation of large units.* If a quantity of raisins in excess of a car, truck, or truck-trailer load is submitted for inspection, the total quantity may, at the discretion of the inspector, be separated into such readily identifiable portions, either prior to or in the course of inspection, as can be conveniently and properly inspected, and each such portion shall constitute a lot.

(3) *Resubmission after reconditioning.* Raisins which are submitted for inspection after reconditioning (such as sorting or drying) and whose original lot identity is no longer applicable, shall be a new lot.

(4) *Meeting and failing portions.* Where a portion of a quantity of raisins submitted for inspection meets the minimum grade and condition standards and has been separated from the remainder of the raisins failing to meet such standards:

(i) The meeting portion shall be one lot; and

(ii) The remainder shall be one or more lots as necessary to cause each lot to contain either (a) a single defect in excess of tolerance or (b) two or more of the same defects in excess of tolerance occurring together within each of the individual containers.

(5) *Entire quantity failing.* Where the entire quantity of raisins submitted for inspection fails to meet such standards, then, whether such quantity shall be one or more lots shall be determined in the same manner as for the failing remainder referred to in subparagraph (4) of this paragraph.

(6) *Special condition.* Notwithstanding other provisions of this section, any quantity of raisins failing to meet such standards and which are not to be reconditioned may be a single lot.

(b) *Packed raisins.* For the purpose of outgoing inspection of packed raisins, lot means: (1) For in-line inspection (i.e., where samples are drawn from a flow of raisins prior to packaging), the aggregate quantity of raisins of the same varietal type, subtype, or size (or in their mixed form), processed in any continuous production of one calendar day and packaged in one size and style of package but excluding those rejected by inspection; and (2) for floor inspection (i.e., where samples are drawn from containers of raisins), the aggregate quantity of such raisins in like containers but not necessarily processed in one continuous production or during one calendar day, identifiable and offered for inspection as a lot.

**§ 989.105 Inspection point.**

"Inspection point" means any plant or receiving station of a handler or any other place where raisins are received, processed or stored by a handler, at which there are facilities for receiving, weighing of samples, and inspection of raisins and for which there is on file

with the Committee an acceptable description of the premises. The inspection point(s) of the handler shall include any area(s) in which he receives grapes or raisins for dehydration unless he keeps his raisin dehydration business separate, physically and by records, from his business of handling raisins.

#### § 989.106 Ship.

"Ship" means the physical movement of raisins other than to storage for the handler's account within the general locality of the packing plant.

#### § 989.107 Inspection certificate.

"Inspection certificate" means any written certification, finding, or attestation as to the quality or condition of any lot or lots issued by an authorized member of the inspection service.

#### RAISIN ADVISORY BOARD

#### § 989.129 Voting at nomination meetings.

Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of grapes which are sun-dried or dehydrated by artificial means to produce raisins and who qualifies under the provisions of § 989.29(b) (2) shall be eligible to cast one vote for a nominee for each producer member position and one vote for a nominee for each producer alternate member position on the board which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of such grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of such grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of such grapes or the raisins. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

#### RAISIN ADMINISTRATIVE COMMITTEE

#### § 989.148 Compensation for attendance of alternates at Committee meetings.

Whenever a member has reason to believe that he will be unable to attend a Committee meeting and has so noti-

fied his alternate or the Committee manager, such notification or a request from the manager shall be held to be a request for the alternate to attend and he shall be reimbursed for reasonable expenses subject to the limitations contained in § 989.48.

#### § 989.152 Mail or telegraphic voting.

Whenever a mail or telegraphic vote is taken, every reasonable effort shall be made to communicate with and obtain a vote from each Committee member. If a Committee member cannot be reached at his usual address or he is not readily available within normal distances for communicating with individual members, such member's alternate shall be requested to vote.

#### GRADE AND CONDITION STANDARDS

#### § 989.153 Natural condition raisins.

(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each of his inspection points, reasonably adequate facilities (not necessarily scales) for receiving, weighing of samples, and inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. The weight of each lot of raisins tendered for receiving, storage, reconditioning, or acquisition or disposition shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster, whether located at the inspection point or otherwise. The net weight of such raisins, for the purposes of this part, shall be determined by deducting the appropriate sand tare and box tare from the gross weight of the raisins.

(2) No handler, other than a processor, shall receive at points other than at an inspection point, natural condition raisins from a tenderer, either for acquisition, storage, reconditioning, inspection, or for disposition in outlets for animal feed, distillation, or uses other than for human consumption: *Provided*, That this requirement shall not preclude a handler from dehydrating, free from the provisions of this part, at separate dehydrating facilities recognized in § 989.105 and located in California, raisins not delivered to an inspection point. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent detail, of each of his inspection points. In the event the Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. Any handler who accepts raisins at an inspection point for drying or other reconditioning shall be deemed to have received the raisins for reconditioning and shall be subject to the provisions of this part with respect to such raisins.

(3) For each lot of natural condition raisins received by a handler for acquisition, reconditioning, storage, inspection,

or for disposition in outlets for animal feed, distillation, or uses other than for human consumption, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a pre-numbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For the purposes of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the Committee. Any such raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall be, unless returned to the tenderer, either promptly acquired by the handler or received for storage or memorandum receipt: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection service to the effect that inspection cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and furnish weight certificates promptly. Any raisins received by a handler as off-grade for disposition into animal feed, distillation, or uses other than for human consumption may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification.

(4) If any lot of natural condition raisins tendered to a handler is separated into two or more lots because a portion of the original lot failed to meet minimum grade and condition standards, or because the entire lot failed due to more than one defect, the handler shall issue a prenumbered weight certificate for each such new lot not returned to the tenderer, showing the name and address of the tenderer, the weight of the lot, and the number and type of containers in the lot. The weight of any meeting lot shall be determined by weighing it, or by weighing the falling portion of the incoming lot and deducting the weight thereof from the weight of the incoming lot. The weight of each falling lot shall be determined by weighing it, or by deriving such weight by applying the original average container weight to the number of containers.

(5) Any financially interested party may, upon the payment of any fees assessed by the inspection service, obtain an appeal inspection. An appeal inspection shall be applicable only to raisins which have not been removed from their containers, with pallet control cards still

affixed, are readily identifiable, and have not been removed from the original inspection point: *Provided*, That when the condition of a lot of such raisins may have changed subsequent to the original inspection, an additional inspection, rather than an appeal inspection, may be obtained.

(6) Each handler producing raisins whether outside an inspection point or by dehydration within an inspection point, shall, upon delivering the raisins to an inspection point or immediately upon completion of the dehydration, treat them the same as provided in subparagraphs (3) and (4) of this paragraph for any other raisins received by the handler.

(7) The inspection certificate for a mixed lot of natural condition raisins (raisins of different varietal types commingled within their containers) shall show the percentage which the raisins of each varietal type is of the total raisins contained in the lot.

(8) With respect to any lot of natural condition raisins being received and inspected at a handler's inspection point pursuant to subparagraph (3) of this paragraph, the inspector shall, upon the request of the handler, afford such handler an opportunity to fumigate the lot during the inspection and certification process. Such lot of raisins shall remain under the supervision of the inspector during the fumigation. The inspection certificate shall not be issued until the fumigation is completed: *Provided*, That the inspection certificate shall be issued, whether or not the fumigation is completed, not later than two business days, excluding intervening non-work days, after the date the inspection and certification process is suspended by the inspector to permit fumigation. The certification shall be on the basis of inspection information and data then available to the inspector and his determinations with respect thereto.

(b) *Submission of inspection certificates to the Committee.* A copy of each inspection certificate which a handler is required to submit to the Committee pursuant to § 989.58(d) shall be submitted not later than Wednesday of the week following the week for which such certificate was issued. This may be accomplished by authorizing the inspection service to submit a copy of each such inspection certificate directly to the Committee. A copy of such authorization shall be furnished to the Committee.

(c) *Off-grade raisins—(1) Holding and identification.* The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. Any raisins which do not meet the applicable grade and condition standards shall be classified in one of the three categories specified in § 989.58(e)(1) within five business days (excluding Saturdays, Sundays, and holidays) after inspection or three such business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the Committee under such conditions as it may deem necessary in the circumstances. The handler shall report to the Committee the information

as required and specified in § 989.173(b)(5). Any such lot of off-grade raisins shall, pending the selection of one of such categories, be identified by fixing to each pallet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC pallet control cards shall remain fixed to each pallet or container, as the case may be, until the raisins have been (i) submitted for reconditioning, (ii) returned unstemmed to the tenderer, or (iii) disposed of by the handler for animal feed, distillation, or uses other than for human consumption, and shall be removed only by an inspector of the inspection service or authorized RAC personnel, except (a) that pallet control cards designating lots "held for fumigation" may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service, and (b) the yellow pallet identification card used by the inspection service to identify raisins produced by a dehydrator may be removed by the handler after certification has been completed. Each lot of off-grade raisins held by a handler for reconditioning and subsequent inspection, for further reconditioning, or disposition in outlets for animal feed, distillation, or uses other than for human consumption shall be stored separate and apart by varietal types from all other raisins and by disposition and reconditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee.

(2) *Change in off-grade categories.* After raisins have been classified as to the categories in § 989.58(e)(1), any lot of natural condition off-grade raisins held by a handler under subdivision (i) or (iii) of § 989.58(e)(1), may be changed to the other category, or to subdivision (ii). Prior to making such change the handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin such change. If the raisins have had only a limited inspection and are to be changed from subdivision (i) to subdivision (iii) of § 989.58(e)(1), the handler shall request a full inspection. Any off-grade lot under subdivision (ii) of § 989.58(e)(1) which has not been removed from the handler premises and is identifiable with the original inspection, may be tendered to the handler for the purposes of subdivision (i) or (iii) of § 989.58(e)(1) and, if accepted, the handler shall so report to the Committee. It shall be the responsibility of the handler to establish and maintain the identity of raisins in the changed categories in accordance with the applicable provisions of subparagraph (1) of this paragraph. Where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change, except for changes from subdivision (i) or subdivi-

vision (iii) to subdivision (ii) of § 989.58(e)(1).

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, for his own convenience or that of a financially interested producer, pursuant to § 989.58(e)(2), transfer to or from another packer's plant in California any off-grade raisins for reconditioning upon which the packer has submitted to the Committee a plan of movement pursuant to § 989.173(d)(2) acceptable to it and the inspection service and received written approval. Where a tenderer has a financial interest in the raisins, the application for permission to so move raisins shall contain evidence of the tenderer's agreement to the transfer. The Committee may require, as a prerequisite to granting any such approval, a written statement from the other packer that he will receive or release the raisins for reconditioning. In the same manner, except for the tenderer's agreement, any packer may transfer off-grade raisins from one of his plants or inspection stations to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer without further inspection. Upon completion of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

(4) *Reconditioning off-grade raisins—reconditioning requirements.* (i) The handler shall notify the inspection service in writing at least one business day in advance of the time he plans to begin reconditioning each lot of raisins, unless a shorter period is acceptable to the inspection service. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of re-inspection (inspection pursuant to § 989.58(d)) after such reconditioning has been completed if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins for purposes of the inspection required pursuant to § 989.58(d) or § 989.59(d). The weight of the raisins reconditioned successfully shall be determined by reweighing, except where a lot, before reconditioning, failed due to excess moisture only, the weight of such raisins resulting from reconditioning a lot failing account excess moisture may be determined by deducting 1.2 percent of the weight for each percent of moisture in excess of the allowable tolerance. If, after reconditioning, such raisins meet the minimum grade standards, but no longer are natural condition raisins as defined in § 989.8, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired as packed raisins shall be adjusted to natural condition weight by the use of factors applicable to the various degrees of processing accomplished. The applicable factor shall be that selected by the inspector of the reconditioned raisins from among factors established by the Committee with the approval of the Secretary.

(ii) In reconditioning off-grade raisins, a handler shall use methods designed to remove the defects whereby the lot fails to qualify as standard raisins. Lots with identical defects may be reconditioned simultaneously (commingled basis) but lots with differing defects shall be reconditioned as separate lots.

(5) *General.* Reconditioning of off-grade raisins by a handler shall be done in accordance with such procedure as will enable the inspector to observe the off-grade raisins at any time and to make a proper inspection. A packer may recover raisins from residual raisin material obtained from his reconditioning operations in conformity with the applicable provisions of § 989.159(g) (1).

(6) *Off-grade raisins which are not reconditioned successfully.* (i) Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed (and thus are no longer in their natural condition) and which then fail to meet the applicable minimum grade and condition standards. The handler shall maintain the identity of such raisins and mark them as stemmed raisins which failed to meet the minimum grade and condition requirements after reconditioning and shall hold them separate and apart from all other raisins. He shall physically dispose of such raisins pursuant to § 989.159(g) (2) for animal feed, distillation, or uses other than for human consumption.

(ii) Any packer may, with the prior approval of the Committee arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at such latter packer's premises. The Committee shall require, as a prerequisite to granting any such approval, the same movement plan, with the concurrence of the inspection service, and acceptance by the receiving packer as is required for an interpacker transfer (§ 989.158(c) (3)). Such raisins may be received by the other handler without inspection. On and after such receipt of raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the handler so receiving them.

(7) *Return of off-grade raisins to tenderer.* Any off-grade raisins which are to be returned unstemmed to the tenderer pursuant to § 989.58(e) (1) (ii), shall be physically returned within five business days after the issuance of the inspection certificate: *Provided*, That such time limit may be extended by the Committee as it may deem justified by extenuating circumstances. The handler shall file with the Committee a report of the returned raisins as required in § 989.173(b) (4).

(d) *Reinspection of raisins held more than one hundred and twenty days on memorandum receipt.* No handler shall acquire raisins held on memorandum receipt for a period longer than one hundred and twenty (120) days unless such

raisins have been reinspected and certified immediately prior to acquisition as meeting the minimum requirements for standard raisins: *Provided*, That the Committee at any other time may require such reinspection and certification of raisins held on memorandum receipt as a prerequisite to acquisition if it has reason to believe that the raisins do not then meet such requirements.

(e) *Inspection of raisins on dehydrator's premises—(1) Application and agreement.* (i) Any dehydrator may submit to the Committee for approval, and the Committee may approve, in accordance with the provisions of this paragraph an application and agreement, on a form furnished by the Committee, providing for dehydrator on-premise inspection of natural condition raisins produced by the dehydrator by subjecting grapes to artificial heat. Raisins so produced are referred to in paragraph (a) (3) of this section and in this paragraph as "dehydrated raisins."

(ii) The provisions of such application and agreement shall include at least the following:

(a) The dehydrator shall request the inspection service to inspect all dehydrated raisins which the dehydrator produces and to issue a related memorandum report of inspection at the time of loading any quantity of such raisins for delivery to a packer's inspection point;

(b) The dehydrator will arrange with the inspection service for the necessary inspection service to be performed by the service, and the dehydrator will submit to the Committee a statement from the inspection service that the dehydrator has adequate facilities for the inspection and that such arrangements have been made;

(c) All necessary reconditioning of dehydrated raisins, identification and segregation of raisins, and movement of inspected dehydrated raisins on or from the dehydrator's premises shall be done in such manner and under such conditions as the inspection service may require;

(d) The dehydrator shall, at the time of the packer's receipt of such raisins, furnish to the packer to whose inspection point the inspected raisins are delivered the original and one copy of the memorandum report of inspection covering such raisins;

(e) The dehydrator shall maintain such records and furnish such reports and permit access to such records and the dehydrator's premises as required in the application and agreement or as the Committee may subsequently request; and

(f) The application and agreement may be suspended or terminated as provided therein.

(iii) The Committee will notify raisin packers of each dehydrator whose application and agreement has been approved by the Committee (such dehydrator is referred to in this subpart as "authorized dehydrator"); similarly, the Committee will notify packers of each suspension or termination of a previously approved application and agreement.

(2) *Delivery of inspected dehydrated raisins.* Any dehydrated raisins which

(i) are inspected on an authorized dehydrator's premises where produced; (ii) are moved promptly and directly to a packer's inspection point from the premises of the authorized dehydrator; (iii) are accompanied by an applicable memorandum report of inspection to be furnished to the packer; and (iv) are otherwise in compliance with the provisions of such approved application and agreement and this paragraph may be received by the packer without the inspection at time of receipt required by § 989.58(d). With respect to such dehydrated raisins, the packer shall comply with all applicable requirements and procedures of this part, including, but not limited to, inspection after any necessary reconditioning and the inspection prescribed in § 989.59.

(3) *Packer's obligations.* Immediately upon a packer's receiving any such already inspected dehydrated raisins accompanied by the applicable memorandum report of inspection, the packer shall enter the net weight and scale ticket number on such memorandum report of inspection. The packer shall give to the inspector at the packer's inspection point where the dehydrated raisins were received, a copy of such memorandum report. Whenever a packer receives off-grade raisins from an authorized dehydrator he shall so advise the inspector at the packer's inspection point at the time of such receipt; and such raisins shall not be unloaded except in the presence of the inspector or in accordance with such prior arrangements as may have been made between the packer and the inspection service.

#### § 989.159 Regulation of the handling of raisins subsequent to their acquisition.

(a) *Inspection facilities.* At each place where packed raisins are to be inspected each handler shall, at his own expense, provide reasonably adequate space and other facilities reasonably necessary to the proper and efficient inspection of such raisins.

(b) *Identification of inspected raisins.*

(1) Each handler shall mark each shipping container with legible code or other identification, satisfactory to the Committee and the inspection service which shall indicate (i) with respect to packed raisins, the date that the raisins in such shipping containers were packed, and (ii) with respect to shipments of natural condition raisins, the date on which such raisins were inspected.

(2) Each handler shall furnish promptly to the Committee, through the inspection service, a certified report on a form furnished by the Committee showing the handler's count and weight of the raisins of each pack and varietal type packed each day.

(c) *Outgoing inspection.* (1) Outgoing inspection and certification of raisins as required by § 989.59(d) shall be made as set forth in this paragraph.

(2) Such inspection of natural condition raisins (which is subject to exceptions and exemptions provided in this part) shall be made of each individual lot and in each case not more than five days before the date of shipment or other final disposition of the lot. The certifi-

icate that the raisins meet the applicable minimum grade and condition standards for natural condition raisins, which the handler is required to obtain and submit to the Committee pursuant to § 989.59 (d), shall be on Form FV 146 labeled "Certificate of Quality and Condition (Processed Foods)." If shipment involves exportation to a foreign country, the handler shall surrender to the United States Customs Service at the port of exit two copies of such inspection certificate. Such an inspection and certification (on Form FV 146) may, if requested by the handler, be made at the time of his receipt or acquisition of the raisins. In such an event, no additional inspection shall be required if the lot remains intact and identifiable, and shipment or other final disposition takes place within five days after the date of the inspection.

(3) Such inspection of packed raisins shall be made prior to shipment or other final disposition, and unless made during the final processing or packing operations so as to facilitate proper sampling, the inspector shall perform the inspection on the basis of representative samples drawn from shipping containers of the packed raisins.

(4) Except as otherwise provided in this part, where there is presented for inspection a lot of packed raisins consisting of raisins of different varietal types or sub-types commingled within their containers, each such type and sub-type shall be inspected separately, except that inspection for moisture shall be performed on the lot as a whole. The inspection certificate shall show the respective percentages which the raisins of the various types and sub-types are of the lot and whether each meets the applicable minimum grade standards. In the event the raisins of any such varietal type or sub-type contained in the lot fail to meet the applicable requirements, other than for moisture, none of the lot shall be certified as meeting minimum grade standards unless it is found to be practicable to separate the raisins into two new lots, one which meets and the other which fails to meet all of the applicable minimum standards, respectively. Any lot of mixed types or sub-types of packed raisins for which minimum grade standards are prescribed for each type or sub-type pursuant to § 989.59 (a) and (b) but which in their commingled form cannot be inspected against the standards for the respective varietal types or sub-types and hence are excluded from the category of "Mixed types" as defined in the then effective United States Standards for Grades of Processed Raisins, or any raisins which as a mixed lot contain moisture in excess of 18 percent, shall not be certified as meeting the minimum grade standard for packed raisins.

(d) *Submission of inspection certificates to the Committee.* A copy of each inspection certificate which a handler is required to submit to the Committee pursuant to § 989.59(d) shall be submitted not later than Wednesday of the week following the week in which the certificate was issued. This may be accomplished by authorizing the inspection service in writing to submit a copy

of each such inspection certificate directly to the Committee. A copy of such authorization shall be furnished to the Committee.

(e) *Term of inspection certificate.* Any handler who:

(1) Fails to ship or make other final disposition for human consumption of any lot of packed raisins within 21 calendar days, or of any lot of natural condition raisins within 5 calendar days, after the date of the last inspection of the lot; or

(2) Has any shipment or portion of a shipment returned to his inspection point or storage premises within the area,

shall, before any such shipment or final disposition, or before blending with other raisins, have such raisins inspected for condition and shall furnish promptly to the Committee (which may be through the inspection service as provided in § 989.158(b)) a copy of the inspection certificate showing that the raisins meet the respective requirements of this part for shipment, final disposition or blending.

(f) *Exemption of gift and specialty packs—(1) Shipment under exemption.* Upon obtaining approval of the Committee as provided in this paragraph, any handler may ship or dispose of raisins in gift or specialty packs without regard to the provisions of § 989.59 (a), (b), and (d). For the purpose of these exemptions: "Gift packages" means raisins specially packaged for gift purposes, composed either wholly of raisins or raisins in combination with other fruits, which are either (i) given or donated by a handler to others, or (ii) sold by a handler for ultimate disposition by the buyer as gifts; and "specialty packs" means raisins of special processing either as to moisture or coating and which may or may not be packed in tin or materials other than those employed in normal industrial or consumer packs currently used in the trade.

(2) *Application for exemption.* Each application for exemption shall be filed with the Committee in triplicate. The application shall contain information as to: (i) The name and address of the handler; (ii) the estimated quantity of each varietal type of raisins that will be shipped or disposed of under the exemption during the crop year; (iii) whether any special processing of the raisins is involved; (iv) each type of package or packages in which the raisins will be packed and the net weight content of each type of container; (v) the outlets in which disposition of the gift packages or specialty packs will be made, i.e., whether disposition will be made direct to consumers, to wholesalers or retailers for resale, or to persons or organizations for distribution as gifts, and any special uses expected to be made of the raisins; and (vi) the general quality, style and condition of the raisins expected to be shipped under exemption.

(3) *Committee action on application.* The Committee, in its discretion, shall approve each application for exemption of any varietal type of raisins if the value of the raisins (or raisin products in case the form of the raisin is changed) exceeds the value of normally processed

or packaged raisins of comparable varietal type, and if it concludes that such exemption will not jeopardize the quality control or price objectives of the marketing order program. The Committee shall notify the handler promptly in writing of its approval or disapproval of his application, and if the application is approved, the maximum quantity for which approval is granted. If the application is disapproved the Committee shall inform the handler of the reasons therefor.

(4) *Reports.* The handler shall report shipments or other dispositions under an approved exemption as required pursuant to § 989.173(e).

(g) *Disposition of off-grade raisins—(1) Recovery of raisins.* For the purposes of §§ 989.59(f) and 989.158(c)(4), a packer may recover raisins from: (i) Residual raisins from his processing of standard raisins; (ii) any raisins acquired as standard raisins which fail to meet the applicable outgoing grade and condition standards; (iii) any raisins rejected on a condition inspection; and (iv) residual raisins from reconditioning of off-grade raisins: *Provided*, That such recovery under subdivision (ii) and (iii) of this subparagraph must occur without blending, if the failure to meet the minimum grade standards for packed raisins is due to a defect or defects affecting the wholesomeness of the raisins: *And provided further*, That such recovery under subdivision (iv) of this subparagraph must occur without blending, except as permitted in § 989.158(c)(4)(ii), and the weight of standard raisins in residual from off-grade raisins shall be credited equitably to the same lot or lots from which the residual was obtained. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal, or other agencies having jurisdiction.

(2) *Shipment of raisins which fail to meet minimum grade standards.* Except as otherwise provided in this subpart, no handler shall ship or otherwise dispose of raisins which do not meet the applicable minimum grade and condition standards. Such failing raisins include but are not limited to: (i) Natural condition raisins which do not meet the minimum grade and condition standards; (ii) stemmer waste or other residual material resulting from the packing of standard raisins or the reconditioning of off-grade raisins; (iii) off-grade raisins which are not reconditioned successfully; (iv) off-grade raisins received and held by a handler for disposition in accordance with § 989.58(e)(1)(i); and (v) raisins acquired as standard raisins but which do not meet the applicable minimum outgoing grade or grade and condition standards. A handler who receives or acquires raisins falling in any such category may dispose of them only for use within the State of California for animal feed, distillation, or uses other than for human consumption and only to persons each of whom agrees to permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to such raisins and who certifies

to the Committee and the Secretary, on a form provided by the Committee, that such raisins will be used only within the State and in the eligible outlet(s) designated by him.

(h) *Appeal inspection.* An appeal inspection on an original inspection may be obtained from the inspection service upon the request of any financially interested party and upon the payment of any fees assessed by the inspection service for such appeal inspection.

#### § 989.160 Exemptions.

Any processor may receive or acquire any raisins for use in animal feed, distillation, or uses other than for human consumption, and dispose of them for such uses, without having them inspected and certified. Processors receiving or acquiring raisins under such exemption, or otherwise receiving or acquiring raisins which do not meet the applicable minimum grade and condition standards, shall not ship or otherwise dispose of any such raisins except in conformity with the provisions of § 989.159(g)(2). Processors shall report acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

#### VOLUME REGULATION

#### § 989.166 Reserve and surplus tonnage generally.

(a) *Shrinkage allowance for normal and natural shrinkage in weight.* Each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one percent of the original natural condition weight of reserve and surplus tonnage raisins acquired by him during the crop year and held by him (for the account of the Committee) on the Saturday nearest to May 1 of the same crop year. Handlers shall be entitled to no other allowance for normal and natural shrinkage in weight for any of such raisins acquired during the crop year: *Provided*, That the Committee shall grant an additional allowance for any normal and natural shrinkage in weight of all such raisins held (for the account of the Committee) beyond the end of the crop year of acquisition, upon submission by the handler of satisfactory proof of such shrinkage occurring during the period of holding after the end of the crop year.

(b) *Satisfaction of reserve and surplus obligation with residual Muscat raisins from layering operations.* Any handler who desires to satisfy his reserve or surplus tonnage obligations referable to his acquisitions of Layer Muscat raisins by setting aside residual Muscat raisins obtained by him in the course of layering operations shall, prior to setting aside such raisins for the account of the Committee, cause them to be dried to a moisture content not exceeding 16 percent, and obtain from the inspection service a certificate, a copy of which shall be submitted to the Committee (which may be through the inspection service) within five business days (excluding Saturdays, Sundays and legal holidays) after it is issued, showing that the raisins meet the minimum grade and condition standards for natural (sun-dried) Muscat raisins (those standards for natural condition Muscat raisins other than

Layer Muscat and Valencia Muscat raisins). The inspection of the residual raisins shall be made at the expense of the handler. The handler shall file with the Committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays and legal holidays) after setting aside the raisins, a certified report with respect to such use of the residual raisins, including the name of the producer of the Layer Muscat raisins and the quantity of the residual raisins so used. Also, he shall obtain a written statement from the producer evidencing agreement to the effect that the residual tonnage may be used to meet such obligation, and shall retain it for at least two years after the termination of the crop year in which the raisins were acquired.

(c) *Setaside obligations referable to mixed varietal types.* A handler who acquired any lot of natural condition raisins of mixed varietal types (commingled within their containers) shall meet his reserve and surplus tonnage setaside obligations for each varietal type contained in the mixed lot by setting aside raisins of each such varietal type which have not been mixed or commingled with raisins of any other varietal type. The obligation as to each varietal type shall be computed according to the reserve and surplus percentages established by the Secretary, and the percentage of the varietal type contained in the mixed lot as shown by the incoming inspection certificate applicable thereto.

(d) *Storage of reserve and surplus raisins—(1) Time limits for setting aside pool tonnage.* Handlers shall be allowed three calendar days (exclusive of Saturdays, Sundays, and legal holidays) after acquiring any reserve or surplus tonnage raisins, or after publication in the FEDERAL REGISTER of the reserve and surplus percentages established for the crop year, whichever occurs later, to segregate and properly stack each varietal type.

(2) *Condition.* Each handler shall store reserve and surplus tonnage raisins in storage and under conditions which protect them from rain and which reasonably can be expected to maintain the raisins free of any biological or other infestation or contamination. Each handler may, pursuant to § 989.66(b)(2), store together each varietal type of reserve and surplus tonnage raisins held by him for the account of the Committee, but such raisins shall be stored separate and apart from all other raisins. Reserve and surplus tonnage raisins shall be stored in sweat boxes, picking boxes, or other portable containers not exceeding one ton capacity: *Provided*, That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further*, That such raisins at the time of transfer shall meet the applicable minimum grade requirement except for such normal and natural deterioration and shrinkage as would have occurred if such raisins had been stored in sweat boxes or picking boxes. Storage of such raisins shall be deemed "separate and

apart" if the containers are so marked and placed as to be capable of ready and clear identification as to the category in which they are held.

(3) *Substitution of free tonnage.* A handler may substitute free tonnage raisins of like quality (i.e., standard raisins) for reserve tonnage or surplus tonnage raisins, under the direction and supervision of the Committee and prior to the raisins being committed for sale or delivery, by giving the Committee reasonable advance notice in writing of his intention to make such substitution. Upon any such raisins being offered for sale or the handler being requested to deliver reserve or surplus raisins to the Committee or any handler designated by it, free tonnage raisins may not be substituted unless the substitution is acceptable to the Committee or to the designated handler.

(e) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve or surplus tonnage obligations pursuant to § 989.66(c) shall file with the Committee, on a form furnished by it, a certified application for deferment of either or both such obligations. Such form shall include: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total reserve or total surplus tonnage, or both, on which deferment is requested, segregated as to his current holding—and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.

(2) The Committee shall grant such an application upon a showing by the handler that he has a reasonable business need for the deferment and on the condition that the handler first comply with the requirements as to the written undertaking and bond prescribed in § 989.66(c). The Committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required. The amount of said bond for a particular varietal type of raisins shall be the product obtained by multiplying the quantity for which deferment is granted by the then current field price for free tonnage raisins of the same varietal type plus 10 percent. At any time during the period for which a deferment has been granted, the handler may request the Committee to increase or decrease the amount of his deferment by submitting an application substantially in the form of the original request, and the Committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond and if a satisfactory showing is made as in the case of the original application. Also at the request of the handler, the Committee may extend the deferment beyond the original period (not beyond November 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(3) No handler shall use any of such reserve or surplus tonnage raisins as

free tonnage raisins until he shall have received written approval of his application from the Committee and shall have filed with the Committee the required undertaking and bond.

(f) *Remedy in the event of failure to deliver reserve or surplus raisins.* Except in cases of deferment granted pursuant to § 989.66(c) and paragraph (e) of this section, a handler who fails to deliver to the Committee, upon request, any reserve or surplus tonnage raisins in the quantity and quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made) shall compensate the Committee for the amount of the loss resulting from his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of reserve or surplus raisins not delivered by the latest weighted average price per ton received by producers during the particular crop year for free tonnage raisins of the same varietal type or types, plus any charges already paid or credited to the handler and cost incurred by the Committee on account of the handler's failure to deliver. The weighted average price shall be determined from those sales made during the particular crop year up to the time such cash payment is requested by the Committee, or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the Committee for any reserve or surplus raisins which have deteriorated so as to be off-grade in quality during storage for reasons within his control, shall be the latest weighted average price received by the Committee for the applicable varietal type of reserve or surplus pool raisins, as the case may be, less the amount actually received by the Committee in the disposition of the deteriorated raisins delivered by the handler (or the salvage value of such raisins as determined by the Committee). Any amounts paid to the Committee in satisfaction of such deficiencies shall accrue to the earnings of the applicable pools. The remedies provided in this paragraph shall be in addition to, and not exclusive of, any or all of the remedies or penalties prescribed in the act for failure on the part of the handler to comply with the applicable provisions of the act or of this part.

(g) *Disposition of reserve and surplus tonnage raisins which become off-grade for causes beyond the handler's control.* Any reserve tonnage raisins or surplus tonnage raisins held by or for the account of the Committee which become off-grade for reasons beyond the handler's control shall, at the Committee's discretion, be reconditioned or disposed of by the Committee, or under the Committee's control, for animal feed, distillation, or uses other than for human consumption. Any monetary loss sustained in the reconditioning or disposition of such raisins, not covered by insurance carried by the Committee, shall be charged to the applicable pool.

(h) *Offers of surplus tonnage raisins to handlers for sale in export.* Whenever the Committee offers surplus tonnage raisins to handlers for sale in export, it shall specify in addition to the normal contract terms and conditions, the total quantity, the price and the period within which each handler will be permitted to purchase his share of the offer. Whenever a handler's share of an offer is less than, or exceeds, his holding of surplus tonnage raisins by not more than two tons, the Committee may adjust his share so as to avoid the cost involved in the physical transfer of raisins. If, prior to the expiration of the offer period, a handler desires to obtain surplus tonnage in an amount greater than that represented by his share of the offer, he may negotiate with another handler for any unpurchased portion of the other handler's share of an outstanding offer. No such transaction shall be deemed to reduce the transferring handler's share or to increase the transferee handler's share so as to affect either handler's share privileges in subsequent offers. Transfers to implement such transactions between handlers shall be permitted by the Committee only upon receipt of written authorization, on a form furnished by the Committee, by the transferring handler. All limitations applicable to the transferred tonnage shall continue to apply. Such surplus tonnage raisins will be released by the Committee to the transferee handler upon submission of his completed application and full payment for such raisins, and such transferee handler shall be responsible to the Committee for all documentation required in connection with the transaction. All such transfers shall be made at the expense of the handlers concerned.

#### § 989.167 Disposition of reserve tonnage.

(a) *Determination of reserve tonnage price.* Whenever, pursuant to § 989.67(b) the Committee concludes, with respect to any varietal type of raisins, that a downward trend in the price received by producers for free tonnage, or in the prices received by handlers for free tonnage packed raisins, makes it impracticable to sell reserve tonnage at the average price received by producers for free tonnage, plus pooling costs, the Committee, subject to the requirements of § 989.67(b), may sell reserve tonnage raisins at the currently prevailing field price for free tonnage raisins of the same varietal type, unless such price is deemed to be unrepresentative of the current f.o.b. price of free tonnage packed raisins. In such an event, or if there is no current field price, the Committee shall make any offer of reserve tonnage at approximately the computed field price obtained by deducting from the current f.o.b. price for free tonnage packed raisins of the varietal type to be offered, the approximate recent packing and handling margin between such packed price and the field price for free tonnage raisins.

(b) *Terms of reserve tonnage offers.* Whenever the Committee offers reserve tonnage raisins to handlers for use in free tonnage outlets, the Committee

shall, among other terms and conditions of the offers, specify:

(1) The period in which each handler shall be given the opportunity to purchase his share of the offer; and

(2) The period in which each eligible handler shall be given the opportunity to purchase his respective share of any re-offer.

The Committee may specify in any offer or re-offer of reserve tonnage the time limit by which the purchasing handler shall return the boxes and pallets used in the storage of the raisins to the handler from whose plant the raisins were transferred by the Committee, and the purchasing handler shall comply therewith.

#### § 989.168 Disposal of surplus tonnage raisins.

Whenever the Committee proposes to offer to sell standard surplus tonnage raisins in non-competitive outlets pursuant to § 989.68(a), it shall promptly file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or sale or any term or condition thereof.

#### § 989.169 Substitution for Layer Muscats.

A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins (as provided in § 989.69) shall file with the Committee on forms furnished by it within seven days (exclusive of Saturdays, Sundays, and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for at least two years after the termination of the crop year in which the substitution occurred.

#### REPORTS AND RECORDS

##### § 989.173 Reports.

(a) *Inventory reports.* Each handler shall submit to the Committee as of the close of business on August 31 of each crop year, and not later than the following September 6, an inventory report which shall show, with respect to each varietal type of raisins held by him:

(1) The quantity of free tonnage raisins, segregated as to locations where they are stored and whether they are natural condition or packed;

(2) The quantities of reserve tonnage and surplus tonnage raisins, respectively, for the account of the Committee; and

(3) The quantity of off-grade raisins segregated as to those for reconditioning and those for disposition as such. Upon request by the Committee, each handler shall file at other times, and as of other dates, any of the said information which may reasonably be necessary for the determination or revision of marketing policy and which the Committee shall specify in its request.

(b) *Reports of raisins received or acquired*—(1) *General.* (i) Except as otherwise provided in paragraph (1) of this section each handler shall submit to the Committee (on forms furnished by it) for each week (Sunday through Saturday) and not later than the following Wednesday, the reports specified in subparagraphs (2), (3), (4), and (5) of this paragraph.

(ii) For each report required to be submitted pursuant to this paragraph, the required information shall be shown separately for each varietal type. With each report other than that specified in subparagraph (4) of this paragraph, the handler shall submit a copy of the door receipt or weight certificate for each lot of raisins received or acquired by him during the reporting period and for each lot of raisins stored on memorandum or warehouse receipt which was returned to the tenderer during such period, which shall show the information to be contained on such receipts or weight certificates as specified in § 989.158(a) (3). At the time he submits the reports specified in subparagraphs (2) and (3) of this paragraph to the Committee, each handler shall submit a copy of each such report to the inspection service.

(2) *Acquisition of standard raisins.* Each handler shall report:

(i) The total net weight of the standard raisins acquired during the reporting period, segregated when appropriate as to reserve and surplus tonnage;

(ii) The location of the reserve and surplus tonnage raisins; and

(iii) The cumulative totals of such acquisitions (as so segregated) from the beginning of the then current crop year.

(3) *Standard raisins received for memorandum storage.* Each handler shall, with respect to all standard raisins held for memorandum receipt, storage, bailment, or warehousing (raisins received other than by acquisition or interhandler transfer), report:

(i) The net weight of such standard raisins held at the start of the reporting period;

(ii) The net weight of such standard raisins received during the reporting period;

(iii) The net weight of such standard raisins acquired during such period and included with the acquisitions required to be reported pursuant to subparagraph (2) of this paragraph;

(iv) The net weight of such raisins returned during such period to the persons from whom they were received; and

(v) The net weight(s) and location(s) of such raisins held at the end of such period.

(4) *Off-grade raisins returned to tenderers (producers or dehydrators).* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the reporting period to the tenderer pursuant to subparagraph (1) in § 989.58(e):

(i) The inspection certificate number;

(ii) The net weight as indicated on the inspection certificate;

(iii) The name and address of the tenderer; and

(iv) The date the lot was returned to the tenderer.

(5) *Off-grade raisins received for reconditioning or disposition in non-food channels.* Each handler who is not a processor shall, with respect to all off-grade raisins received by the handler and retained by him for reconditioning or for animal feed, distillation, or uses other than for human consumption, report for each category received or reconditioned during the reporting period:

(i) The name and address of each tenderer;

(ii) The net weight of such raisins;

(iii) The locations where received;

(iv) The inspection certificate number covering each receipt;

(v) If reconditioned, the weight of standard raisins and their inspection certificate number;

(vi) The name and address of each person to whom residual or off-grade lots were delivered for disposition, and the respective net weight delivered; and

(vii) The total net weight (according to location) of each category of off-grade raisins held by him at the end of the reporting period.

(6) *Monthly report of raisins acquired by processors under exemption.* Each processor who avails himself of the exemptions from the grade and inspection requirements as provided in §§ 989.58(a), 989.59(f) and 989.160 and acquires raisins (as the first handler thereof) shall submit to the Committee on or before the seventh day of each month a report of all such raisins acquired during the preceding month. Each report shall show for each varietal type and each acquisition:

(i) The name and address of the person from whom the off-grade raisins were acquired;

(ii) The date of the acquisition;

(iii) The net weight of the acquisition; and

(iv) The ultimate disposition made or to be made of such raisins.

(c) *Reports of disposition*—(1) *Free tonnage raisins.* Each month each handler who is not a processor shall furnish to the Committee, on an appropriate form provided by the Committee and so that it is received by the Committee not later than the seventh day of the month, a report showing the aggregate quantity of each varietal type of free tonnage packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by him during the preceding month (exclusive of transfers within the State of California between the plants of any such handler and from such handler to other handlers). Such required information shall be segregated as to:

(i) Domestic outlets (exclusive of Federal Government purchases) according to the quantity shipped in consumer cartons, the quantity shipped in bags having a net weight content of four pounds or less, and the quantity shipped in bulk packs (including, but not limited to those in bags having a net weight content of more than four pounds);

(ii) Federal Government purchases;

(iii) Export outlets according to the quantity shipped in consumer cartons, the quantity shipped in bags having a net weight content of four pounds or less, and the quantity shipped in bulk packs

(including, but not limited to, those in bags having a net weight content of more than four pounds); and

(iv) Each of any other outlets in which the handler has made disposition of such raisins other than by any transfer which is excluded by the preceding sentence. For the purpose of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(2) *Disposition by handlers (other than processors) of off-grade raisins, stemmer waste, and raisin offal.* Each handler who is not a processor shall report to the Committee upon its request all sales and other dispositions of off-grade raisins, stemmer waste, or raisin offal resulting from his sorting and/or packing operations made during such period as it specified in the request. Such report shall be submitted on a form furnished by the Committee and shall include the following information:

(i) Date of sale or other disposition;

(ii) Name and address of buyer; and

(iii) Description and weight of material sold.

(3) *Disposition reports by processors.* Each processor shall submit to the Committee, upon its request, such of the following information and for such period as the Committee shall specify:

(i) The quantity of raisins and raisin material used by the processor in his processing operations, segregated as to the processing outlets and the kinds of raisins or raisin material which the Committee shall specify; and

(ii) The quantity of raisins or raisin material sold or otherwise disposed of by the processor, segregated as to specified outlets and kinds of raisins or raisin material.

(d) *Reports of interhandler transfers*—

(1) *Free tonnage.* Any handler who transfers free tonnage raisins to another handler within the State of California shall submit to the Committee not later than five calendar days following such transfer a report showing:

(i) The date of transfer;

(ii) The name(s) and address(es) of the handler or handlers and the locations of the plants;

(iii) The varietal type, net weight and condition of the raisins transferred; and

(iv) If packed, the inspection certificate number in the event such raisins have been inspected prior to such transfer and a certificate issued. Two copies of such report shall be forwarded to the receiving handler at the time the report is submitted to the Committee, on one of which the receiving handler shall certify to the receipt of such raisins and submit it to the Committee within five calendar days after the raisins or the copies of such report have been received by him, whichever is later.

(2) *Off-grade tonnage.* Any handler who transfers off-grade tonnage raisins to another handler within the State of California shall, prior to making such transfer, submit to the Committee, on forms furnished by it, a plan of movement showing:

(i) The intended date of transfer;

(ii) The name(s) and address(es) of the handler or handlers and the locations of the plants;

(iii) The name and address of the tenderer of each such lot;

(iv) The varietal type, net weight and condition of such raisins;

(v) The inspection certificate number applicable to each lot; and

(vi) An attachment, when applicable, indicating the tenderer's agreement to the transfer. Two copies of such plan, if approved by the Committee, shall accompany the transfer to the receiving handler, on one of which the receiving handler shall certify to the acceptance and receipt of such raisins and submit it to the Committee.

(e) *Report of shipments of gift or specialty packs under exemption.* Each handler who obtains an exemption pursuant to § 989.159(f) for the shipment of gift or specialty packs of raisins shall submit to the Committee on a copy of the approved application for exemption a report showing the quantity of raisins shipped or disposed of under such exemption. The handler shall submit the report promptly after the end of the crop year or after completion by him of all shipments of such exempted raisins, whichever is earlier.

(f) *Reports pertaining to the release of reserve tonnage and marketing policy information.* Upon request of the Committee, each handler shall submit to the Committee on forms furnished by it a report containing such of the following information for each specified varietal type of raisins as the Committee may request:

(1) The quantity of free tonnage raisins held by him in and outside California as of the date specified in the Committee's request, segregated by the portion sold and the portion not sold;

(2) The total quantity of raisins expected to be acquired by him subsequent to the date specified by the Committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the Committee;

(3) The weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the period specified by the Committee and the quantity of raisins for which such average was computed;

(4) The quantity of free tonnage raisins sold or sold and shipped (as to which category the Committee shall specify) by him during a period specified by the Committee, segregated to show the quantities sold or sold and shipped in:

(i) Domestic markets, including Canada; and

(ii) Foreign markets, detailed by country; and

(5) The average weighted f.o.b. sales prices received from sales, during a period specified by the Committee, of raisins in 30 pound fibre cases in domes-

tic markets (including Canada) and the quantity of raisins for which such average prices were computed. Each such report shall be submitted not later than the end of the fifth calendar day following either the date of the request by the Committee or the ending date of the period to be covered by the report, whichever is later.

(g) *Certification of report.* All reports submitted to the Committee pursuant to this part shall be dated, and certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness, accuracy and completeness of the information shown thereon.

(h) *Reporting by non-profit cooperative associations.* Non-profit cooperative associations need not submit door tags, door receipts, weight certificates or other similar documents with its report as to raisins received or acquired from its members.

(i) *Exemption from filing report.* A handler may be relieved by the Committee of submitting any of the reports required pursuant to paragraph (b) of this section which he shall specify in a written application therefor to the Committee stating that no transactions subject to such reports are contemplated for the balance of the crop year: *Provided*, That any such exemption shall remain in effect only so long as said handler has no such transactions subject to such reports.

#### § 989.176 Records.

Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to submit reports with the Committee, and shall maintain such records for at least two years after the termination of the crop year in which the transactions occurred.

It is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This revision adapts the administrative rules and regulations to current practices in the raisin industry and provides required implementation of amended provisions of the order (§ 989.0 to § 989.97); (2) the revision is designed to achieve more effective administration of the program and should, therefore, become effective as soon as possible; (3) the proposal was submitted by the Raisin Administrative Committee, on which raisin handlers and other industry groups are represented and hence handlers and other members of the industry have had general knowledge of the proposed revision; and (4) handlers need to make no particular advance preparations to conduct their operations under the revision.

Dated March 27, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,

Director,

Fruit and Vegetable Division.

[F.R. Doc. 62-3118; Filed, Mar. 30, 1962; 8:47 a.m.]

## PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

### Factors for Converting Raisin Weight

Certain factors for converting the packed weight of raisins to natural condition weight were included in a notice published in the FEDERAL REGISTER (26 F.R. 12520) on December 27, 1961, regarding a proposed revision of the administrative rules and regulations, as revised (Subpart—Administrative Rules and Regulations; 7 CFR 989.101-989.180; 26 F.R. 2385), operative pursuant to Marketing Agreement No. 109, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Said notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. Within the time provided for such comments, the Raisin Administrative Committee (established under the marketing agreement and order) recommended that the factors set forth in proposed § 989.158 (c) (4) (1) for converting the weight of packed raisins to natural condition weight be omitted from the administrative rules and regulations and that, after being issued in a separate document, be reconsidered every year for any needed revision. No other comments were received in regard to these conversion factors, and they have been omitted from the revision of the administrative rules and regulations contained in a separate document and published in this issue of the FEDERAL REGISTER.

Most of the raisins acquired by handlers are acquired as natural condition raisins. A small quantity of reconditioned raisins, however, is acquired as packed raisins after various degrees of processing have been accomplished during the reconditioning. In order to place all acquisitions of raisins on the same weight basis (and consequently the obligations attaching to acquisition), the administrative rules and regulations require the weight of the reconditioned raisins acquired as packed raisins to be adjusted to natural condition weight by the use of factors approved by the Secretary.

After consideration of all relevant matters presented, including the comments submitted by the Raisin Administrative Committee and other available information, it is concluded that the factors for converting the weight of packed raisins to natural condition weight, as hereinafter set forth, should be established.

Therefore, the conversion factors are established as follows:

§ 989.601 Conversion factors for raisin weight.

The following factors for different varietal types of raisins and for various degrees of processing accomplished shall be used in converting to natural condition weight, the net weight of reconditioned raisins acquired by handlers as packed raisins:

Varietal type	Weight taken after—	
	Passing through stemmer and blower	Completion of processing
Natural (sun-dried) Thompson Seedless.....	0.95	0.93
Natural (sun-dried) or artificially dehydrated Sultanina.....	.94	.92
Natural (sun-dried) or artificially dehydrated Zante Currant.....	.93	.91
Natural (sun-dried) Muscat and Valencia:		
Seeded.....		.80
Unseeded.....	.94	.92
Soda Dipped.....	.96	.95
Sulfur Bleached.....	.96	.95
Golden Seedless.....	.96	.95

The net weight of the raisins acquired as packed raisins shall be divided by the appropriate factor to obtain the natural condition weight.

It is hereby found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The conversion factors established herein are required, for use in administering this marketing order program, pursuant to the revised administrative rules and regulations contained in a separate document published in this issue of the FEDERAL REGISTER and which become effective upon such publication; (2) the factors are the same as those established pursuant to the administrative rules and regulations in effect up to the time of their revision; (3) it is necessary to have the conversion factors in effect continuously to prevent discrimination among handlers; and (4) since the appropriate factor for any reconditioned raisins is selected by the inspector of the raisins and there is no change in the factors, handlers need to make no advance preparations to use the factors in their operations.

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

Dated March 27, 1962, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,  
Director,

Fruit and Vegetable Division.

[F.R. Doc. 62-3117; Filed, Mar. 30, 1962; 8:47 a.m.]

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

**PART 1001—MILK IN GREATER BOSTON, MASS., MARKETING AREA**

**PART 1006—MILK IN SPRINGFIELD, MASS., MARKETING AREA**

**PART 1007—MILK IN WORCESTER, MASS., MARKETING AREA**

**PART 1014—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA**

**PART 1015—MILK IN CONNECTICUT MARKETING AREA**

**Computation of New England Basic Class I Price; Determination of Equivalent Factor**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter referred to as the "orders", it is hereby found and determined as follows:

(1) One of the factors specified in the orders to be used in the computation of the New England basic Class I price is the monthly wholesale price index for all commodities, with the years 1947-49 as the base period.

(2) The Bureau of Labor Statistics, United States Department of Labor, is now publishing the monthly wholesale price index with the years 1957-59 as the base period and has discontinued publication of such index on a 1947-49 base.

(3) Each of the aforesaid orders provides: "If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index or wage rate determined by the Secretary to be equivalent or comparable with the factor which is specified."

(4) It is hereby determined that the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, on a 1957-59 base divided by 0.8420462, a rebasing factor computed by the Department of Labor, will convert the currently reported index to a 1947-49 base.

(5) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This determination does not require of persons affected substantial or extensive preparation prior to the effective date.

(b) This determination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the respective marketing areas, and

(c) The short time between issuance of this determination and its effective date makes it impractical for rule-making procedure to be completed. The respective orders direct announcement of the Class I prices for April not later than March 26, 1962.

Therefore, good cause exists for making this determination effective on issuance.

Effective upon issuance.

Signed at Washington, D.C., on March 28, 1962.

JOHN P. DUNCAN, Jr.,  
Assistant Secretary.

[F.R. Doc. 62-3138; Filed, Mar. 30, 1962; 8:48 a.m.]

**Title 9—ANIMALS AND ANIMAL PRODUCTS**

**Chapter I—Agricultural Research Service, Department of Agriculture**

**SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY**

**PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS**

**Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments**

**MODIFIED CERTIFIED BRUCELLOSIS AREAS**

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

**§ 78.13 Modified certified brucellosis areas.**

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

**Alabama.** Barbour, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Madison, Marshall, Morgan, Randolph, Russell, and Talladega Counties;

**Arizona.** The entire State;  
**Arkansas.** Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Miller, Mississippi, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, St. Francis, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren,

Washington, White, Woodruff, and Yell Counties;

**California.** Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

**Colorado.** Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, Huerfano, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

**Connecticut.** The entire State;

**Delaware.** The entire State;

**Florida.** Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

**Georgia.** The entire State;

**Idaho.** The entire State;

**Illinois.** Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macoupin, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

**Indiana.** The entire State;

**Iowa.** Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

**Kansas.** Allen, Barber, Barton, Cheyenne, Clark, Clay, Comanche, Decatur, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Haskell, Jefferson, Johnson, Kearney, Kingman, Kiowa, Leavenworth, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Norton, Osage, Osborne, Pawnee, Phillips, Rawlins, Reno, Rice, Rooks, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

**Kentucky.** Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Gartin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, LARUE, Laurel, Lawrence, Leslie, Letcher, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalf, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Wash-

ington, Wayne, Webster, Whitley, and Wolfe Counties;

**Louisiana.** Ascension, Assumption, Claiborne, St. Helena, St. John the Baptist, and Webster Parishes;

**Maine.** The entire State;

**Maryland.** The entire State;

**Massachusetts.** The entire State;

**Michigan.** The entire State;

**Minnesota.** The entire State;

**Mississippi.** Alcorn, Amite, Attala, Benton, Choctaw, Desoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

**Missouri.** Adair, Bollinger, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carter, Cedar, Chariton, Christian, Clark, Clinton, Crawford, Dade, Dallas, Davless, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Howard, Iron, Jasper, Jefferson, Lafayette, Lawrence, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Monroe, Montgomery, New Madrid, Newton, Oregon, Osage, Ozark, Pemiscot, Perry, Platte, Polk, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Scotland, Scott, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, and Wright Counties;

**Montana.** Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

**Nebraska.** Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

**Nevada.** The entire State;

**New Hampshire.** The entire State;

**New Jersey.** The entire State;

**New Mexico.** The entire State;

**New York.** The entire State;

**North Carolina.** The entire State;

**North Dakota.** Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Trall, Walsh, Ward, Wells, and Williams Counties;

**Ohio.** Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, De fiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby,

Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, Wood, and Wyandot Counties;

**Oklahoma.** Adair, Choctaw, Cimarron, Delaware, Mayes, and Nowata Counties;

**Oregon.** The entire State;

**Pennsylvania.** The entire State;

**Rhode Island.** The entire State;

**South Carolina.** Abbeville, Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York Counties;

**South Dakota.** Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Hamlin, Harding, Lawrence, Lincoln, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

**Tennessee.** The entire State;

**Texas.** Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Childress, Coke, Coleman, Concho, Cottle, Crane, Crockett, Cuberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hardeman, Hartley, Haskell, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Val Verde, Ward, Winkler, and Young Counties;

**Utah.** The entire State;

**Vermont.** The entire State;

**Virginia.** Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Washington, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

**Washington.** The entire State;

**West Virginia.** The entire State;

**Wisconsin.** The entire State;

**Wyoming.** Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

**Puerto Rico.** The entire area; and  
**Virgin Islands of the United States.** The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been deter-

mined that such areas come within the definition of § 78.1(i): Monroe and Woodruff Counties in Arkansas; Jersey and Macoupin Counties in Illinois; Boone County in Iowa; Allen, Barber, and Phillips Counties in Kansas; Clay and Union Counties in Kentucky; Butter, Dade, Franklin, Green, Monroe, Osage, Shelby, and Webster Counties in Missouri; Billings and Towner Counties in North Dakota; Jackson County in Ohio; Fairfield and Dorchester Counties in South Carolina; and Goochland County in Virginia.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Clay County in Mississippi; Andrew, Barry, Bates, Boone, Cass, Cole, Cooper, Henry, Johnson, Monticau, Phelps, and Ray Counties in Missouri.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of March 1962.

E. E. SAULMON,  
Acting Director, Animal Disease  
Eradication Division, Agricultural  
Research Service.

[F.R. Doc. 62-3179; Filed, Mar. 30, 1962;  
8:49 a.m.]

## Title 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

#### PART 30—LICENSING OF BY- PRODUCT MATERIAL

##### Lock Illuminators in Automobile Locks

On November 7, 1961, the Commission published for comment proposed amendments to 10 CFR Part 30, "Licensing of Byproduct Material," which would establish criteria for the issuance of specific licenses to (1) install lock illuminators into automobile locks, or (2) to import for sale or distribution lock illuminators installed in automobile locks, for use pursuant to the exemption of § 30.12 of 10 CFR Part 30.

Interested persons were given 60 days in which to submit written comments in connection with the proposed amendments. No comments on the proposed amendments have been received by the Commission.

In the interest of clarification the Commission has modified the text of the

proposed amendments in a number of minor respects which do not constitute substantive changes. The quality control sampling procedures specified in § 30.74 of the proposed rule have been transferred to § 30.25.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that the following amendments to 10 CFR Part 30 are adopted to be effective 30 days after publication in the FEDERAL REGISTER.

1. A new paragraph (m) is added to § 30.24 to read as follows:

(m) *Certain automobile lock illuminators.* (1) An application for a specific license to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators installed in automobile locks for use pursuant to § 30.12 will be approved if:

(i) The applicant satisfies the general requirements specified in § 30.23;

(ii) The applicant submits sufficient information regarding the lock illuminators pertinent to evaluation of the potential radiation exposure, including:

(a) Chemical and physical form and maximum quantity of tritium in each lock illuminator;

(b) Details of construction and design of the lock illuminator;

(c) Details of the method of binding or containing the tritium;

(d) Details of the method of installing the lock illuminators into the automobile lock so that the lock illuminator is not readily removable from the automobile lock;

(e) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

(f) Quality control procedures to demonstrate that production lots of the lock illuminators will meet the specifications established by the Commission for such lock illuminators;

(g) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the lock illuminator.

(iii) Each lock illuminator will contain no more than 15 millicuries of tritium;

(iv) The Commission determines that:

(a) The tritium is bound in the luminous compound in a nonwater soluble and nonlabile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(b) The tritium is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium;

(c) The method of installing the lock illuminator into the automobile lock is such that the lock illuminator will not become detached from the lock under the most severe conditions which are

likely to be encountered in normal use and handling;

(d) The device consisting of the automobile lock with the installed lock illuminator has been subjected to the prototype tests and meets the requirements prescribed by subdivision (v) of this subparagraph;

(v) The prototype tests shall include the following, to be conducted on each of five prototype devices in the following order:

(a) The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine which simulates the most severe conditions of normal use;

(b) The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to an equivalent treatment in a test device simulating such a fall. The drop test shall be repeated 100 times from random orientations;

(c) The device shall be attached to a vibratory fixture and vibrated at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than 1 hour;

(d) On completion of the foregoing tests, the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry into the lock illuminator. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the lock illuminator, or water entering the lock illuminator, shall be considered leakage;

(e) After each of the tests prescribed by this § 30.24(m)(1)(v), each device shall be examined for evidence of physical damage and for loss of tritium. Any evidence of damage to or failure of any device which could affect the containment of the tritium in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured if the damage or failure is attributable to design defect. Loss of tritium from each tested device shall be measured both by sampling the immersion test water used in (d) of this subdivision and by wiping with filter paper the entire accessible area of the lock illuminator. Measurements of tritium shall be made in an apparatus calibrated to measure tritium. If more than 0.1 percent of the original amount of tritium in the device is found in the immersion test water of test (d) of this subdivision, or if more than 2,200 disintegrations per minute of tritium on the filter paper is measured after any of the tests in (a) to (d) of this subdivision the device shall be rejected.

(2) Each person licensed under this paragraph shall:

(i) Maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks;

(ii) Subject production lots to such quality control tests as may be required as a condition of the license issued under