

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3573

NATIONAL POISON PREVENTION WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS untold numbers of innocent children, who are too young and inexperienced to comprehend their peril, are needlessly and thoughtlessly exposed to grave injury or even death as a result of the careless or negligent handling, storage, and disposal by adults of potentially poisonous medicines and household products; and

WHEREAS, each year, approximately one-half million of these young children consume medicines which are not intended for their use and swallow a variety of household products that are not intended for human consumption; and

WHEREAS most of those medicines and household products are non-toxic and beneficial to mankind when properly used but are potentially poisonous when misused; and

WHEREAS a significant number of serious injuries and deaths can be averted if adults will but exercise greater caution and consideration when handling or storing such items and when disposing of them so as to assure that those items are kept out of the reach of young children; and

WHEREAS, by a joint resolution approved September 26, 1961 (75 Stat. 681), the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 15, 1964, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and organizations interested in child safety, to participate actively in programs designed to promote better protection against accidental poisonings.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of February in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-1400; Filed, Feb. 10, 1964; 10:02 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ENTRY INTO GUAM

Pursuant to the authority conferred by the proviso in the Fruit and Vegetable Notice of Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) and § 319.56-2 of the regulations supplemental to said quarantine (7 CFR 319.56-2), under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), § 319.56a (d) of the administrative instructions appearing as 7 CFR 319.56a(d) is hereby amended to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(d) Coconuts with husks are not approved for entry into Guam from the Trust Territory under § 319.56.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interpretations or apples sec. 5, 37 Stat. 318; 7 U.S.C. 159)

This amendment shall become effective February 11th, 1964.

This amendment limits the prohibition on the movement of coconuts from the Trust Territory into Guam to coconuts with husks. Coconuts without husks are admissible under the amendment. Recent typhoons have destroyed the coconut crop on Guam, and the Government of Guam desires to secure coconuts from the Trust Territory. Such movement is without pest risk if the husks are removed.

In order to be of maximum benefit to importers in Guam, the amendment should be made effective as soon as possible. Therefore, pursuant to 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 the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 6th day of February 1964.

[SEAL]

W. H. WHEELER,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 64-1350; Filed, Feb. 10, 1964; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1963 Wheat Stabilization Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1963 Wheat Stabilization Program, 27 F.R. 12430, are hereby amended as follows:

1. Section 776.106(a)(2) is amended by changing the last sentence thereof to read as follows:

§ 776.106 Approved conservation uses for diverted acreage.

(a) * * *

(2) * * * Wheat or barley may be used as a cover crop only when destroyed by natural causes, plowed down as green manure, destroyed by mechanical means, or clipped and left on the land prior to harvest.

2. Section 776.107(d) is amended by changing the date "November 1, 1963" in the first sentence thereof to "October 1, 1963."

3. Section 776.107(f) is amended by adding at the end thereof the following new sentence:

§ 776.107 Designation and use of diverted acreage.

(f) * * * The diverted acreage may also be devoted to a non-agricultural use in the fall of 1963 provided such land is devoted to an approved conservation use through September 30.

4. Section 776.109(b) is amended by changing subparagraph (6) to (7) and adding the following new subparagraph (6):

§ 776.109 Normal conserving acreage.

(b) * * *

(6) Small grains seeded alone and cut for hay not later than the date referred to in paragraph (c) of this section in areas determined by the State committee to be adversely affected by severe drought conditions.

5. Section 776.109(c)(1) is amended by changing the word "An" in the first sentence thereof to "an" and inserting immediately before such word the following: "Except as provided in § 776.109 (b) (6)."

6. Section 776.111(g) is amended by deleting the words "guar and" in sub-

paragraph (1) and changing subparagraph (2) to read as follows: "30 per centum of the payment rate per acre otherwise applicable to the farm in the case of land devoted to castor beans and guar, and."

7. Section 776.118(g) is amended by changing the second sentence thereof to read as follows: "The amount of the price support payment shall be determined by multiplying the 1963 acreage of wheat as defined in the regulations governing the Wheat Marketing Quota for 1961 and subsequent years, plus any acreage of wheat determined to have been planted for harvest within the permitted acreage which is destroyed prior to harvest, by the price support payment rate per acre determined in accordance with § 776.111(h): *Provided*, That no price support payment shall be made with respect to any acreage which is designated as diverted acreage, counted toward meeting the conserving base requirement, or used as underplanted acreage to remove from storage wheat from any previous crop which was stored in order to postpone or avoid payment of a marketing quota penalty."

8. Section 776.118(b) is amended by changing subparagraph (3) to read as follows: "the total conserving acreage on the farm (including diverted acreage devoted to crops planted in lieu of conservation uses) is less than the sum of the conserving base and the intended diverted acres under this program and the Feed Grain Program by more than (a), in case the sum of the conserving base and the intended diverted acres is 20 acres or less, the largest of 1 acre, the sum of the tolerances applicable to the intended diverted acres under subparagraph (1) of this paragraph (b) and § 775.220(b) (1) of the regulations governing the Feed Grain Program, or 10 percent of the sum of the conserving base and the intended diverted acres, and (b), in case the sum of the conserving base and the intended diverted acres is over 20 acres, the largest of 2 acres, the sum of the tolerances applicable to the intended diverted acres under subparagraph (1) of this paragraph (b) and § 775.220(b) (1) of the regulations governing the Feed Grain Program, or 5 percent of the sum of the conserving base and the intended diverted acres: *Provided*, That the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraphs (1) and (3) of this paragraph (b) if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe

that the designated acreage was less than the acreage intended to be diverted or that the total conserving acreage was less than the sum of the conserving base and the intended diverted acres, and all additional acreage on the farm (including any wheat and other unharvested crops) eligible for such purposes at the time the operator receives a Form ASCS-590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage to comply with the requirements of subparagraphs (1) and (3) of this paragraph (b)."

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 6, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-1352; Filed, Feb. 10, 1964; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 868.16]

PART 868—SUGARCANE, VIRGIN ISLANDS

Wage Rates, 1964

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 22, 1963, the following determination is hereby issued.

§ 868.16 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1964.

(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1964 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the FEDERAL REGISTER not less than the following:

(i) *Basic time rates.* The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker:	Basic rates per hour
A—Operator of mechanical loaders.....	\$0.90
B—Operator of tractors and trucks.....	.75
C—Chemical sprayers.....	.70
D—All others.....	.65

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for tractor operators in Class B of subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided*, That the training period for such workers shall not exceed six work-weeks and: *Provided further*, That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided*, That the producer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 40 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment,

is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Proof of compliance.* The producer shall, upon request, furnish the Area Office acceptable and adequate proof which satisfies such office that all workers have been paid in accordance with the requirements of this section.

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

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

Statement of bases and considerations. (a) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1964 as one of the conditions with which producers must comply to be eligible for payments under the act.

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

by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(c) **1964 wage determination.** This determination increases the minimum wage rates for each operation 15 cents per hour over the rates established by the 1963 determination. Other provisions of the 1963 determination remain unchanged.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 22, 1963, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1964. A representative of the Virgin Islands Corporation, which is owned by the Federal Government and is the largest producer of sugarcane in the Virgin Islands, recommended that the minimum wage rate for each classification of workers be increased 10 cents per hour. The witness stated that the continued shortage of agricultural laborers again forced the Corporation to import substantial numbers of British West Indian laborers for cultivating and harvesting sugarcane; that most of the harvesting operation was done on a piecework basis which resulted in considerably higher hourly wages than the required minimums; that the Corporation pays the air fare of the alien workers from their homes to St. Croix, and also furnishes them housing; and that favorable weather and high sugar prices resulted in a profitable operation in 1963.

The representative of one of the larger independent producers recommended that the minimum wage rate for each worker classification for which a rate is established be increased 10 cents per hour. The witness testified that they imported workers from the British West Indies; that out of a total labor force of from 60 to 65 for the harvest season, only two were local workers; and that the recommendation for a wage increase was based upon the fact that there had been general wage increases for all classes of workers on the Island, that there had been increases in the cost of living, and that sugar prices had increased and they believed the higher sugar prices would continue during the coming year.

Consideration has been given to the testimony presented at the hearing, to the economic position of sugarcane producers, and to other pertinent factors. The returns, costs, and profits for the sugarcane producing operations of the Corporation and of independent producers, obtained by field study in prior years, have been recast in terms of prospective price and production conditions for the 1964 crop. The analysis indicates that under favorable weather conditions the production of sugarcane is profitable, but that substantial losses are incurred in years when weather conditions are unfavorable. Profits on 1963-crop sugarcane were the highest on record for both the Corporation and independent producers. Present prospects indicate another profitable crop in 1964. The increase in the minimum

rates established in this determination are fair and reasonable and are within the producers' ability to pay.

Sugarcane cutters and other unskilled workers are employed on a piecework basis while skilled workers usually are employed on an hourly rate basis. Data submitted by the Virgin Islands Corporation for 1963 indicate that average earnings of unskilled workers employed on a piecework basis, ranged from \$0.50 to \$1.00 per hour for production and cultivation work and from \$0.50 to \$1.59 for harvest work. Rates paid by the Corporation to workers employed on an hourly basis ranged from \$0.90 to \$1.10 for operators of mechanical loaders, \$0.70 to \$0.90 for tractor drivers, and \$0.75 to \$0.90 for truck drivers.

After consideration of the pertinent factors involved, the rates established in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the act.

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

Signed at Washington, D.C., on February 6, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-1351; Filed, Feb. 10, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Disposition by Handlers

Notice was published in the *FEDERAL REGISTER* (28 F.R. 12870, 13505) that there were under consideration proposals to revise paragraph (e)(1) of § 993.150 of Subpart—Administrative Rules and Regulations (7 CFR Part 993) by amending the procedures prescribed in that paragraph for the disposition of substandard prunes by handlers, and by altering the text of that paragraph. The subpart is operative pursuant to the amended marketing agreement and Order No. 993 (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The time for the receipt of written data, views, or arguments pertaining to the proposals expired 5:30 p.m., e.s.t., January 3, 1964 (28 F.R. 12870; 13505); and written comments were received from the Prune Administrative Committee recommending simplification of the proposed procedures.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Committee, and other available information, it is hereby found that the amendment, as hereinafter set forth, of the administra-

tive rules and regulations is in accordance with the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, paragraph (e)(1) of § 993.150 of Subpart—Administrative Rules and Regulations is hereby amended by revising it to read as follows:

§ 993.150 Disposition of prunes by handlers.

(e) *Prunes which fail to meet minimum standards*—(1) *Committee's approval of disposition*—(i) *General.* Those defective prunes accumulated by a handler by removing them from standard or substandard prunes, and those prunes received or held by a handler which fail to meet the applicable minimum standards and are held for disposition without removal of defective prunes in excess of maximum tolerances, may only be used, if within the tolerances prescribed in § 993.97 II. C. (1), (2), and (3), for prune products, or if any such tolerances are exceeded and any live infestation corrected by fumigation, for non-human consumption or be destroyed. In order to insure that all such prunes are shipped or otherwise disposed of in accordance with § 993.50(e), no handler shall during any crop year ship or otherwise make final disposition of any such prunes, other than prune waste subject to daily non-human disposition for sanitation purposes, unless prior thereto he had obtained during that crop year (except as otherwise provided in subdivision (iii) of this subparagraph) the Committee's approval of his application to do so.

(ii) *Application for approval.* The handler's application to ship or otherwise make final disposition of any such prunes shall be submitted on Form PAC 2.2 "Application for Permission to Dispose of Substandard Prunes". If the prunes are for shipment, the application shall set forth: (a) The name and address of the handler's vendee and the name and address of the consignee whether the same as or different from the vendee; (b) the particular use to be made of the prunes; (c) if such use is to be by a person other than the handler's vendee or the consignee, the name and address of such user; and (d) the crop year or the period within, or the portion of, the crop year during which shipments are to be made. When the use or the name and address of the consignee or user are not known by the handler, the handler shall arrange for the submission of such information to the Committee. If use is to be by the handler, the application shall so indicate and shall set forth all applicable information. Each application for shipment shall be limited to the handler's vendee and the consignee if different from the vendee, and to a specific user and use, and may be open as to quantity: *Provided, That,* when the use or name and address of the user are not known by the handler, the application shall include the quantity of prunes to be shipped and be limited to that quantity. Each application for final disposition for a particular use by the handler shall be limited to such handler and use.

(iii) *Approval of applications.* The Committee's approval of a handler's application shall be transmitted to the handler on Form PAC 2.3 "Permission to Dispose of Substandard Prunes". In approving an application, the Committee shall specify the crop year, or the period within or the portion of the crop year, for which the approval is granted: *Provided*, That, the Committee may approve in July any such application that is submitted during that month by the handler for shipment or other final disposition of the prunes covered thereby in the succeeding crop year. When the use or the name and address of the user or consignee are not known to the handler, the Committee shall not approve the application until it has been informed as to such use and user and consignee of the prunes.

(iv) *Disapproval of applications; or revocation of approved applications.* In acting on an application, the Committee may disapprove the application when: (a) The application does not conform with the requirements of subdivision (ii) of this subparagraph; (b) the Committee has cause to believe that the prunes covered by the application will not be shipped or disposed of in accordance with the application; or (c) the handler, or any of the parties involved in the proposed shipment or disposition, had shipped or made other disposition of prunes covered by a previously approved application inconsistent with that application. The Committee may for cause revoke a handler's previously approved application if he ships or makes other disposition inconsistent with such application. Whenever a user uses prunes inconsistent with an approved application, the Committee may for cause revoke such application, and such other approved applications applicable to such user as the Committee deems necessary to assure that the prunes covered by such applications will not be used in a manner inconsistent with those applications or the order. The Committee shall notify the handler in writing of each disapproval and each revocation.

(v) *Evidence of non-human disposition.* Whenever defective or substandard prunes or prune waste are shipped to or otherwise disposed of in non-human consumption outlets, or destroyed, the handler shall furnish the Committee with a copy of the shipping document or other documentary evidence of the disposition as may be satisfactory to the Committee and at such times as the Committee may direct.

(vi) *Books and records.* Each handler who ships or otherwise disposes of defective or substandard prunes or prune waste shall make available for examination by the Committee, at his business office at any reasonable time during business hours, copies of all ap-

plicable purchase orders, sales contracts, or disposition documents, together with any further information which the Committee may deem necessary or desirable to enable it to determine whether such prunes or prune waste have been or will likely be utilized as authorized.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)), and for making this action effective at the time hereinafter set forth in that: (1) The provisions as to handler applications and Committee approvals thereof to dispose of substandard prunes simplify the current procedures for the submission and approval of such applications; (2) for certain dispositions, handlers would be required to submit only one application, and obtain approval thereof, during a crop year; (3) the amendment relieves restrictions on handlers, and the simplified procedures should be made available to handlers as soon as practicable; and (4) no advance preparation by handlers is required to comply with this amendment.

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

Dated February 5, 1964, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 64-1326; Filed, Feb. 10, 1964; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 531—DETERMINATIONS UNDER AND INTERPRETATIONS OF SECTION 3(m) OF THE FAIR LABOR STANDARDS ACT

Subpart C—Interpretations

EXAMPLES

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby revise the examples contained in 29 CFR 531.36 and 531.37 in the light of the \$1.25 an hour minimum wage rate now in effect under the Act.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are in-

terpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

1. Paragraph (a) of 29 CFR 531.36 is amended to read as follows:

§ 531.36 Nonovertime workweeks.

(a) When no overtime is worked by the employee, section 3(m) and this part apply only to the applicable minimum wage for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of \$1.25 an hour in a situation when that rate is the applicable minimum wage and is paid \$50 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at \$4, no consideration need be given to the question of whether such facilities meet the requirements of section 3(m) and this part, since the employee has received in cash the applicable minimum wage of \$1.25 an hour for all hours worked. Similarly, where an employee is employed at a rate of \$1.45 an hour and during a particular workweek works 40 hours for which he is paid \$50 in cash, the employer having deducted \$8 from his wages for facilities furnished, whether such deduction meets the requirements of section 3(m) and Subpart B of this part need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of \$1.25 an hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, provided the prices charged do not exceed the "reasonable cost" of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the "reasonable cost" of the facilities) below the required minimum. Accordingly, in a situation when \$1.25 an hour is the applicable minimum wage, if an employer employed at a rate of \$1.30 an hour works 40 hours in a workweek and is paid only \$40 in cash, \$12 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3(m) and this part to determine if the employee has received the minimum of \$50 (40 hours × \$1.25) in cash or in facilities which may be legitimately included in "wages" payable under the Act. The same would be true where an employee is furnished the facilities in addition to a cash wage of \$40 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least \$10 the requirements of the Act are met. Cf. *Southern Pacific Co. v. Joint Council Dining Car Employees*, 165 F. (2d) 26 (C.A. 9).

2. Section 531.37 of 29 CFR Part 531 is amended to read as follows:

§ 531.37 Overtime workweeks.

(a) Section 7 requires that the employee receive compensation for overtime hours at "a rate not less than one and one-half times the regular rate at which he is employed". When overtime is worked by an employee who receives the whole or part of his wage in facilities and it becomes necessary to determine the portion of his wages represented by facilities, all such facilities must be measured by the requirements of section 3(m) and Subpart B of this part. It is the Administrator's opinion that deductions may be made, however, on the same basis in an overtime workweek as in non-overtime workweeks (see § 531.36), if their purpose and effect are not to evade the overtime requirements of the Act or other law, providing the amount deducted does not exceed the amount which could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek. For example, in a situation where \$1.25 an hour is the applicable minimum wage, if an employee is employed at a rate of \$1.30 an hour (5 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite caps, miners' lamps, or other articles which are not "facilities" within the meaning of the Act, is 40 times 5 cents or \$2 (see § 531.36). Deductions in excess of this amount for such articles are illegal in overtime workweeks as well as in non-overtime workweeks. There is no limit on the amount which may be deducted for "board, lodging, or other facilities" in overtime workweeks (as in workweeks when no overtime is worked), provided that these deductions are made only for the "reasonable cost" of the items furnished. When such items are furnished at a profit, the amount of the profit (plus the full amount of any deductions for articles which are not facilities) may not exceed \$2 in the example heretofore used in this paragraph. These principles assume a situation where bona fide deductions are made for particular items in accordance with the agreement or understanding of the parties. If the situation is solely one of refusal or failure to pay the full amount of wages required by section 7, these principles have no application. Deductions made only in overtime workweeks, or increases in the prices charged for articles or services during overtime workweeks will be scrutinized to determine whether they are manipulations to evade the overtime requirements of the Act.

(b) Where deductions are made for board, lodging, or other facilities, the regular rate of pay is arrived at on the basis of the stipulated wage before any deductions have been made. Where such facilities are customarily furnished as addition to a cash wage, the reasonable cost of the facilities to the employer must be considered as part of the employee's regular rate of pay. See *Walling v. Alaska Pacific Consolidated Mining Co.*, 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803. Thus, suppose an employee,

employed at a cash rate of \$1.25 an hour, works 48 hours during a particular workweek. If, in addition, he is furnished board, lodging, or other facilities valued at \$18, but whose "reasonable cost" is \$12.00, the \$12.00 must be added to his cash straight-time pay of \$60.00 ($\1.25×48 hours) in determining the regular rate of pay on which his overtime compensation is to be calculated. The regular rate then becomes \$1.50 an hour ($\$60.00 + \$12.00 = \$72.00 \div 48$ hours) = \$1.50 an hour. In a situation where section 7(a) of the Act is applicable, the employee is thus entitled to receive a total of \$78 for the week. (40 hours $\times$ \$1.50 = \$60) + (8 hours $\times$ \$2.25 = \$18). In addition to the straight-time pay of \$60.00 in cash and \$12.00 in facilities, extra compensation of \$6 in cash for the eight overtime hours must, therefore, be paid by the employer, to meet the requirements of the Act.

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

Signed at Washington, D.C., this 4th day of February 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-1320; Filed, Feb. 10, 1964; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T.D. 56105]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Geographical Jurisdiction of Customs Agency Service Suboffices

Regional realignment suggested by a Treasury Task Force survey of the Customs Agency Service included referral of all investigative matters direct to customs agents in charge instead of to supervising customs agents. In order to facilitate direct referral of customs investigative matters to customs agents in charge of suboffices which will conduct the investigations instead of to supervising customs agents responsible for broad regional supervision, § 1.5 of the Customs regulations is amended as follows to show the geographical jurisdiction of the suboffices within each Customs Agency Service region:

§ 1.5 Customs Agency Service regions.

Customs Agency Service regions and areas under the jurisdiction of all headquarters and suboffices are as follows:

Region No.	Headquarters	Geographical jurisdiction (Customs collection districts and foreign countries)	Suboffice headquarters	Geographical jurisdiction
1	Supervising Customs Agent, New York.	1 (Maine and New Hampshire). 2 (Vermont). 4 (Massachusetts). 5 (Rhode Island). 6 (Connecticut). 7 (St. Lawrence). 8 (Rochester). 9 (Buffalo). 10 (New York). 11 (Philadelphia). 12 (Pittsburgh). 13 (Maryland). 14 (Virginia) and that part of the Dominion of Canada lying east of 81° west longitude.	Customs Agent in Charge, New York. Customs Agent in Charge, Philadelphia. Customs Agent in Charge, Baltimore. Customs Agent in Charge, Washington, D.C. Customs Agent in Charge, Norfolk. Customs Agent in Charge, Boston. Customs Agent in Charge, Ogdensburg. Customs Agent in Charge, Buffalo. Customs Agent in Charge, Portland, Maine. Customs Agent in Charge, Houlton, Maine. Customs Agent in Charge, St. Albans, Vt. Senior Customs Representative, Montreal, Canada.	The southeastern part of the State of New York, bounded by and including the counties of Otsego, Montgomery, Fulton, Saratoga and Rensselaer. The northern part of the State of New Jersey, bounded by and including the counties of Warren, Morris, Somerset, and Middlesex. Connecticut, west of a straight line (running north and south) midway between Bridgeport and New Haven. The State of Pennsylvania (excluding Erie County); the State of Delaware; that part of New Jersey south of and including the counties of Hunterdon, Mercer, and Monmouth. The State of Maryland except that part south of Highway 4 to the Chesapeake Bay. Metropolitan Washington, D.C., bounded on the north by Interstate Highway 495; that part of Maryland south of Highway 4 to the Chesapeake Bay; that part of Virginia north of an imaginary line drawn from the Potomac River due west through Fredericksburg to the West Virginia boundary; and all the State of West Virginia. The State of Virginia except that part north of an imaginary line drawn from the Potomac River due west through Fredericksburg to the West Virginia boundary. The State of Massachusetts, the State of Rhode Island, and that part of the State of Connecticut east of a straight line (running north and south) midway between Bridgeport and New Haven. The northern part of the State of New York, bounded by and including the counties of Jefferson, Lewis, Herkimer, Hamilton, Warren, and Washington. That part of the State of New York bounded by and including the counties of Oswego, Oneida, Madison, Chenango, and Broome. New Hampshire (excluding Coos County), and the southeastern part of Maine (south of U.S. Highway 2 and west of Maine Highway 7). That part of the State of Maine north of U.S. Highway 2 and west of Maine Highway 7. Vermont, and Coos County, N.H. That part of Canada east of 81° west longitude.

RULES AND REGULATIONS

Region No.	Headquarters	Geographical jurisdiction (Customs collection districts and foreign countries)	Suboffice headquarters	Geographical jurisdiction
2	Supervising Customs Agent, Miami.	15 (North Carolina). 16 (South Carolina). 17 (Georgia). 18 (Florida). 19 (Mobile). 20 (New Orleans). 43 (Tennessee). 49 (Puerto Rico). 51 (Virgin Islands) the Republic of Cuba, the Republic of Haiti, and the Dominican Republic.	Customs Agent in Charge, Wilmington.	The State of North Carolina.
			Customs Agent in Charge, Charleston.	The State of South Carolina.
			Customs Agent in Charge, Savannah.	The State of Georgia (including the City of Brunswick) except the area south of a line drawn from Brunswick along U.S. Route 84 to Waycross and Route 82 to the Alabama border.
			Customs Agent in Charge, Jacksonville.	That part of the State of Georgia extending south of a line drawn from Brunswick along U.S. Route 84 to Waycross and along Route 82 to the Alabama border. Northern Florida east of the Apalachicola River and bounded on the south by a line drawn from Cedar Key to Ocala to Daytona Beach.
			Customs Agent in Charge, Tampa.	That portion of Florida south of a line from Cedar Key to Ocala to Daytona Beach and north of a line from Naples to Sebring to Melbourne.
			Customs Agent in Charge, Miami.	All the remainder of the State of Florida south of a line from Naples to Sebring to Melbourne but not including the Florida Keys.
			Customs Agent, Key West.	All the area covered by the Florida Keys.
			Customs Agent in Charge, Mobile.	All the area in the Alabama Collection District and that portion of Tennessee east of the western crossing of the Tennessee River. Northern Florida west of the Apalachicola River.
			Customs Agent in Charge, New Orleans.	All the States of Louisiana (except that portion included in Sabine District No. 21); Mississippi (except that portion included in Collection District No. 19); and Arkansas. That portion of Tennessee west of the western crossing of the Tennessee River.
			Customs Agent in Charge, San Juan.	The island of Puerto Rico.
3	Supervising Customs Agent, Houston, Tex.	21 (Sabine). 22 (Galveston). 23 (Laredo). 24 (El Paso). 45 (St. Louis, that part comprising the State of Oklahoma). 47 (Colorado, except the State of Wyoming). 50 (New Mexico) the Republic of Mexico.	Customs Agent in Charge, Virgin Islands.	All of the Virgin Islands.
			Customs Agent in Charge, Brownsville.	The counties of Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Refugio, and Jim Wells.
			Customs Agent in Charge, Eagle Pass.	That part of the State of Texas east of the Pecos River, south of 33° north latitude, and west of 99° west longitude with the exception of Gillespie, Kerr, Bandera, Medina, Frio, La Salle, Webb, and Zapata Counties.
			Customs Agent in Charge, El Paso.	The States of New Mexico and Colorado; that part of Oklahoma west of 100° west longitude; that part of the State of Texas lying west of the Pecos River, and the part of Texas north of 33° north latitude and west of 99° west longitude.
			Customs Agent in Charge, Houston.	All of the State of Oklahoma east of 100° west longitude and that part of Galveston Collection District (22) lying west of Galveston Bay, the Trinity River and 96° west longitude, with the exception of Refugio, San Patricio and Nueces Counties.
			Customs Agent in Charge, Laredo.	The counties of Starr, Jim Hogg, Zapata, Webb, Duval, McMullen and La Salle.
			Customs Agent in Charge, McAllen.	The counties of Brooks and Hidalgo.
			Senior Customs Representative, Mexico City.	The Republic of Mexico.
			Customs Agent in Charge, Port Arthur.	Cameron and Calcasieu Parishes in the State of Louisiana and that part of the State of Texas lying east of Galveston Bay, the Trinity River and 96° west longitude.
			Customs Agent in Charge, San Antonio.	Kerr, Bandera, Medina, and Frio Counties and other parts of Texas lying north of 28° north latitude and between 97° and 99° west longitude with the exception of La Salle, McMullen, San Patricio, Refugio and Tarrant Counties.

[T.D. 56107]

NAVIGATION AND CUSTOMS FEES

Miscellaneous Amendments

It has been determined that certain navigation and customs fees are no longer adequate to recover the cost of services provided. Since the services provided are of the type described in 5 U.S.C. 140 as intended by Congress to be self-sustaining to the fullest extent possible, the following navigation and customs fees are being increased as indicated:

(1) For registering a house flag or funnel mark, or both, of a vessel, from \$35 to \$40;

(2) For recording a trademark, trade name, or copyright, from \$75 to \$90;

(3) For recording a renewal or change of ownership of a trademark or copyright, from \$35 to \$40;

(4) For designating a common carrier as a carrier of customs bonded merchandise, from \$45 to \$50;

(5) For the establishment of a customs bonded warehouse from \$65 to \$75;

(6) For issuing a customs cartage or lighterage license, from \$45 to \$50;

(7) For receiving application for, giving the examination for, and issuing a customhouse broker's license, from \$100 to \$150;

Accordingly, the Customs Regulations are amended as follows:

PART 3—DOCUMENTATION OF VESSELS

Section 3.82 is amended by substituting "\$40" for "\$35" in the first sentence.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

PART 11—PACKING AND STAMPING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Section 11.15(a) is amended by substituting "\$90" for "\$75" in the second sentence.

Section 11.16 is amended by substituting "\$90" for "\$75" in the second sentence.

Section 11.19(a)(1) is amended by substituting "\$90" for "\$75" in the second sentence.

Section 11.19(a)(2) is amended by substituting "\$90" for "\$75" in the third sentence.

(R.S. 161, as amended, 251; 5 U.S.C. 22, 19 U.S.C. 66)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Section 18.1(c) is amended by substituting "\$50" for "\$45" in the first sentence.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

Region No.	Headquarters	Geographical jurisdiction (Customs collection districts and foreign countries)	Suboffice headquarters	Geographical jurisdiction
4	Supervising Customs Agent, Chicago, Ill.	33 (Montana and Idaho). 34 (Dakota). 35 (Minnesota). 36 (Duluth and Superior). 37 (Wisconsin). 38 (Michigan). 39 (Chicago). 40 (Indiana). 41 (Ohio). 42 (Kentucky). 45 (St. Louis, except the State of Oklahoma). 47 (Colorado, that part comprising the state of Wyoming) that part of the Dominion of Canada lying between 81° W and 117° W, longitude.	Customs Agent in Charge, Chicago. Customs Agent in Charge, Cleveland. Customs Agent in Charge, Detroit. Customs Agent in Charge, Duluth. Customs Agent in Charge, Havre. Customs Agent in Charge, Pembina. Customs Agent in Charge, St. Louis. Customs Agent in Charge, Calexico. Customs Agent in Charge, San Diego. Customs Agent in Charge, Nogales. Customs Agent in Charge, Los Angeles. Customs Agent in Charge, San Francisco. Customs Agent in Charge, Portland, Ore. Customs Agent in Charge, Seattle. Customs Agent in Charge, Anchorage. Customs Agent in Charge, Honolulu.	Collection Districts 40, 42, 39 except for the State of Nebraska, and that part of Collection District 37 lying south of Route U.S. 10 from Manitowoc west to the Wisconsin-Minnesota boundary; and that part of Collection District 35 lying south of a line drawn west from the junction of Route U.S. 10 Minnesota-Wisconsin to Olivia, Minnesota, and east of Route 71 from Olivia, Minnesota, south to the Minnesota-Iowa boundary. Collection District 41. State of Michigan except that part lying west of Route 41 extending from Escanaba to Marquette. Route U.S. 71 from International Falls, Minnesota; south to the junction of U.S. 71 and U.S. 212 (near Olivia, Minn.); east on U.S. 212 to U.S. 10, including Minneapolis-St. Paul, and continuing east on U.S. 10 to Manitowoc, Wis. Collection District 31 (Idaho and Montana) and Wyoming. Collection District 34 (North and South Dakota) and that part of Minnesota lying west of Route U.S. 71 from International Falls, Minn., to the Minnesota-Iowa boundary. State of Nebraska and Collection District 45 except for the State of Oklahoma. That part of District No. 25 and District No. 26, composed of Imperial County, Calif., and Yuma County, Ariz. All of Collection District No. 25, with the exception of Imperial County. All of Collection District No. 26 with the exception of Yuma County. All of Collection District No. 27. All of Collection District No. 28. All of Collection District No. 29. All of Collection District No. 30. All of Collection District No. 31. All of Collection District No. 32.
5	Supervising Customs Agent, Los Angeles.	25 (San Diego). 26 (Arizona). 27 (Los Angeles). 28 (San Francisco). 29 (Oregon). 30 (Washington). 31 (Alaska). 32 (Hawaii). and that part of the Dominion of Canada lying west of 117° west longitude.	Customs Agent in Charge, San Diego. Customs Agent in Charge, Los Angeles. Customs Agent in Charge, San Francisco. Customs Agent in Charge, Portland, Ore. Customs Agent in Charge, Seattle. Customs Agent in Charge, Anchorage. Customs Agent in Charge, Honolulu.	Spain, Portugal, Italy, Switzerland, all the Middle East and Iron Curtain countries, Africa. British Isles and Ireland. France, Luxemburg, Monaco, Belgium (technical investigations). The Netherlands, Denmark, Norway, Sweden, Finland, Germany, Austria, Liechtenstein, Belgium (nontechnical investigations). All of Far East, including Australia, except Hong Kong, Macao, and Taiwan. Hong Kong, Macao, and Taiwan.
6	Regional Customs Representative, Rome, Italy.	Europe, Africa, and the Near East.	Regional Customs Representative, Rome, Italy. Senior Customs Representative, London, England. Senior Customs Representative, Paris, France. Senior Customs Representative, Frankfurt, Germany.	
7	Regional Customs Representative, Tokyo, Japan.	All of Far East (including Australia).	Regional Customs Representative, Tokyo, Japan. Senior Customs Representative, Hong Kong, B.O.C.	

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL]

Approved: January 30, 1964.

JAMES A. REED,

Assistant Secretary of the Treasury.

[F.R. Doc. 64-1270; Filed, Feb. 10, 1964; 8:45 a.m.]

PHILIP NICHOLS, Jr.,
Commissioner of Customs.