

the undertaking and bond or bonds required by § 993.58. No handler shall defer withholding of reserve prunes until he has filed the required undertaking and bond or bonds with the committee and has received its acceptance.

[30 FR 13311, Oct. 20, 1965; 48 FR 57261, Dec. 29, 1983]

**§ 993.159 Schedule of payments and conditions.**

(a) *Rate of payment for necessary services.* Each handler shall, with respect to reserve prunes held by him for the account of the committee pursuant to § 993.57, be paid at the rate of \$25 per ton (natural condition weight) for necessary services rendered by him in connection with such prunes so held during all or any part of the crop year in which the prunes were received from producers or dehydrators. Such amount shall, together with the additional payments, as applicable, provided in this section, be in full payment for the costs incurred in connection with but not being limited to, the following services: Inspection, receiving, storing, grading, and fumigation. The costs include, but are not limited to:

(1) Acquisition costs, which include those for salaries, commission, or brokerage fees, transportation and handling between plants and receiving stations, inspection, and other costs, including container expense, incidental to acquisition or storage;

(2) Direct labor costs, which include those for receiving, grading, preliminary sorting and storing (including that performed by the handler at the receiving station), and loading for shipment or other delivery to the committee or its designee; and

(3) Plant overhead costs, which include those for superintendence, indirect labor, fuel, power and water, taxes and insurance on facilities, depreciation and rent, repairs and maintenance, factory supplies and expense, and employee benefits (payroll taxes, compensation insurance, and other such costs).

(b) *Reimbursement for required insurance costs.* Each handler holding reserve prunes for the account of the Committee shall maintain proper insurance thereon, including fire and ex-

tended coverage, in valuations (according to grade and/or size) established by, or acceptable to, the Committee for the particular crop year. The Committee shall reimburse the handler for the actual costs of such insurance. Prior to the receipt of reserve prunes at the beginning of each crop year, the handler shall certify to the Committee and the Secretary, on Form PMC 4.5, that he has a fire and extended coverage policy fully insuring all reserve prunes received by him during such crop year. Such certification shall contain the following information: (1) The name and address of the handler; (2) the location(s) where reserve prunes will be held for the account of the Committee and the premium rate per \$100 value per annum at each location; (3) the value per ton at which the reserve prunes are insured; and (4) the name and address of the insurance underwriter.

(c) *Certain additional payments in connection with the holding of reserve prunes for the account of the Committee.* (1) Whenever a handler is directed by the committee to move and dump containers or reserve prunes held by him for the account of the committee for the purpose of causing an inspection to be made of the prunes, as provided in § 993.75, but without taking delivery of the prunes at that time, the handler shall be paid for such services at the rate of \$2.50 per ton (natural condition weight).

(2) Commencing with 1968-69 crop year reserve prunes, each handler holding reserve prunes for the account of the committee beyond the end of the crop year in which such prunes were received from producers or dehydrators shall be paid as follows:

(i) For storage and necessary fumigation:

(a) \$2 per ton during all or any part of the first 3 months of the succeeding crop year;

(b) \$1 per ton during all or any part of the second 3 months of the succeeding crop year;

(c) 25 cents per ton during all or any part of the third 3 months of the succeeding crop year; and

(d) 25 cents per ton during all or any part of the fourth 3 months of the succeeding crop year.

(ii) \$3 per ton for bin rental during all or any part of the succeeding crop year.

(iii) For insurance as prescribed in paragraph (b) of this section.

(d) *Certain additional payments in connection with the delivery of reserve prunes to the committee or its designee.* (1) Whenever a handler is directed by the committee to deliver to it or its designee reserve prunes in natural condition, the committee shall furnish the handler with the containers in which to deliver the prunes, or reimburse the handler, at cost, for any containers which he furnishes pursuant to an agreement with the committee.

(2) Whenever the committee arranges with a handler for the reserve prunes delivered to it or its designee to be in processed and packaged condition, the committee shall reimburse the handler at the agreed rate, determined by the committee to be reasonable, for the processing, container, and packaging costs.

[31 FR 5751, Apr. 14, 1966, as amended at 34 FR 19704, Dec. 16, 1969; 35 FR 11381, July 16, 1970; 48 FR 57261, Dec. 29, 1983]

VOLUNTARY DIVERSION

**§ 993.162 Voluntary prune plum diversion.**

(a) *Quantity to be diverted.* The Committee shall indicate the quantity of prune plums that producers may divert pursuant to § 993.62 whenever it recommends to the Secretary that diversion operations for a crop year be permitted. The Committee shall compute the dried weight equivalent of prune plums so diverted on a dryaway basis in accordance with the following schedule:

(1) For prune plums of French variety produced in the counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Siskiyou, Solano, Sonoma, and Trinity, 1 pound of dried prunes for each 2.6 pounds of prune plums diverted;

(2) For prune plums of French varieties produced in the counties of Alameda, Monterey, San Benito, Santa Clara, Santa Cruz, San Francisco, and San Mateo, 1 pound of dried prunes for each 2.75 pounds of prune plums diverted;

(3) For prune plums of French varieties produced in the counties of Amador, Butte, Colusa, Contra Costa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba, 1 pound of dried prunes for each 3 pounds of prune plums diverted;

(4) For prune plums of French varieties produced in the counties of Fresno, Merced, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all of the counties in the area not included in paragraphs (a)(1), (2), and (3) of this section, 1 pound of dried prunes for each 3.25 pounds of prune plums diverted; and

(5) For prune plums of non-French varieties produced in any country in the area, 1 pound of dried prunes for each 3.50 pounds of prune plums diverted.

Whenever diversion operations for a crop year have been authorized by the Secretary, the Committee shall notify producers, dehydrators, and handlers, known to it of such authorization.

(b) *Eligible diversions.* Eligible diversions shall preclude prune plums from becoming prunes and shall be limited to the following methods: (1) Disposing of harvested prune plums under Committee supervision for nonhuman use at a location and in a manner satisfactory to the Committee; and (2) leaving unharvested the entire production of prune plums from a solid block of bearing trees designated by the producer applying for the diversion. In accordance with § 993.62(c), eligible diversion shall not apply to prune plums which would not, under normal producer practices, be dried and delivered to a handler.

(c) *Applications for diversion*—(1) *By producers.* Each producer desiring to divert prune plums of his own production shall, prior to diversion, file with the Committee a certified application on Form PMC 10.1 “Application for Prune Plum Diversion” containing at least the following information: (i) The name and address of the producer; whether the producer is an owner-operator, share-landlord, share-tenant, or cash tenant; and the name and address of any other person or persons sharing a proprietary interest in such prune