

FEDERAL REGISTER

VOLUME 34 • NUMBER 206

Saturday, October 25, 1969 • Washington, D.C.

Pages 17321-17380

Part I

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Business and Defense Services
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Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
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Food and Drug Administration
Food and Nutrition Service
Health, Education, and Welfare
Department
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Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1969

AMENDMENTS OF REAPPORTIONMENT FOR THE STATES AND TOTAL

A third apportionment pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1969, was published in the FEDERAL REGISTER on September 9, 1969 (34 F.R. 14167). The third apportionment is amended for the State and total listed as follows:

State	Total Apportionment	State Agency	Withheld for private schools
Arizona	\$414,460	\$366,450	\$48,001
Illinois	6,662,779	6,662,779	
Kansas	1,100,000	1,100,000	
Kentucky	2,000,355	2,000,355	
New Jersey	3,791,980	3,258,000	533,920
New York	8,797,522	8,797,522	
North Carolina	3,628,400	3,628,400	
Oklahoma	1,121,723	1,121,723	
Total	102,184,966	95,278,150	6,906,800

(Secs. 2, 3, 6, 8-16, 80 Stat. 885-890, 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: October 22, 1969.

HOWARD P. DAVIS,
Deputy Administrator.

[F.R. Doc. 69-12810; Filed, Oct. 24, 1969; 8:49 a.m.]

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

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Terms and Conditions Governing Use by Handlers of Identifying Marks Utilized by the Committee in Promotional and Advertising Projects

On October 2, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15361) that consideration was being given to a proposed amendment of the handler's use of identifying marks, "Texasweet" and "Sweeter by Nature", utilized by the committee in promotional and advertising projects (§ 906.137 of Subpart—Rules and Regulations; 7 CFR 906.120 et seq.; 34 F.R. 6651), which were recommended by the

Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This amendment reflects the Texas Valley Citrus Committee's appraisal of the conditions under which the identifying marks, "Texasweet" and "Sweeter by Nature", should be used in their promotional and advertising projects. The use of these identifying marks on containers of grapefruit or on individual grapefruit would be limited to U.S. No. 1 or higher grades by this amendment compared to the current requirement of U.S. No. 1 Bronze or higher grades. This more restrictive use of these identifying marks is intended to improve the image of grapefruit grown in Texas by limiting their use to higher quality packs.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee and other available information, it is hereby found and determined that the amended portion of § 906.137 (7 CFR 906.137) of Subpart—Rules and Regulations as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this amendment with an effective date of November 1, 1969, was published in the FEDERAL REGISTER on October 2, 1969 (34 F.R. 15361), and no objection to this amendment or such effective date was received; (2) the recommendation and supporting information for this amendment were submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 5, 1969, which was held to consider recommendations for such amendment after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this amendment are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of oranges and grapefruit in Texas; (5) compliance with this amendment will not require any special preparation on the part of the persons subject thereto

which cannot be completed by the effective time hereof; (6) this amendment should become effective November 1, 1969, so that the remainder of the current season's shipments of oranges and grapefruit grown in Texas will be marked in accordance with the terms and conditions of § 906.137 as modified by this amendment, thereby tending to effectuate the declared policy of the act.

The introductory language and subparagraph (1) of paragraph (a) of § 906.137 *Handlers use of identifying marks utilized by the committee in promotional and advertising projects* are amended to read as follows:

§ 906.137 Handlers use of identifying marks utilized by the committee in promotional and advertising projects.

(a) On and after November 1, 1969, the identifying marks "Texasweet" and "Sweeter by Nature" shall be available to handlers only under the following terms and conditions:

(1) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of grapefruit or to individual grapefruit comprising a lot which grades at least U.S. No. 1.

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

Dated: October 22, 1969.

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

[F.R. Doc. 69-12808; Filed, Oct. 24, 1969; 8:49 a.m.]

[Lemon Reg. 397]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.697 Lemon Regulation 397.

(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 recommendations 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 by tending to establish and maintain such orderly marketing

conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under 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. 553) 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 October 21, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 26, 1969, through November 1, 1969, are hereby fixed as follows:

- (i) District 1: 4,650 cartons;
- (ii) District 2: 55,800 cartons;
- (iii) District 3: 150,613 cartons.

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

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

Dated: October 22, 1969.

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

[F.R. Doc. 69-12814; Filed, Oct. 24, 1969; 8:50 a.m.]

[Lime Reg. 27, Amdt. 6]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown 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 of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that 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; and this amendment relieves restrictions on the handling of limes grown in Florida.

Order. In § 911.329 (Lime Reg. 27; 34 F.R. 6438, 7867, 9849, 11549, 12164, 14879) the introductory text of paragraph (a) (2) and subdivision (ii) thereof are amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period October 27, 1969, through April 30, 1970, no handler shall handle:

(i) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply; or

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

Dated, October 22, 1969, to become effective October 27, 1969.

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

[F.R. Doc. 69-12815; Filed, Oct. 24, 1969; 8:50 a.m.]

[Grapefruit Reg. 66]

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

Limitation of Handling

§ 912.366 Grapefruit Regulation 66.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), 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 amended 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. 553) 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 October 23, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period October 27, 1969 through November 2, 1969, is hereby fixed at 130,000 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 amended marketing agreement and order.

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

Dated: October 23, 1969.

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

[F.R. Doc. 69-12865; Filed, Oct. 24, 1969; 11:26 a.m.]

[Grapefruit Reg. 32]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.332 Grapefruit Regulation 32.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913; 34 F.R. 12428), regulating the handling of grapefruit grown in the Interior 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 Interior Grapefruit Marketing Committee, established under 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. 553) 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 Interior 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 Interior 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 October 22, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 27, 1969 through November 2, 1969, is hereby fixed at 312,500 standard packed boxes.

(2) As used in this section, "handled," "Interior 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: October 23, 1969.

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

[F.R. Doc. 69-12838; Filed, Oct. 24, 1969; 8:50 a.m.]

[Lime Reg. 3, Amdt. 14]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

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 paragraph (a) (2) of § 944.202 (Lime Reg. 3, 34 F.R. 6516, 7959, 11965, 12165, 14880) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Turning: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply;

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. 553) 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), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 27 (§ 911.329) which becomes effective October 27, 1969; (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 limes.

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

Dated: October 22, 1969, to become effective October 27, 1969.

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

[F.R. Doc. 69-12816; Filed, Oct. 24, 1969; 8:50 a.m.]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Subpart—Rules and Regulations

CHANGE IN DATE FOR COMPLETING NOMINATIONS, TERM OF OFFICE, AND FISCAL PERIOD

Notice of rule making regarding the rules as hereinafter set forth, to be effective under Marketing Agreement No. 104 and Order 953, both as amended (7 CFR Part 953) regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER October 10, 1969 (34 F.R. 15716). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than October 20, 1969. None were filed.

Statement of considerations. The order provides in § 953.18(c) that the Secretary, if he finds that September 15 is not a satisfactory date for submitting names of nominees to him, may specify some other more satisfactory date.

The present submission date falls at an inappropriate time. It is difficult for producers and handlers to attend nomination meetings because they are busy harvesting and marketing other crops. By shifting the date specified for submitting the names of nominees to January 31 the nomination meetings can be held when farm operations are less pressing. Also, they can then be combined with other annual industry meetings. This should result in larger turnouts at nomination meetings and in electing nominees who are more representative of the industry.

The new date will still provide adequate time for the new nominees to be appointed by the Secretary and take all necessary committee actions in advance of the shipping season which begins on or about June 5.

This change in the date for submitting names of nominees to the Secretary necessitates a corresponding change in the term of office. The term of office as herein provided is April 1 through March 31 of the following year. This more properly corresponds with the shipping season.

The fiscal period as herein provided corresponds with the change in the term of office for committee members. Having the fiscal period begin as near as practical to the beginning of the shipping season should enable the committee to do a better job of planning its budget and operations for the season.

The decision for the amended order found that the November 1 beginning date of the fiscal year did not occur at an appropriate time in relation to the harvest season. It began about 7 months before the shipping season. Operating for 7 months without any income can result in financial problems for the committee.

Also, the order required that the committee meet and set a budget and rate of assessment at the beginning of the fiscal year. On November 1, the committee does not have any real basis to do this as the next season's potatoes have not even been planted and they do not know the quantity of assessable potatoes which will be handled. Therefore, the beginning and ending dates of the fiscal period are established as hereinafter set forth.

Findings. After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were recommended by the Southeastern Potato Committee, that amending the existing rules and regulations by adding the new section, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 533) in that (1) No advance preparation for such effective date will be required of handlers for compliance therewith; (2) these changes will tend to promote more effective committee operations under this marketing order program, are consistent with, and will thereby tend to effectuate the declared policy of the Act; (3) it is necessary to place this amendment in effect as soon as possible so as to afford the industry maximum time to arrange committee nomination meetings and provide for a smooth transition in changing terms of office and fiscal periods; and (4) notice of proposed rule making was given on October 10, 1969 by publication in the FEDERAL REGISTER (34 F.R. 15716).

§ 953.120 Nomination date.

The names of committee nominees shall be supplied to the Secretary in such

manner and form as he may prescribe, pursuant to § 953.18, not later than January 31 of each year.

§ 953.121 Term of office.

The term of office, pursuant to § 953.16, which began November 1, 1968, shall end March 31, 1970. Thereafter, each term of office shall begin April 1 of each year and end March 31 of the following year, both dates inclusive.

§ 953.122 Fiscal period.

The fiscal period, pursuant to § 953.9, which began November 1, 1968, shall end March 31, 1970. Thereafter, each fiscal period shall begin April 1 of each year and end March 31 of the following year, both dates inclusive.

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

Effective date. Dated October 22, 1969, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 69-12809; Filed, Oct. 24, 1969; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 4]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

REPAYMENT OF LOANS

The regulations issued by the Commodity Credit Corporation published in 33 F.R. 8802 as Cotton Loan Program Regulations and containing the terms and conditions with respect to the Cotton Loan Program, as amended, are hereby further amended to simplify the procedure for repayment of loans as follows:

§ 1427.1375 [Deleted]

1. Section 1427.1375 is deleted.
2. Section 1427.1376 is amended to read as follows:

§ 1427.1376 Repayment of loan by producer.

(a) If a producer desires to redeem one or more bales of cotton pledged to CCC as security for a loan, he may receive the warehouse receipts (and the classification memorandums applicable to such cotton, if requested) upon payment of the loan, interest, and charges applicable to the bales of cotton being redeemed at the county office which has custody of the loan documents. He may also request that the warehouse receipts (and classification memorandums) be forwarded to a bank for payment, in which case the amount of the loan, interest, and charges must be paid to the bank within 5 business days after the receipts are received by the bank. Repayments will

not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the receipts are sent must be paid by the producer. If the producer's copies of Forms A and A-1 have been lost or destroyed, he may obtain duplicates from the county office which has custody of the loan documents.

(b) A producer who desires to appoint an attorney-in-fact to act in his place and stead in redeeming his loan cotton, selling his equities in loan cotton, or executing Forms CCC-813, Release of Warehouse Receipts (referred to in this subpart as "Form 813") shall use Form 211, except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office which has custody of the loan documents. The attorney-in-fact must execute and file with the county office which has custody of the loan documents an Agreement of Attorney-in-Fact, Form CCC-815 (referred to in this subpart as "Form 815"), and the attorney-in-fact will not be allowed to redeem cotton, or to execute Form 813, pursuant to the power of attorney if he does not file the required Form 815. The attorney-in-fact shall not make any purchase of cotton redeemed from a CCC loan or producer's equities in such cotton for his own account or as agent for others, or sell any such cotton or equities therein to any person by whom he is employed or who has the right to control or direct his sale of redeemed cotton or equities, in any case where he redeems the cotton under authority of the power of attorney or signs the Form 813 under authority of the power of attorney. The attorney-in-fact shall not adopt any other scheme or device to circumvent the intent of these regulations or Form 815. If the attorney-in-fact holds powers of attorney from more than one producer, he may not pool their cotton or the proceeds therefrom nor make settlement with such producers on a pool basis upon sale of the cotton or the equities therein and will make an accounting to each producer for the proceeds of each bale of the producer's cotton which he redeems and sells and each equity which he transfers, unless he has a valid annual marketing agreement with such producers authorizing him to pool the cotton or the proceeds therefrom.

(c) Warehouse receipts redeemed by repayment shall be released only to the producer or his authorized agent, except that redeemed warehouse receipts may be released to persons designated on Form 813 or to their transferees, executed by the producer or his authorized agent. The Form 813 must be delivered to the county office maintaining custody of the loan documents within 30 days after the date the form is executed or the form (and related equity transfers, if applicable) will be void.

The warehouse receipts (and the classification memorandums, if requested) covering the cotton will be delivered to the person designated on the Form 813 or his transferee upon payment of the loan, interest, and charges within five business days after the Form 813 is delivered to the county office or, if it was requested that the documents be forwarded to a bank for payment, upon payment of the loan, interest, and charges within five business days after the documents are received by the bank. Repayments will not be accepted after CCC acquires title to the cotton on or after maturity of the loan. All charges assessed by the bank to which the documents are sent must be paid by the person redeeming the cotton. If payment is not effected within the applicable 5-business-day period and prior to the time at which the loan matures and CCC acquires the cotton, whichever is earlier, the Form 813 (and related equity transfers, if applicable) will be void. A producer may enter into a contract to sell his equities in loan cotton in which he agrees to transfer his equities in the cotton for a specified price and to execute a Form 813 authorizing release of the cotton to the buyer or his transferee. All or part of the equity purchase price stipulated in the contract may be paid to the producer at the time the contract is executed. The contract to sell the producer's equities in loan cotton must be executed after the loans on the cotton have been disbursed. The date specified for transferring his equities and executing Form 813 shall not be later than May 31 following the calendar year in which the cotton is grown. A Form 813 and (related equity transfers, if applicable) will be void if the Form 813 is executed by a producer pursuant to a contract to sell loan equities which does not conform to these requirements. If the purchaser of a producer's equities in loan cotton fails to comply with the terms of such contracts to sell loan equities, accepts from producers undated or postdated Forms 813, or commits other acts of misconduct under the program showing a serious lack of business integrity or business honesty, he may be suspended or debarred from contracting with CCC and from otherwise participating in programs administered or financed by CCC.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date: The amendment is effective upon filing with the FEDERAL REGISTER for publication.

Signed at Washington, D.C., on October 21, 1969.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-12762; Filed, Oct. 24, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

"Made in U.S.A." Label on Clock-Radios Containing an Imported Component

§ 15.375 "Made in U.S.A." label on clock-radios containing an imported component.

(a) The Commission rendered an advisory opinion to a manufacturer of clock-radios which are partly domestic and partly of Japanese origin, and which the manufacturer wishes to label as "Made in U.S.A."

(b) The finished product, except for the radio chassis which is of Japanese origin, will be manufactured and assembled in the United States. Although the imported chassis will be marked with the country of origin at the time of importation, the mark will not be visible to prospective purchasers after the imported part is assembled into the finished product. The imported chassis will cost approximately \$2 or 29 percent of total production cost, with the remaining 71 percent being of domestic parts and labor.

(c) Concluding that such a product could not be unqualifiedly marked as "Made in U.S.A.", the Commission said: " * * * it would be improper to use the 'Made in U.S.A.' mark on the clock-radios without clearly disclosing the foreign country of origin of the imported radio chassis."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 24, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12772; Filed, Oct. 24, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Foreign Labor Services Performed on Domestically Produced Textile Fiber Products

§ 15.376 Disclosure of foreign labor services performed on domestically produced textile fiber products.

(a) The Commission advised a manufacturer of textile fiber products it would not be necessary to disclose that certain stitching and assembly operations were performed in Tijuana, Mexico, on domestically produced sportswear.

(b) The manufacturer will cut and otherwise prepare American-made fabrics together with such findings as but-

tons, zippers, and threads which will be sent to a contract factory in Mexico for stitching and other assembly operations. The units will be then returned to the manufacturer's production facilities where final manufacturing procedures will occur. The manufacturer's foreign labor costs will represent between 15 percent and 20 percent of total production costs.

(c) The manufacturer was advised by the Commission that it would not be necessary to disclose in the labeling the nature and extent of the foreign operations performed on the garments in Mexico under the laws it is empowered to enforce.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 24, 1969.

By direction of the Commission.¹

[SEAL] JOSEPH D. SHEA,
Secretary.

[F.R. Doc. 69-12773; Filed, Oct. 24, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Device for Creasing Cigarettes

§ 15.377 Device for creasing cigarettes.

(a) The Commission rendered an advisory opinion in regard to the advertising claims to be made for a device which allegedly provides the "answer to safer smoking".

(b) Specifically, the manufacturer requested an advisory opinion in regard to the legality of the following proposed advertising:

(c) "The (name of device) is a revolutionary invention that provides the answer to safer smoking. It reduces gases as well as tar and nicotine. The device prevents formation of high temperature gases in cigarettes, thereby reducing the hazards of smoking. You can use the (name of device) on any popular brand of cigarette, including filter cigarettes. Independent laboratory tests substantiate the claim that the (name of device) significantly reduces tar, nicotine, and gases in the popular brands of cigarettes. The (name of device) re-engineers your cigarette to give a less harmful smoke. In addition, unsolicited testimonials state that the smoker enjoys a cooler and more flavorful cigarette, reduces smoker's cough and avoids harsh bite found in many brands of cigarettes."

(d) In the advisory opinion which was rendered to the requesting party, the Commission said:

(e) "The Commission has carefully considered your request along with the laboratory reports and other material submitted in connection therewith and has concluded that the data do not support the claims made in the proposed advertising. The conclusions offered on the basis of the laboratory tests cannot

¹ Commissioners Dixon and MacIntyre dissenting.

be accepted because such tests do not provide statistically valid data from which tar and nicotine reduction claims may be justifiably made. Nor do the tests otherwise conform to the Commission's standards for cigarette testing described in the Commission's press release issued August 1, 1967. Moreover, tests by the Commission's Cigarette Testing Laboratory indicated that there are no statistically significant reductions in the tar or nicotine content of cigarettes decreased by means of the device.

(f) "In addition to the methodological infirmities of the submitted data, the Commission also notes that none of the reports submitted shows that the alleged reductions of tar, nicotine, and benzopyrene content result in a decrease in the incidence of cancer, coronary heart disease, bronchitis, pulmonary emphysema, or other diseases associated with cigarette smoking. Nor do the tests otherwise establish that the claimed reductions of tar, nicotine, or benzopyrene content obtained by means of your device significantly reduce the health hazards of smoking. In short, there appears to be no substantial scientific evidence in support of the claim that the device 'provides the answer to safer smoking'."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 24, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12774; Filed, Oct. 24, 1969;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 2009; Amdt. No. 39-864]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Models 744, 745D and 810 Series Airplanes

Amendments 658 (28 F.R. 13931), AD 63-27-5 as amended by Amendment 39-126 (30 F.R. 11029), requires inspection of the fuselage frame, top spigot, and socket fittings and attachment bolts and repair, reinforcement, or replacement of any parts found cracked on Viscount 744, 745D, and 810 Series Airplanes.

Under the foregoing amendments leading edge frame structure reinforcing plates P/A 70152-2787/8 would be installed in accordance with Modification D3072 Part (a) and FG 1928 Part (a). However, the manufacturer has subsequently developed an improved design reinforcing plate P/N 70152-3311/12 which is incorporated in Modification D3072 Part (d) and FG 1928 Part (d). Therefore, AD 63-27-5 is further amended to permit the incorporation of the improved design reinforcing plates.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations, Amendment 658 (28 F.R. 13931) as amended by Amendment 39-126 (30 F.R. 11029) is further amended by striking out the reference to "Mod. D3072" and "Mod. FG 1928 Part (a)" in paragraph (b) (2) and inserting reference to "Mod. D3072 Part (a) or Part (d)" and "Mod. FG 1928 Part (a) or Part (d)", respectively, in place thereof.

This amendment becomes effective October 30, 1969.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-12797; Filed, Oct. 24, 1969;
8:48 a.m.]

[Airspace Docket No. 69-EA-122]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of the Federal Aviation Regulations so as to alter the Quantico, Va., control zone (34 F.R. 4617).

Effective October 10, 1969, the hours of operation of the control tower at Marine Corps Air Station, Quantico, Va., were changed to 0700 to 2200 hours local time, Wednesday and Thursday; 0700 to 1800 hours local time, Friday through Tuesday. The weather observation and reporting requirements to support the control zone will be available only during the hours the control tower is operating. Alteration, therefore, of the Quantico, Va., control zone designation to coincide with these hours is required.

Since the amendment is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal area of Quantico, Va., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of the Federal Aviation Regulations so as to add the following to the description of the Quantico, Va., control zone: "This control zone is effective from 0700 to 2200 hours, local time, Wednesday and Thursday; from 0700 to 1800 hours, local time, Friday through Tuesday."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), DOT Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on October 14, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-12798; Filed, Oct. 24, 1969;
8:48 a.m.]

[Airspace Docket No. 69-WE-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On August 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13608) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 107 from Los Banos, Calif., to Oakland, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows: In V-107 "12 AGL Oakland, Calif.," is deleted and "Oakland, Calif., including an E alternate via INT Los Banos 317 and Oakland 110" radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 17, 1969.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 69-12799; Filed, Oct. 24, 1969;
8:48 a.m.]

[Airspace Docket No. 69-AI-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

On September 20, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14658) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the Minchumina, Alaska, control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

In § 71.171 (34 F.R. 4557) the Minchumina, Alaska, control zone is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on October 16, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-12800; Filed, Oct. 24, 1969;
8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Order No. 391; Docket No. R-372]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Direct Natural Gas Service for Drilling or Testing—Annual Reporting Requirement

OCTOBER 20, 1969.

This order amends § 157.22(c) and (e) of the regulations under the Natural Gas Act to require persons undertaking construction and operation of facilities or service, pursuant to § 157.22(b), to file a single annual statement with respect to such activities. It does not attempt to alter the substance of the reporting requirements thereunder.

Section 157.22(b) permits persons to construct and operate such facilities without a certificate when they are used to render direct natural gas service for the drilling of gas or oil wells or for the testing and purging of new pipeline facilities. Persons undertaking such construction and operation are presently required to report to the Commission within 10 days following initiation of the activity (§ 157.22(c)) and, after termination of that activity, to report that fact to the Commission within 10 days (§ 157.22(e)).

In the past, the Commission has granted petitions for permission to file an annual statement regarding § 157.22(b) activities in lieu of filing a report after each instance of construction and operation. These waivers of § 157.22 (c) and (e) were granted to relieve the petitioners of the burden of filing a large number of reports during the year. We find that several other companies have filed 10 or more reports during the 1969 fiscal year. An amendment to the regulations requiring persons undertaking these ac-

tivities to file only an annual statement would relieve them and the Commission of considerable time and expense occasioned by the present regulation without affecting the value of those reports to the Staff. An annual statement regarding emergency operations undertaken without certification pursuant to § 157.22 (a) would not be desirable because the Commission should be informed promptly on matters concerning possible service interruptions and because there have been occasions when the Staff has questioned a company's interpretation of the emergency regulation upon receipt of the report of a particular operation.

We shall, therefore, amend the Regulations to require all persons constructing and operating facilities pursuant to § 157.22(b) to file an annual statement by February 1 each year with respect to such construction and operation during the preceding calendar year.

The Commission finds:

(1) This amendment does not require that any additional information be supplied by the parties affected and, in fact, simplifies their reporting procedure. Therefore good cause exists for the adoption herein of the amendments to § 157.22 without giving prior notice provided for by § 4 of the Administrative Procedure Act, 5 U.S.C. 553.

(2) The amendment herein adopted is necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the Natural Gas Act, as amended, particularly sections 7(c), 10(a), and 16 thereof (52 Stat. 825, 826, 830; 56 Stat. 83; 15 U.S.C. 717f(c), 717i, 717o), orders:

(A) Paragraph (c) of § 157.22, Part 157, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations is amended by deleting the words "or (b)" in the third line of the first sentence.

(B) Paragraph (e) of § 157.22, Part 157, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations is amended by substituting the following paragraph in lieu thereof:

§ 157.22 Exemption of temporary acts and operations.

(e) Operations undertaken without certificate authorization pursuant to paragraph (b) of this section shall be terminated upon the completion of the well or the purging or testing of the pipeline facilities. Every person undertaking any construction and operation of facilities or service under paragraph (b) of this section shall file an original and two copies of an annual statement, by February 1 of each year, showing for each such construction and operation of facilities or service made during the previous calendar year:

(1) Description of the operation and specific facilities constructed including their location.

(2) Sales or service involved including total volume of gas delivered and revenues received.

(3) Dates of commencement and termination of the sales or service.

(4) Identification of the contract covering the sales or service, as required to

be filed or reported under Part 155 of this chapter.

(C) The amendment herein adopted shall become effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12756; Filed, Oct. 24, 1969;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-236]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Additional Invoicing Information

In connection with the ruling changing the practice of classifying boiled wool (T.D. 69-196), and pursuant to section 481(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1481(a)(10)), the Bureau of Customs gave notice in the FEDERAL REGISTER of August 28, 1969 (34 F.R. 13746) of its proposal to amend section 8.13(h) of the Customs Regulations to require additional information on or with invoices of boiled wool.

Upon review of all the evidence, the Bureau hereby amends § 8.13(h) to add to the list of merchandise in proper alphabetic order the following:

Wool, Boiled, classifiable under item 307.30 or 307.18, Tariff Schedules of the United States. (T.D. 69-236). A certification in the following form signed by a government official of the country of exportation having actual knowledge of the pertinent facts:

I hereby certify that the wool in the shipment described below consists of wool fibers recovered by means of a sulfuric acid boil from (raw) (tanned) (raw and tanned) sheepskin scrap.

Date _____
Signature _____
Title of position _____
No. of bales _____
Marks and Nos. _____
Other identification _____

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 66, 1481, 1624)

This amendment shall only apply to such boiled wool as is entered, or withdrawn from warehouse, for consumption on or after December 10, 1969.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved October 21, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 69-12794; Filed, Oct. 24, 1969;
8:48 a.m.]

¹ Promulgated by Order No. 192 in Docket No. R-151, issued Nov. 20, 1956 (16 FPC 496).

² United Gas Pipe Line Company, 38 FPC 1192 and Tennessee Gas Pipeline Company, issued Sept. 5, 1969, 42 FPC _____.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-Ethyl Cyclohexylethylthiocarbamate

A petition (PP 9F0839) was filed with the Food and Drug Administration by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for negligible residues of the herbicide S-ethyl cyclohexylethylthiocarbamate in or on the raw agricultural commodities beet roots and beet tops at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.212 is revised to read as follows to establish the subject tolerances:

§ 120.212 S-Ethyl cyclohexylethylthiocarbamate; tolerances for residues.

Tolerances are established for residues of the herbicide S-ethyl cyclohexylethylthiocarbamate in or on the raw agricultural commodities garden beets (roots and tops), spinach, and sugar beets (roots and tops) at 0.05 part per million (negligible residue).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 17, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-12760; Filed, Oct. 24, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYSULFONE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2301) filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of polysulfone resins as articles or components of articles intended for repeated food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2613 Polysulfone resins.

Polysulfone resins identified in paragraph (a) of this section may be safely used as articles or components of articles intended for repeated use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, polysulfone resins (poly(oxy-p-phenylenesulfonyl - p - phenyleneoxy - p - phenylene) resins) consist of basic resins produced when the disodium salt of 4,4'-isopropylidenediphenol is made to react with 4,4'-dichlorodiphenyl sulfone such that the finished resins have a minimum number average molecular weight of 24,000, as determined by osmotic pressure in monochlorobenzene.

(b) The basic polysulfone resins identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic resins. The optional adjuvant substances required in the production of the basic polysulfone resins may include substances described in § 121.2500(d) and the following:

List of substances	Limitations
Dimethyl sulfoxide...	Not to exceed 50 p.p.m. as residual solvent in finished basic resin.
Monochlorobenzene --	Not to exceed 500 p.p.m. as residual solvent in finished basic resin.

(c) The finished food-contact article, when extracted at reflux temperatures for 6 hours with the solvents distilled water, 50 percent (by volume) ethyl al-

cohol in distilled water, 3 percent acetic acid in distilled water, and n-heptane, yields total extractives in each extracting solvent not to exceed 0.05 milligram per square inch of food-contact surface. (NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

(d) In accordance with good manufacturing practice, finished food-contact articles containing the polysulfone resins shall be thoroughly cleaned prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: October 17, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-12759; Filed, Oct. 24, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 128—Coast Guard, Department of Transportation

[CFR 69-113]

PART 128-1—GENERAL

Deletion of Duplicated Requirements

This document amends the Coast Guard Procurement Regulations by deleting certain provisions which have been duplicated by recent changes to the Department of Transportation Procurement Regulations. In view of these recent changes, the deleted provisions of the Coast Guard Procurement Regulations are no longer required to implement or supplement the Department of Transportation Procurement Regulations.

Since this amendment relates to agency management and contracts, it is exempted from the requirements of the Administrative Procedure Act (5 U.S.C.

553) relating to notice, public procedures thereon and effective date.

1. Subpart 12B-1.2 is amended by deleting §§ 12B-1.254 and 12B-1.255.

2. Subpart 12B-1.3 is amended by deleting §§ 12B-1.351 and 12B-1.352.

3. Subparts 12B-1.51 and 12B-1.52 are deleted.

(Sec. 633, Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (ch. 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b); 41 CFR 12-1.008.)

Effective date. These amendments shall become effective upon publication in the *FEDERAL REGISTER*.

Dated: October 22, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 69-12793; Filed, Oct. 24, 1969;
8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Puget Sound Intrastate Air Quality Control Region

On July 23, 1969, notice of proposed rule making was published in the *FEDERAL REGISTER* (34 F.R. 12185) to amend Part 81 by designating the Puget Sound Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on August 5, 1969. Due consideration has been given to all relevant material presented, with the result that Kitsap County, Wash., not in the original proposal, has been added to the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.32, as set forth below, designating the Puget Sound Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.32 Puget Sound Intrastate Air Quality Control Region.

The Puget Sound Intrastate Air Quality Control Region (Washington) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean

Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Washington:

King County. Pierce County.
Kitsap County. Snohomish County.
(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: October 20, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-12770; Filed, Oct. 24, 1969;
8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4720]

[Oregon 3232]

OREGON

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of February 25, 1919, creating Public Water Reserve No. 61, Oregon No. 3, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 24 S., R. 29 E.,
Sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 80 acres in Harney County.

The lands are located 13 miles southwest of Burns, Oreg. The elevation is about 4,600 feet. The soil is silt loam mixed with rock and gravel. The vegetative cover consists of big sagebrush, cheat grass, Sandberg's bluegrass, and other native shrubs, forbs, and grasses.

2. At 10 a.m. on November 25, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 25, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on November 25, 1969. They have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land

Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 20, 1969.

[F.R. Doc. 69-12791; Filed, Oct. 24, 1969;
8:48 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 22; Amdt. No. 71-7]

PART 71—STANDARD TIME ZONE BOUNDARIES

Operating Exceptions for Certain Lines of Railroad

The purpose of this amendment to Part 71 of Title 49 of the Code of Federal Regulations is to add an operating exception for the Union Pacific Railroad to the list of operating exceptions permitting certain railroad operations crossing the mountain-central time zone boundary into the central zone to be conducted on mountain time. The exception will permit operation on mountain time from the east line of Wallace County, Kans., to Ellis, Kans.

Since this amendment involves the establishment of a new exception required by the relocation of the mountain-central time zone boundary in Kansas that will become effective on October 26, 1969 (34 F.R. 13415), I find that notice and public procedure thereon are impracticable and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective at 2 a.m., on October 26, 1969, subparagraph (1) of § 71.6(f) of Title 49 of the Code of Federal Regulations is amended by adding the following at the end thereof:

§ 71.6 Boundary line between central and mountain zone.

(f) Operating exceptions—(1) Lines east of boundary excepted from central zone. * * *

Railroad	From	To—
Do.....	East line of Wallace County, Kans.	Ellis, Kans.

This action is taken under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-267); § 6(e) (5) of the Department of Transportation Act (49 U.S.C. 1655(e) (5)); and § 1.8(i) (2) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.8(i) (2)).

Issued in Washington, D.C., on October 21, 1969.

JAMES A. WASHINGTON, JR.,
General Counsel.

[F.R. Doc. 69-12805; Filed, Oct. 24, 1969;
8:49 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1034]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co. Authorized To Operate Over Trackage of Kansas City Public Service Freight Operation

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of October 1969.

It appearing, that the Kansas City Public Service Freight Operation is unable to continue operations, thereby depriving shippers located on its line of freight service; that the Missouri Pacific Railroad has agreed to serve industries located on certain trackage of the Kansas City Public Service Freight Operation, pending approval by the Commission of an application of the Missouri Pacific Railroad Co. for permanent authority to operate over this trackage; that the Commission is of the opinion that operation by the Missouri Pacific Railroad Co. over certain trackage of the Kansas City Public Service Freight Operation at Kansas City, Mo., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1034 Missouri Pacific Railroad Co. authorized to operate over trackage of the Kansas City public service freight operation.

(a) The Missouri Pacific Railroad Co. be, and it is hereby, authorized to operate over certain trackage of the Kansas City Public Service Freight Operation at Kansas City, Mo., from a point of connection between these companies known as Dodson, Mo., eastward to the center

line of Prospect Street, a distance of approximately 1,800 feet, and westward for a distance of approximately 2,298 feet, for a total distance of 4,098 feet.

(b) Application: The provisions of this section shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) Rates applicable: Inasmuch as this operation by the Missouri Pacific Railroad Co. over tracks of the Kansas City Public Service Freight Operation is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Missouri Pacific Railroad Co. over these tracks of the Kansas City Public Service Freight Operation shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Effective date: This section shall become effective at 12:01 a.m., October 24, 1969.

(e) Expiration date: The provisions of this section shall expire at 11:59 p.m., March 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12775; Filed, Oct. 24, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kesterson National Wildlife Refuge, Calif.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA

KESTERSON NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules is permitted in accordance with applicable State regulations. Portions of the refuge which are open to hunting are designated by signs and delineated on maps available at refuge headquarters (San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, Calif. 93635) and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208.

Special conditions. (1) Hunting is permitted opening weekend, Wednesdays, and Sundays for the remainder of the State season.

(2) A permit is required for hunting and is available from the Refuge Manager at the California State Game Department checking station located at Los Banos Wasteway State Waterfowl Management Area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

TRAVIS S. ROBERTS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Ore.

OCTOBER 15, 1969.

[F.R. Doc. 69-12796; Filed, Oct. 24, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 913]

GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1969-70 Fiscal Period

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913, 34 F.R. 12428), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period beginning August 1, 1969, and ending July 31, 1970, will amount to \$32,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at \$0.005 per standard packed box.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 21, 1969.

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

[P.R. Doc. 69-12763; Filed, Oct. 24, 1969; 8:46 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Increase Payment to Handlers for Certain Services Performed Regarding Reserve Tonnage Raisins

Notice is hereby given of a proposal to amend Subpart—Schedule of Payments so as to provide a single payment to handlers for receiving, storing, handling, and fumigating reserve tonnage raisins during the crop year of acquisition at a combined higher rate of payment for such services. The proposed increased payment totals \$9.75 per ton. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. Said amended marketing agreement and order are effective under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Raisin Administrative Committee, established pursuant to said marketing agreement and order.

The Committee recommended that since handlers generally consider the receiving, storing, handling, and fumigating services as one item, the payment for these services should be combined into one item. The Committee proposed the higher payment rate to compensate handlers for increased labor, material, and other related necessary costs involved in providing these services for reserve raisins.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend paragraph (a) of § 989.401 by deleting therefrom subparagraph (3) and revising subparagraph (1) thereof to read as follows:

(1) *Receiving, storing, handling, and fumigating.* Each handler shall, beginning with the crop year which began September 1, 1969, be compensated at the rate of \$9.75 per ton (natural condition weight at the time of acquisition)

for receiving, storing, handling, and fumigating the reserve tonnage raisins, as determined by the final reserve tonnage percentage, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

Dated: October 21, 1969.

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

[P.R. Doc. 69-12764; Filed, Oct. 24, 1969; 8:46 a.m.]

[7 CFR Part 1136]

[Docket No. AO-309-A15]

MILK IN GREAT BASIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of a public hearing to be held at the Holiday Inn (airport), 1659 West North Temple, Salt Lake City, Utah 84116, beginning at 9:30 a.m., local time, on November 19, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

Proposed by Hill Top Dairy and Valley View Dairy:

Proposal No. 1. Delete the cities of Preston and Malad City, Idaho, from the marketing area (§ 1136.6).

Proposed by Buttercup Dairy Farms, Harris Dairy, Mountain View Dairy,

Valley View Dairy, Hansen's Cow Palace, Ute's Dairy, Temple View Dairy, Deanway Dairy, and Cache Meadow Farm:

Proposal No. 2. Delete Cache and Rich Counties, Utah, from the marketing area (§ 1136.6).

Proposed by Hi-Land Dairyman's Association:

Proposal No. 3. Amend § 1136.6 (definition of "marketing area").

Add to the marketing area (§ 1136.6) the following counties in the State of Utah: Beaver, Garfield, Iron, Kane, Piute, San Juan, Washington, Wayne, and also the city of Page located in Coconino County, Ariz.

Proposal No. 4. Section 1136.10 should be amended to read: *Approved plant.* "Approved plant" means a plant (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

Proposal No. 5. Sections 1136.13(b) and 1136.13(b)(1) should be amended to read: *Producer milk* * * * (b) Diverted by a handler from a pool plant to a nonpool plant. Such handler may divert the milk of any producer from whom at least three deliveries of milk have been received at a pool plant during the month in an amount equal to not more than the following: (1) For a handler pursuant to § 1136.9(a), 25 percent of the producer milk received at pool plants. Diversions in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.

Proposal No. 6. Section 1136.15 *Fluid milk product* should be amended to read: "Fluid milk product" means milk, skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk, and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated or condensed milk (plain or sweetened), and sterile products in hermetically sealed metal and glass containers).

Proposal No. 7. (a) The following provision should be included as § 1136.41 (a)(2): In inventory of fluid milk products in packaged form on hand at the end of the month.

By adding this subparagraph, it will be necessary to assign the number (3) to the existing subparagraph (2).

(b) Section 1136.41(c)(2) should be amended to read: Contained in inventories of bulk fluid milk products on hand at the end of the month;

(c) Section 1136.41(c)(3) should be amended to read: (3) Contained in fluid milk products and cottage cheese disposed or for livestock feed (skim milk portion only);

(d) Section 1136.41(c)(4) should be amended to read: (4) Contained in fluid

milk products and cottage cheese products dumped (skim milk portion only) after prior notification to and opportunity for verification by the market administrator;

Proposal No. 8. Section 1136.42(c)(1) should be omitted. This will necessitate renumbering of the balance of this paragraph.

Proposal No. 9. The introductory text of § 1136.44 should be amended to read as follows: § 1136.44 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9(c) by each handler as follows:

Amend §§ 1136.41(c)(5), 1136.45, 1136.70, and any other sections of the order to allow for a system allocation and shrinkage rather than individual plant allocation and shrinkage.

Proposal No. 10. Amend § 1136.52(a) to read as follows: (a) *Class I milk.* Multiply the butter price for the preceding month by 1.25 divide the result by 10 and round to the nearest one-tenth cent.

Proposal No. 11. Amend § 1136.53(a) *Location differentials to handlers* to read as follows: (a) For milk which is received from producers and from cooperative association handlers pursuant to § 1136.9(c) at a pool plant, or diverted to a nonpool plant located more than 200 miles by shortest highway distance as measured by the market administrator, from the plant to the nearest city hall located in Brigham City, Richfield, or Vernal, all in Utah; and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.52(a) shall be reduced by 30 cents if such plant is located more than 200 miles but not more than 210 miles from such city hall and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 210 miles.

Proposal No. 12. Add a new § 1136.63 as follows:

§ 1136.63 *Exempt handlers.*

Any distributing plant (except a plant of a producer distributor) from which less than an average of 300 pounds of Class I milk per day is disposed of on routes in the marketing area during the month is exempt.

Proposal No. 13. Amend § 1136.70(e) to read as follows:

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received (but the adjusted price not to be less than the Class III price), with respect to skim milk and butterfat subtracted from Class I pursuant to

§ 1136.44(a)(7) and the corresponding step of § 1136.44(b).

Proposed by Federated Dairy Farms: **Proposal No. 14.**

§ 1136.83 *Payments out of the producer-settlement fund.*

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount specified in § 1136.82(b) exceeds the amount specified in § 1136.82(a): *Provided*, That the handler has discharged his obligation to producers in accordance with § 1136.80 in previous months in which payments were made pursuant to this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

Proposal No. 15. That § 1136.13 be amended by striking from paragraph (b) the language of the first sentence following the word "or", so that (b) would read:

(b) "Diverted by a handler from a pool plant to a nonpool plant", and there would be deleted the following language: "or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant."

Proposal No. 16. Section 1136.41 should be amended so that the inventory of packaged fluid milk at the end of the month be in Class I, but that bulk fluid milk products be, as now provided, in Class III. This can be done by amending § 1136.41(c)(2) by adding after the first "of" the word "bulk", so that said sentence would read as follows: " * * * contained in inventory of bulk fluid milk products on hand at the end of the month".

Proposal No. 17. Delete paragraphs (a) and (b) of § 1136.8. Substitute therefor the following:

(a) Operates a dairy farm at which milk is produced;

(b) Operates an approved plant and distributing facilities at which the milk and milk products received are limited to the sources and the amounts herein specified:

(1) Milk from own-farm production, and (2) fluid milk products from pool plants plus nonfluid other source milk, the total of which does not exceed 3,000 pounds or 5 percent of subparagraph (1) hereof, whichever is less.

Proposal No. 18. Clarify the diversion provisions with respect to the pricing point for diverted milk.

Proposed by Winder Dairy:

Proposal No. 19. Amend § 1136.84 by designating the present provisions of said section as paragraph (a) and adding a paragraph (b) as follows:

(b) Any unpaid obligation of a handler pursuant to § 1136.82 or paragraph (a) hereof relative to payments to the producer-settlement fund shall be increased by 1 percent on the 3d day following the due date of such obligation and the obligation shall be increased by 1 percent on the 15th day of each

month thereafter until such obligation is paid.

Proposal No. 20. Delete § 1136.8 and substitute therefore the following:

§ 1136.8 Producer-handler.

Producer-handler means any individual, partnership, or corporation that satisfies each of the following provisions:

(a) Operates an approved plant and produces milk: *Provided*, That operation of the plant and the dairy herd are under the complete and exclusive control and at the sole risk of such producer-handler.

(b) Receives no fluid milk product from any source except his own farm production.

(c) Uses no nonfluid milk product for the production of fluid milk products.

(d) Disposes of fluid milk products only on the same premise where his milk production is located, and only to retail customers.

Proposed by Smoot Jersey Farms:

Proposal No. 21. Amend the definition of "producer-handler" as contained in § 1136.8, by deleting the entire definition as therein contained and substituting therefor the following material:

"Producer-handler" means any individual, partnership, or corporation which operates a dairy farm and a distributing plant and which receives no fluid milk products during the month from other dairy farms or from any other source, except by transfer from a pool plant. Such individual, partnership, or corporation must provide satisfactory proof to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such individual, partnership or corporation.

Proposed by Independent Milk Producers of Utah:

Proposal No. 22. Amend the definition of producer-handler as contained in § 1136.8 as follows:

"Producer-handler" means an individual, or a partnership or corporation for which written articles of partnership or incorporation are furnished to the market administrator, which:

(a) Produces milk and operates an approved plant described in § 1136.10(a);

(b) Receives, either at such plant or for disposition on routes only milk from (1) his own farm production, and (2) from pool plants in an amount during the month not in excess of the larger of 3,000 pounds or 5 percent of such person's Class I sales; and

(c) The operation of the milk production, processing, and distribution facilities are under the complete and exclusive control of such person and at his sole risk.

(d) Produces milk at a milking facility owned by such individual, partnership, or corporation.

Proposed by Heber Valley Milk Co.:

Proposal No. 23. Amend § 1136.9 as follows:

§ 1136.9 Handler.

"Handler" means:

(a) Any person in the capacity as the operator of one or more (1) pool plants, (2) partially regulated distributing plants, or (3) other approved plants described in § 1136.10(a);

(b) Any person with respect to milk diverted for its account as described in § 1136.13; and

(c) Any person with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such person, if the person notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from the producers by the person.

Proposal No. 24. Amend § 1136.10 as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant which either receives milk from a producer or producers or possesses the approval of any duly constituted health authority for the processing or packaging of Grade A fluid products, and (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

Proposal No. 25. Amend § 1136.11(a) as follows:

§ 1136.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except the plant of a producer-handler as described in § 1136.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes. If any handler operating an approved plant as defined in § 1136.10(a) causes producer milk to be delivered to a pool plant pursuant to this paragraph, such producer milk shall be included for the computations made pursuant to this paragraph for such handler's plant along with the receipts of producer milk at such handler's plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products disposed of on routes from such handler's plant. If such handler operates more than one approved plant as defined in § 1136.10(a), such producer milk and Class I milk shall be included

in the computation for whichever plant the person requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator.

Proposal No. 26. Amend § 1136.13 as follows:

§ 1136.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) [No change]

(b) [No change]

(1) For a handler pursuant to § 1136.9(a), 25 percent of the producer milk received from the producers of such handler: *Provided*, That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk. Diversion in excess of such percentage shall not be considered producer milk, and the diverting handler shall specify the producer whose milk is ineligible as producer milk.

(2) [Delete]

(3) Two or more handlers may have their allowable diversions computed on the basis of the combined deliveries of milk of their producers if each handler has filed such a request in writing with the market administrator on or before the 1st day of the month the agreement is effective. A request shall specify the basis for assigning overdiverted milk to the producer members of each handler according to a method approved by the market administrator; and

(c) Received by a handler as defined pursuant to § 1136.9(c).

Proposal No. 27. Amend § 1136.14(a) as follows:

§ 1136.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, (3) milk received from a person for which the person is a handler pursuant to § 1136.9(c);

Proposal No. 28. Amend § 1136.40 as follows:

§ 1136.40 Responsibility of handlers.

(a) [No change]

(b) For the purposes of §§ 1136.41 through 1136.45, 1136.50 through 1136.54, and 1136.70 through 1136.74, milk delivered by a handler pursuant to § 1136.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's

net pool obligation pursuant to § 1136.70.

(c) In the case of milk received from producers of a handler pursuant to § 1136.9(c), the handler shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I and the operator of a pool plant receiving skim milk and butterfat from a handler pursuant to § 1136.9(c) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I.

Proposal No. 29. Amend § 1136.41 as follows:

§ 1136.41 Classes of utilization.

Subject to the conditions set forth in §§ 1136.42 through 1136.45 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from an approved plant in the form of a fluid milk product except:

(i) Those classified pursuant to paragraph (c) (3), (4), and (7) of this section; and

(ii) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; or

(2) Any product specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese, and cream (sweet or sour).

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of bulk fluid milk products on hand at the end of the month and specifically excluding packaged fluid milk products.

(3) [No change]

(4) [No change]

(5) In shrinkage of skim milk and butterfat, respectively, at each pool plant or for which the operator is the handler pursuant to § 1136.9(c), assigned pursuant to § 1136.45(b) (1), but not to exceed the following:

(i) [No change]

(ii) [No change]

(iii) One and one-half percent of milk received by a handler for such milk pursuant to § 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be 2 percent); plus

(iv) [No change]

(v) [No change]

(vi) [No change]

(6) [No change]

(7) [No change]

(8) [No change]

(9) In the form of flavored cream-sugar product containing at least 8 percent by weight of sugar, which product is disposed of to a bakery solely for the purpose of processing said product into bakery products. The containers utilized

in such disposition shall be clearly labeled as bakery cream.

Proposal No. 30. Amend § 1136.42 as follows:

§ 1136.42 Transfers.

Skim milk and butterfat transferred from a pool plant of a handler shall be classified as follows:

[No other changes.]

Proposal No. 31. Amend § 1136.43(c) as follows:

§ 1136.43 Computation of skim milk and butterfat in each class.

(c) Producer milk for which a handler is responsible pursuant to § 1136.9 (b) or (c) shall be treated separately from the operations of any pool plant(s) operated by such handler for the purpose of allocation pursuant to § 1136.44 and computation of obligation pursuant to § 1136.70.

Proposal No. 32. Amend § 1136.44 as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each handler pursuant to § 1136.9 (b) and (c) which was not received in a pool plant and the classification of milk received from producers and from handlers pursuant to § 1136.9(c) by each handler (or pool plant, if applicable) as follows:

[No other changes.]

Proposal No. 33. Amend § 1136.53 as follows:

§ 1136.53 Location differentials to handlers.

In paragraph (a) thereof change the words "cooperative association" to "handler"; and in paragraph (b) thereof change the words "cooperative associations" to the word "handlers".

Proposal No. 34. Amend § 1136.70 as follows:

§ 1136.70 Computation of the net pool obligation of each pool handler.

Eliminate from the first paragraph thereof the words "cooperative association".

Proposed by Beatrice Foods Co.:

Proposal No. 35. Consideration should be given to lowering the Class I milk price.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 36. In § 1136.31(b) the wording "or a plant exempt pursuant to the second proviso of § 1136.11(a)", should be deleted.

Proposal No. 37. In § 1136.32 Payroll reports, the wording "or one exempt pursuant to the second proviso of § 1136.11(a)", should be deleted.

Proposal No. 38. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Dr. H. Alan Luke, 1477 South 11th East, Salt Lake City, Utah 84106, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on October 22, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-12765; Filed, Oct. 24, 1969; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 133]

DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING

Extension of Time for Filing Comments on Proposed Revision

The notice published in the FEDERAL REGISTER of August 22, 1969 (34 F.R. 13553), proposing a revision of §§ 133.1 through 133.14 to clarify, strengthen, and make more specific the good manufacturing practice regulations for drugs, provided for the filing of comments within 60 days after said publication date.

The Commissioner of Food and Drugs has received requests to extend such time and, good reason therefor appearing, the time for filing comments on the subject proposal is hereby extended to November 20, 1969.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 701(a), 52 Stat. 1049-50, as amended, 1055; 21 U.S.C. 351, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 20, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-12806; Filed, Oct. 24, 1969; 8:49 a.m.]

Public Health Service

[42 CFR Part 74]

CLINICAL LABORATORIES, LETTER OF EXEMPTION, AND SMALL OR INFREQUENT OPERATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to qualify the exemption

for certain laboratories now provided in Part 74 (Clinical Laboratories) of title 42, § 74.2(b)(1) excludes from applicability any laboratory with respect to any category, as defined therein, in which it accepts no more than 100 specimens during any calendar year. It has become apparent that proper administration of the Act requires identification, as promptly as possible, of laboratories engaged in soliciting or accepting specimens in interstate commerce without regard to the number of specimens accepted. Accordingly, it has been determined that each such laboratory shall be required to obtain a letter of exemption.

Data, views, and arguments may be submitted in writing, in triplicate, to the Director, National Communicable Disease Center, 1600 Clifton Road, Northeast, Atlanta, Ga. 30333. All relevant material received within 30 days after publication of this notice in the *FEDERAL REGISTER* will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 60 days after publication in the *FEDERAL REGISTER*.

The provisions of paragraph (b) of § 74.2 (preceding subparagraph (2)) would be amended to read as follows:

(b) The regulations in this part do not apply to the following:¹

(1) Any laboratory with respect to any category in which it accepts no more than 100 specimens during any calendar year; *Provided*, That the laboratory holds an unrevoked and unsuspended letter of exemption for such category issued upon application submitted by such laboratory to the Director and upon its agreement to maintain and make available such accession and other records, submit such information and reports, and comply with such provisions of this part as the Secretary may reasonably find necessary to determine its initial and continuing eligibility for exemption under this paragraph. For purposes of this paragraph, a category shall be one of the following: (i) microbiology and serology; (ii) clinical chemistry; (iii) immunohematology; (iv) hematology; (v) pathology; (vi) radiobiology assay.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216)

Dated: September 19, 1969.

[SEAL] JOSEPH T. ENGLISH,
Administrator, Health Services
and Mental Health Administration.

Approved: October 20, 1969.

ROBERT H. FINCH,
Secretary.

[P.R. Doc. 69-12769; Filed, Oct. 24, 1969;
8:46 a.m.]

¹ The coverage of services of independent laboratories under section 1861 of the Social Security Act, as amended, 42 U.S.C. 1395x, is subject to the provisions of Title 20, Code of Federal Regulations, Part 405, and the regulation of biological products under section 351 of the Public Health Service Act, as amended, 42 U.S.C. 262, is subject to the provisions of Title 42, Code of Federal Regulations, Part 73.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9930; Notice 69-45]

AIRWORTHINESS DIRECTIVE

British Aircraft Corporation Model
BAC 1-11, 200 and 400 Series
Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to BAC 1-11, 200 and 400 Series Airplanes. There have been reports of failures in the flap signal mechanism that caused a false position signal in the flap control unit. This could result in structural damage to the flaps. Since this condition is likely to develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the flap signaling mechanism and flap control unit to ensure that a 0° flap position is attained when selected.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 24, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11, 200, and 400 Series Airplanes.

To prevent false indication of a retracted flap position which could result in a failure of the flap structure in flight, within the next 1,500 hours' time in service after the effective date of this AD unless already accomplished, modify the flap signalling mechanism and flap control unit in accordance with British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 27-PM 3550, Revision 2, dated February 3, 1969, or later ARB-approved issue or an FAA-approved equivalent. (British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM 3550, dated Aug. 18, 1968, covers the same subject).

Issued in Washington, D.C., on October 17, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[P.R. Doc. 69-12801; Filed, Oct. 24, 1969;
8:49 a.m.]

[14 CFR Part 39]

[Docket No. 9929; Notice 69-44]

AIRWORTHINESS DIRECTIVE

British Aircraft Corp. Viscount Models
744, 745D and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Viscount Models 744, 745D, and 810 series airplanes. There have been fatigue cracks found on the fuselage leading edge frame structure reinforcing plates which could reduce the structural integrity of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require a periodic inspection of the reinforcing plates and replacement of cracked plates.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 24, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount Model 744, 745D and 810 series airplanes, which have fuselage leading edge frame structure reinforcing plates, P/N 70152-2787/8 or P/N 70152-3311/12 installed.

To prevent failure of the fuselage leading edge frame structure, accomplish the following:

(a) For airplanes which have reinforcing plates, P/N 70152-2787/8 installed, visually inspect the reinforcing plates for cracks within the next 500 landings after the effective date of this AD, unless already accomplished within the last 500 landings, or within 1,000 landings after the reinforcing plates were installed, whichever occurs later,

and thereafter at intervals not to exceed 1,000 landings since the last inspection. If cracks are found, comply with paragraph (c) of this AD within the next 500 landings.

(b) For airplanes which have reinforcing plates, P/N 70152-3311/12 installed, visually inspect the reinforcing plates within the next 1,500 landings after the effective date of this AD unless already accomplished within the last 1,500 landings or within 3,000 landings after the reinforcing plates were installed, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings since the last inspection. If cracks are found, comply with paragraph (c) of this AD within the next 500 landings.

(c) If cracks are found during the inspection required by paragraphs (a) and (b) of this AD, replace the cracked reinforcing plates with new plates P/N 70152-3311/12 by the incorporation of Modification D.3072 Part (d) (for Models 744 and 745D series airplanes) or Modification FG.1928 Part (d) (for Model 810 series airplanes), or FAA-approved equivalents.

(d) Upon request by the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for the operator.

(e) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the type aircraft.

(British Aircraft Corp., Ltd. Preliminary Technical Leaflets No. 242, Issue 4 (Models 744 and 745D airplanes) and No. 106, Issue 4 (Model 810 series airplanes) cover this subject and present an approved accessibility scheme to facilitate the inspections required by paragraphs (a) and (b).)

Issued in Washington, D.C., on October 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-12802; Filed, Oct. 24, 1969;
8:49 a.m.]

[14 CFR Part 39]

[Docket No. 9932; Notice No. 69-46]

AIRWORTHINESS DIRECTIVE

British Aircraft Corp. Viscount Models 744, 745D and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Viscount Models 744, 745D, and 810 series airplanes. There have been failures of the electrical generating system that went undetected until the battery source of electrical power was depleted, resulting in loss of power to the necessary emergency equipment. Since this condition is likely to develop on other airplanes of the same type design, the proposed airworthiness directive would require modifications of the electrical generating system.

Interested persons are invited to participate in the making of the proposed

rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 24, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D and 810 series airplanes.

To provide immediate indication of failures in the electrical generation system, to preclude a simultaneous failure of all generators, and to insure that emergency electrical power is supplied to certain emergency equipment necessary to continue flight to a safe landing, accomplish the following:

(a) For Model 744, 745D and 810 series airplanes, within the next 1,000 hours time in service after the effective date of this AD unless already accomplished, install a bus-bar under the voltage warning light in accordance with British Aircraft Corp. Modification Leaflet No. D3232, dated 1 August 1969 (for Model 744 and 745D airplanes) or No. PG 2107, dated 18 July 1969 (for Model 810 series airplanes) or later ARB-approved issues or an FAA-approved equivalent.

(b) For Models 744 and 745D airplanes, within the next 1,000 hours time in service after the effective date of this AD unless already accomplished—

(1) Install PVC sheathing over the generator equalizing lines in accordance with British Aircraft Corp. Bulletin for Modification No. D969, Issue 3, dated March 17, 1969, or a later ARB-approved issue or an FAA-approved equivalent; and

(2) Modify the electrical power distribution system in accordance with British Aircraft Corp. Modification Leaflet No. D3239 dated June 6, 1969, or a later ARB-approved issue or an FAA-approved equivalent to insure that the electrical power for the following equipment is supplied from the No. 4 D.C. Emergency Bus-Bar:

- (i) Pitot head heater No. 1 (port).
- (ii) Flight deck lighting (i.e., instrument panels, pedestals, magnetic compass and circuit breaker panels).
- (iii) D.C. and/or A.C. communication equipment for emergency communications.
- (iv) Artificial horizon.

Issued in Washington, D.C., on October 21, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-12803; Filed, Oct. 24, 1969;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-121]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Staunton, Va., control zone and alter the Staunton, Va., transition area (34 F.R. 4770).

The NDB (ADF) RWY 4 special instrument approach procedure for Shenandoah Valley Airport, Staunton, Va., predicated on the Laurel Hill, Va., non-Federal radio beacon has been revised and a new NDB (ADF-1) instrument approach procedure for Shenandoah Valley Airport, predicated on the Bridgewater, Va., non-Federal radio beacon has been established. In addition, a new NDB (ADF-1) has been established for Bridgewater Airpark, predicated on the Bridgewater, Va., radio beacon.

This will require alteration of the Staunton, Va., transition area to provide controlled airspace for the protection of aircraft executing the arrival and departure procedures at Bridgewater Airpark and Shenandoah Valley Airport and designation of a Staunton, Va., part-time control zone to protect aircraft executing the arrival and departure procedures for Shenandoah Valley Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Staunton, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Staunton, Va., control zone described as follows:

STAUNTON, VA.

"Within a 5-mile radius of the center (38°15'45" N., 78°53'50" W.), of Shenandoah Valley Airport, Staunton, Va.; within 3 miles each side of the 218° bearing from the Laurel Hill RBN (38°12'08" N., 78°57'30" W.) extending from the 5-mile radius area to 8.5 miles southwest of the RBN; within 3 miles each side of the 355° bearing and the 175° bearing from the Bridgewater RBN (38°21'56" N., 78°57'41" W.) extending from 1.5 miles south of the RBN to 8.5 miles north of the RBN and within 3 miles each side of the 154° bearing from the Bridgewater RBN extending from the 5-mile radius zone to the RBN. This control zone is effective from 0600 to 2400 hours, local time, daily."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Staunton, Va., transition area and insert in lieu thereof:

STAUNTON, VA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (38°15'45" N., 78°53'50" W.), of Shenandoah Valley Airport, Staunton, Va.; within 4.5 miles southeast and 6.5 miles northwest of the 218° bearing from the Laurel Hill RBN (38°12'08" N., 78°57'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN; within 2 miles each side of the Shenandoah Valley Airport Runway 4 centerline, extended from the 8.5-mile radius area to 8.5 miles northeast of the end of the runway; within a 5-mile radius of the center (38°22'00" N., 78°57'40" W.), of Bridgewater Airport, Bridgewater, Va.; within 3.5 miles each side of the 355° bearing from Bridgewater RBN (38°21'56" N., 78°57'41" W.), extending from the 5-mile radius area to 9.5 miles north of the RBN; within 4 miles northwest of the 210° bearing from the Bridgewater RBN, extending from the 5-mile radius area to 11.5 miles southwest of the RBN; within 2 miles each side of the Bridgewater Airport Runway 9 centerline, extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the Bridgewater Airport Runway 27 centerline, extended from the 5-mile radius area to 7.5 miles west of the end of the runway; within 2 miles each side of the Bridgewater Airport Runway 33 centerline, extended from the 5-mile radius area to 7 miles northwest of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 13, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-12804; Filed, Oct. 24, 1969;
8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

AREA RATES FOR THE APPALACHIAN
AND ILLINOIS BASIN AREAS

Notice of Proposed Rule Making

OCTOBER 16, 1969.

Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371,

Ashland Oil & Refining Co., et al., Docket No. R166-211 etc.¹

1. Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq. (1967) and sections 4, 5, 7, and 16 of the Natural Gas Act, that the Commission proposes to issue rules fixing the just and reasonable ceiling rates and otherwise regulating jurisdictional sales by independent producers of natural gas in the Appalachian and Illinois Basin areas. The proposed rules are based on Commission Staff's comprehensive report to us, a copy of which is attached hereto.² Staff's recommendations largely reflect standards and principles approved in our Permian Basin and Southern Louisiana area rate decisions. 34 FPC 159, 34 FPC 1068, affirmed sub nom. Permian Basin Area Cases, 390 U.S. 747 (1968); 40 FPC 530, Opinion 546, issued September 25, 1968 in Docket No. AR61-2 et al. Staff's report also purports to take account of special circumstances in Appalachian and Illinois Basin areas. We will consider Staff's recommendations in light of any comments submitted by interested persons and will revise the proposed rules if that appears appropriate in light of the comments.

2. Based on consideration of cost, location, and market history discussed in Staff's report, Staff recommends the following ceiling rates for pipeline quality gas in the two Basin areas:

A. In the Appalachian Basin for gas measured at 15.325 p.s.i.a. and 60° F.:

1. 32 cents per Mcf for gas produced in the Northeastern subarea consisting of applicable counties in New York, Pennsylvania, and northern Ohio, including the offshore Lake Erie and Lake Ontario areas adjacent to these States.

2. 30 cents per Mcf for gas produced in the Central subarea consisting of West Virginia and applicable counties in Maryland, Virginia, and southern Ohio.

3. 28 cents per Mcf for gas produced in the Southwestern subarea consisting of applicable counties in eastern Kentucky.

B. In the Illinois Basin a single ceiling rate of 21 cents per Mcf for gas measured at 15.025 p.s.i.a. and 60° F.

Staff recommends that two-part rates, i.e. a higher rate for winter service and a lower rate for summer service (Staff's report states there are 19 such rates in Pennsylvania) be permitted: *Provided*, That the average of such rates during any one year does not exceed the applicable ceiling rate. The Staff provides definitions for pipeline quality gas but recommends that quality statements similar to those utilized in Permian not be required for existing sales since the Appalachian and Illinois Basins are marginal areas and since the vast majority of sales are made by small producers. With respect to future contracts Staff would rely upon the parties at the time they enter into a contract to negotiate

rate discounts for gas which does not meet pipeline quality standards. Staff also recommends that the two rates now in effect above the recommended ceiling rate be reduced to the ceiling (for details see below); that rate increase filings above the ceiling rates be prohibited absent prior Commission approval for such filings; that a blanket exemption from certificate and rate filings be made applicable to all small producers in these areas; and that a rule-making proceeding be used as a vehicle to arrive at producer rates for these areas.

3. We agree with staff recommendations that rulemaking is the preferable way to approach the problems of producer rate regulation in the Appalachian and Illinois Basin areas. The areas account for less than 3 percent of the national gas reserves, production, and producer sales volumes. It appears that many of the usual area rate controversies would not be applicable here. Therefore, we see no need for the lengthy, full-hearing approach, including presentation of witnesses and cross-examination, which has characterized previous area rate proceedings. Much of the time and effort in proceedings involving other pricing areas has concerned controversies over cost analysis and costing methodology. A preponderance of the nonpipeline produced gas in the Appalachian and Illinois Basin areas is produced by small producers. Our past experience indicates that it is extremely difficult, if not impossible, to gather reliable, representative cost data from small producers. See Area Rate Proceeding (Hugoton-Anadarko and Texas Gulf Coast Areas), 32 FPC 1266, affirmed *Amas Petroleum Corporation v. F.P.C.*, 350 F. 2d 92 (CA10). Since the available costs for these areas are those of the large producers and the preponderance of gas in these areas is produced by the small producers, it appears proper to rely here, more than we have in prior cases, on considerations other than cost, such as location value and market price history. With regard to these matters the facts do not appear to be substantially controversial although the interpretation of the facts may be subject to some dispute. Accordingly, in the absence of substantial factual controversies, it appears that Staff's report and the comments of interested parties, supplemented by conferences and such limited hearings as might be requested and shown to be necessary by the commenting parties, should enable the Commission to reach conclusions in this case and to arrive at a proper rate order without a full-blown evidentiary hearing. Under the circumstances this procedure appears consistent with statutory and constitutional hearing requirements. *F.P.C. v. Texaco Inc.*, 377 U.S. 33; *American Airlines, Inc. v. C.A.B.*, 359 F. 2d 624 (CA5 1966).

4. There are no effective rates in the Illinois Basin exceeding the proposed 21-cent ceiling rate and there are no suspension proceedings in that area. Aside from the two-part rates in Pennsylvania which would be allowed under staff's averaging concept, there are only

¹ Other section 4(e) proceedings, consolidated herein, are listed in Appendix A to this notice, filed as part of the original document.

² Filed as part of the original document.

two rates now in effect in the Appalachian Basin which exceed the recommended ceiling rates, both covering sales in the Central Subarea. One is a 31.85-cent rate at 15.325 p.s.i.a. under Ashland Oil & Refining Co., Rate Schedule No. 113, in effect subject to refund in Docket No. RI66-211. The other is a 31.38-cent rate under Pittston Corp., Rate Schedule No. 1, in effect subject to refund in Docket No. RI61-24. Both of these rates would be reduced to the 30-cent ceiling rate recommended for the Central subarea and refunds would be ordered.

There are 27 suspension proceedings involving nonaffiliated sales to pipeline companies in the Appalachian Basin and two conditioned certificate proceedings (Dockets Nos. G-18118 and CI68-1097) which concern rates below the recommended ceiling rates (see Appendix L to Staff Report). These proceedings would be terminated without refund if the proposed rules are adopted, and a permanent certificate would be issued in Docket No. G-18118.² The dockets listed in Appendix L to Staff Report and the two dockets involving the above Ashland and Pittston rates are also listed in Appendix A to this notice and are hereby consolidated with this rule-making proceeding.

There are also 62 suspension proceedings in the Central subarea involving Cabot Corp. and its supplier which with one exception³ concern rates below the recommended ceiling rates. However, these proceedings will have to be resolved outside the proposed rules because of questions concerning contractual rights to the proposed increased rates.

There are some 36 sales being made in the Appalachian area to interstate pipeline companies by their affiliates (see page 28 of the report). These sales, whatever the price level, would not be governed by the proposed rates at this time. The regulatory treatment for such sales and for existing pipeline owned production will be determined in Phase II of the Pipeline Production Proceeding, Docket No. RP66-24. Pending the decision therein the costs associated with such production will be treated in individual pipeline cases on their own merits. In accordance with our decision in Opinion No. 568 issued October 7, 1969, in Phase I of Docket No. RP66-24, pipeline owned production and pipeline affiliated production on newly acquired leases would be included in a pipeline's cost of service, in the absence of a special showing in a pipeline rate case, at the level of any just and reasonable area rate prescribed herein.

5. The major interstate purchasers of gas supplies in the Appalachian and Il-

linois Basin areas obtain the bulk of their system requirements from pipelines originating in the Southwest. The alternate costs of purchasing Southwest gas at delivery points in the Appalachian-Illinois areas, as adjusted for different quality and delivery conditions, may act as an upper limit on prices for gas produced in the Appalachian-Illinois areas. Under these circumstances, the question arises whether the public interest might not be served by eliminating any Commission determined maximum area rates and relying instead upon market forces to establish in the Appalachian-Illinois areas appropriate differentials from the established Southwestern rates. Interested persons are therefore invited to submit comments on the legality and feasibility of such an approach and on ways to effectively monitor the results if this approach is adopted. Attention should also be given in any such comments to the question of how pipeline owned or pipeline affiliated production should be treated in the event the maximum just and reasonable prices for sales by unaffiliated producers are not fixed by the Commission. Parties recommending adoption of such an alternative are invited to submit appropriate implementing language for the Commission's consideration.

6. In consideration of the foregoing, it is now proposed that Part 154 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 154) be amended by adding new §§ 154.106 and 154.107, reading as follows:

§ 154.106 Area rates—Appalachian Basin area.

(a) The Appalachian Basin area consists of the entire States of West Virginia and Ohio; Buchanan, Dickinson, Wise, Lee, Scott, Russell, Tazewell, Smyth, and Washington Counties, Va.; Garrett, Allegheny, and Washington Counties, Md.; Franklin, Huntingdon, Centre, Lycoming, Sullivan, and Susquehanna Counties, Pa., together with all Pennsylvania counties west of this group; Broome, Chenango, Madison, Onondaga, Cayuga, Wayne, Monroe, Orleans, and Niagara Counties in New York, together with all New York counties to the south and west; and Clinton, Russell, Casey, Boyle, Mercer, Woodford, Scott, Grant, and Boone Counties, Ky., together with all Kentucky counties to the east of this group. The boundary between northern and southern Ohio would run along the southern edges of Van Wert, Allen, Hancock, Wyandot, Crawford, Richland, Ashland, Wayne, Stark, and Columbian Counties. Southern Ohio would include all counties south of the foregoing counties and northern Ohio would include the foregoing counties and all counties north thereof.

(b) No rate or charge made, demanded or received under a rate schedule filed pursuant to this part for gas produced in the Appalachian Basin area shall exceed the following rates at 15.325 p.s.i.a.,

including all additive charges and adjustments, except in compliance with a specific order of the Commission:

(1) 32 cents per Mcf for gas produced in the Northeastern subarea consisting of applicable counties in New York, Pennsylvania, and northern Ohio, including the offshore Lake Erie and offshore Lake Ontario areas adjacent to these States;

(2) 30 cents per Mcf for gas produced in the Central subarea consisting of West Virginia and applicable counties in Maryland, Virginia, and southern Ohio; and

(3) 28 cents per Mcf for gas produced in the Southwestern subarea consisting of applicable counties in eastern Kentucky.

(c) Any seller seeking to charge rates in excess of the area rates specified in paragraph (b) of this section, or requesting a change in such area rates must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of this chapter fully justifying the relief sought in light of the proceeding establishing the area rates. Unless and until the Commission grants the petition the seller may not file rate increases in excess of the area rates herein prescribed.

§ 154.107 Area rates—Illinois Basin area.

(a) The Illinois Basin area consists of the entire State of Illinois; all counties in western Kentucky west of and not including Clinton, Russell, Casey, Boyle, Mercer, Woodford, Scott, Grant, and Boone Counties; and Gibson County in Indiana.

(b) No rate or charge made, demanded, or received under a rate schedule filed pursuant to this Part for gas produced in the Illinois Basin area shall exceed 21 cents per Mcf at 15.025 p.s.i.a., including all additive charges and adjustments, except in compliance with a specific order of the Commission.

(c) Any seller seeking to charge rates in excess of 21 cents per Mcf or requesting a change of that rate must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of this chapter fully justifying the relief sought in light of the proceeding establishing the 21 cents area rate. Unless and until the Commission grants the petition the seller may not file rate increases in excess of the area rate herein prescribed.

7. In consideration of the foregoing it is also proposed that § 157.40 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 157.40) be amended by adding new paragraphs (e) and (f), reading as follows:

§ 157.40 Small Producers Certificates of Public Convenience and Necessity.

(e) *Certificates for small producers operating in Appalachian Basin Area.* Small Producer Certificates are, by this paragraph and without special application, hereby granted to small producers presently operating or who will operate in the future in the Appalachian Basin

² A permanent certificate has been issued in Docket No. CI68-1097 subject to the refund condition imposed therein.

³ The exception concerns a 30.52-cent rate at 15.325 p.s.i.a. under Cabot Corp. Rate Schedule No. 2 which was canceled on Sept. 1, 1961. The estimated refund in Docket No. RI61-308 down to the 30-cent ceiling rate for the locked-in period would amount to \$1,235.

area with respect to their small producer sales in that area. Small producer sales in the area may be made at prices no higher than the area rates specified in § 154.106(b) of this chapter, except as provided in § 154.106(c) of this chapter. Small producers in this area who do not want a Small Producer Certificate must seek to be relieved of the Small Producer Certificate within 60 days of the promulgation of this regulation or within 60 days of the commencement of service whichever is later.

(f) *Certificates for small producers operating in the Illinois Basin Area.* Small Producer Certificates are, by this paragraph and without special application, hereby issued to small producers presently operating or who will operate in the future in the Illinois Basin area with respect to their small producer sales in that area. Small producer sales in the area may be made at prices no higher than the area rates specified in § 154.107(b) of this chapter, except as provided in § 154.107(c) of this chapter. Small producers who do not want a Small Producer Certificate must seek to be relieved of the Small Producer Certificate within 60 days of the promulgation of this regulation or within 60 days of the commencement of service in this area, whichever is later.

8. These rules are proposed to be issued under the authority contained in

sections 4(e), 5(a), 7, and 16 of the Natural Gas Act (52 Stat. 822, 823, 830 (1938); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 1710). 1710).

9. All independent producers who make jurisdictional sales of natural gas in the Appalachian Basin and Illinois Basin areas and their purchasers are hereby made respondents to this rule-making proceeding.

10. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than January 15, 1970, views and comments in writing concerning the rules here proposed or any appropriate alternative thereto. Any such submittal should contain the name, title, and mailing address of the person or persons to whom communications concerning the matter should be addressed. An original and 24 conformed copies should be filed with the Commission. If the persons submitting comments request a conference at the Federal Power Commission, their submittals should set forth a proposed agenda for the conference. The submittals will be available to the public for inspection in the Commission's Office of Public Information. Responses to the submittals may be filed not later than March 15, 1970. The Commission will consider all such written submittals before issuing an order in this proceeding.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-12754; Filed, Oct. 24, 1969;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

PUBLICATION OF INFORMATION AND DELIVERY OF PROSPECTUS BY BROKER-DEALERS PRIOR TO OR AFTER FILING OF REGISTRATION STATEMENT

Notice of Proposed Rule Making

In the FEDERAL REGISTER for Saturday, October 18, 1969, Volume 34, No. 201, in the 3d column on page 17036 the section designated as "§ 240.15c-8" should read "§ 240.15c2-8".

For the Commission, October 20, 1969.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-12778; Filed, Oct. 24, 1969;
8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

POTATOES, FRENCH FRY, FROZEN FROM CANADA

Antidumping Proceeding Notice

OCTOBER 17, 1969.

On May 29, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27), indicating a possibility that potatoes, french fry, frozen manufactured by McCain Foods, Ltd., Florenceville, New Brunswick, Canada, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a), et seq.).

The information was submitted by Richard Kassatly & Co., Crofton, Md.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of potatoes, french fry, frozen, manufactured by McCain Foods, Ltd., Florenceville, New Brunswick, Canada, are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-12795; Filed, Oct. 24, 1969; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. A-509]

HERMAN M. HANSEN

Notice of Loan Application

OCTOBER 20, 1969.

Herman M. Hansen, Box 753, Wrangell, Alaska 99929, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 48.2-

foot registered length wood vessel to engage in the fishery for salmon and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,

Division of Financial Assistance.

[F.R. Doc. 69-12758; Filed, Oct. 24, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00430-33-46040. Applicant: National Institutes of Health (Dr. Korn), 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for a variety of studies on cell membrane structure and biogenesis, phagocytosis, and proteins involved in cell movement. The cell type currently being intensively studied is the small soil amoeba, *Acanthamoeba castellanii*. Comments: No

comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, was available at the time the applicant placed the order for the foreign article (June 19, 1968). Reasons: The foreign article provided a guaranteed resolving power of 3.5 angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU-4, which was manufactured by the Radio Corp. of America (RCA). The RCA Model EMU-4 had a guaranteed resolving power of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) The additional resolving power of the foreign article is considered pertinent to the purposes for which this article is intended to be used. The foreign article also provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts provides optimum contrast for the negatively stained specimens which are to be examined with the foreign article. Therefore, the additional accelerating voltage of the foreign article is pertinent.

For these reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which was being manufactured in the United States at the time the applicant ordered the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services
Administration.

[F.R. Doc. 69-12751; Filed, Oct. 24, 1969; 8:45 a.m.]

NEW YORK UNIVERSITY MEDICAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of

whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the *FEDERAL REGISTER*.

Regulations issued under cited Act, published in the February 4, 1967, issue of the *FEDERAL REGISTER*, prescribed the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00138-33-46500. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Ultramicrotome, Model SIDEA (OmU2). Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to provide ultrathin sections measuring 50 to 100 angstroms in thickness for a study of the ultrastructural features of cells in the adrenal cortex of fetal rats throughout the period of organogenesis. The project is intended to provide a comprehensive description of the true structure of the tissue as it acquires the capability of producing corticosteroid hormones. The organelles known to be especially concerned with steroidogenesis will be given special attention. By studying the fetal tissue, information germane to these problems is hoped to be gained. Application received by Commissioner of Customs: August 20, 1969.

Docket No. 70-00185-33-07500. Applicant: University of Michigan, School of Dentistry, 1011 North University, Ann Arbor, Mich. 48104. Article: Precision calorimeter system Model LKB 8700-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with research on heats of wetting of liquids on apatite and tooth structure. The article is particularly suited for dealing with solid-liquid systems in which the solid can be under-vacuum or can have pre-adsorbed material; the surfaces can then be brought into contact and the resulting heat measured. Measurement of this type will permit studies of competition of adsorbates for the surface and should yield information related to adhesion of substances to tooth structure. Application received by Commissioner of Customs: September 12, 1969.

Docket No. 70-00189-33-46040. Applicant: The Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland, Ohio 44106. Article: Electron microscope, Model JEM-50. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used exclusively in the rapid scanning and topographical selection by a trained technician of adequate ultrathin sections for ultrastructural evaluation.

These samples will be chosen from a large number of tissue blocks obtained from segmental coronary artery lesions following reparative vascular surgery in patients with cineangiographic evidence of localized coronary artery disease. Application received by Commissioner of Customs: September 15, 1969.

Docket No. 70-00190-65-82600. Applicant: Associated Universities, Inc., Brookhaven National Laboratory, Upton, N.Y. 11973. Article: Recording vacuum thermoanalyzer. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: The article will be used for basic studies of the thermal behavior of materials under high vacuum and in the presence of inert and reactive gases. Various types of materials will be used, including fuels, ceramics, and composite materials. Application received by Commissioner of Customs: September 16, 1969.

Docket No. 70-00191-65-74600. Applicant: Duke University Medical Center, 117 South Buchanan Boulevard, Durham, N.C. 27706. Article: Signal averager Model DL-102. Manufacturer: Data Laboratories, Ltd., United Kingdom. Intended use of article: The article will be used to digitally present accumulated data coming from two sources in connection with time synchronizing experiments. Application received by Commissioner of Customs: September 16, 1969.

Docket No. 70-00192-33-03400. Applicant: Columbus Public Schools, 270 East State Street, Columbus, Ohio 43215. Article: Special amplifying equipment, Model SUVAG 1 and SUVAG 11. Manufacturer: Société Sedi Monsilur Germe, France. Intended use of article: The article will be used for research and to train teachers in rehabilitation of deaf children in the Alexander Graham Bell School for deaf children. This article is designed to teach children to speak. Application received by Commissioner of Customs: September 16, 1969.

Docket No. 70-00193-33-46500. Applicant: Michigan State University, Department of Anatomy, Giltner Hall, East Lansing, Mich. 48823. Article: Ultramicrotome, LKB-4800A, Ultratome 1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for examination with an electron microscope. Primary investigative use will be in areas of both nerve and muscle tissue. Concerning the former, we will deal primarily with brain and brain tumor tissue, and it will be necessary to obtain quite thin sections through the region of the tumor/brain interface. In regard to the muscle tissue, investigations will be primarily concerned with growth and atrophy studies. The increase or decrease in the total number of myofibrils and/or changes in fibrillar/interfibrillar dimensions are under study. Application received by Commissioner of Customs: September 16, 1969.

Docket No. 70-00194-33-46500. Applicant: University of Oregon, Department of Biology, School of Liberal Arts, Eugene, Oreg. 97403. Article: Ultramicro-

tome, Model LKB 8800, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut ultrathin sections for electron microscopic examinations. The primary use is to examine selected parts of the cell in both light and electron microscopes. For these examinations it is necessary to cut long series of equal thickness serial sections. Application received by Commissioner of Customs: September 16, 1969.

Docket No. 70-00195-33-77040. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Mass spectrometer, Model MS-902 for field ionization and automated data reduction. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for studies in the following areas:

1. Structural studies which include: (a) Reaction products and intermediates; (b) correlation studies; (c) natural products. These studies will be conducted using ultrahigh resolution data reduced electron impact, field emission and chemical ionization mass spectra and metastable ion scanning in any of the three spectral modes.

2. Analysis of: (a) Drug metabolites; (b) stable isotopic studies of biosynthesis; (c) stable isotope studies of organic and inorganic reactions; (d) membrane composition; (e) complex lipids; (f) complex mixtures. Field emission and chemical ionization mass spectra will be used for routine analysis.

Application received by Commissioner of Customs: September 17, 1969.

Docket No. 70-00196-33-77040. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Mass spectrometer, Model MS-902 for chemical ionization and electron impact studies. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used in the following areas:

1. Structural studies which include: (a) Reaction products and intermediates; (b) correlation studies; (c) natural products. These studies will be conducted using ultrahigh resolution data reduced electron impact, field emission and chemical ionization mass spectra and metastable ion scanning in any of the three spectral modes.

2. Analysis of: (a) Drug metabolites; (b) stable isotope studies of biosynthesis; (c) stable isotope studies of organic and inorganic reactions; (d) membrane composition; (e) complex lipids; (f) complex mixtures. Field emission and chemical ionization mass spectra will be used for routine analysis.

Application received by Commissioner of Customs: September 17, 1969.

Docket No. 70-00197-33-00530. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Linear accelerator, Model LMR-13 Linac, treatment couch, accessories, and parts. Manufacturer: Toshiba, Japan. Intended use

of article: The article will be used to deliver ionizing radiation at a prescribed depth within the body and with a minimum amount of radiation to the healthy surrounding tissue. Application received by Commissioner of Customs: September 19, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-12752; Filed, Oct. 24, 1969; 8:45 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00148-33-46040. Applicant: University of Washington, Department of Neurological Surgery, Seattle, Wash. 98105. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used by the applicant as an integral part of an expanding program of research in the nervous system with emphasis on epilepsy and related neurological conditions. Some of the areas to be studied are as follows:

1. Normal fine structure of synaptic complexes in various areas of the brain including forebrain.
2. Variations in the ultrastructure of synapses using a spectrum of fixation and straining procedure.
3. Fine structural changes in synaptic regions after various acute experimental lesions producing degeneration.
4. The process of degeneration at a fine structural level in cerebral cortex and brain stem nuclei.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons:

(1) The foreign article provides a resolving capability of 5 angstroms, point-to-point. The most closely comparable domestic instrument being manufactured at the time the applicant purchased the foreign article, was the Model EMU-4 electron microscope which was manufactured by the Radio Corp. of America (RCA). The RCA Model EMU-4 specified

a resolving capability of 8 angstroms, Fresnel fringe. (The lower the numerical rating in terms of angstrom units, the better the resolving capability. Moreover, the point-to-point criterion for resolving capability is a more exact test than the Fresnel fringe criterion.) For the purposes for which the foreign article is intended to be used, the applicant requires the best attainable resolution.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. The greater range of accelerating voltages of the foreign article allows greater contrast and penetration. The lower 20-kilovolt accelerating voltage is particularly required because the applicant intends to use unstained biological specimens.

(3) The foreign article provides continuous magnification from 220 to 500,000 magnifications. The RCA Model EMU-4 provided a continuous magnification range from 1,400 to 200,000 magnifications. For magnifications below 1,400, the pole piece on the RCA Model EMU-4 must be changed. We are advised by the Department of Health, Education, and Welfare (HEW), that the need for shifting from low scanning magnifications for survey work, to higher magnifications for maximum resolution, makes the continuing magnification range a pertinent characteristic. (Memorandum from HEW dated Aug. 26, 1969.) For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus being manufactured in the United States at the time the applicant ordered the foreign article, which was of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-12753; Filed, Oct. 24, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
IMPERIAL CHEMICAL INDUSTRIES,
LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OB2463) has been filed by Imperial Chemical Industries, Ltd., Heavy Or-

ganic Chemicals Division, Organic House, Billingham, Teesside, England, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane as a component of food-packaging adhesives.

Dated: October 17, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-12761; Filed, Oct. 24, 1969; 8:45 a.m.]

Office of the Secretary ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority To Certify True Copies

I hereby delegate to the Assistant Secretary for Administration authority to certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such, to certify that true copies are true copies of the entire file of the Department, to certify the complete, original record, or to certify the nonexistence of records on file within the Department, and to cause the Seal of the Department to be affixed to such certifications.

I also delegate to the Assistant Secretary for Administration authority to cause the Seal of the Department to be affixed to agreements, awards, citations, diplomas and similar documents.

This authority may be redelegated. Redelegations made under the previous authority (32 F.R. 17550) dated December 1, 1967, shall remain in effect until appropriate new redelegations are made.

Dated: October 22, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-12807; Filed, Oct. 24, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-347]

MITSUBISHI INTERNATIONAL CORP.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Mitsubishi International Corp., 277 Park Avenue, New York, N.Y. 10017, has submitted an application dated August 29, 1969, as amended, for a license to authorize the export of a 500-megawatt electric nuclear power reactor to the Kansai Electric Power Co., Inc., Osaka, Japan.

Upon finding that the reactor components proposed for export are within the scope of and consistent with the terms of the Agreement for Cooperation Between the Governments of the United States of America and Japan and, unless within 15 days after the publication of

this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will cause to be issued to Mitsubishi International Corp., a facility export license containing the authority set forth in the text below and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Secretary will issue a notice of hearing or an appropriate order.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor components proposed to be exported are a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated August 29, 1969, as amended, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this tenth day of October, 1969.

For the Atomic Energy Commission.

JAMES R. MASON,
Acting Director, Division of
State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Mitsubishi International Corp., is authorized to export components of a 500-megawatt electric nuclear power reactor to the Kansai Electric Power Co., Inc., Osaka, Japan, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on December 31, 1971.

For the Atomic Energy Commission.

[F.R. Doc. 69-12789; Filed, Oct. 24, 1969; 8:48 a.m.]

[Docket No. 50-326]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a facility license which would authorize The Regents of the University of California to possess, use, and operate the TRIGA Mark I pulsing research reactor on its campus at Irvine, Calif., at steady-state power levels not to exceed 250 kilowatts (thermal) in accordance with the provisions of the proposed license. Construction of the TRIGA Mark I was authorized by Construction Permit No. CPRR-107 issued May 5, 1969.

The Commission has found that the application for the facility license complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I.

Prior to issuance of the license, the facility will be inspected by the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-107. The license will be issued after the Commission makes the findings required by the Act and the Commission's regulations, which are set forth in the proposed license, and concludes that the issuance of this license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, The Regents of the University of California will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, The Regents of the University of California may file a request for a hearing or any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed license, see (1) the application for facility license dated August 9, 1968, and supplements thereto; (2) the proposed facility license; and (3) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md. this 22d day of October 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Reactor
Licensing.

[F.R. Doc. 69-12848; Filed, Oct. 24, 1969; 9:31 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-10-100]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 21, 1969.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20745, R-115 through R-117.

By Order 69-10-36, dated October 8, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-36 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-115 through R-117 be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12786; Filed, Oct. 24, 1969; 8:48 a.m.]

[Docket No. 18650; Order 69-10-101]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 21, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R-54 through R-56.

By Order 69-10-35, dated October 8, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International

Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-35 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-54 through R-56, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the **FEDERAL REGISTER**.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12787; Filed, Oct. 24, 1969;
8:48 a.m.]

[Docket No. 18650; Order 69-10-99]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 21, 1969.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 18650, Agreement CAB 20806, R-57 and R-58.

By Order 69-10-38, dated October 8, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-10-38 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-57 and R-58, be, and it hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the **FEDERAL REGISTER**.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-12788; Filed, Oct. 24, 1969;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the **FEDERAL REGISTER**. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. D. K. Conway, Chairman, North Atlantic Westbound Freight Association, Atlantic Freight Secretaries Limited, Cunard Building, Liverpool 3, England.

Agreement No. 5850-12, between the member lines of the North Atlantic Westbound Freight Association, adds a new provision to Article (3) of the basic agreement which provides that any member line who is a party to Agreement No. 9498, as amended, may charter to Wallenius Line space in any vessel operated under the authority of such agreement for the carriage only of set-up, packed, or unpacked automobiles, trucks, and house trailers, and represent Wallenius Line in respect to such cargoes and permits its agents to do so.

Dated: October 22, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-12792; Filed, Oct. 24, 1969;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R170-302 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

OCTOBER 16, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Com-

¹ Does not consolidate for hearing or disposal of the several matters herein.

mission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 3, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

² If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-302.	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	117	* 31	El Paso Natural Gas Co. (Blanco and Flora Vista Fields, San Juan County, N. Mex.) (San Juan Basin Area).	\$300	9-22-69	* 10-23-69	* 10-24-69	13.0	** 13.2501	
	do.	467	* 9	Southern Union Gathering Co. (Artee Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	10	9-22-69	* 10-23-69	* 10-24-69	13.0	* 13.0536	
RI70-303.	Aylward Drilling Co. (Operator) et al., 909 First National Bank Bldg., Wichita, Kans. 67202.	* 6	2	Cities Service Gas Co. (Barber County, Kans.).	7,700	9-24-69	* 12-22-69	* 12-23-69	** 14.0	** 15.0	RI65-462.
	do.	* 8	1	Cities Service Gas Co. (Deerhead North Field, Barber County, Kans.).	730	9-24-69	* 12-22-69	* 12-23-69	** 14.0	** 15.0	
RI70-304.	Hamilton Brothers Oil Co., 1517 Denver Club Bldg., Denver, Colo. 80202.	2	1	Trunkline Gas Co. (South Timberline Blocks 179 and 187, Offshore Louisiana).	5,840	9-24-69	* 10-25-69	* 10-26-69	** 18.5	* 20.0	

* Pertains only to acreage added by Supplement No. 30.

* The stated effective date is the effective date requested by Respondent.

* The suspension period is limited to 1 day.

* Tax reimbursement increase.

* Pressure base is 15.025 p.s.i.a.

* Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

* Pertains only to acreage added by Supplement No. 6.

* Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate is below the initial rate ceiling of 16 cents per Mcf.

* Periodic rate increase.

* Subject to a downward B.T.U. adjustment.

* The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.

* Rate increase filed pursuant to Paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.

* Subject to quality adjustments.

* Area base rate for gas well gas sold under contracts after Oct. 1, 1968 as established in Opinion No. 546.

* Initial rate as conditioned by temporary certificate in Docket No. CI69-764.

* Pressure base is 14.65 p.s.i.a.

Pan American Petroleum Corp.'s (Pan American) proposed rate increases reflect tax reimbursement on existing effective base rates. Since the proposed rates exceed the area increased rate ceiling for the San Juan Basin Area as set forth in the Commission's statement of general policy No. 61-1, as amended, we conclude that they should be suspended for 1 day from October 23, 1969, the proposed effective date.

Pan American's proposed rate increase contained in Supplement No. 31 to its FPC Gas Rate Schedule No. 117 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing provided herein for Pan American shall concern itself with the contractual basis for such rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

The basic contracts related to the proposed rate increases filed by Aylward Drilling Co. (Operator) et al. (Aylward), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Aylward's proposed rate filings should be suspended for 1 day from December 22, 1969, the proposed effective date.

Hamilton Brothers Oil Co.'s (Hamilton) proposed rate increase, from 18.5 cents to 20 cents per Mcf, involves a sale of third vintage gas well gas in offshore Louisiana and was

filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. Hamilton was issued a conditioned temporary certificate in Docket No. CI69-764 authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casing-head gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that Hamilton's proposed rate increase should be suspended for 1 day, from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, Hamilton's proposed increased rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 69-12714; Filed, Oct. 24, 1969; 8:45 a.m.]

[Docket No. RI70-284 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Allowing Rate Changes To Become Effective Subject to Refund and Accepting Proposed Changes in Rates Subject to Refund in Existing Suspension Proceedings¹

OCTOBER 15, 1969.

The Respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendixes A and B hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes and that the supplements in Appendix A be suspended and their use be deferred as order below, and that the supplements in Appendix B be accepted subject to refund in existing suspension proceedings.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements listed in Appendix A are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon

all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) The rate supplements listed in Appendix B are accepted for filing as of October 1, 1969, subject to refund in the

suspension proceedings set forth in that appendix.

(D) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the

Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before December 1, 1969.

By the Commission.

[SEAL]

KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R170-284	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attention: R. D. Hawthorth, Esq.	411	3	Trunkline Gas Co. (Kelsey Field, Brooks County, Tex.) (RR. District No. 4).	\$1,218	9-22-69	* 10-1-69	* 10-2-69	16.0	* 16.0600	R167-272.
do.	do.	415	8	Natural Gas Pipeline Co. of America (La Gloria Field, Jim Wells County, Tex.) (RR. District No. 4).	3,052	9-22-69	* 10-1-69	* 10-2-69	* 14.0	* 14.0325	
do.	do.	444	2	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (RR. District No. 5).	1,011	9-22-69	* 10-1-69	* 10-2-69	* 17.0	* 17.03658	
R170-285	Placid Oil Co. (Operator) et al., 2500 First National Bank Bldg., Dallas, Tex. 75202.	4	11	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	128	9-22-69	* 10-1-69	* 10-2-69	* 15.0	* 15.064	
R170-286	do.	3	10	do.	125	9-22-69	* 10-1-69	* 10-2-69	* 15.0	* 15.058	
R170-287	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex.	34	1	Natural Gas Pipeline Co. of America (McKee Plants, Moore County, Tex.) (RR. District No. 10).	1,096	9-29-69	* 10-1-69	* 10-2-69	* 17.0	* 17.0638	
do.	do.	36	1	do.	2,657	9-29-69	* 10-1-69	* 10-2-69	* 17.0	* 17.0638	

* The stated effective date is the effective date of the tax increase enacted by the State of Texas.

* The suspension period is limited to 1 day.

* Tax reimbursement increase.

* Pressure base is 14.65 p.s.i.a.

* Subject to a downward B.L.U. adjustment.

* Initial rate.

* Base rate for remaining term of contract pursuant to Second Amendment to general policy statement No. 61-1.

* Ochiltree County, Tex., production.

* Ochiltree and Roberts Counties, Tex., production.

APPENDIX B

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
	Mobil Oil Corp.	276	10			9-15-69			13.4269	R169-539.	
	Mobil Oil Corp. (Operator) et al.	151	14			9-22-69			15.06825	R167-255.	
	do.	123	12			9-22-69			16.2790	R167-272.	
	do.	287	8			9-22-69			15.6585	R165-196.	
	do.	21	9			9-22-69			15.6585	R167-273.	
	Mobil Oil Corp.	27	13			9-22-69			15.6576	R167-273.	
	do.	47	20			9-22-69			15.6585	R167-273.	
	Mobil Oil Corp. (Operator)	178	5			9-22-69			15.6585	R167-273.	
	Mobil Oil Corp. (Operator) et al.	39	15			9-22-69			15.44585	R167-394.	
	Mobil Oil Corp. et al.	62	12			9-22-69			16.41084	R167-272.	
	Mobil Oil Corp. (Operator) et al.	330	20			9-22-69			15.5698	R169-314.	
	do.									R167-272.	
	Mobil Oil Corp.	332	6			9-22-69			17.06375	R169-472.	
	Placid Oil Co. (Operator) et al.	22	6			9-24-69			18.0675	R167-474.	
	do.	23	6			9-24-69			19.0713	R164-733.	
	Mobil Oil Corp.	54	16			9-15-69			13.7169	R168-359.	
	Mobil Oil Corp. (Operator) et al.	239	14			9-22-69			19.5461	R168-353.	
	Northern Natural Gas Producing Co. (Operator) et al.	1	8			9-22-69			15.2256	R168-549.	
	do.								17.3147	R168-549.	
	do.								19.3222	R168-549.	
	Mobil Oil Corp. (Operator) et al.	33	5			9-22-69			19.0713	R168-663.	
	do.	67	19			9-22-69			11.7961	R166-230.	
	do.	137	14			9-22-69			18.0675	R168-635.	
	Marathon Oil Co.	76	4			9-26-69			19.08313	R166-60.	
	do.	77	3			9-26-69			19.08313	R170-123.	
	do.									R166-60.	
	Dorchester Gas Producing Co.	1	7			9-25-69			17.6363	G-18671.	
	Diamond Shamrock Corp.	1	7			9-29-69			13.6581	R163-246.	
	do.	23	5			9-29-69			17.0388	R168-316.	
	Placid Oil Co. (Operator) et al.	30	9			9-22-69			16.1805	R169-161.	
	Diamond Shamrock Corp. (Operator)	32	5			9-29-69			13.5417	R166-298.	
	Shell Oil Co.	258	5			9-29-69			17.6588	R168-693.	
	Placid Oil Co. (Operator) et al.	33	7			9-24-69			19.0713	R166-290.	

APPENDIX C

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective October 1, 1969. With the exception of the rate increase contained in Supplement No. 10 to Mobil Oil Corp.'s FPC Gas Rate Schedule No. 276 all of the proposed rates herein exceed the applicable area ceiling for the areas involved as set forth in the Commission's statement of general policy No. 61-1, as amended.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969. We believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act. Accordingly, the proposed rate increases in Appendix A from underlying firm rates are suspended for 1 day from October 1, 1969.¹¹ The rate increases in Appendix B which provide for changes in rates presently in effect subject to refund are accepted for filing subject to refund in the existing rate proceedings as of October 1, 1969.

Supplement No. 10 to Mobil Corp.'s (Mobil) FPC Gas Rate Schedule No. 276 reflects a tax increase from a rate of 13.3772 cents which is in effect subject to refund in Docket No. RI69-539 for gas sold to Coastal States Gas Producing Co. (Coastal). Coastal gathers and resells the subject gas to Natural Gas Pipeline Company of America under its FPC Gas Rate Schedule No. 23 at a rate of 14.5 cents which is in effect subject to refund in Docket No. G-17733. Although Mobil's proposed rate increase to 13.4269 cents does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, it is being accepted subject to refund in Docket No. RI69-539 as of October 1, 1969, the proposed effective date, because such ceiling is applicable to Coastal's resale rate, not to Mobil's rate.

[F.R. Doc. 69-12713; Filed, Oct. 24, 1969; 8:45 a.m.]

[Docket No. RP70-11]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 17, 1969.

Take notice that El Paso Natural Gas Co. on October 13, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective November 13, 1969. The proposed rate changes would increase charges for jurisdictional sales by \$51,123,297 per year, based upon sales for the 12-month period ended June 30, 1969, as adjusted. The proposed increase would be applicable to El Paso's Rate Sched-

¹¹ If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided in ordering paragraph (B) herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

ules A-1, A-2, A-3, B-1, B-2, B-3, D-1, D-2, D-3, G, G-X, G-X-2, A-1-X, and X-1. (In addition the rates under Rate Schedule X-7, Third Revised Volume No. 2, which are keyed to and identical with, the rate in effect from time to time under Rate Schedule B-1 would also be increased.)

El Paso states that the basis for the changes in rates proposed is the revenue deficiency which is, and will continue to be, experienced by El Paso at existing rate levels due to extensive changed circumstances with which El Paso has been confronted since the end of the test period of its rate proceeding currently pending at Docket No. RP69-6. El Paso states that it is experiencing increased costs of capital, purchased gas, labor, and materials and supplies and that it has added extensive new facilities to its system. The proposed rates include a claimed 8.25 percent rate of return.

El Paso's filing consists of two sets of revised tariff sheets—"Revised Tariff Sheets" and "Alternative Revised Tariff Sheets". The new rates set forth in the set denominated "Revised Tariff Sheets" reflect a total increase of 4.42 cents per Mcf (2.91 cents per Mcf for production area sales), consisting of an increased rate level of 3.16 cents per Mcf (and 1.65 cents per Mcf for production area sales), to recover El Paso's test period cost of service excluding increased purchased gas costs, and, as well, an amount of 1.26 cents per Mcf attributable to increased purchased gas costs.

The set of tariff sheets denominated "Alternative Revised Tariff Sheets" contain rates which are identical to its rates in effect on October 13, 1969. El Paso proposes that such tariff sheets be accepted in lieu of the "Revised Tariff Sheets" upon condition that (i) they be suspended for 1 day following their proposed effective date of November 13, 1969, and that, thereafter, El Paso be permitted to file superseding tariff sheets from time to time to reflect in its rates such increased purchased gas costs, not to exceed, in the aggregate, the said amount of 1.26 cents per Mcf, but only when, as and to the extent that El Paso actually experiences such costs; (ii) to the extent that the portion of the increase in rates proposed herein of 3.16 cents per Mcf (and of 1.65 cents per Mcf for production area sales), applicable to increased costs other than purchased gas costs, may be suspended by the Commission, El Paso be permitted to place into effect at the end of the period of such suspension that portion of the increase in rates applicable to costs other than purchased gas costs; and (iii) following any such suspension, El Paso be permitted to file superseding tariff sheets, from time to time, to reflect in the rate placed into effect at the end of such suspension period, such portion of the increased purchased gas costs of 1.26 cents per Mcf not theretofore utilized for increases in rates. Under such conditions, changes in rates to reflect increased purchased gas costs would be uniformly

applied to all rate schedules affected by the instant filing and in the commodity component of Rate Schedule G. Upon adoption of such conditions, further filings under Docket No. RP69-20 would be unnecessary.

Copies of the filing were served on El Paso's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12755; Filed, Oct. 24, 1969; 8:45 a.m.]

[Docket No. G-2978, etc.]

SUN OIL CO. ET AL.

Findings and Order After Statutory Hearing

OCTOBER 10, 1969.

In the order findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, discharging surety bond, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued September 17, 1969, and published in the FEDERAL REGISTER September 30, 1969, 34 F.R. 15269, on page 15269, 2d paragraph Table under "Predecessor's Rate Proceeding Docket No." delete "RI62-212 and" on page 15270, paragraph (10), 6th line: Delete Docket No. "RI62-212". On page 15272, paragraph (R), 3d line: Delete Docket No. "RI62-212".

On page 15272, paragraph (S), the 9th and 10th lines: Change "proceedings pending in Docket Nos. RI62-212 and RI68-90" to read "proceeding pending in Docket No. RI68-90".

KENNETH F. PLUMS,
Acting Secretary.

[F.R. Doc. 69-12700; Filed, Oct. 24, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CAPITOL HOLDING CORP.

Order Suspending Trading

OCTOBER 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 22, 1969, through October 31, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-12779; Filed, Oct. 24, 1969;
8:47 a.m.]

GEONICS, INC.

Order Suspending Trading

OCTOBER 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Geonics, Inc., and all other securities of Geonics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 21, 1969, 10 a.m., e.d.t., through October 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-12780; Filed, Oct. 24, 1969;
8:47 a.m.]

[70-4797]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

OCTOBER 21, 1969.

Notice is hereby given that The Hartford Electric Light Co. ("Hartford"), 176 Cumberland Avenue, Wethersfield, Conn. 06109, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Hartford proposes, from time to time but not later than December 31, 1970, to issue and sell short-term notes (including commercial paper), in an aggregate principal amount outstanding at any one time of not more than \$31 million. Hartford intends to utilize the proceeds of the sale of its notes for construction expenditures and for investments in nuclear generating companies. Hartford's construction program contemplates gross construction expenditures of approximately \$31,894,000 for 1969 and \$47,443,000 for 1970. Estimated investments in or advances to nuclear generating companies (i.e., Maine Yankee Atomic Power Co. and Vermont Yankee Nuclear Power Corp.) are estimated to aggregate approximately \$2,720,000 during 1969 and \$1,600,000 during 1970.

Hartford presently has outstanding short-term promissory notes to banks in an aggregate principal amount of \$5,500,000, and expects to issue and sell up to an aggregate principal amount of \$8 million of its short-term notes to banks or to a dealer in commercial paper prior to November 17, 1969, pursuant to the 5 percent exemptive provision of section 6(b) of the Act. Hartford proposes to renew and extend any notes so issued or to refund them with other similar notes issued to other banks and to issue and sell to banks up to an additional \$23 million of short-term notes (and to renew such notes) from time to time but not later than December 31, 1970, to meet portions of its capital requirements. The aggregate amount of such bank notes at any one time outstanding, including both notes issued on or prior to November 17, 1969, and those thereafter issued, will at no time exceed \$20,650,000. The bank notes will each be dated the date of issue, will have maximum maturity dates of 9 months, with right of renewal, will bear interest at the prime rate (currently 8½ percent per annum in all cases) in effect at the lending bank on the date of issue, and will be subject to prepayment at any time at the company's option without premium. Although no formal commitments for future borrowings have been made with any bank, Hartford expects such borrowings will be effected from the following banks:

Name of bank	Maximum amount to be issued
Hartford National Bank and Trust Co., Hartford, Conn.	\$7,000,000
The Connecticut Bank and Trust Co., Hartford, Conn.	6,000,000
Fairfield County Trust Co., Norwalk, Conn.	2,000,000
Colonial Bank and Trust Co., Waterbury, Conn.	1,800,000
City Trust Co., Bridgeport, Conn.	1,750,000

Name of bank	Maximum amount to be issued
The State National Bank of Connecticut, Greenwich, Conn.	1,500,000
United Bank and Trust Co., Hartford, Conn.	400,000
Simsbury Bank and Trust Co., Simsbury, Conn.	200,000
Total	\$20,650,000

Hartford also proposes to issue and sell to a commercial paper dealer up to an aggregate face amount at any one time outstanding of \$31 million of commercial paper in the form of short-term promissory notes, from time to time but not later than December 31, 1970, to meet portions of its capital requirements. The total amount of commercial paper and bank notes outstanding at any one time, however, will not exceed \$31 million. The commercial paper notes will be issued in denominations of not less than \$50,000 and not more than \$1 million and will be sold by Hartford directly to A. G. Becker and Co., Inc. ("Becker"), at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which Hartford could borrow from banks. The declaration states that historically the cost of commercial paper borrowings for companies of comparable credit to Hartford has averaged less than the cost of bank borrowings. Hartford further states that it desires the flexibility to allocate its short-term borrowings between bank notes and commercial paper notes to enable it to realize economies in the proposed short-term financing. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. Maturities of the commercial paper may vary from 1 to 270 days with specific maturities determined by market conditions, effective interest cost to Hartford, and Hartford's anticipated cash flow. It is stated that in accordance with established custom and practice in the market, the commercial paper will not be prepayable prior to maturity.

Becker, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than one-eighth of 1 percent per annum less than the prevailing discount rate to Hartford. The commercial paper will be reoffered to not more than 100 identified and designated customers in a list (non-public) prepared in advance by Becker. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, Becker, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 100 customers.

Hartford expects to retire all of the bank notes and commercial paper notes

prior to December 31, 1970, from the net proceeds of the sale of additional first mortgage bonds and/or preferred stock and/or other securities. In the event the company effects any permanent financing prior to the repayment of all notes outstanding pursuant to this declaration, it will apply the net proceeds of such permanent financing in reduction of such outstanding notes. Hartford states that the maximum amount of indebtedness authorized pursuant to this declaration will be reduced by the amount of the net proceeds of any such permanent financing.

Hartford asserts that the issue and sale of its commercial paper notes should, pursuant to paragraph (a) (5) of Rule 50, be exempted from the requirements thereof, in view of the fact that the proposed promissory notes to be issued by Hartford as commercial paper will have a maturity of not more than 270 days, the current rates for commercial paper for prime borrowers such as Hartford are readily ascertainable by reference to daily financial publications, and that it is not practical to invite competitive bids for commercial paper.

It is represented that no fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, estimated at \$500, will be performed at cost by Northeast Utilities Service Co., an affiliated service company. It is further represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 14, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12781; Filed, Oct. 24, 1969;
8:47 a.m.]

OCEAN DATA INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Ocean Data Industries, Inc., and all other securities of Ocean Data Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 21, 1969, 10 a.m., e.d.t., through October 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12782; Filed, Oct. 24, 1969;
8:47 a.m.]

ORETEK, INC.

Order Suspending Trading

OCTOBER 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Orettek, Inc., and all other securities of Orettek, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 21, 1969, 10 a.m., e.d.t., through October 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12783; Filed, Oct. 24, 1969;
8:47 a.m.]

SPACE DATA INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Space Data Industries, Inc., and all other securities of Space Data Industries, Inc., being traded otherwise than

on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than to be effective for the period October 21, 1969, 10 a.m., e.d.t., through October 30, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12784; Filed, Oct. 24, 1969;
8:47 a.m.]

[812-2485]

THE TRAVELERS EQUITIES FUND, INC., AND TRAVELERS EQUITIES SALES, INC.

Notice of and Order for Hearing on Application for Exemption

OCTOBER 15, 1969.

On August 25, 1969, the Commission issued a notice (Investment Company Act Release No. 5791) of an application pursuant to section 6(c) by Travelers Equities Fund, Inc. ("Fund"), and Travelers Equities Sales, Inc., One Tower Square, Hartford, Conn., the principal underwriter for shares of the Fund ("Distributor") (hereinafter collectively "Applicants"), for an order exempting Applicants from the provisions of section 22(d) of the Act. The notice, which is incorporated herein by reference, gave interested persons an opportunity to file a request in writing for a hearing on the matter accompanied by a statement as to the nature of their interest, the reason for such request, and the issues of fact or law proposed to be controverted. The time within which such request could be filed was extended by the Commission from September 10, 1969, 5:30 p.m., to October 1, 1969, 5:30 p.m., upon request of The National Association of Securities Dealers ("NASD").

The NASD filed a request for a hearing on October 1, 1969. It appears to the Commission that it is appropriate in the public interest and in the interests of investors that a hearing be held with respect to said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 5th day of November 1969 at 10 a.m. in the offices of the Commission, 500 North Capital Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than the applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission on or before the 31st day of October 1969, application pursuant to Rule 9(c) of the Commission's rules of practice. A copy

of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and request for hearing and that on the basis thereof the following matters are presented for consideration without prejudice to the specification of additional matters upon further examination:

Whether the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Applicants and to the NASD and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 69-12785; Filed, Oct. 24, 1969;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 928]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an applica-

tion must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31237 (Sub-No. 3 TA), filed October 16, 1969. Applicant: JOSEPH M. DIGNAN & SON, INC., Post Office Box 7463, Baltimore, Md. 21227. Applicant's representative: C. F. Garmelmann, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, automobiles, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving Top Value Enterprises, Inc., store located at West Springfield, Va., as an off-route point in connection with presently authorized regular routes, between Baltimore, Md. and Alexandria, Va., for 120 days. Supporting shipper: Top Value Enterprises, Inc., Top Value Building, Dayton, Ohio 45401. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 92983 (Sub-No. 537 TA), filed October 17, 1969. Applicant: ELTON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: A. Bruce Fraser (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Animal and vegetable oils, including blends thereof, in bulk, from St. Joseph, Mo., to Topeka, Kans., and Omaha, Nebr., for 150 days. Supporting shipper: Armour and Co., South St. Joseph, Mo. 64488. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 105501 (Sub-No. 5 TA) (correction), filed October 9, 1969, and published in the FEDERAL REGISTER, issue of October 16, 1969, and republished in part, this issue. Applicant: TERMINAL WAREHOUSE COMPANY, 498 First Street Northwest, New Brighton, Minn. 55112. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Note: The purpose of this partial republication is to include the destination State of South Dakota, which was inadvertently omitted in previous

publication. The rest of the application remains as published.

No. MC 108207 (Sub-No. 272 TA) (Correction), filed October 6, 1969, and published in the FEDERAL REGISTER, issue of October 14, 1969, and republished as corrected, this issue. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sour cream, sour cream dips, yogurt products, from Council Grove, Kans., to Phoenix, Ariz.; Little Rock, Ark.; Chicago, Ill.; Minneapolis, Minn.; Kansas City and St. Louis, Mo.; Lincoln and Omaha, Nebr.; Lawton, Oklahoma City, and Tulsa, Okla.; Memphis, Tenn.; Dallas, Houston, and San Antonio, Tex., for 150 days. Note: Applicant does not intend to tack with its existing authority. The purpose of this republication is to include some of the destination points, which were inadvertently omitted from previous publication. Supporting shipper: Fairmont Foods Co., 3201 Farnam Street, Omaha, Nebr. 68101. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108207 (Sub-No. 275 TA), filed October 16, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pickles, from Albuquerque, N. Mex., to Little Rock, Ark.; Monroe, New Orleans, and Shreveport, La.; Oklahoma City, Okla.; Memphis, Tenn.; Amarillo, Austin, Beaumont, Corpus Christi, Dallas, Harlingen, Houston, Midland, San Antonio, and Waco, Tex., for 150 days. Note: Applicant does not intend to tack with other authority. Shipper states that pickles must move with mechanical refrigeration due to light brine and fermentation, in less than carload shipments from 1,000 to 3,000 pounds. Supporting shipper: A. Morton Mosher, Inc., Post Office Box 23006, Dallas, Tex. 75203. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 114004 (Sub-No. 76 TA), filed October 17, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers designed to be drawn by passenger automobiles, in initial movement, in truckaway service from Sebastian County, Ark., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Senator Homes, Inc., 1002 South Sixth Street, Fort Smith, Ark. 72901. Send protests to: District Supervisor

William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 115762 (Sub-No. 3 TA), filed October 17, 1969. Applicant: BRACEY & MARTIN, INC., Post Office Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, cross ties, switch ties, posts, poles, piling and cross arms, treated or untreated, from the plantsite of Koppers Co., Inc., at or near Guthrie, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Mississippi, Ohio, Tennessee, Virginia, and West Virginia; and from points in Alabama, Arkansas, Georgia, Illinois, Mississippi, Ohio, and Tennessee to the plantsite of Koppers Co., Inc., at or near Guthrie, Ky., for 180 days.* Supporting shipper: Koppers Co., Inc., Guthrie, Ky. 42234. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 119443 (Sub-No. 24 TA), filed October 17, 1969. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate products and liquid confectionery products, in bulk, in tank vehicles, from Dover, Del., to the plantsite of Elmer Candy Corp., Poncha-toula, La., for 180 days.* Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 126548 (Sub-No. 5 TA), filed October 17, 1969. Applicant: ELMER A. FEHRLE, doing business as FEHRLE TRUCKING, 2329 18th Street SW., Cedar Rapids, Iowa 52404. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, raggle boards, pallets, skids, wood chips, and sawdust, from Belle Plaine, Iowa, to points in Arkansas, Kentucky, Michigan, Missouri, North Carolina, Tennessee, and Texas, for 180 days.* Supporting shipper: Belle Plaine Sawmill, Belle Plaine, Iowa 52208. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 129575 (Sub-No. 3 TA) (Correction), filed October 2, 1969, and published in the FEDERAL REGISTER, issue of October 9, 1969 and republished in part, this issue. Applicant: LEWIS PIERCE,

doing business as HIGHWAY 2 EXPRESS, 1321 First Avenue North, Grand Forks, N. Dak. 58201. Applicant's representative: R. W. Wheeler, Post Office Box 1, Bismarck, N. Dak. 58501. NOTE: The purpose of this partial republication is to show the duration of time for 180 days, in lieu of 189 days. The rest of the application remains as published.

No. MC 133049 (Sub-No. 2 TA), filed October 17, 1969. Applicant: JOHNNY MASON, doing business as MASON TRUCKING, Box 4, West, Miss. 39192. Applicant's representative: Calvin King, Durant, Miss. 39063. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bale ties and burlap bagging, for cotton, from Gulfport, Miss.; Mobile, Ala.; and New Orleans, La., to points in Mississippi, Louisiana, Arkansas, Tennessee, Missouri, and Alabama, for 180 days.* Supporting shipper: Ludlow Corp., Needham Heights, Mass. 02194. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133801 (Sub-No. 1 TA), filed October 15, 1969. Applicant: FEDERATION TRUCKING CORP., 457 Water Street, New York, N.Y. 10002. Applicant's representative: Leslie Sokoloff (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Skis, ski boots, ski poles, ski clothes, track and field equipment, and related accessories, between Elmsford, N.Y., and points in New York, N.Y., commercial zone as defined by the Commission in fifth supplemental report 53 MCC 451, for 180 days.* Supporting shipper: Bonta, Inc., 440 Park Avenue South, New York, N.Y. 10016. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134096 (Sub-No. 1 TA), filed October 17, 1969. Applicant: TROPICANA TRANSPORTATION CORP., 121 Paris Street, Newark, N.J. 07105. Applicant's representative: Paul Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor (1) *Canned, chilled and frozen citrus products;* (2) *canned and bottled nonalcoholic drinks and drink concentrates;* (3) *citrus animal feed (citrus pomace), from the plantsite of Tropicana Products, Inc., at Kearny, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 150 days.* Supporting shipper: Tropicana Products, Inc., Post Office Box 338, Bradenton, Fla. 33505. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce

Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12776; Filed, Oct. 24, 1969; 8:47 a.m.]

[Notice 432]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 22, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71323. By order of October 20, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Harper Bros., A & S, Inc., Sulphur Springs, Ark., of the operating rights in permits Nos. MC-126014, MC-126014 (Sub-No. 2), and MC-126014 (Sub-No. 4) issued August 31, 1964, March 10, 1966, and April 10, 1968, to Elmer D. Palmer, Pea Ridge, Ark., authorizing the transportation of poultry offal meal and feather meal, in bulk, from Russellville, Fort Smith, and Siloam Springs, Ark., and points within 10 miles of Siloam Springs, to specified points in Michigan, Illinois, Indiana, Louisiana, Iowa, Missouri, Nebraska, Oklahoma, Tennessee, and Texas; and from Joplin, Noel, Rich Hill, and Springfield, Mo., to specified points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Michigan, Nebraska, Oklahoma, Tennessee, and Texas, and meat offal meal, from Denver, Colo., to Springdale and Russellville, Ark. David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-71553. By order of October 20, 1969, the Motor Carrier Board approved the transfer to B. J. Cecil Trucking, Inc., Claypool, Ariz., of certificate No. MC-128862 (Sub-No. 2) issued November 8, 1967, to B. J. Cecil, doing business as B. J. Cecil Trucking, Claypool, Ariz., authorizing the transportation of grinding balls, ore, ore concentrates, shredded iron, salt, and coke, between points in Arizona, on traffic having a prior or subsequent movement by rail. Benton L. Blake, 416 Arizona

Land Title Building, 2200 North Central Avenue, Phoenix, Ariz. 85004, attorney for applicants.

No. MC-FC-71672. By order of October 20, 1969, the Motor Carrier Board approved the transfer to Fresno-Bass Lake Freight Lines, Inc., Fresno, Calif., of the certificate of registration in No. MC-85725 (Sub-No. 1) issued October 22,

1963, to Lewis Rodgers, doing business as Fresno-Bass Lake Freight Lines, Fresno, Calif., evidencing a right to engage in operations in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Decision No. 56590 dated April 22, 1958, issued by the Public Utilities Commission of

California. John Paul Fischer, Esq., Silver, Rosen and Johnson, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 69-12777; Filed, Oct. 24, 1969;
8:47 a.m.]

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FEDERAL REGISTER

VOLUME 34 • NUMBER 206

Saturday, October 25, 1969 • Washington, D.C.

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

Requirements for Milk
Recommended by State
Regulatory Agencies



DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

REQUIREMENTS FOR MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING RECOMMENDED FOR ADOPTION BY STATE REGULATORY AGENCIES

Statement of Consideration Leading to the Recommended Standards

Milk is a highly nutritious food and the products processed and manufactured therefrom are essential to a well balanced diet. Therefore, producers and processors should handle milk with extreme care to preserve its special and unique characteristics.

A continuing effort by the U.S. Departments of Agriculture and Health, Education, and Welfare has been to provide uniformity of standards and to assure wholesome, stable, and high quality dairy products for the American consumer. USDA and HEW have reached agreement on recommendations for standards for manufacturing milk, production of the milk on the farm, the general provisions for the processing and manufacture of dairy products, and specific provisions for instant nonfat dry milk.

These recommended standards are hereby being published in the FEDERAL REGISTER for the express purpose of inviting comments from State officials, the dairy industry and all other interested parties. Copies of the recommended standards are also available from the Consumer and Marketing Service.

Interested persons may wish to examine the degree to which their State's present laws and regulations, and the conditions within the State meet the recommended standards and if there are areas where State laws and regulations or where the conditions within the State fall short of the standards, they may wish to assess the situation and establish step-by-step goals for improvement to the point where they can meet the standards.

It is believed that the majority of the manufacturing milk and the farms and plants producing and processing the milk now meet these standards. The effect of the standards will be to cause those who produce low quality milk and milk products to improve to the level of the majority.

The work by USDA was carried out under the authority of the Agricultural Marketing Act of 1946, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627. The recommended standards are intended for voluntary adoption by the States. The administration and enforcement of the standards when adopted also will be entirely within the jurisdiction of the States.

Written data, views, or arguments in connection with the aforesaid recommendation shall be filed in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Administration

Building, Washington, D.C. 20250, not later than March 31, 1970.

All written submissions pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

A sample State Enabling Act to facilitate the enactment of the proposed standards, for those States not having the present authority, together with the recommended standards is included.

Subpart A—Sample State Enabling Act

Subpart B—Definitions

- Sec. B 1. Meaning of words.
- B 2. Terms defined.

Subpart C—Quality Requirements for Milk for Manufacturing

- C 1. Basis
- C 2. Sight and odor.
- C 3. Sediment content classification.
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- C 8. Quality testing of milk from producers.
- C 9. Record of tests.
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Subpart D—Requirements for Farms Producing Milk for Manufacturing

- D 1. Health of herd.
- D 2. Milking facility and housing.
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- D 5. Milkhouse or milkroom.
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- D 7. Water supply.
- D 8. Sewage disposal.
- D 9. Qualifications for farm certification.

Subpart E—Requirements for Licensed Dairy Plants

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- E 1.7 Protection and transportation of raw milk and cream.
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- E 1.15 Storage of finished product.
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- E 2. Supplemental Requirements for Plants Manufacturing, Processing and Packaging Instant Nonfat Dry Milk, Nonfat Dry Milk, Dry Whole Milk, Dry Buttermilk, Dry Whey, and Other Dry Milk Products.
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Sec.

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Subpart A—Sample State Enabling Act

An act to provide for the establishment of requirements for milk for manufacturing purposes and its production and processing.

SECTION 1. It is the intent of the Act to encourage the sanitary production of good quality milk, to promote the sanitary processing of milk for manufacturing purposes, and to assure wholesome, stable, and high-quality dairy products.

Sec. 2. The [regulatory agency of the State] shall administer the provisions of this Act and is hereby authorized: to establish and promulgate rules and regulations for milk for manufacturing purposes, its production, transportation, grading, use, processing, and the packaging, labeling, and storage of dairy products made therefrom; to inspect dairy farms and dairy plants; to certify dairy farms for the production and sale of milk for manufacturing purposes and to license dairy plants to handle and process milk for manufacturing purposes, in conformity with basic requirements and specifications prescribed by such rules and regulations as may be issued hereunder in effectuation of the intent hereof; to require the keeping of appropriate books and records by plants licensed hereunder; and to license qualified milk graders and bulk milk collectors.

Sec. 3. The [regulatory agency of the State] may for good cause, after notice and opportunity for hearing, suspend or revoke certifications and licenses issued hereunder. *Provided*, That nothing in this Act shall be construed to prevent the suspension of the operation of any plant prior to a hearing, when such action is authorized by any applicable and valid law or regulation.

Sec. 4. Twenty-four months from and after the effective date of the rules and regulations issued pursuant to this Act, no person, firm, or corporation shall produce, sell, offer for sale, or process milk for the manufacture of human food except in accordance with the provisions of this Act and the rules and regulations issued pursuant hereto.

Sec. 5. Any person, firm, or corporation that willfully violates any provision of this Act or the rules and regulations issued pursuant hereto shall be fined not more than \$-----, and each and every violation shall constitute a separate offense.

Sec. 6. This Act shall become effective -----.

Subpart B—Definitions

Sec. B 1. *Meaning of words.* Words used in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Sec. B 2. *Terms defined.* Unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

¹ Insert name of appropriate regulatory agency, official, or department.

(a) *Act.* [The State Act to provide for the establishment of Requirements for Milk for Manufacturing Purposes and Its Production and Processing].²

(b) *Regulatory agency.* [Insert the name of the State agency, official, or department] is authorized by law to administer the Act.

(c) *Rules and regulations.* The provisions of Subpart B to F herein.

(d) *License.* A license issued under the Act by [the regulatory agency].

(e) *Fieldman.* A person qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and generally employed by a processing or manufacturing plant for the purpose of making dairy farm surveys and doing quality control work.

(f) *Inspector.* A qualified, trained person authorized by [the regulatory agency] to perform dairy farm or plant inspections and raw milk grading.

(g) *Milk grader or bulk milk collector.* A person licensed by [the regulatory agency] as described in F 2.4(b) who is qualified and trained for the grading of raw milk in accordance with the quality standards and procedures of Subparts C and F.

(h) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and those who receive payment for this product. A "new producer" is one who has only recently entered the production of milk for the market. A "transfer producer" is one who has been shipping milk to one plant and transfers his shipments to another plant.

(i) *Dairy farm or farm.* A place or premise where one or more milking cows are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes.

(j) *Dairy plant or plant.* Any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing and/or prepared for distribution. When "plant" is used in connection with the production, transportation, grading, or use of milk, it means any plant that handles or purchases milk for manufacturing purposes; when used in connection with requirements for plants or licensing of plants, it means only those plants that manufacture dairy products.

(k) *Milk.* The normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. The word "milk" used herein includes only milk for manufacturing purposes.

(l) *Milk for manufacturing purposes.* Milk produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements.

(m) *Acceptable milk.* Milk that qualifies under section C 2 as to sight and odor and that is classified No. 1 or No. 2 for

² Insert title and code sections of State Enabling Act.

sediment content (section C 3) and No. 1 or No. 2 for bacterial estimate (section C 4).

(n) *Probational milk.* Milk classified No. 3 for sediment content (section C 3) or milk classified "Undergrade" for bacterial estimate (section C 4) that may be accepted by plants for specific time periods.

(o) *Reject milk.* Milk that does not qualify under section C 2 as to sight and odor, or that is classified No. 4 for sediment content (section C 3), which is rejected by the plant by the provisions of section C 5.

(p) *Excluded milk.* All of a producer's milk excluded from the market by the provisions of section C 7.

(q) *Dairy products.* Butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk, and condensed skim milk (plain or sweetened), and such other products, for human consumption, as may be otherwise designated.

(r) *Farm certification.* Certification by an inspector that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milk-room, utensils and equipment, and water supply have been found to meet the applicable requirements of Subpart D for the production of milk to be used for manufacturing purposes.

(s) *Official methods.* Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C.

(t) *Standard methods.* Standard methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, N.Y.

(u) *3-A Sanitary Standards.* The standards for dairy equipment formulated by the 3-A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service, and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 437, Shelbyville, Ind.

(v) *C-I-P or cleaned-in-place.* The procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation.

Subpart C—Quality Requirements for Milk for Manufacturing Purposes

SECTION C 1. Basis. The classification of raw milk for manufacturing purposes shall be based on organoleptic examination (sight and odor) and quality control tests for sediment content and bacterial estimate.

Sec. C 2. Sight and odor. The flavor and odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off-flavors and off-odors that would adversely affect the finished product, and it

shall not show an abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight or odor.

Sec. C 3. Sediment content classification. Milk in cans and in farm bulk tanks shall be classified for sediment content as follows: (See Table 1.)

(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed 1-pint sample shall be tested. Sediment content shall be based on comparison with official USDA Sediment Standards. (7 CFR 58.2728 through 58.2731)

(b) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

TABLE 1
SEDIMENT CONTENT¹

Sediment-content classification	Milk in cans (off-the-bottom method, 1½-inch-diameter disc)	Milk in farm bulk tanks (mixed sample, 0.40-inch-diameter disc)
No. 1 (acceptable)	Not to exceed 0.50 mg.	Not to exceed 0.50 mg. equivalent.
No. 2 (acceptable)	Not to exceed 1.50 mg.	Not to exceed 1.50 mg. equivalent.
No. 3 (probational)	Not to exceed 2.50 mg.	Not to exceed 2.50 mg. equivalent.
No. 4 (reject)	Over 2.50 mg.	Over 2.50 mg. equivalent.

¹ Sediment content based on comparison with applicable charts of Sediment Standards prepared by the U.S. Department of Agriculture.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(c) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: Provided, that if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(d) *Retests.* (1) On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified

immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from product.

Sec. C 4. Bacterial estimate classification. Milk shall be classified for bacterial estimate as follows by one of the listed methods: (See Table 2.)

TABLE 2

Bacterial estimate classification	Direct microscopic count or standard plate count	Resazurin reduction time to Munsell color standard 5P 7/4 ¹
No. 1 (acceptable):		
Can.....	Not over 500,000 per ml.	Not less than 2½ hours.
Bulk.....	do.....	Not less than 3½ hours.
No. 2 (acceptable):		
Can.....	Not over 3,000,000 per ml.	Not less than 1½ hours.
Bulk.....	do.....	Not less than 2½ hours.
No. 2 1 (acceptable):		
Can.....	Not over 1,000,000 per ml.	Not less than 2 hours.
Bulk.....	do.....	Not less than 3 hours.
Undergrade (probational 4 weeks):		
Can.....	Over 3,000,000 per ml.	Less than 1½ hours.
Bulk.....	do.....	Less than 2½ hours.
Undergrade 1 (probational 4 weeks):		
Can.....	Over 1,000,000 per ml.	Less than 2 hours.
Bulk.....	do.....	Less than 3 hours.

¹ Effective 3 years after adoption.

² For enforcement purposes this test must be read at the times shown in the table.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of "Standard Methods for the Examination of Dairy Products." However in reporting the results, the test shall be read at the times indicated in the table.

(b) *Frequency of tests.* At least once a month at irregular intervals, a mixed sample of each producer's milk shall be tested.

(c) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2 the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of 4 weeks. The producer of "Undergrade" milk shall be notified immediately.

(d) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding 4 weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial

estimate requirements (No. 1 or No. 2), it shall be excluded from product.

Sec. C 5. *Rejected milk.* A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (sec. C 2) or if it is classified No. 4 for sediment content (sec. C 3).

Sec. C 6. *Identification of reject milk.* All reject milk in cans shall be identified with a reject tag.

Sec. C 7. *Excluded milk.* A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for acceptable milk (secs. C 3 and C 4); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (sec. C 33); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than 4 successive weeks (sec. C 4).

Sec. C 8. *Quality testing of milk from producers.*—(a) *New producers.* An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (secs. C 3 and C 4). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

(b) *Transfer producers.* When a producer discontinues milk delivery at one plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding 90 days and a statement of the farm certification status and date of certification, if any. The previous buyer shall furnish the new buyer with such information within 24 hours after receipt of a written request unless the records have been destroyed by means over which he has no control. *Provided*, That the new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer shall then make a written request to the old buyer for the producer's record.

If the new buyer requests and fails to receive the quality record from the previous buyer, he shall report such fact to [the regulatory agency] and shall cause a farm inspection to be made promptly to confirm or establish certification of the transfer producer's farm.

In lieu of the quality record from the previous buyer the producer may furnish the new buyer with a copy of the milk quality tests received with each remittance, monthly or semimonthly, for the preceding 90-day period.

The new buyer shall examine and classify each transfer producer's first shipment of milk and shall subsequently examine shipments in accordance with the provisions of sections C 3 and C 4.

Sec. C 9. *Record of tests.* Accurate records, listing the results of quality tests of each producer, shall be kept on file at

the receiving plant where performed and shall be available for examination by the regulatory agency.

Sec. C 10. *Field service.* A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment, utensils, and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

Sec. C 11. *Abnormal milk.*—(a) *Mastitic milk.*—(1) After _____ re-

(Date) required laboratory examination for the presence of unwholesome mammary secretions—whether of an inflammatory, infectious, physiological, or environmental origin—shall be made on all raw milk samples twice each 6 months. Samples shall be analyzed at an official State laboratory or at a laboratory approved by the State regulatory agency.

(2) After _____ when a herd (Date) milk sample exceeds any of the following screening test results:

California Mastitis Test—Weak Positive (CMT1+).

Catalase Test—30 percent oxygen.

Modified Whiteside Test—Positive (1+).

Wisconsin Mastitis Test—WMT value of 28, a somatic cell count using the Direct Microscopic Clump Count Method or equivalent, or the Electronic Method shall be made on that sample and the results of the somatic cell direct count shall be the official results.

(3) Whenever the somatic cell count indicates the presence of 1,500,000 or more somatic cells per ml., the following procedures shall be applied:

(i) A notice shall be sent to the producer warning him of the excessive somatic cell count.

(ii) Following the second consecutive high somatic cell count, a milking time inspection shall be made by the regulatory agency.

(4) A third milk sample shall be taken after a lapse of 3 days and within 14 days of the inspection required under "2" above. If this sample also indicates a high somatic cell count, the regulatory authority shall request the producer to obtain expert advice on the correction of his problem.

(b) *Antibiotics.* At least four times in 6 months, at irregular intervals, a sample of each producer's milk shall be tested for antibiotic residues. When a producer's milk shows a positive test he shall be immediately cut off from all markets. He shall not be reinstated until a subsequent test of the producer's milk is negative.

(c) *Radionuclides.* Composite milk samples should be tested for biologically significant radionuclides from selected areas in each State at a frequency which the regulatory agency determines to be adequate to protect the consumer.

(d) *Pesticides.* Composite milk samples should be tested for pesticides from

selected areas in each State at a frequency which the regulatory agency determines to be adequate to protect the consumer.

Subpart D—Farm Requirements for Milk for Manufacturing

SECTION D 1. *Health of herd.*—(a) *General health.* All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

(b) *Tuberculin test.* The herd shall be located in an area within the State which meets the requirements of a modified accredited area in which not more than one-half of 1 percent of the cattle have been found to be infected with tuberculosis as determined by the provisions of the "Uniform Methods and Rules" for establishing and maintaining Tuberculosis-Free Herds of Cattle, and Modified Accredited Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the aforesaid program. All additions to the herd shall be from an area or from herds meeting these same requirements.

(c) *Brucellosis test.* The herd shall be located in an area within the State in which the percentage of cattle affected with brucellosis does not exceed 1 percent and the percentage of herds in which brucellosis is present does not exceed 5 percent, in accordance with provisions of the "Uniform Methods and Rules" for establishing and maintaining Certified Brucellosis-Free Herds of Cattle, Modified Certified Brucellosis Areas and Certified Brucellosis-Free Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually. All additions to the herd shall be from an area or from herds meeting these same requirements. Within 3 years after the effective date of these rules and regulations all milk offered for sale for manufacturing purposes shall be from herds meeting the requirements for the eradication of brucellosis in accordance with the above Uniform Methods and Rules.

(d) *Abnormal milk.* Milk from cows known to be infected with mastitis or milk containing residues of antibiotics or other drugs, or milk containing pesticides or other chemical residues in excess of the established limits shall not be sold or offered for sale for human food. The milk shall be disposed of as the regulatory agency may direct.

Sec. D 2. *Milking facility and housing.* (a) A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. It shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material. The facility shall be kept clean, the manure removed daily, or

stored to prevent access of cows to accumulation thereof; and no swine, fowl, or other animals shall be permitted in any part of the milking area.

(b) If milk is exposed during straining or transferring in the milking areas it shall be protected from falling particles from areas above milk facility.

(c) The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of standing water pools, insofar as practicable, and shall be kept clean.

Sec. D 3. *Milking procedure.* (a) The udders and flanks of all milking cows shall be clipped of long hairs. The udders and teats shall be washed or wiped immediately before milking with a clean damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitary method.

(b) The milker's outer clothing shall be clean and his hands clean and dry. No person with an infected cut or open sores on their hands or arms shall milk cows, or handle milk or milk containers, utensils, or equipment.

(c) Cows which secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply as required in section D 1(d).

(d) Milk stools, surcingle, and anti-kickers shall be kept clean and properly stored. Dusty operations should not be conducted immediately before or during milking. Strong flavored feeds should only be fed after milking.

Sec. D 4. *Cooling.* (a) Milk in cans shall be cooled immediately after milking (to 50° F. or lower)* unless delivered to the plant within 2 hours after milking. The cooler, tank, or refrigerated unit shall be kept clean.

(b) Milk in farm bulk tanks shall be cooled to 40° F. or lower within 2 hours after milking and maintained at 50° F. or lower until transferred to the transport tank.

Sec. D 5. *Milkhouse or milkroom.* (a) A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk and for washing, handling, and storing the utensils and equipment. Other products shall not be handled in the milkroom which would be likely to contaminate milk, or otherwise create a public-health hazard.

(b) It shall be equipped with wash and rinse vat, utensil rack, milk cooling facilities, and have an adequate supply of hot water available for cleaning milking equipment. If a part of the barn or other building, it shall be partitioned, screened, and sealed to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse or milkroom, when properly equipped, arranged and maintained, need not be partitioned. Concentrates and feed, if stored in the building, shall be kept in a tightly covered box or bin. The floor of

the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitting screen doors that open outward or unless other effective means are provided to prevent the entrance of flies.

(c) If a farm bulk tank is used, it shall be properly located in the milkhouse or milkroom for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

(d) A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall for milkhose connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading.

(e) The milkhouse or milkroom and appurtenances shall be kept clean and free of trash, animals and fowl. Pesticides shall not be stored in this room and when used shall be used in accordance with label instructions so as to prevent contamination of the milk.

Sec. D 6. *Utensils and equipment.* Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsanitary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use with at least 50 p.p.m. chlorine solution or its equivalent. Such solution shall be tested after use. New or replacement can lids shall be umbrella type. All new utensils and equipment shall comply with applicable 3-A Sanitary Standards.

Farm bulk tanks shall meet 3-A Sanitary Standards for construction at the time of installation and shall be installed in accordance with regulations of the regulatory agency.

Single service articles shall be properly stored and shall not be reused.

Sec. D 7. *Water supply.* The dairy farm water supply shall be properly located, protected, and operated, and shall be easily accessible, ample, and of safe, sanitary quality for the cleaning of dairy utensils and equipment. The water supply shall come from a source which is approved by the State regulatory authority; or from a spring, dug well, driven well, bored well, or drilled well the water from which complies with the standards of the State regulatory authority. A source that does not conform with the construction requirements of the State regulatory authority but is tested annually by an approved laboratory and found to be safe and of sanitary quality shall be satisfactory. *Provided,* That within 10 years of the adoption of this regulation all sources of water shall meet

the construction requirements of the State regulatory authority.

Sec. D 8. *Sewage disposal.* House, milkhouse, or milkroom and toilet wastes shall be disposed of in a manner that will not pollute the soil surface, contaminate any water supply, or be exposed to insects.

Sec. D 9. *Qualifications for farm certification.* Farm certification requires satisfactory compliance with the requirements in Subpart D.

Subpart E—Requirements for Licensed Dairy Plants

SECTION E 1. General requirements—

E 1.1 *Premises.* (a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas should be of cement, asphalt, or similar material to keep dust and mud to a minimum.

(b) *Surroundings.* The adjacent surroundings shall be free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects and other vermin.

(c) *Drainage.* A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and driveways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

E 1.2 *Buildings.* The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights, and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust, and dirt. All outside doors opening into processing rooms shall be in good condition and fit properly. All hinged, outside screen doors shall open outward. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans, or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction window sills should be slanted downward at a 45° angle.

(b) *Walls, ceilings, partitions, and posts.* The walls, ceilings, partitions, and posts of rooms in which milk or dairy products are processed, manufactured, handled, packaged or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious

* Until 3 years after adoption, the temperature requirement for milk placed in cans will be 60° F.

to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface. A wainscoting of a suitable material of a darker color may be used to a height not exceeding 60 inches. For easier cleaning new construction should have rounded cove at the juncture of the wall and floor in all receiving, pasteurizing, manufacturing, packaging, and storage rooms.

(c) *Floors.* The floors of all rooms in which milk, or dairy products are processed, manufactured, packaged, or stored or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction bell type traps shall not be used. The plumbing shall be so installed as to prevent the backup of sewage into the drain lines and to the floor of the plant.

Sound, smooth wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces and at least 50 foot-candles of light intensity in areas where dairy products are graded or examined for condition and quality. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs, fluorescent tubes, fixtures, skylight, or other glass suspended over the product shall be protected against breakage.

(2) There shall be adequate heating, ventilation, or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods, or temperature and humidity control facilities shall be provided where and when needed, to minimize or eliminate undesirable room temperatures, objectionable odors, moisture condensation, or mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged, or stored shall be so designed, constructed, and maintained as to assure desirable room temperatures

and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms when present shall be separated from the processing rooms by a partition. Rooms for receiving can milk shall be separated from the processing rooms by a partition (partial or complete) by suitable arrangement of equipment or by allowing enough distance between receiving and processing operations to avoid possible contamination of milk or dairy products during manufacturing and handling. Processing rooms shall be kept free from equipment and materials not regularly used.

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms used for the storing of packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged on racks, shelves, or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds, and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients, or packaging supplies.

(3) *Boiler and tool rooms.* The boiler and tool rooms shall be separated from other rooms where milk and dairy products are processed, manufactured, packaged, handled, or stored. Such rooms shall be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located.

(a) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged, or stored; doors shall be self closing; ventilation shall be provided by mechanical means or screened openings to the outer air; fixtures shall be kept clean and in good repair.

(b) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided and durable, legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be

maintained and properly staffed with qualified and trained personnel for quality control and analytical testing.

(6) *Starter facilities.* Adequate facilities shall be provided for the handling of starter cultures. The facilities shall be sufficiently isolated (preferably a separate room) and shall not be located near cheese vats, whey separators, or tanks where contamination is most likely to occur.

E 1.3 *Facilities—(a) Water supply.* There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protection against contamination and pollution. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross connection between safe water lines and unsafe water lines or between public and private water supplies. Bacteriological examination shall be made of the sanitary water supply at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products. Such tests shall be made by the State regulatory agency except for supplies that are regularly tested for purity and bacteriological quality, and approved by the appropriate regulatory officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

The location, construction, and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking-water facilities.* Drinking water facilities of a sanitary type shall be provided in the plant and shall be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single service towels or air dryers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Self-closing metal or plastic containers shall be provided for used towels and other wastes.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only nontoxic boiler compounds shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with

the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surface shall comply with the 3-A Accepted Practices for Supplying Air Under Pressure. The air used at the point of application shall be free from volatile substances, volatiles which may impart any flavor or odor to the products, and extraneous or harmful substances.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight fitting lids and placed outside the plant on a concrete slab or on a rack raised at least 12 inches. Alternatively waste containers may be kept inside a suitably enclosed, clean and flyproof room. Solid wastes shall be disposed of regularly and the containers cleaned before reuse. Accumulation of dry waste paper and cardboard shall be kept to a minimum. The paper shall be burned at the plant in a properly constructed incinerator or compressed or bagged and hauled away.

E 1.4 *Equipment and utensils.*—(a) *General construction, repair, and installation.* The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings or any specialized equipment shall be constructed of stainless steel, or other equally corrosion resistant material. Nonmetallic parts other than glass having product contact surfaces shall meet 3-A Sanitary Standards for Plastic or Rubber and Rubber Like Materials.

All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks, and corroded surfaces. New or rearranged equipment, shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes (except certain piping cleaned in place) or fittings, including valves and connections, shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved

construction to allow effective cleaning in place.

All C.I.P. systems shall comply with the 3-A Sanitary Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall meet the 3-A Sanitary Standards and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary covers or baffles to prevent contamination from splash, condensate and drippage. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean, dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. They should be equipped with proper temperature controls on the wash and rinse tanks and the following additional devices: Prerinse jet, wash tank solution, feeder, can sanitizing attachment, forced air vapor exhaust, and removable air filter on drying chamber. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves. The steam pressure to the can washer should be not less than 80 pounds, and the temperature of the wash tank solution should not exceed 140° F.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator, and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil, or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be so designed that moisture, or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3-A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. All storage tanks or vats should meet the appropriate 3-A Sanitary Standards and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome type batch pasteurizers.* Coil or dome type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other

equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome type pasteurizer agitators shall be stainless steel except that any nonmetallic parts shall meet 3-A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at 165° F. or lower for 30 minutes or less shall be equipped with space-heating equipment and the necessary thermometers to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *High-temperature short-time pasteurizers.* When pasteurization is intended or required, an approved timing pump or device recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all HTST equipment used for pasteurization, to assure complete pasteurization. The entire facility shall meet the 3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time Pasteurizers. After the HTST unit has been tested according to the 3-A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. Sealing of the HTST unit shall be performed by the control authority having jurisdiction. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders.*—(1) *Indicating thermometers.*

(i) Long stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all HTST, and dome type pasteurizers. Storage tanks where temperature readings are required shall have thermometers which are accurate within 2.0° F., plus or minus.

(iii) Air space indicating thermometers, where applicable, which are accurate within 1.0° F., plus or minus, for the proper temperature range shall also be installed above the surface of the

products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) HTST recording thermometers that are accurate within 1° F., plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing or sterilizing unit to record the heating process.

(ii) Additional use of recording thermometers accurate within 2° F., plus or minus, may be required where a record of temperature or time of cooling and holding is of significant importance.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the product. The edges of the fins shall be so designed as to divert condensate on non-product contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be leak proof.

(j) *Plate type heat exchangers.* Plate type heat exchangers shall meet the 3-A Sanitary Standards for Construction and Installation. All gaskets shall be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen shall be posted to insure proper cleaning procedures between inspection periods.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers should meet the 3-A Sanitary Standards for Construction and Installation.

(l) *Pumps.* Pumps used for milk and dairy products shall be of the sanitary type and constructed to meet 3-A Sanitary Standards. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(m) *Homogenizers.* Homogenizers and High Pressure Pumps of the Plunger Type shall meet the 3-A Sanitary Standards.

(n) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall meet the then current 3-A Sanitary Standards. If 3-A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section.

(o) *Vacuum chamber.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally noncorrosive metal. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product discharge line. If direct steam is used, it should also be equipped with a ratio controller to regulate the composition of the product. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an

automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the HTST pasteurizer is not in the forward flow position. Condensers when used shall be equipped with a water level control and an automatic safety shutoff valve.

E 1.5 *Personnel cleanliness.* All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectoration or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy product, or supplies are prepared, stored, or otherwise handled. Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing, processing milk, manufacturing, packaging, or handling dairy products.

E 1.6 *Personnel health.* No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and dairy products are prepared, manufactured, or otherwise handled. No person who has a discharging or infected wound, sore, or lesion on hands, arms, or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers, or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition an employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery. Medical certificates attesting the fact that the employee when last examined was free from communicable disease shall be kept on file at the plant office.

E 1.7 *Protection and transport of raw milk and cream—(a) Equipment and facilities—(1) Milk cans.* Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition. Adequate provisions should be made so that milk in cans will be cooled immediately after milking to 50° F. or lower unless delivered to the plant within 2 hours after milking.

(2) *Farm bulk tanks.* Farm bulk tanks should meet 3-A Sanitary Standards for construction and should be installed preferably in a milkhouse in accordance with the requirements of the regulatory agency in jurisdiction. The bulk tanks

* Until 3 years after adoption, the temperature requirement for milk placed in cans will be 60° F.

should be designed and equipped with refrigeration to permit the cooling of the milk to 40° F. or lower within 2 hours after milking, and maintain it at 50° F. or below until picked up.

(b) *Transporting milk or cream—(1) Vehicles.* Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans or vehicles used for the transportation of milk from the farm to the plant shall not be used for transporting skim milk, buttermilk, or whey to producers.

(2) *Transport tanks.* The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag, or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. New and replacement transport tanks shall meet 3-A Sanitary Standards for Milk Transport Tanks.

(c) *Facilities for cleaning and sanitizing.* Enclosed or covered facilities shall be available for washing and sanitizing of transport tanks, piping, and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(d) *Transfer of milk to transport tank.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

E 1.8 *Raw product storage.* All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

The bacteriological quality of commingled milk in storage tanks shall be 3 million or lower.

E 1.9 *Pasteurization or sterilization.* When pasteurization or sterilization is intended or required, or when a product is designated "pasteurized" or "sterilized" every particle of the product shall be subjected to such temperatures and holding periods as will assure proper pasteurization or sterilization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate

keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product. The phenol value of check test samples of pasteurized finished product shall be no greater than the maximum specified for the particular product as determined and specified by the phosphatase test method prescribed in the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

E 1.10 Composition and wholesomeness. All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished product shall comply with the requirements of the Federal Food, Drug and Cosmetic Act as to their composition and wholesomeness.

E 1.11 Cleaning and sanitizing treatment—(a) Equipment and utensils. The equipment, sanitary piping, and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies shall be removable on all agitators, pumps, and vats, and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplemental sections, all equipment not designed for C.I.P. cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents, sanitizing agents, or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. All product contact surfaces shall be subjected to an effective sanitizing treatment immediately prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self draining position on racks constructed of impervious corrosion-resistant material.

C.I.P. cleaning, including spray-ball systems, shall be used only on equipment and pipeline systems which have been designed and engineered for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3-A Suggested Method for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. Because of the possibilities of corrosion, the recommendations of the cleaning compound manufacturer should be followed with respect to time, temperature and concentration of specific acid or alkaline solutions and bactericides. The established cleaning procedure shall be posted and followed.

Such cleaning operation should be preceded by a thorough rinse at approximately 110°–115° F. continuously discarding the water. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checked for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, plates, and tee ends shall be opened or removed and brushed clean. Immediately prior to starting the product flow, the product contact surfaces shall be given bactericidal treatment. Plates and pumps should be left open overnight, assembled and sanitized prior to use.

(b) Milk cans and can washers. Milk cans and lids shall be cleaned, sanitized, and dried before returning to producers. Inspection, repair, or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone, or any unsanitary condition.

Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer. Only washing compounds which are compatible with the water, for effective cleaning, should be used. The can washer should be checked regularly during the run for proper operation. At the end of the day, the wash and rinse tanks should be drained and cleaned, jets and strainers cleaned, air filters checked and changed or cleaned if needed, and checks should be made for proper adjustment and condition of mechanical parts.

(c) Milk transport tanks. A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use: *Provided*, That, if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank should be identified by a tag attached to the outlet valve, bearing the following information: Plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

(d) Building. All windows, glass, partitions, and skylights shall be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings, and doors shall be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges shall be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of by burning or other proper methods to destroy any insects that might be present.

E 1.12 Insect and rodent control program. In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides, and rodenticides shall be properly labeled, and shall be handled, stored, and used in such a manner as not to create a public health hazard.

E 1.13 Plant records. Adequate plant records shall be maintained of all required tests and analyses performed in the laboratory or throughout the plant during processing and manufacturing, on all raw milk receipts and dairy products. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination at the plant or receiving station where performed.

(a) Sediment and bacterial test results on raw milk from each producer. Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Laboratory and plant quality control tests of dairy products as required in this part. Retain for 12 months.

(1) Microbiological

(2) Chemical analysis

(3) Keeping quality

(c) Pasteurization recorder charts. Retain for 6 months.

(d) Water supply test certificate. Retain current copy for 6 months.

(e) Employee health certificate. Retain most recent copy until employee is no longer employed by plant.

E 1.14 Packaging and general identification—(a) Containers. The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling. The weights and shape within each size or style shall be as nearly uniform as is practical.

Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper should be resistant to puncturing, tearing, cracking or breaking under normal conditions of handling, shipping and storage. When special type packaging is used, the instructions of the manufacturers shall be followed closely as to its application and methods of closure.

(b) Packaging and repackaging. Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging material shall be practically free

from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods.

(c) *General identification.* All commercial bulk packages containing dairy products manufactured under the provisions of this subpart shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer, manufacturer, or distributor and such other identification as may be required by the regulatory agency in jurisdiction.

E 1.15 *Storage of finished product.*—
(a) *Dry storage.* The product shall be stored at least 18 inches from the wall in aisles, rows, or sections and lots, in such a manner as to be orderly and easily accessible for inspection. Rooms should be cleaned regularly. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment of damage to the dairy product from mold, absorbed odors, or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

(b) *Refrigerated storage.* The finished product shall be placed on shelves, dunnage or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated by drippage or condensation.

E 1.16 *Qualifications for plant licensing.* Plant licensing requires satisfactory compliance with the applicable requirements in Subpart E.

SECTION E 2. *Supplemental Requirements for Plants Manufacturing, Processing, and Packaging Instant Nonfat Dry Milk, Nonfat Dry Milk, Dry Whole Milk, Dry Buttermilk, Dry Whey, and Other Dry Milk Products.*

E 2.1 *Rooms and compartments.*

E 2.1.1 *Dry storage of product.* Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams, and floors shall be free from structural defects and inaccessible false areas which may harbor insects.

E 2.1.2 *Packaging room for bulk products.* A separate room or area shall be provided for filling bulk bins, drums, bags or other bulk containers and shall be constructed in accordance with section 1.2 of Subpart E. The number of control panels and switch boxes in this area shall be kept to a minimum. Control panels shall be mounted a sufficient

distance from the walls to facilitate cleaning or shall be mounted in the wall and provided with tight fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and, where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least 6 inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, shall not be allowed in the packaging room.

E 2.1.3 *Hopper or dump room.* A separate room shall be provided for the transfer of bulk dry dairy products from bags or drums to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be acceptable if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

E 2.1.4 *Repackaging room.* A separate room shall be provided for the filling of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

E 2.2 *Equipment and utensils.*

E 2.2.1 *General construction, repair, and installation.* All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing-pump or device, flow diversion valve, and recorder controller, shall meet the same general requirements as outlined in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

E 2.2.2 *Preheaters.* The preheaters shall be of stainless steel or other equally corrosion resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

E 2.2.3 *Hotwells.* The hotwells shall be enclosed or covered and equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell and if used for holding high heat products they should also have recorders.

E 2.2.4 *Evaporators and/or vacuum pans.* Open type evaporators and/or vacuum pans shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product, and should meet the applicable 3-A Sanitary Standards. When enclosed type condensers are used, no special controls are needed to prevent water from entering the product.

E 2.2.5 *Surge tanks.* If surge tanks are used for hot milk and temperatures of product including foam being held in the surge tank during processing is not maintained at a minimum of 150° F.,

then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

E 2.2.6 *High pressure pumps and lines.* High pressure lines may be cleaned-in-place and shall be of such construction that dead ends, valves, and the high pressure pumps can be disassembled for hand cleaning. The high pressure pump should meet the 3-A Sanitary Standard Covering Homogenizers and High Pressure Pumps of the Plunger Type.

E 2.2.7 *Dryers.*—(a) *Spray dryers.* Spray dryers shall be of a continuous discharge type and all product contact surfaces shall be of stainless steel or other equally corrosion resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters and with air intake and exhaust recording thermometers. The filter system shall consist of filtering media or devices that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying chamber. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas fired dryers, precautions should be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust or dirt.

(b) *Roller dryers.* The drums of a roller dryer shall be smooth, readily cleanable, and free of pits and rust. The knives shall be maintained in such condition so as not to cause scoring of the drums. When the dryer is not used for extended periods, the drums should be treated to prevent rust.

The end boards shall have an impervious surface and be readily cleanable. They shall be provided with a means of adjustment to prevent leakage and accumulation of milk solids. The stack, hood, the drip pan inside of the hood and related shields shall be constructed of stainless steel and be readily cleanable. The lower edge of the hood shall be constructed so as to prevent condensate from entering the product zone. The hood shall be properly located and the stack of adequate capacity to remove the vapors. The stack shall be closed when the dryer is not in operation. The augers shall be of stainless steel or properly plated, and readily cleanable. The auger troughs and related shields shall be of stainless steel and be readily cleanable. All air entering the dryer room shall be filtered to eliminate dust and dirt. The filter system shall consist of filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying room. The

filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. All dryer adjustments shall be made and the dryer operating normally before food grade powder can be collected from the dryer.

E 2.2.8 Collectors and conveyors. Collectors shall be made of stainless steel or equally noncorrosive material and should be constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition and the system shall be of such construction that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion resistant material and should be constructed to facilitate thorough cleaning and inspection.

E 2.2.9 Dry dairy product cooling equipment. Cooling equipment shall be provided with sufficient capacity to cool the product to 110° F. or lower immediately after removal from dryer and prior to packaging. If bulk bins are used, the product should be cooled to approximately 90° F. but shall be not more than 110° F. A suitable dry air supply with effective filtering shall be provided where air cooling and conveying is used.

E 2.2.10 Special treatment equipment. All special equipment such as instantizing systems, flakers, pulverizers, or hammer mills used to further process dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection.

E 2.2.11 Sifters. All newly installed sifters used for dry milk and dry milk products shall meet the 3-A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the appendix of the 3-A Standard for sifters.

E 2.2.12 Portable and stationary bulk bins. Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from crack and seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning.

E 2.2.13 Automatic sampling device. If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning.

E 2.2.14 Dump hoppers, screens, mixers, and conveyors. The product contact surfaces of dump hoppers, screens, mixers, and conveyors which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless steel or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

E 2.2.15 Filler and packaging equipment. All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads, accessible for cleaning.

E 2.2.16 Heavy duty vacuum cleaners. Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

E 2.3 Clothing and shoe covers. Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the drier when it is necessary to enter the drier to perform the cleaning operation.

E 2.4 Operations and operating procedures.

E 2.4.1 Pasteurization and heat treatment. All milk, buttermilk, and whey used in the manufacture of dry dairy products shall be pasteurized at the plant where dried, except that condensed whey and acidified buttermilk containing 40 percent or more solids may be transported to another plant for drying without repasteurization.

(a) **Pasteurization.** (1) All milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing at least the minimum pasteurization temperature of 16° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim milk made from pasteurized skim milk may be transported to a drying plant; *Provided*, That it shall be effectively repasteurized at the drying plant, prior to drying, at not less than 175° F. for 25 seconds or its equivalent in bacterial destruction.

(2) All buttermilk or cream from which it is derived shall be pasteurized prior to condensing at a temperature of 185° F. for 15 seconds or its equivalent in bacterial destruction.

(3) All cheese whey or milk from which it is derived shall be pasteurized prior to condensing at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction.

(b) **High heat.** All skim milk to be used in the manufacture of nonfat dry milk intended for baking or other purposes where high heat treatment is desirable shall be heated to such a temperature as will produce a finished product meeting the equivalent requirements of U.S. High Heat as defined in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

E 2.4.2 Condensed surge supply. Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed product necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

E 2.4.3 Condensed storage tanks. Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage

tank to 50° F. or lower and held at this temperature until used.

Product cutoff points shall be made at least every 24 hours and the tank completely emptied, washed and sanitized before reuse.

E 2.4.4 Drying. Each dryer should be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

E 2.4.5 Cooling dry products. Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F.; however, if the product is to be held in a bulk bin the temperature should be reduced to approximately 90° F. but shall not be more than 110° F.

E 2.4.6 Packaging, repackaging, and storage—(a) Containers. Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for nonfood items or food which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

(b) **Filling.** Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than 1 hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the tapping or pounding of containers shall be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of product remnants before being transferred from the filling room to the palleting or dry storage areas.

(c) **Repackaging.** The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The flow shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and carton making equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor

level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning points of equipment where residues of the dry product may accumulate. A thorough cleanup including windows, doors, walls, light fixtures, and ledges, shall be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry dairy products including dribble product at the fillers shall be properly identified and disposed of as animal feed.

(d) *Storage*—(1) *Product*. The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of product shall be placed on pallets elevated approximately 6 inches from the floor. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies*. All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. It is preferable that supplies be stored in an area separate from that used for storing the dry products. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers they shall be kept in an enclosed metal cabinet, bins or on shelving and if not enclosed shall be protected from powder and dust or other contamination. The room shall be vacuumed as often as necessary and kept clean and orderly.

E 2.4.7 *Product adulteration*. All necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

E 2.4.8 *Checking quality*. All milk, milk products, and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Line samples shall be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

E 2.4.9 *Requirements for instant nonfat dry milk*—(a) *Sampling and testing*. All instant nonfat dry milk offered for sale shall be sampled and tested by the regulatory authority at least once each month for the purpose of assuring that the product meets the requirements of section E 2.4.9(b). In addition the dry milk plant shall have each subplot of approximately 4,000 pounds tested and analyzed prior to being packaged or offered for sale. Product not meeting the

requirements of section E 2.4.9(b) shall not be offered as Extra Grade.

(b) *Requirements for Extra Grade instant nonfat dry milk*—(1) *Flavor and odor*. The flavor and odor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: Chalky, cooked, feed, flat.

(2) *Physical appearance*. The physical appearance shall possess a uniform white to light cream natural color; shall be reasonably free-flowing and free from lumps except those that readily break up with very slight pressure.

(3) *Bacterial estimate*. The standard plate count shall not be more than 35,000 per gram.

(4) *Coliform count*. The coliform count shall not be more than 10 per gram.

(5) *Milkfat content*. The milkfat shall not be more than 1.25 percent.

(6) *Moisture count*. The moisture shall not be more than 4.5 percent.

(7) *Scorched particle content*. Scorched particles shall not be more than 15.0 mg.

(8) *Solubility index*. The solubility index shall not be more than 1.0 ml.

(9) *Titrateable acidity*. The titrateable acidity shall not be more than 0.15 percent.

(10) *Dispersibility*. The dispersibility shall not be less than 85.0 percent by the Moats-Dabbah Method.

(11) *Direct microscopic clump count*. The direct microscopic clump count shall not be more than 75 million per gram.

E 2.4.10 *Cleaning of dryers, conveyors, sifters, and storage bins*. This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

E 2.4.11 *Insect and rodent control program*. In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program.

SECTION E 3. *Supplemental Requirements for Plants Manufacturing, Processing, and Packaging Butter and Related Products*.

E 3.1 *Rooms and compartments*.

E 3.1.1 *Coolers and freezers*. The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

E 3.1.2 *Churn rooms*. Churn rooms in addition to proper construction and sanitation shall be so equipped that the air

is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

E 3.1.3 *Print and bulk packaging rooms*. Rooms used for packaging print or bulk butter and related products should, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (no more than 10 mold colonies per cubic foot of air), dust, or other air-borne contamination and maintain a reasonable room temperature.

E 3.2 *Equipment and utensils*.

E 3.2.1 *General construction, repair, and installation*. All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in section 1.4 of Subpart E 1. In addition for certain other equipment, the following requirements shall be met.

E 3.2.2 *Continuous churn*. All product contact surfaces shall be of noncorrosive material. All nonmetallic product contact surfaces shall comply with 3-A Standards for Plastic, Rubber and Rubber-Like Materials. All product contact surfaces shall be readily accessible for cleaning and inspection.

E 3.2.3 *Conventional churn*. Churns should be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

E 3.2.4 *Bulk butter trucks, boats, and packers*. Bulk butter trucks, boats, and packers shall be constructed of aluminum, stainless steel, or equally corrosion resistant metal free from cracks, seams and must have a surface that is relatively smooth and easily cleanable.

E 3.2.5 *Butter, frozen or plastic cream melting machines*. Shavers, shredders, or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel or equally corrosion resistant metal, sanitary construction, and readily cleanable.

E 3.2.6 *Printing equipment*. All printing equipment shall be designed to be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be aluminum, stainless steel, or equally corrosion resistant metal, or plastic, rubber and rubberlike material which meet 3-A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

E 3.2.7 *Brine tanks*. Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank shall also be provided with a satisfactory drainage outlet.

E 3.2.8 *Starter vats*. Bulk starter vats shall be of stainless steel or equally corrosion resistant metal and constructed according to applicable 3-A Sanitary Standards. The vats shall be in

good repair, equipped with tight fitting lids and have effective temperature controls.

E 3.3 Operations and operating procedures.

E 3.3.1 *Pasteurization.* The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product.

(a) *Cream for buttermaking.* The cream for buttermaking shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum temperature of not less than 185° F. for not less than 15 seconds; or it shall be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15-second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts. Covers shall also be kept closed during the holding and cooling period.

(b) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in (a) above, except, that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

E 3.3.2 *Composition and wholesomeness.* All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug and Cosmetic Act, as to composition and wholesomeness.

E 3.3.3 *Containers.* (a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less, to protect the product from contamination during subsequent handling.

(b) *Liners and wrappers.* Supplies of parchment liners, wrappers and other packaging material shall be protected against dust, mold and other possible contamination.

Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally noncorrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The solution should consist of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

Other liners such as polyethylene shall be treated or handled in such a manner as to prevent contamination of the liner prior to filling.

(c) *Filling bulk butter containers.* The lined butter containers shall be protected from possible contamination prior to filling. Containers should be stacked only as high as the firmness of the product will support weight, so as not to crush or distort the container.

E 3.3.4 *Printing and packaging.* Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions. Separate rooms equipped with automatic filling and packaging equipment should be provided. The outside cartons should be removed from bulk butter in a room outside of the printing operation but the parchment removal and cutting of the butter may be done in the print room.

E 3.3.5 *General identification.* Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

E 3.3.6 *Storage of finished product in coolers.* All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

E 3.3.7 *Storage of finished product in freezer—(a) Sharp Freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The rooms shall be maintained at -10° F. or lower and shall be equipped to provide sufficient high-velocity air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) *Freezer storage.* The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and repiled, if necessary, at a later time.

SECTION E 4. Supplemental Requirements for Plants Manufacturing and Packaging Cheese.

E 4.1 Rooms and compartments.

E 4.1.1 *Starter room.* A separate starter room equipped with a tight fitting door should be provided for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply should be provided so as to obtain outward movement of air from the room.

E 4.1.2 *Make room.* The room in which the cheese is manufactured shall be of adequate size, and the vats adequately spaced to permit movement around the vats and presses for proper cleaning and satisfactory working conditions. Adequate ventilation shall be provided, preferably filtered air. Mold count should be no higher than 10 per cubic foot of air.

E 4.1.3 *Drying room.* If cheese is to be paraffined, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Temperature and humidity control facilities should be provided which will promote the development of a sound, dry rind.

E 4.1.4 *Paraffining room.* For rind cheese, a separate room or compartment should be provided for paraffining and boxing the cheese. The room shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

E 4.1.5 *Rindless block wrapping area.* For rindless blocks a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold, or other conditions which may contaminate the surface of the cheese or contribute to an unsatisfactory packaging of the cheese.

E 4.1.6 *Coolers or curing rooms.* Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese, and minimize the growth of mold. Proper circulation of air shall be maintained at all times. The rooms shall be free from rodents, insects, and pests. The shelves shall be kept clean and dry.

E 4.1.7 *Cutting and packaging rooms.* When small packages of cheese are cut and wrapped, separate rooms shall be

provided for the cleaning and preparation of the bulk cheese and a separate room shall be provided for the cutting and wrapping operation. The rooms shall be well lighted, ventilated, and provided with filtered air. Air movements shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

E 4.2 Equipment and utensils.

E 4.2.1 *General construction, repair, and installation.* All equipment and utensils necessary to the manufacture of cheese and related products shall meet the same general requirements as outlined in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

E 4.2.2 *Starter vats.* Bulk starter vats shall be of stainless steel or equally corrosion resistant metal and should be constructed according to the applicable 3-A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers.

E 4.2.3 *Cheese vats.* The vats used for making cheese should be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16-gauge stainless steel or other equally corrosion resistant metal properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket when metal shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jackets shall be constructed so as to prevent milk or cheese from entering the inner jacket.

The vat shall be equipped with a suitable sanitary outlet valve. Effective valves shall be provided and properly maintained to control the application of heat to the vat. Also vats should be equipped with removable cloth covers which can be regularly and suitably laundered, or with a single service paper cover.

E 4.2.4 *Mechanical agitators.* The mechanical agitators shall be of sanitary construction. The carriage and track shall be so constructed as to prevent the dropping of dirt, or grease into the vat. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3-A Sanitary Standards for Plastic and Rubber or Rubber-Like Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

E 4.2.5 *Curd mill and miscellaneous equipment.* Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3-A Sanitary Standards for Plastic and Rubber-Like Material. The product contact surfaces of the curd mill should be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean.

The wires in the curd knives shall be stainless steel, kept tight and replaced when necessary.

E 4.2.6 *Hoops and followers.* The hoops, forms, and followers shall be constructed of stainless steel or heavy tinned steel. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair. Drums or other special forms used to press and store cheese shall be clean and sanitary.

E 4.2.7 *Press.* The cheese press should be constructed of stainless steel and all joints welded and all surfaces, seams and openings readily cleanable. The pressure device shall be the continuous type. Press cloths shall be maintained in good repair and in a sanitary condition. Single service press cloths shall be used only once.

E 4.2.8 *Rindless cheese press.* The press used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces.

E 4.2.9 *Paraffin tanks.* The metal tank should be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

E 4.3 Operations and operating procedures.

E 4.3.1 *Cheese from pasteurized milk.* If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds.

HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

E 4.3.2 *Cheese from unpasteurized milk.* If the cheese is labeled as "heat treated," "unpasteurized," "raw milk," or "for manufacturing," the milk may be raw or heated at temperatures below pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

E 4.3.3 *Whey disposal.* (a) Adequate sanitary facilities shall be provided for the disposal of whey. If outside, necessary precautions shall be taken to minimize flies, insects, and development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

E 4.3.4 *Packaging and repackaging.* Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and

the packaging material shall be practically free from mold and bacterial contamination.

E 4.3.5 *General identification.* Each bulk cheese shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designated code number or name and address of manufacturer. Each consumer sized container shall be plainly marked with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of product and such other information as may be required.

SECTION E 5. Supplemental Requirements for Plants Manufacturing and Packaging Cottage Cheese.

E 5.1 Rooms and compartments.

E 5.1.1 *Processing rooms.* (a) Processing operations with open cheese vats should be separated from other rooms or areas. Excessive personnel traffic or other possible contaminating conditions should be avoided. Rooms, compartments, coolers, and dry storage space in which any raw material, packaging, or ingredient supplies or finished products are handled, processed, packaged, or stored shall be designed and constructed to assure clean and orderly operations.

(b) *Ventilation.* Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and air borne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize air borne contamination in processing and packaging rooms, it is preferable to filter all incoming air. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

E 5.1.2 *Starter room.* A separate starter room equipped with a tight fitting door should be provided for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply shall be provided so as to obtain an outward movement of air. The outward movement of air from the room minimizes contamination from unfiltered air entering the starter room when the door to the room is opened.

E 5.1.3 *Coolers.* Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

E 5.2 Equipment and utensils.

E 5.2.1 *General construction, repair, and installation.* The equipment and utensils used for the manufacture and handling of cottage cheese shall be as

specified in section 1.4 of Subpart E. In addition for certain other equipment the following requirements shall be met.

E 5.2.2 Cheese vats. The vats used for making the cottage cheese shall be of stainless steel construction with adequate jacket capacity for uniform heating and cooling. The inner liner shall be minimum 16-gauge stainless steel, or equally corrosion resistant metal properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jacket shall be constructed as to prevent milk or cheese from entering the inner jacket.

Vats shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Also the vats should be equipped with removable stainless steel or other suitable metal covers, cloth covers which can be regularly and suitably laundered, or with single service paper covers. Vats used for creaming curd should be equipped with a refrigerated cooling medium. A circulating pump for the heating and cooling medium is recommended.

E 5.2.3 Agitators. Mechanical agitators should be installed on all cheese vats for stirring the milk or cheese. The carriage shall be completely enclosed or provided with a trough or drip pan to prevent condensation, oil or dirt from dropping into the vat.

E 5.2.4 Container fillers. Should conform to the 3-A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

E 5.2.5 Mixers. Only mixers shall be used which will mix the cheese carefully and keep shattering of the curd particles to a minimum. They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

E 5.2.6 Starter vats. Bulk starter vats shall be made of stainless steel or equally corrosion resistant metal and should be constructed according to applicable 3-A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and accurate temperature controls such as valves, indicating and/or recording thermometers.

E 5.3 Operations and operating procedures.

E 5.3.1 Pasteurization. (a) The skim milk used for the manufacture of cottage cheese shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature.

If held more than 2 hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or colder until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. Cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be repasteurized provided it is reconstituted within 2 hours prior to the time of setting. Skim milk separated from pasteurized whole milk need not be repasteurized provided it is separated in equipment from which all traces of raw milk from previous operations have been removed by proper cleaning and sanitizing.

E 5.3.2 Reconstituting nonfat dry milk. Nonfat dry milk shall be reconstituted in a sanitary manner, preferably by the use of a centrifugal pump and funnel arrangement. It shall be reconstituted within 2 hours of the time of setting, using water which is free from viable pathogenic or otherwise harmful microorganisms as well as microorganisms which may cause spoilage of cottage cheese.

E 5.3.3 Packaging and general identification.—(a) *Containers.* Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less to protect the product from contamination during subsequent handling.

(b) *Packaging.* The cheese shall be packaged in a sanitary manner and automatic filling and capping equipment should be used on all small sizes. Hand filling and capping should be limited to larger containers which cannot be filled and capped mechanically. The containers shall be checked weighed during the filling operation to assure they are filled uniformly to not less than the stated net weight on the container.

(c) *General identification.* Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging, and any other identification as may be required. Consumer size packaged products shall be legibly marked with the name of the product, net weight, name and address of the manufacturer or distributor, code or date of packaging, and any other identification as may be required.

E 5.3.4 Storage of finished product. Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

SECTION E 6. Supplemental Requirements for Plants Manufacturing, Processing, and Packaging Pasteurized Process Cheese, and Related Products.

E 6.1 Equipment and utensils.

E 6.1.1 General construction, repair and installation. The equipment and utensils used for the handling and processing of cheese products shall be as specified in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

E 6.1.2 Conveyors. Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

E 6.1.3 Grinders or shredders. The grinders or shredders used in the preparation of the trimmed and cleaned natural cheese for the cookers shall be adequate in size. Product contact surfaces shall be of corrosion-resistant material, and of such construction as to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

E 6.1.4 Cookers. The cookers shall be the steam jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and should be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are used; if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the backup of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used.

E 6.1.5 Fillers. The hoppers of all fillers shall be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair, capable of accurate measurements.

E 6.2 Operations and operating procedures.

E 6.2.1 Trimming and cleaning. The natural cheese shall be cleaned free of all nonedible portions. Paraffin and

bandages as well as rind surface, mold or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

E 6.2.2 Cooking the batch. Each batch of cheese within the cooker, including the optional ingredients shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

E 6.2.3 Forming containers. Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews shall be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

E 6.2.4 Filling containers. Hot fluid cheese from the cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or containers in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

E 6.2.5 Closing and sealing containers. Pouches, liners or containers having product contact surfaces after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or subplot number.

SECTION E 7. Supplemental Requirements for Plants Manufacturing, Processing, and Packaging Evaporated, Condensed, or Sterilized Milk Products.

E 7.1 Equipment and utensils.

E 7.1.1 General construction, repair, and installation. The equipment and utensils used for processing and packaging evaporated, condensed or sterilized milk products shall be as specified in section 1.4 of Subpart E. In addition for certain other equipment, the following requirements shall be met.

E 7.1.2 Evaporators and vacuum pans. All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should meet the requirements of the 3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum

Pans. All new or used replacements for this type of equipment shall meet the appropriate 3-A Sanitary Standards.

E 7.1.3 Fillers. Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion resistant material; except that certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall meet the requirements for 3-A Sanitary Standards for Rubber and Rubber-Like Materials or for Multiple Use Plastic Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

E 7.1.4 Batch or continuous in-container sterilizers. Shall be equipped with accurate temperature controls and effective valves for regulating the sterilization process. The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

E 7.1.5 Homogenizers. Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the product. Homogenizers should meet the applicable 3-A Sanitary Standards.

E 7.2 Operations and operating procedures.

E 7.2.1 Preheat, pasteurization. When pasteurization is intended or required by either the vat method, HTST method, or by the UHT method it shall be accomplished by systems and equipment meeting the requirements outlined in section 1.4 of Subpart E. Preheat temperatures prior to sterilization will be those that have the most favorable effect on the finished product.

E 7.2.2 Sterilization. The complete destruction of all living organisms shall be performed in one of the following methods: (a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time; (b) by a continuous flow UHTST process at high temperatures of 280° F. and above for a sufficient time, then packaged aseptically; (c) the product is first sterilized according to UHTST methods as in (b), then packaged and given further heat treatment to complete the sterilization process.

E 7.2.3 Filling containers. (a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for unsterilized product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

E 7.2.4 Aseptic filling. A previously sterilized product shall be filled under conditions which prevent contamination

of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

E 7.2.5 Storage. Finished products which are to be held more than 30 days should be stored at temperatures below 72° F. Precautions shall be taken to prevent freezing of the product.

Subpart F—Administrative Procedures

Sec. F 1. Farm Certification.

F 1.1 Necessity for certification. Within 24 months from the effective date of these rules and regulations, every farm producing and selling milk for manufacturing purposes shall be inspected and certified as provided in sections F 1.2, 1.3, and 1.5. On and after the effective date of these rules and regulations, a new producer's farm shall be inspected and certified as provided in sections F 1.2, 1.3, and 1.5 before his first sale of milk for manufacturing purposes. Twenty-four months from and after the effective date of these rules and regulations, no milk for manufacturing purposes produced on an uncertified farm shall be bought or sold.

Certified farms shall be inspected annually after initial certification to determine eligibility for recertification. The inspection procedure for recertification shall be the same as that for initial certification.

F 1.2 Inspection. Each farm shall be inspected by an inspector. When evidence indicates that it is advisable to do so, [the regulatory agency] may require an examination of the herd by a licensed veterinarian. If the farm meets the applicable requirements for certification described in section D 1 to D 9 of Subpart D, as indicated by the Farm Certification Report Form (section F 4) the farm shall be certified as described in section F 1.3. If the farm does not meet the requirements for certification, it shall be re-inspected within 30 days after the initial inspection. If the farm then meets the requirements for certification, it shall be certified. If the farm does not meet the requirements for certification, it shall not be certified, and the producer's authorization to sell milk for human food from that farm shall be withheld by [the regulatory agency] until such time as the farm qualifies for certification. *Provided*, That, if the inspector determines during any of these inspections that corrections on the farm will require some capital investment, a reasonable extension of the prescribed time limits may be granted by [the regulatory agency]. Each completed Farm Certification Report Form (section F 4) shall be kept by the regulatory agency and a copy shall be given to the producer.

F 1.3 Certification. An inspector shall certify farms that meet the requirements of sections D 1 to D 9 of Subpart D as applicable, based upon the inspection procedure described in section F 1.2. Farm certification shall authorize the

sale from that farm of milk for manufacturing purposes that meets the quality standards of section C 2 to C 4 of Subpart C as determined by the procedures described in sections C 2 to C 11 of Subpart C.

F 1.4 Expiration and revocation of certification. Farm certification shall expire and become renewable 1 year from the date of certification unless revoked earlier by [the regulatory agency] and no certification shall be transferable.

If at any time an inspector determines that a certified farm does not meet the requirements for certification, [the regulatory agency] may allow a reasonable probationary period for the producer to bring his farm within the requirements for certification. If at the end of this time the farm does not meet the requirements for certification, [the regulatory agency] may revoke the farm certification.

F 1.5 Reinstatement. If, after a period of withholding, probation, or revocation of farm certification, a producer makes the necessary corrections at the farm, he may apply for reinspection. When conditions have been corrected, the farm shall be reinspected by an inspector. When the inspector determines that requirements for certification have been met, he shall certify the farm.

SECTION F 2. Licensing Plants, Milk Graders, and Bulk Milk Collectors.

F 2.1 Necessity for plant license. Within 12 months from the effective date of these rules and regulations, every plant receiving or processing milk for the manufacture of dairy products shall be inspected and licensed as provided in sections F 2.2, 2.3, 2.4(a), and 2.6. On and after the effective date of these rules and regulations, a new plant shall be inspected and licensed as provided in sections F 2.2, 2.3, 2.4(a), and 2.6 before buying or processing any milk for the manufacture of dairy products. Twelve months from and after the effective date of these rules and regulations, no unlicensed plant shall handle, purchase, or receive milk or manufacture dairy products therefrom.

All licensed plants shall be inspected annually after issuance of the initial license to determine eligibility for license renewal. The inspection procedure for license renewal shall be the same as that for initial licensing.

F 2.2 Application for license. Applications to [the regulatory agency] for a new or renewal license for dairy plants, milk graders, and bulk milk collectors shall contain the name and address of the

applicant and such other pertinent information as may be required.

F 2.3 Plant inspection. Each plant shall be inspected by an inspector. If, upon initial inspection, the inspector finds that the plant meets the requirements for licensing described in Subpart E, as indicated by the Plant Inspection Report Form (section F 5), a license shall be issued to the plant as described in section F 2.4(a). If the plant does not meet the requirements for licensing, the plant shall be reinspected by an inspector within 30 days of the initial inspection. A longer time may be allowed if major changes or new equipment is required. If at this time the plant meets the requirements for licensing, a license shall be issued. If the plant does not meet the requirements for licensing, it shall not be licensed, and its authorization to handle, purchase, or receive milk or to manufacture dairy products therefrom shall be withheld until such time as the plant qualifies for a license.

Each completed Plant Inspection Report Form (section F 5) shall be kept by [the regulatory agency], and a copy shall be given to the plant operator.

F 2.4 Issuance of license—(a) Dairy plants. [The regulatory agency] shall license dairy plants that meet the specifications of Subpart E based upon the inspection procedure described in section F 2.3. The license certificate shall be posted conspicuously at the plant. The license shall authorize the plant to test, purchase, and receive milk for manufacturing purposes and to manufacture dairy products therefrom, in compliance with the applicable provisions of the Act and the rules and regulations issued pursuant thereto.

(b) Milk graders and bulk milk collectors. [The regulatory agency] shall license milk graders and bulk milk collectors who meet the qualifications prescribed by [the regulatory agency]. The licenses of milk graders and bulk milk collectors shall authorize them to grade, accept, and reject raw milk in accordance with the provisions of Subpart C.

F 2.5 Expiration, suspension, and revocation of license. Licenses shall expire and become renewable 1 year from the date of issuance unless revoked earlier and no license shall be transferable.

If at any time an inspector determines that a licensed plant does not meet the requirements for licensing, he may allow a reasonable probationary period for the operator to bring his plant within the requirements for licensing. If at the end of this time the plant does not meet the

licensing requirements, [the regulatory agency] may revoke the plant license.

[The regulatory agency] may suspend or revoke licenses of milk graders and bulk milk collectors for any violation of these regulations or the Act. An opportunity for a hearing shall be provided any licensee before suspension or revocation of his license.

F 2.6 Reinstatement. If, after a period of withholding, probation or revocation of a plant license, the operator makes the necessary corrections at the plant, he may apply to [the regulatory agency] for reinspection and reinstatement. When the inspector determines that requirements for licensing have been met, [the regulatory agency] shall issue a license to the plant.

The reinstatement of licenses for milk graders and bulk milk collectors which have been suspended or revoked shall be made only after satisfying [the regulatory agency] of their qualifications.

SECTION F 3. Supervision.

F 3.1 Regulatory agency. [The regulatory agency] to insure compliance with the provisions of the Act and the rules and regulations shall:

(a) Make periodic examinations of milk from a representative number of producers at each plant to determine whether the milk is being graded and tested in accordance with the applicable provisions of Subpart C.

(b) Examine the quality records of transfer producers at each plant periodically and when necessary determine the acceptability of such producers' milk.

(c) Make periodic farm inspections and compare the results of such inspections with previously completed Farm Certification Report Forms filed by the inspector.

(d) Periodically examine the milk quality tests records of individual producers at each plant.

(e) Periodically inspect plant premises, buildings, equipment, facilities, operations, sanitary practices and compare the results with previously completed plant inspection forms filed by the inspector.

(f) Assist plant management and laboratory and field staffs with educational programs among producers relating to quality improvement of milk.

(g) Perform such other services and institute such other supervisory procedures as may be necessary to insure compliance with the provisions of the Act and the rules and regulations.

F 4. Farm Certification Report Form.

The following form shall be used by inspectors in determining eligibility for farm certification:

Remarks: (State unsatisfactory conditions by Item Number include comments, as necessary, for other items)

Check one
S U

1. Health of herd:
 - (a) Herd appears healthy
 - (b) Tuberculin tested, date ()
 - (c) Brucellosis tested: Ring tested, date () Blood tested, date ()
2. Barn or milking area:
 - (a) Adequate size, construction
 - (b) Cow yard graded, well drained
 - (c) Bulk tank, installation
 - (d) Bulk tank, location and construction
 - (e) Bulk tank, insulation
3. Combination milking parlor and milkroom, if used:
 - (a) Adequate size, construction
 - (b) Equipment and arrangement
 - (c) Utensils and equipment
 - (d) Design, construction
 - (e) Cleaning (brushes and cleaners) and storage facilities and supplies available
4. Water supply:
 - (a) Safe, clean
 - (b) Supply ample

B-METHODS

7. Premises:
 - (a) Clean, well kept
 - (b) Fowl, swine and other animals properly confined
 - (c) Manure properly handled and disposed of
8. Barn or milking area:
 - (a) Floors and gutters clean, good repair
 - (b) Walls and ceilings clean, painted, or whitewashed
 - (c) Pipes and chutes ways clean
 - (d) Yard or loading area clean
9. Milking procedure:
 - (a) Machine procedure
 - (b) Cows clean, udders and flanks clipped
 - (c) Udders and teats washed or wiped before milking
 - (d) Milk stored and wrapped or wiped before milking
 - (e) Milker's clothing clean, hands clean and dry
 - (f) Feed bin kept clean and free from feed odors
 - (g) Milkhouse or milk room
 - (h) Used for handling milk and stored milk only
 - (i) Clean, flies and insects controlled to minimum
10. Cooling:
 - (a) Facility clean, good operating order
 - (b) Milk cooled promptly, properly held, (Temperature of milk)
11. Utensils and equipment:
 - (a) Good condition, clean, properly stored
 - (b) Cans
 - (c) Milking machines (boiler, claw, pressure, inflation, tubes, air hose, etc.)
 - (d) Pails, strainers and other utensils
 - (e) Booster treatment before use
 - (f) Vacuum lines clean
 - (g) Supplies properly stored

PLANT SURVEY REPORT

TYPE OF PLANT		DATE
MANAGER	PURPOSE OF SURVEY	INSPECTOR
PLANT SUBJECT (Name and Address)		
ITEM	CODE: S - Satisfactory U - Unsatisfactory	REMARKS (State unsatisfactory conditions by Item No. include comments, as necessary, for other items)
1. Plant driveway & surroundings		
2. Construction		
3. Floor drain		
4.		
5.		
RECEIVING-CANS		
6. Room construction		
7. Lighting and ventilation		
8. Can inlet and outlet		
9. Weigh tank, scale, and drop tank		
10. Can washer		
11. Disposition of can drippings		
12. Condition of producer cans		
13. Pumps, pipelines, fittings		
14. Milk route trucks		
15.		
16.		
RECEIVING-BULK		
17. Facilities for bulk trucks		
18. Bulk tank trucks		
19. Pumps, pipelines, fittings		
20. CIP cleaning		
21.		
22.		
23.		
QUALITY PROGRAM-RAW PRODUCT		
24. Line Grading		
25. Bacterial testing		
26. Sediment testing		
27. Quality - supply plants		
28. Quality records - Follow-up		
29. Field service		
30.		
31.		
RAW MILK STORAGE		
32. Room construction		
33. Lighting and ventilation		
34. Product coolers		
35. Storage tanks - also		
36. Storage tanks - conventional		
37. Pumps, pipelines, valves		
38. CIP cleaning		
39.		
40.		

CHEESE

ITEM NO.	CODE: S-Specialty U-Utility	CHECK ONE S U	REMARKS (Give satisfactory conditions for item No. Packing comments, as necessary, for other items.)
PROCESSING			
C61	Room Construction		
C62	Lighting and ventilation		
C63	Classifier, separator		
C64	Postmacerator		
C65	Thermometer - Ind. & Recording		
C66	Recombinant		
C67	Pumps, valves, fittings		
C68	CIP cleaning		
C69			
STARTER ROOM			
C71	Room Construction		
C72	Lighting and ventilation		
C73	Processing vats		
C74	Starter cans		
C75	Starter culture		
C76			
CRISTALLIZING ROOM			
C77	Room Construction		
C78	Lighting and ventilation		
C79	Tests, agitators & drain tables		
C80	Cheese hoops and presses		
C81	Presses & Scales		
C82	Food knives and mill		
C83	Perforators, rollers, & wire, griddles		
C84	Bait bin		
C85	Hand washing facilities		
C86	Housekeeping		
C87			
PACKAGING			
C88	Room Construction		
C89	Lighting and ventilation		
C90	Wrapping table and scale		
C91	Type of wrapper - sealing		
C92	Barrels - condition		
C93	Shrinkers		
C94	Housekeeping		
C95			
C96			
STORAGE OF FINISHED PRODUCT			
C97	Room Construction		
C98	Temperature and ventilation		
C99	Drying racks, shelves, carts		
C100	Pallets or floor racks		
C101			
C102			
HANDLING OF WHEY			
C103	Boiling tank - Unseparated whey		
C104	Separator		
C105	Pumps, pipelines, fittings		
C106	Whey cream - past. & cooling		
C107	Disposition of excess drippings		
C108	Storage area - Separated whey		
C109	Disposition of whey		

BUTTER

ITEM NO.	CODE: S-Specialty U-Utility	CHECK ONE S U	REMARKS (Give satisfactory conditions for item No. Packing comments, as necessary, for other items.)
PROCESSING			
B61	Room Construction		
B62	Lighting and ventilation		
B63	Formrunner		
B64	Wash water - Cream filter		
B65	Separator(s)		
B66	Postmacerator		
B67	Thermometer - Ind. & recording		
B68	Recombinant		
B69	Disposit cooler		
B70	Storage tanks		
B71	Pumps, pipelines, valves		
B72	CIP cleaning		
B73			
B74			
B75			
CHURNING			
B76	Room Construction		
B77	Lighting and ventilation		
B78	Screen filter		
B79	Churn(s)		
B80	Disposition of buttermilk		
B81	Section with water, add water		
B82	Wash water tank, filter		
B83	Pumps, pipelines, fittings		
B84	Heater - diastillate		
B85	Butter boxes, trucks, packers		
B86	Boxes (bulk butter)		
B87	Microbiological analysis		
B88	Hand washing facilities		
B89			
B90			
B91			
COMPRESSION CENTERS			
B92	Agrib. - scales, weights, cups		
B93	Tests performed		
B94	Technique		
B95			
B96			
PACKAGING OF PRODUCT			
B97	Lighter and treatment		
B98	Package finish		
B99	Type of containers		
B100	Markings		
B101			
STORAGE OF FINISHED PRODUCT			
B102	Floor, walls, ceiling, doors		
B103	Lighting and ventilation		
B104	Temperature of room		
B105	Pallets or floor racks		
B106	Stacking of boxes		
B107	Other products stored		
B108			
B109			

NOTICES

17379

DRY MILK

DATA FILE

REMARKS
(Give applicable item numbers by Item No.
Include comments, as necessary, for other items.)

CHECK
ONE
S
B
D

CODE
S-Separatory
B-Distribution
D-Dispensing

ITEM

PASTEURIZATION AND CONDENSING
41. Floors, walls, ceiling, windows, doors
42. Lighting and ventilation
43. Storage tanks-temperature
44. Preheaters
45. Hot water-heating tank, time, temp.
46. Flow divider valve-divert tank
47. Flow divider valve-divert tank
48. Recorder-controller
49. Indicating and recording thermometer
50. Recorder
51. Exhauster(s)
52. Product cooler (condensed milk)
53. Condensed milk tank
54. Pump, pipelines, valves, and fittings
55. CIP cleaning
56.

SIFTING
57. Floors, walls, ceiling, windows, doors
58. Lighting and ventilation
59. Condensed milk preheater
60. W.P. pump and standards
61. Pump, pipelines, valves, and fittings
62. Air supply, filters, inlet chamber
63. Drying chamber-main at direct, indirect
64. Prod. removal & conveying equipment
65. Collectors
66. Feeder chubling system
67. Storage bin
68. Shoe covers, misc. (for dryer work)
69. Vacuum cleaner
70. Housekeeping and pest control
71.
72.
73.

PACKAGING
74. Floors, walls, ceiling, windows, doors
75. Lighting
76. Room exhaust, ventilation
77. Sifter
78. Dry milk packaging temperature
79. Seals
80. Packaging technique
81. Water powder-disposition
82. Housekeeping and pest control
83.

STORAGE OF DRY MILK
84. Floors, walls, ceiling, windows, doors
85. Lighting and ventilation
86. Stacking of containers
87. Other products stored
88. Housekeeping and pest control
89.
90.

EVAPORATED MILK

EVAPORATED MILK

REMARKS

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NOTICES

ITEM NO.	CODE: S - Satisfactory U - Unsatisfactory	CHECK ONE		REMARKS (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
		S	U	
LABORATORY				
90	Facilities and equipment			
91	Lighting and ventilation			
92	Quality Control - Mfg. Products			
STORAGE OF SUPPLIES				
93	Room Construction			
94	Felt, color, starter, renet, etc.			
95	Containers, liners, wrappers			
96	Other supplies			
97	Housekeeping			
98	Pest control			
99				
LOCKERS AND RESTROOMS				
100	Location			
101	Room Construction			
102	Lighting and ventilation			
103	Lockers and benches			
104	Housekeeping			
105	Hand - washing facilities & sign			
106				
GENERAL				
107	Pest control program			
108	Medical certificate			
109	Employees' appearance and habits			
110	Boiler and compressor room			
111	Water - plant supply			
112				
STATUS OF PLANT - PREVIOUS SURVEY, IF ANY				DATE
STATUS OF PLANT - THIS SURVEY (Indicate previous)				
RECOMMENDATIONS:				

Done at Washington, D.C., this 20th day of October 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[P.R. Doc. 69-12690; Filed, Oct. 24, 1969; 8:45 a.m.]







