

FEDERAL REGISTER

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(Part II begins on page 4203)

Agencies in this issue—

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Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Delaware River Basin Commission
Education Office
Farm Credit Administration
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Food and Drug Administration
General Services Administration
Indian Affairs Bureau
Interior Department
International Commerce Bureau
Interstate Commerce Commission
Labor Department
Labor Standards Bureau
Land Management Bureau
National Park Service
Securities and Exchange Commission
Small Business Administration
Transportation Department

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(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Bona Fide Spot Markets and Micronaire Determination

Pursuant to sections 4862 and 4863 of the Cotton Futures Provisions of the Internal Revenue Code of 1954 (26 U.S.C. 4862, 4863), the regulations governing cotton classification (7 CFR Part 27) under such provisions are hereby amended as follows:

1. Section 27.2(c) is amended to read:

§ 27.2 Terms defined.

(o) *Micronaire determination.* The measure of the fiber fineness and maturity of cotton, in combination, in terms of Micronaire readings as determined by an authorized employee of the Department in accordance with the official cotton standards of the United States for fiber fineness and maturity.

§ 27.48 [Deleted]

2. Section 27.48 *Use of copy of cotton class certificate in tender of cotton* is deleted in its entirety.

3. Section 27.94 is amended to read:

§ 27.94 Spot markets for contract settlement purposes.

The following are designated as spot markets for the purpose of determining, as provided in paragraph 4863(c) of the act, the differences above or below the contract price which the receiver shall pay for grades other than the basis grade tendered or delivered in settlement of a section 4863 contract:

(a) For cotton delivered in settlement of any No. 1 contract of the New York Cotton Exchange at delivery points on or near the Gulf of Mexico:

Dallas, Tex.
Galveston, Tex.
Houston, Tex.
Memphis, Tenn.
New Orleans, La.

(b) For cotton delivered in settlement of any No. 2 contract of the New York Cotton Exchange at delivery points on the Atlantic Coast:

Atlanta, Ga.
Augusta, Ga.
Charleston, S.C.
Memphis, Tenn.
Montgomery, Ala.

(c) For cotton delivered in settlement of any No. 3 contract of the New York

Cotton Exchange that provides for delivery at both interior and port locations:

Dallas, Tex.
Greenville, S.C.
Greenwood, Miss.
Memphis, Tenn.
Phoenix, Ariz.

(Secs. 4862 and 4863, 68A Stat. 581, 582; 26 U.S.C. 4862, 4863. 29 F.R. 16210, as amended; 31 F.R. 13249)

Statement of considerations. The foregoing amendment of § 27.94 designates spot markets for purposes of settlement of a new contract recently adopted by the New York Cotton Exchange. The use of these markets was approved by the New York Cotton Exchange after being recommended to the exchange by an industry wide committee. Trading on this contract will begin March 22, 1967. Such designation is necessary and should be made effective as soon as possible in order to facilitate trading under such contract.

The amendments also delete obsolete provisions and make a nonsubstantive change in the definition of the term "Micronaire determination" to conform to current classification standards.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-2934; Filed, Mar. 16, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 610—FEDERAL LAND BANKS GENERALLY

Subpart—Limitations and Requirements

Subpart—Payments

CREDIT LIFE INSURANCE AND FUTURE PAYMENT FUNDS

Part 610 of Title 12 of the Code of Federal Regulations (31 F.R. 16236) is amended by adding a paragraph (c) to § 610.40 and by revising § 610.47, as follows:

§ 610.40 Insurance.

(c) *Credit life insurance.* (1) Credit life insurance may be offered to borrowers. Such insurance shall be optional with each borrower and not influence consideration given the loan application. The amount of coverage shall not normally exceed the loan balance.

(2) A bank may not recover more than the actual costs for making credit life insurance available to its borrowers, or reasonably accurate estimates of such costs. Within that limitation, such costs may be recovered by taking into income payments, dividends, credits and other returns from premiums, however denominated, received from the insurer, when such returns from premiums are generally permitted under the applicable State law.

(3) Any such returns from premiums remaining after the bank has recovered such costs shall be (i) distributed to the borrowers concerned or held in trust by the bank for future distribution to the insured; or (ii) held in trust by the bank or by the insurer for use in maintaining or reducing premium rates in subsequent years.

§ 610.47 Future payment funds.

Future payment funds shall be held for subsequent credit upon indebtedness to the bank except in unusual circumstances where the release of the funds is justified. Such release may be deemed justified if the borrower needs funds for his farming operations which he otherwise would have to borrow, or where it is necessary to avoid hardship to the borrower. However, when a bank accepts such funds from a borrower, the understanding shall be that they are for subsequent credit upon his indebtedness to the bank.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 655)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67-2936; Filed, Mar. 16, 1967; 8:47 a.m.]

PART 611—FEDERAL LAND BANK ASSOCIATIONS

Subpart—Consolidation of Associations

ELECTION OF DIRECTORS

Part 611 of Title 12 of the Code of Federal Regulations (31 F.R. 16240) is amended by adding § 611.1013-50, as follows:

§ 611.1013-50 Election of directors.

At the first annual meeting of members following a consolidation or merger, two directors shall each be elected for a term of three years; two for two-year

terms, and each of the remaining board members to a one-year term. Thereafter directors shall be elected in accordance with the association bylaws.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

R. B. TOOTELL,
Governor,

Farm Credit Administration.

[F.R. Doc. 67-2937; Filed, Mar. 16, 1967;
8:47 a.m.]

PART 619—FEES AND CHARGES ON LOANS

Part 619 of Title 12 of the Code of Federal Regulations (31 F.R. 16243) is revised to read as follows:

Subpart—Bank Fees and Charges

- Sec.
619.65 Appraisal, determination of title, legal fees, and recording charges.
619.66 Nonresident investigations.
619.67 Reamortization.
619.68 Reinstatement of loans.

Subpart—Association Fees

- 619.69 Approval.
619.70 Initial charges.
619.71 Canceled applications.
619.72 Closed loans.

AUTHORITY: The provisions of this Part 619 issued under secs. 11, 13, 39 Stat. 369, as amended, 372, as amended, sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665, 761, 781.

NOTE: When the word "bank" appears alone, it refers to a Federal land bank; the word "association" refers to a Federal land bank association; the word "Administration" refers to the Farm Credit Administration.

Subpart—Bank Fees and Charges

- § 619.65 Appraisal, determination of title, legal fees, and recording charges.

A bank may charge applicants and borrowers amounts not exceeding the actual costs of appraisal, determination of title, legal fees, and recording charges incident to negotiating and servicing loans. Under the principle, however, that the interest income received by a bank from its loan compensates for certain services, it is the policy and practice to forego or keep at a minimum, charges for special services insofar as practicable. Fees may be based on estimated average costs of the above-mentioned functions so long as in the aggregate the fees collected for such cases do not exceed such actual costs. In any case, though, the fee charged may be in the amount of the actual cost of the function involved in the particular case. The respective fee shall be refunded in its entirety in the event the function for which the fee was charged was not performed.

- § 619.66 Nonresident investigations.

Where, in connection with an application for a new loan, an increased loan, or the division of an existing loan, it appears necessary to make a nonresident personal investigation, the applicant may be required to pay a fee not exceeding the actual cost. Such fee shall be refunded in its entirety if the investigation is not made.

- § 619.67 Reamortization.

The borrower may be charged an amount not to exceed actual costs, such as abstract, notarial, recording, and necessary incidental items, incurred in connection with a reamortization.

- § 619.68 Reinstatement of loans.

When a bank has instituted foreclosure or has taken necessary steps preliminary to foreclosure, it may require a borrower who wishes to reinstate such defaulted loan to reimburse it for any items of actual expense which it legally could include in its foreclosure fee; but no fee may be charged upon a reinstatement for any items of expense which legally could not be included in the foreclosure fee (such as purely collection costs), even though the amount of such outside items is less than the charges which could lawfully be imposed were the foreclosure to be completed.

Subpart—Association Fees

- § 619.69 Approval.

The banks are authorized to approve, in behalf of the Administration, resolutions adopted by the associations providing for the collection of such fees as are permitted by law and applicable regulations.

- § 619.70 Initial charges.

Any initial charges collected by an association when an application is accepted may not exceed 1 percent of the amount requested in the application.

- § 619.71 Canceled applications.

Fees collected by the association in excess of the costs incurred by the association shall be refunded if the loan is not closed. Such costs may be based on estimated average costs so long as in the aggregate the fees retained for such cases do not exceed actual costs. In any case, though, the funds retained may be in the amount of the actual cost incurred by the association so long as the amount retained does not exceed 1 percent of the amount requested in the application.

- § 619.72 Closed loans.

An association may collect a closed loan fee in an amount which, when added to other fees and charges retained by the association, may equal but not exceed 1 percent of the closed loan. Any fees and charges collected by the association which exceed said amount shall be refunded to the borrower with the exception that the association may retain actual costs incurred so long as the amount retained does not exceed 1 percent of the loan requested in the application.

R. B. TOOTELL,
Governor,

Farm Credit Administration.

[F.R. Doc. 67-2938; Filed, Mar. 16, 1967;
8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show that the positions of Assistant Commissioner for Technical Standards, URA; Assistant Commissioner for Development, PHA; Assistant Commissioner for Management, PHA; and General Counsel, PHA, are no longer in Schedule C. Effective on publication in the FEDERAL REGISTER subparagraph (15) of paragraph (a); and subparagraphs (3), (6), and (7) of paragraph (c) are revoked.

- § 213.3344 Housing and Home Finance Agency.

(a) Office of the Administrator. * * *
(15) [Revoked]

(c) Public Housing Administration. * * *

(3) [Revoked]

(6) [Revoked]

(7) [Revoked]

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL]

JAMES C. SPRY,

Executive Assistant to the Commissioners.

[F.R. Doc. 67-2912; Filed, Mar. 16, 1967;
8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 27]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 379, 382, 385, and 399 of Title 15 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: February 9, 1967.

RAUER MEYER,

Director,

Office of Export Control.

I. Validity period of Technical Data Licenses.

Purpose and effect: Experience in the export licensing of technical data reveals that in a large number of instances the 6-month validity period presently applicable to technical data license is insufficient. For this reason, licenses covering

the export of technical data will now be issued with a validity period of 1 year.

Effective date: February 9, 1967.

Accordingly, § 385.4(a) of the Comprehensive Export Schedule is revised.

II. Elimination of requirement for Identification Cards (Customs Form 3141).

Purpose and effect: Identification Cards, Customs Form 3141, need no longer be secured by individuals who present Shipper's Export Declarations or export licenses to Customs Offices. Therefore, this requirement has been eliminated from the Export Regulations.

Although identification cards are no longer necessary, the requirement still remains, as set forth in § 379.4(i), that no person shall submit to the Customs Office any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

Effective date of action: February 9, 1967.

Accordingly, § 379.4(k) of the Comprehensive Export Schedule is deleted.

III. Amendment of the Commodity Control List.

The Commodity Control List is amended as set forth below, effective February 9, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Number are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision:

¹ These commodities are transferred from Export Control Commodity Nos. 72952 and 86197 to conform with Schedule B classification.

² A separate entry is established to conform with Schedule B classification.

³ Environmental chambers are transferred to Export Control Commodity Nos. 71919 and 71980.

⁴ The GLV Dollar-Value Limit is increased.

⁵ Licensing jurisdiction for this equipment was transferred from the Department of State, effective Dec. 2, 1966. This commodity may continue to be exported under authority of an outstanding license issued by the Department of State, in accordance with the terms of that license.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Paragraph (k) of § 379.4 is deleted.

PART 382—DENIAL OF EXPORT PRIVILEGES

Section 382.51 *Indefinite denials* is amended as follows:

A. ADDITIONS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Becker, Caroline, Becker, Eli P., 5566 Clifton Rd., Jacksonville, Fla.	12-5-66	6-5-68 (on probation from 6-6-68 to 12-5-71). ¹	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 15245, 12-6-66.
Bengal Behar Construction Co. Pvt. Ltd., 5 Upper Thames St., London, E.C. 4, England, and 25 Oakwood Ave., Purley, Surrey, England.	10-26-66	Indefinite.	do.	31 F.R. 13951, 11-1-66.
Grace Enterprises, The 9-11B Jordan Rd., Kowloon, Hong Kong.	2-1-67	1-31-72	do.	32 F.R. 1140, 2-1-67.
Industrial Exports Ltd., 5 Upper Thames St., London, E.C. 4, England.	12-12-66	Indefinite.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Sookias, John M., which see.)	31 F.R. 13951, 11-1-66.
Kanematsu New York, Inc., 1 Whitehall St., New York 4, N.Y.	2-6-67	2-6-68 (on probation from 2-6-67 to 2-7-68). ¹	do.	32 F.R. 2459, 2-4-67.
Leung Bros. Impex Agencies, 9-11B Jordan Road, Kowloon, Hong Kong.	2-1-67	1-31-72	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Leung Shing Kit, which see.)	32 F.R. 1140, 2-1-67.
Leung, Robert K., Leung Shing Kit, also known as Leung Jimmy S. K., 9-11B Jordan Rd., Kowloon, Hong Kong.	2-1-67	1-31-72	General and validated licenses, all commodities, any destination, also exports to Canada.	32 F.R. 1140, 2-1-67.
Rad Repts Ltd., Lawrence Estates, Green Lane, Hounslow, Middlesex, England.	11-8-66	4-20-71	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Rad Repts (Faciros) Ltd. and Hopkinson, Anthony G., which see.)	31 F.R. 3140, 2-23-66. 31 F.R. 6280-6281, 4-23-66.
Reinitz, Jerome L., 180 Varick St., New York N.Y. 10014.	10-28-66	(On probation from 10-28-66 to 10-27-67). ¹	do.	31 F.R. 13950, 11-1-66.
Royal Zenith Corp., 180 Varick St., New York, N.Y. 10014.	10-28-66	do.	do.	31 F.R. 13950, 11-1-66.
Scientific Supply Co. (Malaysia) Ltd., 189 Jalan Pudu, Kuala Lumpur, Malaysia.	10-28-66	Indefinite.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Scientific Supply Co., and Rawlins, C. J., which see.)	31 F.R. 13357, 10-14-66.
Sookias, John M., doing business as Bengal Behar Construction Co. Pvt. Ltd., 5 Upper Thames St., London, E.C. 4, England, and 25 Oakwood Ave., Purley, Surrey, England.	10-20-66	do.	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 13901, 11-1-66.
South Shropshire Haulage Co., Ltd., Forge Garage, Middleton, Ludlow, Shropshire, England.	9-26-66	do.	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Amos (Machinery) Ltd., which see.)	30 F.R. 13272-13273, 10-19-65.
Werschlein & Becker, 5566 Clifton Rd., Jacksonville, Fla.	12-5-66	6-5-68 (on probation from 6-6-68 to 12-5-71). ¹	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F.R. 15245, 12-6-66.
Werschlein, Frieda, Werschlein, Johann, 5637 Temple Rd., Jacksonville, Fla.	12-5-66	do.	do.	31 F.R. 15245, 12-6-66.
Yasui, Ikuro, Uguisujutaku 4-201, 28 Uguisudani-cho, Shibuya-ku, Tokyo, Japan.	2-6-67	2-6-69 (on probation from 8-7-67 to 2-7-69). ¹	do.	32 F.R. 2459, 2-4-67.

¹ Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

B. AMENDMENTS

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL RESERVE citation
Almond Establishment Inc., Post Office Box 34, Vaino, Vaino, Livonienstein, and Hirschwiesen, 8657, Zurich, Switzerland. Amacker, Robert W., Eggli, Tessen, Switzerland.	6-10-60	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Maroon Export-Import G.M.B.H. and K. Kerst, Emmenrich, which see.)	25 F. R. 5546, 6-14-60.
Bordin, Emilio F., 9267 Spreitenbach AG, Post Office Box 13, Zurich, Switzerland. Commodity Export, Ltd., 13 Upper Berkeley St., London W. 1, England.	7-15-60	1-6-67 (on probation from 1-7-67 to 7-15-70). Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	30 F. R. 8013-8015, 7-15-60. 22 F. R. 383, 1-13-67.
Continental Fine Chemicals Co., 8827 Spreitenbach AG, Post Office Box 13, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F. R. 10719, 12-18-59.
Glovet Traders Ltd., 13 Upper Berkeley St., London W. 1, England.	6-10-60	Until further notice.	do.	21 F. R. 5531, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.

1 Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

C. DELETIONS

Name	Address	Effective date	Expiration dates	Export privileges affected	FEDERAL RESERVE citation
Arivison, N.Y.	Grootenbolsgebouw, Coentersstraat 38, Rotterdam, Netherlands.	11-21-62	1-30-67 (on probation from 1-31-67 for duration). ¹	do.	27 F. R. 11823, 11-30-62. 28 F. R. 11405, 2-23-63. 28 F. R. 12346-12347, 12-24-63. 30 F. R. 3461, 3-4-67. 31 F. R. 830, 6-17-66. 31 F. R. 1060, 8-16-66. 31 F. R. 13359, 10-14-66. 31 F. R. 15798, 12-13-66.
de Vos, Alexis Hendrikus Johannes	Grootenbolsgebouw, Coentersstraat 38, Rotterdam, Netherlands.	6-10-66	Until further notice.	do.	31 F. R. 13359, 10-14-66. 31 F. R. 15798, 12-13-66.
G & L Electrical Supply Co., Ltd.	15 Percy Street, London W. 1, England.	6-10-66	Until further notice.	do.	31 F. R. 13359, 10-14-66. 31 F. R. 15798, 12-13-66.
Simons, J., N.V. Industrie En Handelsonderneming.	Grootenbolsgebouw, Coentersstraat 38, Rotterdam, Netherlands.	6-10-66	Until further notice.	do.	31 F. R. 13359, 10-14-66. 31 F. R. 15798, 12-13-66.

PART 385—EXPORTATION OF TECHNICAL DATA

Section 385.4(a) is revised to read as follows:

§ 385.4 Export under a validated license.

(a) Scope. (1) Under the provisions of this § 385.4, there is established a procedure for the export of technical data not exportable under a general license.

(2) Pursuant to this procedure, application may be made for a validated

license which, if issued, authorizes the export of specified technical data to a designated foreign consignee or consignees, within a validity period of 1 year.

PART 399—COMMODITY CONTROL LIST

Section 399.1 (Commodity Control List) is amended as follows:

See footnote at end of table.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL RESERVE citation
Almond Establishment Inc., Post Office Box 34, Vaino, Vaino, Livonienstein, and Hirschwiesen, 8657, Zurich, Switzerland. Amacker, Robert W., Eggli, Tessen, Switzerland.	6-10-60	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Maroon Export-Import G.M.B.H. and K. Kerst, Emmenrich, which see.)	25 F. R. 5546, 6-14-60.
Bordin, Emilio F., 9267 Spreitenbach AG, Post Office Box 13, Zurich, Switzerland. Commodity Export, Ltd., 13 Upper Berkeley St., London W. 1, England.	7-15-60	1-6-67 (on probation from 1-7-67 to 7-15-70). Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	30 F. R. 8013-8015, 7-15-60. 22 F. R. 383, 1-13-67.
Continental Fine Chemicals Co., 8827 Spreitenbach AG, Post Office Box 13, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F. R. 10719, 12-18-59.
Glovet Traders Ltd., 13 Upper Berkeley St., London W. 1, England.	6-10-60	Until further notice.	do.	21 F. R. 5531, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Continental Fine Chemicals Co., 8827 Spreitenbach AG, Post Office Box 13, Zurich, Switzerland.	5-25-61	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	31 F. R. 8001, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Glovet Traders Ltd., 13 Upper Berkeley St., London W. 1, England.	6-10-60	Until further notice.	do.	21 F. R. 5531, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Helim, Alton, 34 Georg Coeh-Flatz, Vienna 1, Austria.	5-11-64	Duration	do.	31 F. R. 8001, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Kanner, L., Kanner & Son Ltd., L. Eastcheap Buildings, 19 Eastcheap, London, E. C. 3, England.	6-11-64	1-27-67 (on probation from 1-28-67 for duration). ¹	do.	31 F. R. 8001, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Kokkonen, Ilmari, doing business as Tetaban, Hietalahti 13, Tammenkatu, Helsinki, Finland. Kruze, Emmenrich, 14 Vienna IX, Austerlitz, Zurich, Switzerland. W. A. Austerlitz, 14 Vienna IX, Austerlitz, Zurich, Switzerland.	6-10-60	Indefinite	do.	31 F. R. 8001, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Obelk, S.A., 8657 Spreitenbach AG, Post Office Box 13, Zurich, Switzerland. Peak Products Co., Eastcheap Buildings, 19 Eastcheap, London, E. C. 3, England.	12-18-59	Duration	do.	31 F. R. 8001, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Schiffer, Herbert E., Schiffer & Co., Schiffer & Co., Electronics and Television Equipment, 34 Geor Coch-Flatz, and 57 Antonigasse, Vienna, Austria. Tetaban, Hietalahti 13, Tammenkatu, Helsinki, Finland.	6-11-64	1-27-67 (on probation from 1-28-67 for duration). ¹	do.	31 F. R. 8001, 6-17-60. 31 F. R. 13092, 8-25-60. 31 F. R. 13359, 10-14-60. 31 F. R. 13798, 12-12-60. 24 F. R. 10719, 12-25-59.
Schiffer, Herbert E., Schiffer & Co., Schiffer & Co., Electronics and Television Equipment, 34 Geor Coch-Flatz, and 57 Antonigasse, Vienna, Austria. Tetaban, Hietalahti 13, Tammenkatu, Helsinki, Finland.	5-13-65	do.	do.	30 F. R. 8001-8002, 5-14-65. 31 F. R. 13092, 11-1-65. 25 F. R. 5546, 6-18-60.

Department of Commerce export control commodity number and commodity description	Unit	*Processing No.	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
<i>Machinery, other than electric</i>								
7219 Environmental chambers capable of pressures of 26 Torr or less for treating materials by a process involving a change in temperature; and specially designed parts and accessories, n.e.c. ¹		411	STVWXYZ		500			A.
7190 Environmental chambers capable of pressures of 26 Torr or less, including those which also have a capability of simulating other constant environments, such as radiation and temperature; and specially designed parts and accessories, n.e.c. ¹		411	STVWXYZ		500			A.
<i>Electrical machinery, apparatus, and appliances</i>								
7250 Selenium, copper oxide, and magnesium copper sulfide diodes, rectifiers, stacks, or cells, n.e.c. (Specify by type number.) ²	No.	618	SXYZ				100	B.
7262 Control instruments specially designed for environmental chambers capable of pressures of 26 Torr or less, including those which also have a capability of simulating other environments, such as radiation and temperature. (66) ²	No.	411	STVWXYZ		500			A.
<i>Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks</i>								
8472 Other self-contained diving and underwater breathing apparatus (scuba); and specially designed components therefor, n.e.c. (2) ³		622	STVWXYZ		1,000	1,000		
8419 Control instruments specially designed for environmental chambers capable of pressures of 26 Torr or less, including those which also have a capability of simulating other environments, such as radiation and temperature. (1) ²		411	STVWXYZ		500			A.
<i>Miscellaneous manufactured articles, n.e.c.</i>								
8422 Closed and semiclosed circuit (re-breathing) apparatus for diving and underwater swimming (scuba); and specially designed components therefor, n.e.c. ⁴								(See Export Control Commodity No. 86172.)
8442 Other self-contained diving and underwater breathing apparatus (scuba); and specially designed components therefor, n.e.c. ⁴								(See Export Control Commodity No. 86172.)

*For explanation, see § 399.1 pages 1, 2, and 3.

[F.R. Doc. 67-2889; Filed, Mar. 16, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-28—STORAGE AND DISTRIBUTION

Centralized Self-Service Stores

Subpart 101-28.3 is added to set forth general procedures under which GSA centralized self-service stores will be provided for Federal agencies' use in lieu of each agency providing similar services for its own use.

The table of contents for Part 101-28 is amended to provide entries for new Subpart 101-28.3, as follows:

Subpart 101-28.3—Centralized Self-Service Stores	
Sec.	
101-28.300	Scope of subpart.
101-28.301	Applicability.
101-28.302	Centralized self-service stores.
101-28.303	Use of self-service stores.
101-28.304	Establishment of centralized self-service stores.

Sec.	
101-28.305	Feasibility studies.
101-28.305-1	Initiation.
101-28.305-2	Scheduling.
101-28.305-3	Conduct of study.
101-28.305-4	Findings and determinations.
101-28.306	Consolidation of functions.
101-28.307	Continuity of service.
101-28.308	Responsibility for operation.

AUTHORITY: The provisions of this Subpart 101-28.3 issued under sec. 205 (c), 63 Stat. 390; 40 U.S.C. 486 (c).

Part 101-28 is amended by the addition of the following subpart.

Subpart 101-28.3—Centralized Self-Service Stores

§ 101-28.300 Scope of subpart.

This subpart prescribes general guidelines, procedures, and requirements for the establishment of centralized self-service stores and for Federal activity participation in the services provided.

§ 101-28.301 Applicability.

This subpart is applicable to all Federal occupant activities assigned space in a building for which GSA has responsibility for the functions of operation and maintenance in addition to space management.

§ 101-28.302 Centralized self-service stores.

GSA self-service stores are central distribution outlets for small repetitive requirements of administrative supplies (general use office items), standard forms, and other selected items required to meet the official needs of Federal activities in the vicinity of these facilities. Modern self-service merchandising techniques and simplified billing methods are utilized. Limited buying service and advice on methods and sources of items not stocked in the self-service store are provided at these outlets upon request.

§ 101-28.303 Use of self-service stores.

Self-service stores are primary sources of supply for executive agencies which are occupants of buildings in which the stores are located and are available for use by other Federal activities in the vicinity. Articles and supplies stocked in self-service stores are for official use only and may be purchased only by holders of valid shopping plates issued by GSA for this purpose. Such purchases comply with requirements for use of GSA sources set forth in § 101-26.301. Agencies and activities to which shopping plates are issued shall be responsible for the acquisition, control, and use of the items purchased to insure that these purchases are used in the best interest of the U.S. Government.

§ 101-28.304 Establishment of centralized self-service stores.

In connection with the establishment of self-service stores, feasibility studies will be conducted by GSA in conjunction with other appropriate agencies to determine the feasibility of activating a self-service store and the extent of services required. The studies shall be conducted in accordance with the provisions of § 101-28.305.

§ 101-28.305 Feasibility studies.

§ 101-28.305-1 Initiation.

GSA may initiate feasibility studies to determine whether centralized self-service stores should be established:

(a) In proposed new Federal buildings or new leased space, based on available data as to the size, type, location, the number of agencies, and Federal personnel scheduled to occupy a proposed new Federal building, or new leased space, and the total Federal population in the immediate vicinity; or

(b) In an existing Federal or leased building or complex of Federal and/or leased buildings, under the provisions of § 101-5.103, or when the occupants of such buildings or complexes request GSA to initiate such a study.

§ 101-28.305-2 Scheduling.

(a) Feasibility studies will be scheduled by the appropriate GSA Regional Administrator and coordinated with potential user activities in the area of the proposed location. When the proposed facility is to be situated in a new Federal building, the study will be scheduled as soon as feasible following award of the architectural-engineering contract.

(b) The GSA Regional Administrator, or his designee, will notify the head of each prospective using activity, at least 30 days in advance of the start of the study. The notification will include:

(1) The scheduled start and completion dates for the study;

(2) A request for the head of the activity to name one or more individuals to represent him during the study;

(3) The location of the proposed GSA facility;

(4) An outline of data required for the study; and

(5) The time and place of the first meeting of agency representatives for study discussion purposes.

§ 101-28.305-3 Conduct of study.

At the first meeting of designated representatives, discussion topics will include use of self-service stores, internal studies to be made by all participating activities for determination if economies will accrue, and restrictions on operation of duplicate facilities. GSA will furnish activity representatives with a format for the survey of individual agency supply facilities, and explain the data required. The completed format should generally be returned to GSA within 15 days. Subsequent meetings may be convened by GSA.

§ 101-28.305-4 Findings and determinations.

(a) The study data including any objections or limitations expressed by the agencies affected will be accumulated, summarized, and analyzed by the GSA regional office, and submitted with findings and recommendations to the Administrator of General Services for determination and appropriate action in accordance with § 101-5.104-7 of this chapter.

(b) When the Administrator approves or disapproves the establishment of a self-service facility, the appropriate Regional Administrator will furnish the affected activities with notice of the decision. If approval is announced, additional information will be furnished, as appropriate, including:

(1) Location;

(2) Approximate date of activation;

(3) Categories of items to be stocked or otherwise available;

(4) Services which will be available, including technical supply assistance and procurement service; and

(5) Instructions for obtaining supply service.

§ 101-28.306 Consolidation of functions.

After determination to establish a GSA centralized self-service facility, the appropriate GSA regional office will:

(a) Make arrangements with each prospective or current occupant of a new or existing Federal building in which a GSA self-service store is to be established, for transfer to GSA without reimbursement, of all available equipment which will become excess by reason of

establishment of the self-service store. GSA will dispose of any equipment transferred which is not needed. Arrangements for transfer of inventory, when necessary, shall also be made.

(b) Consider personnel engaged in the supply operations of an affected agency for transfer to GSA. All personnel transfers shall be accomplished in accordance with Civil Service Regulations governing transfer of functions set forth in the Federal Personnel Manual.

(c) Not assign space in a building for the operation of a supply outlet which would duplicate the functions and services performed in connection with items handled through a self-service store.

§ 101-28.307 Continuity of service.

Each GSA self-service store will be activated in sufficient time to preclude interruption of supply services to agencies.

§ 101-28.308 Responsibility for operation.

The appropriate GSA region will be responsible for the operation of centralized self-service stores.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: March 13, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[P.R. Doc. 67-2935; Filed, Mar. 16, 1967;
8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS IN PUBLIC SCHOOLS

Definition of Industrial Arts

Part 141 of Title 45 of the Code of Federal Regulations is amended as follows to reflect the addition by section 17 of Public Law 89-752 of industrial arts to those critical subjects dealt with in section 303(a) of the National Defense Education Act of 1958.

The introductory text of paragraph (e) of § 141.1 is amended, and a new subparagraph (10) is added at the end of paragraph (e) to read as follows:

§ 141.1 Definitions.

(e) "Critical subjects" means those subjects for which financial assistance may be provided under Title III of the Act; namely science, mathematics, history, civics, geography, economics, mod-

ern foreign language, English, reading, and industrial arts, as defined below:

(10) "Industrial arts" means the study of technology, its history, growth, and development in terms of industrial organization, materials, occupations, products, processes, and problems, including related academic endeavors as well as laboratory experience. It is a curriculum area in general education in which children may create, experiment, design, and plan while dealing with issues related to technology.

(Sec. 1001, 72 Stat. 1602; 20 U.S.C. 561. Interpret or apply sec. 303(a), 72 Stat. 1589 as amended by sec. 17, 80 Stat. 1345; 20 U.S.C. 443(a))

Effective date. This amendment shall become effective on July 1, 1967.

Dated: February 28, 1967.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: March 13, 1967.

JOHN W. GARDNER,
Secretary of Health,
Education, and Welfare.

[P.R. Doc. 67-2954; Filed, Mar. 16, 1967;
8:48 a.m.]

PART 142—LOANS TO PRIVATE NON-PROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS

Definition of Industrial Arts

Part 142 of Title 45 of the Code of Federal Regulations is amended as follows to reflect the addition by section 17 of Public Law 89-752 of industrial arts to those critical subjects dealt with in section 303(a) of the National Defense Education Act of 1958.

The introductory text of paragraph (e) of § 142.2 is amended, and a new subparagraph (10) is added to the end of paragraph (e) to read as follows:

§ 142.2 Definitions.

(e) "Critical subjects" means those subjects for which financial assistance may be provided under Title III of the Act; namely science, mathematics, history, civics, geography, economics, modern foreign language, English, reading, and industrial arts, as defined below:

(10) "Industrial arts" means the study of technology, its history, growth, and development in terms of industrial organization, materials, occupations, products, processes, and problems, including related academic endeavors as well as laboratory experience. It is a curriculum area in general education in which children may create, experiment,

design, and plan while dealing with issues related to technology.

Effective date. This amendment shall become effective on July 1, 1967.

Approved: March 13, 1967.

(Sec. 1001, 72 Stat. 1602, 20 U.S.C. 581. Interpret or apply sec. 303(a), 72 Stat. 1589 as amended by sec. 17, 80 Stat. 1245, 20 U.S.C. 443(a).)

Dated: February 28, 1967.

JOHN W. GARDNER,
Secretary of Health,
Education, and Welfare.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

[F.R. Doc. 67-2955; Filed, Mar. 16, 1967;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8005; Amdt. 527]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From--	To--	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	300-1½
				C-dn.....	500-1½	500-1½	500-1½
				S-dn.....	NA	NA	NA
				A-dn.....	800-2	800-2	800-2

Procedure turn E side of NE crs, 013° Outbd, 190° Inbd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 180°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing the BI LFR, turn left, climb to 200' on NE crs of the BI LFR within 15 miles.
NOTE: Restricted areas R-2202A and R-2202B, W of airport.
MSA's within 25 miles of the facility: NE, 3200'; SE, 9000'; SW, 8100'; NW, 4600'.
City, Fort Greely; State, Alaska; Airport name, Allen AAF; Elev., 1260'; Fac. Class., SBRAZ; Ident., BI; Procedure No. LFR Runway 18, Amdt. 9; Eff. date, 8 Apr. 67; Sup. Amdt. No. LFR 1, Amdt. 8; Dated, 13 Aug. 66

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From--	To--	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BTL VOR.....	LOM.....	Direct.....	2400	T-dn.....	300-1	300-1	300-1½
Hickory Int.....	LOM.....	Direct.....	2400	C-dn.....	400-1	500-1	500-1½
Bellevue Int.....	LOM (final).....	Direct.....	2100	S-dn-22.....	400-1	400-1	400-1
Litchfield VOR.....	LOM.....	Direct.....	2600	A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs, 044° Outbd, 224° Inbd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 224°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing BT LOM, make left-climbing turn to 3000' and proceed to the Leroy Int via BTL, R 176°, or when directed by ATC, climb to 2400', turn left and return to BT LOM.
NOTE: Siding seals below ¼ mile not authorized.
MSA within 25 miles of facility: 000°-060°—2400'; 090°-150°—2400'; 180°-270°—2300'; 270°-360°—2000'.
City, Battle Creek; State, Mich.; Airport name, W. F. Kellogg Regional Airfield; Elev., 941'; Fac. Class., LOM; Ident., BT; Procedure No. NDB (ADF) Runway 22, Amdt. 3; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF1, Amdt. 2; Dated, 6 Mar. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hamilton Int.	Lunken RBN	Direct	2700	T-dn#	600-1	600-1	600-1
Alexandria Int.	Lunken RBN	Direct	2700	C-dn	900-1	900-1	900-1½
CVG VORTAC	Lunken RBN	Direct	2700	S-dn-20L and 24	800-1	800-1	800-1
Mason Int.	Lunken RBN (final)	Direct	1600	A-dn	900-2	900-2	900-2

Radar available.

Procedure turn N side of crs, 044° Outbd, 224° Inbd, 2600' within 10 miles.

Minimum altitude over facility on final approach crs, 1600'.

Crs and distance, facility to airport, Runway 20L, 227°—4.5 miles; to Runway 24, 227°—4.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing the Lunken RBN, climb to 2700' to California Int on heading, 201° to intercept CVG, R 105°; proceed to California Int. Hold E, 1-minute left turns, 285° Inbd.

*300-1 takeoff authorized Runways 2R and S; 400-1 takeoff authorized Runways 20L and 24.

MSA within 25 miles of facility: 090°-120°-2200'; 120°-210°-2300'; 210°-300°-2800'; 300°-030°-2600'.

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal-Lunken Field; Elev., 488'; Fac. Class., H-SAB; Ident., LUK; Procedure No. NDB (ADF) Runways 20L and 24, Amdt. Orig.; Eff. date, 8 Apr. 67 or upon commissioning of facility

Concord VOR	PBR RBN	Direct	2900	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 148° Outbd, 328° Inbd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 328°—1.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing PBR RBN, climb straight ahead to 1500' then make left-climbing turn; return to PBR RBN at 2900'. Hold SE of PBR RBN, 328° Inbd, 1-minute right turns.

NOTE: Final approach from a holding pattern not authorized. Procedure turn required.

MSA within 25 miles of facility: 000°-090°-3500'; 090°-180°-2600'; 180°-270°-3500'; 270°-360°-4000'.

City, Concord; State, N.H.; Airport name, Concord Municipal; Elev., 345'; Fac. Class., MHW; Ident., PBR; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Orig.; Dated, 9 Oct. 65

Mescal Int.	FHU RBN	Direct	10,000	T-dn	300-1	300-1	300-1½
DUG VOR	FHU RBN	Direct	9,000	C-dn#	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar available.

*Procedure turn N side of crs, 101° Outbd, 281° Inbd, 8700' within 16 miles.

Facility on airport.

Minimum altitude over facility on final approach crs, 5400'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FHU RBN, make right turn, climb to 9000' on crs 101° bearing from FHU RBN within 20 miles.

NOTES: (1) Procedure lies within restricted area R-2303. (2) Authorized for military use only except by prior arrangement.

#CAUTION: Right turn from DUG transition due rapidly rising terrain to 9469' beginning 2 miles S of airfield.

*Descent below transition altitudes not authorized until established outbound on 101° bearing from FHU RBN.

City, Fort Huachuca; State, Ariz.; Airport name, Ljby AAF; Elev., 4665'; Fac. Class., H; Ident., FHU; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 21 Sept. 63

Chester VOR	BAF RBN	Direct	3300	T-d*	700-1	700-1	700-1
Westfield VOR	BAF RBN	Direct	3000	T-n*	700-2	700-2	700-2
				C-d	800-1½	800-1½	800-2
				C-n	800-2	800-2	800-2
				S-dn-30	800-1½	800-1½	800-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn W side of crs, 023° Outbd, 203° Inbd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 203°—4.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBN, climb straight ahead on crs 203° to 1500' within 5 miles, then right-climbing turn to 3000' direct BAF RBN. Hold NE of BAF RBN, 203° Inbd, 1-minute right turns.

NOTES: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.

Departures: Runway 15, right turn to 210° as soon as practicable after takeoff.

CAUTION: 754' obstruction—lighted tower (on ridge 1 mile E of airport).

*800' ceiling required for takeoffs on Runway 15.

MSA within 25 miles of facility: 000°-090°-3000'; 090°-180°-2500'; 180°-270°-3000'; 270°-360°-4000'.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270'; Fac. Class., SBMHZ; Ident., BAF; Procedure No. NDB (ADF) Runway 20, Amdt. 4; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 3; Dated, 6 Aug. 66

YNG VOR	LOM	Direct	2800	T-dn	300-1	300-1	300-1½
Canfield Int.	Hubbard RBN	Direct	3100	C-dn	400-1	400-1	400-1½
Hubbard RBN	LOM (final)	Direct	2700	S-dn-32	400-1	400-1	400-1
Mercer Int.	Hubbard RBN	Direct	3000	A-dn	800-2	800-2	800-2
Sharpsville Int.	Hubbard RBN	Direct	2800				
Palestine Int.	Hubbard RBN	Direct	3000				

Procedure turn N side of crs, 140° Outbd, 320° Inbd, 2800' within 10 miles.

Minimum altitude over facility on final approach crs, 2700'.

Crs and distance, facility to airport, 320°—4.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing YN LOM, climb straight ahead to 2800', make right turn and proceed to YN LOM. Hold SE, 1-minute right turns, 320° Inbd.

MSA within 25 miles of facility: 000°-090°-2900'; 090°-270°-3200'; 270°-360°-2700'.

City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1196'; Fac. Class., LOM; Ident., YN; Procedure No. NDB (ADF) Runway 32, Amdt. 11; Eff. date, 8 Apr. 67; Sup. Amdt. No. ADF 1, Amdt. 10; Dated, 6 Feb. 68

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums		
From—	To—			Condition	2-engine or less	
					65 knots or less	More than 65 knots
				T-d.....	300-1	
				C-d.....	900-1½	
				S-d.....		
				A-d.....	NA	

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 2000' within 10 miles.
 Minimum altitude over facility on final approach crs, 2100'.
 Crs and distance, facility to airport, 094°—6 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing STW VORTAC, make a left-climbing turn to 2000' and return to STW VORTAC. Hold W, 1-minute right turns, 094° Inbnd.
 Notes: (1) UNICOM available on 122.8. (2) Use Newark altimeter setting.
 MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2500'; 180°-270°—3100'; 270°-360°—3500'.

City, Andover; State, N.J.; Airport name, Aeroflex-Andover; Elev., 583'; Fac. Class., L-BVORTAC; Ident., STW; Procedure No. VOR-1, Amdt. 3; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 22 May 65

				T-d.....	300-1	300-1	300-1
				C-d.....	600-1	600-1	600-1½
				A-d.....	800-2	800-2	800-2
				DME minimums:			
				S-dn-12.....	600-1	600-1	600-1

Procedure turn S side of crs, 299° Outbnd, 119° Inbnd, 2900' within 10 miles.
 Minimum altitude over facility on final approach crs, 1600'.
 DME: Minimum altitude over 3-mile DME Fix, R 299°—1600'; over facility, 1300'.
 Crs and distance, facility to airport, 119°—3 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing CON VORTAC or over 3-mile DME Fix, R 119°, make right-climbing turn to 2900' direct CON VORTAC. Hold NW of CON VORTAC, 1-minute right turns, 119° Inbnd.
 Note: Approach from a holding pattern not authorized, procedure turn required.
 MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—3000'; 180°-270°—3500'; 270°-360°—4000'.

City, Concord; State, N.H.; Airport name, Concord Municipal; Elev., 345'; Fac. Class., L-BVORTAC; Ident., CON; Procedure No. VOR Runway 12, Amdt. 7; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR-1, Amdt. 6; Dated, 10 July 65

ELP VORTAC.....	EWM VOR.....	Direct.....	6000	T-d.....	300-1	300-1	300-1½
				C-d.....	400-1	500-1	500-1½
				S-dn-21.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar available.
 Procedure turn not authorized. Descend in holding pattern NE, Outbnd, 030°; Inbnd, 210° within 10 miles.
 Minimum altitude over facility on final approach crs, 6000'.
 Crs and distance, facility to airport, 210°—7.1 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing EWM VOR, turn left, climb to 5300' on R 157° within 20 miles.
 MSA within 25 miles of facility: 000°-180°—7800'; 180°-270°—8200'; 270°-360°—10,100'.

City Fort Bliss; State, Tex.; Airport name, Biggs AAF; Elev., 3947'; Fac. Class., L-BVOR; Ident., EWM; Procedure No. VOR Runway 21, Amdt. Orig.; Eff. date, 8 Apr. 67

HOU VORTAC.....	Hyde Int.....	Direct 17 miles....	1600	T-d.....	300-1	300-1	300-1½
HOU VORTAC.....	17-mile DME Fix, R 075°.....	Direct 17 miles....	1600	C-d.....	500-1	500-1	500-1½
				A-dn.....	NA	NA	NA

Radar available.
 Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1600' within 10 miles.
 Minimum altitude over Hyde Int or 17-mile DME Fix on final approach crs, 1000'.
 Crs and distance, Hyde Int or 17-mile DME Fix to airport, 255°—5.8 miles; breakoff point to airport boundary, 255°—11.2 miles from HOU VORTAC.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 11.2-mile DME Fix of HOU VORTAC or within 5.8 miles after passing Hyde Int, turn right, intercept HOU VORTAC, R 067° and proceed to Fry Int, climbing to 1600'.
 Notes: (1) Dual VOR equipment or DME required. (2) Use Houston, Tex., altimeter setting.
 CAUTION: Monument, 610°—5 miles N of airport. Stack, 230°—2.8 miles NE of airport.
 MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2300'; 180°-270°—2600'; 270°-360°—1800'.

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR-1, Amd. Orig.; Eff. date, 8 Apr. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Prague Int.....	POW VOR.....	Direct.....	2700	T-dn.....	300-1	300-1	200-1½
Cannon City Int.....	POW VOR.....	Direct.....	2700	C-d.....	600-1	600-1	600-1½
Hope Int.....	POW VOR.....	Direct.....	2700	C-n.....	600-2	600-2	600-2
Alma City Int.....	POW VOR.....	Direct.....	2700	S-d-12.....	500-1	500-1	500-1
				S-n-12.....	500-2	500-2	500-2
				A-dn.....	NA	NA	NA
<p>Procedure turn W side of crs, 310° Outbd, 130° Inbd, 2700' within 10 miles. Minimum altitude over facility on final approach crs, 2700'. Crs and distance, facility to airport, 130°—6.8 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing VOR, climb to 2700' on R 130° within 10 miles. Note: Use Rochester altimeter setting. MSA within 25 miles of facility: 000°—300°—2600'.</p>							
<p>City, Owatonna; State, Minn.; Airport name, Owatonna Municipal; Elev., 1147'; Fac. Class., TVOR; Ident., FOW; Procedure No. VOR Runway 12, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR Runway 13, Orig.; Dated, 2 Mar. 67</p>							
Radar vectoring required to R 320°, XNA.....	Georgetown Fix.....		1600	T-dn.....	300-1	300-1	200-1½
				C-dn.....	700-1	700-1	700-1½
				S-dn.....			
				A-dn.....	800-2	800-2	800-2
<p>Radar required. Procedure turn not authorized. Inbd crs, 140°. Minimum altitude over facility on final approach crs, cross Georgetown Fix, 1600', R 320° (140° Inbd) 715' over facility. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, climb to 1000' on crs, 140°, make right turn, proceed to DC RBn at 1800'. Hold S, 181° Outbd, 601' Inbd, 1-minute left turns. Notes: (1) Reduction not authorized. (2) All turbojet aircraft 700-2. CAUTION: Washington Monument, 596'—1.6 miles N of airport. MSA within 25 miles of facility: 090°—270°—1700'; 270°—090°—2500'.</p>							
<p>City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR; Ident., XNA; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 8 Apr. 67</p>							
Potomac Int.....	XNA VOR/DME.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
Herndon VORTAC.....	XNA VOR/DME.....	Direct.....	2000	C-dn-3, 21, 15, and 18.69	700-1	700-1	700-1½
Nottingham VORTAC.....	XNA VOR/DME.....	Direct.....	2000	C-dn-33#69	500-1	500-1	500-1½
				S-dn-35#6	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2
<p>Radar available. Procedure turn W side of crs, 183° Outbd, 063° Inbd, 2000' within 10 miles DC RBn. Minimum altitude over facility on final approach crs, 515'; maintain 1400' until passing abeam DC RBn.* Crs and distance, abeam DC RBn to airport, 063°—4.6 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, make left-climbing turn as soon as practical, climb to 2000' on R 312°, XNA VOR and proceed to Potomac Int. Hold NW on XNA VOR, R 312°, 132° Inbd, 1-minute left turns. CAUTION: Washington Monument, 596'—1.6 miles N of airport; 198' stack, 1.3 miles SW of airport; 316' stack, 1.5 miles E of airport. #500-1½ authorized for HIRL and 500-1½ for ALS authorized except for 4-engine turbojets. #Reductions not authorized for turbojets. *Descend to landing minimums after passing abeam DC RBn. #Circling to Runway 33 not authorized beyond the XNA VOR, R 157'. @All turbojet aircraft circling minimums: Runway 33—600-2; Runways 3, 15, 18, and 21—700-2. MSA within 25 miles of facility: 090°—270°—1700'; 270°—090°—2500'.</p>							
<p>City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR Runway 36, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR Runway 36, Orig.; Dated, 2 Mar. 67</p>							
Chester VOR.....	BAF VOR.....	Direct.....	3300	T-d*.....	700-1	700-1	700-1
Skylark Int.....	BAF VOR.....	Direct.....	3000	T-n*.....	700-2	700-2	700-2
				C-dn.....	1500-2	1500-2	1500-2
				S-dn-20.....	NA	NA	NA
				A-dn.....	1500-2	1500-2	1500-2
				After passing BAF RBn:			
				C-d.....	800-1	800-1½	800-2
				C-n.....	800-2	800-2	800-2
				S-d-20.....	800-1	800-1½	800-1½
				S-n-20.....	800-1½	800-1½	800-1½
<p>Procedure turn W side of crs, 023° Outbd, 203° Inbd, 2800' within 10 miles. Minimum altitude over facility on final approach crs, 1770'; after passing BAF RBn, 1070'. Facility on airport. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over BAF VOR, or 4.8 miles after passing BAF RBn, climb straight ahead on R 203° to 1500' within 5 miles, then right-climbing turn to 2800' direct BAF VOR. Hold NE of BAF VOR, 1-minute right turns, 203° Inbd. Note: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required. Departures: Runway 15, right turn to 210° as soon as practicable after takeoff. CAUTION: 754' obstruction—lighted tower (on ridge 1 mile E of airport). *800' ceiling required for takeoffs on Runway 15. MSA within 25 miles of facility: 000°—090°—3000'; 090°—180°—2500'; 180°—270°—3000'; 270°—360°—4000'.</p>							
<p>City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270'; Fac. Class., L-BVOR; Ident., BAF; Procedure No. VOR Runway 20, Amdt. 6; Eff. date, 8 Apr. 67; Sup. Amdt. No. Ter VOR-20, Amdt. 5; Dated, 6 Aug. 66</p>							

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Ceiling and visibility minimums					
From--	To--	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix, R 003°	OTH VORTAC	Direct	3000	T-dn	300-1	300-1	200-1½
10-mile DME Fix, R 034°	OTH VORTAC	Direct	3100	C-dn	800-1	800-1	800-1½
10-mile DME Fix, R 091°	OTH VORTAC	Direct	3000	S-dn-4	500-1	500-1	500-1
15-mile DME Fix, R 162°	OTH VORTAC	Direct	3000	A-dn	1000-2	1000-2	1000-2
15-mile DME Fix, R 344°	OTH VORTAC	Direct	3000				

Procedure turn S side of crs, 250° Outbd, 070° Inbd, 2200' within 13 miles.
 Minimum altitude over 10-mile DME Fix on final approach crs, 1800'.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4-mile DME Fix, R 250° (Inbd, 070), turn right, intercept and climb on R 250° to 2200' within 13 miles.
 Note: When authorized by ATC, DME may be used W of OTH VOR between R 162° and R 093° clockwise within 15 miles at 2200' with elimination of procedure turn.
 Takeoffs Runways 4, 31, and 34 turn left; takeoffs Runways 13, 16, and 22 turn right; intercept R 250° and climb westbound on R 250° to 600', thence return to VOR via R 250° climbing to cross VOR at or above 1000'.
 MSA within 25 miles of facility: 000°-180°-4200'; 180°-360°-2700'.

City, North Bend; State, Ore.; Airport name, North Bend Municipal; Elev., 14'; Fac. Class., L-BVORTAC; Ident., OTH; Procedure No. VOR/DME Runway 4, Amdt. 2; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR/DME No. 1, Amdt. 1; Dated, 5 Nov. 66

Radar vectoring	R 336°, 7-mile DME	Via R 336°	2000	LDIN via River.	1100-2	1100-2	1100-2
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Radar required.
 Procedure turn not authorized. Final approach crs, 146° Inbd from 7-mile DME Fix.
 Minimum altitude over 7-mile DME Fix, 2000'; 5-mile DME Fix, 1400'; 4-mile DME Fix, 1115'.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4-mile DME Fix, climb to XNA VOR, make right turn and proceed to DC RBN at 1800'. Hold S on 181° Outbd, 091° Inbd, 1-minute left turns.
 Note: When visual contact established, arrival aircraft will visually follow the Potomac River to the airport.
 MSA within 25 miles of facility: 270°-090°-2500'; 090°-270°-1700'.

City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME-3, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR/DME 3, Orig.; Dated, 2 Mar. 67

R 196°, XNA VOR/DME clockwise	R 332°, XNA VOR/DME	Via 10-mile Arc	2500	T-dn	300-1	300-1	200-1½
R 022°, XNA VOR/DME counterclockwise	R 332°, XNA VOR/DME	Via 10-mile Arc	2500	C-dn	700-1	700-1	700-2
				S-dn-18*	700-1	700-1	700-2
				A-dn	1000-2	1000-2	1000-2

Radar available.
 Procedure turn not authorized. Inbd crs, 152°.
 Minimum altitude over 10-mile DME Fix on final approach crs, 2500'; 7-mile DME Fix, 2000'; 5-mile DME Fix, 1400'; 4-mile DME Fix, 1100'; 715' over facility.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, climb to 1000' on crs of 152°, make right turn and proceed to DC RBN at 1800'. Hold S, 181° Outbd, 091° Inbd, 1-minute left turns.
 CAUTION: Washington Monument, 590'-1.6 miles N of airport.
 *Reduction not authorized.
 #All turbojet aircraft 700-2.
 MSA within 25 miles of facility: 270°-090°-2500'; 090°-270°-1700'.

City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME Runway 18, Amdt. 1; Eff. date, 8 Apr. 67; Sup. Amdt. No. VOR/DME Runway 18, Orig.; Dated, 2 Mar. 67

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Ceiling and visibility minimums					
From--	To--	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
12-mile DME Fix, R 223°	Mendon Int (final)	Via LOC crs	2500	T-dn	300-1	300-1	200-1½
BTL VOR	Mendon Int	Direct	2500	C-dn	400-1	500-1	500-1½
Leroy Int	Mendon Int	Via LFD VOR, R 293°	2500	S-dn-4#	400-1	400-1	400-1
Vicksburg Int	Mendon Int (final)	Direct	2500	A-dn	800-2	800-2	800-2
R 115, BTL VOR clockwise	BTL VOR, R 223°	Via 12-mile Arc	2500				
R 330, BTL VOR counterclockwise	BTL VOR, R 223°	Via 12-mile Arc	2500				

Procedure turn S side of crs, 224° Outbd, 044° Inbd, 2500' within 10 miles of Mendon Int.
 No glide slope. No approach lights.
 Minimum altitude over Mendon Int on final approach crs, 2500'.
 Crs and distance, Mendon Int to airport, 044°-5.3 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Mendon Int, make climbing left turn to 3000' and proceed to Hickory Int via BTL VOR, R 331°, or when directed by ATC, climb to 2400' on NE crs, ILS to BT LOM.
 #400-¼ authorized with HIRL, except for 4-engine turbojets.

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional Airfield; Elev., 941'; Fac. Class., ILS; Ident., I-BTL; Procedure No. LOC (BC) Runway 4, Amdt. 4; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS-4 (back crs), Amdt. 3; Dated, 10 Oct. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
12-mile DME Fix BTL, R 044°	LOM (final)	Via LOC crs.	2300	T-dn	300-1	300-1	200-1/2
R 285°, BTL VOR clockwise	BTL VOR, R 044°	Via 12-mile Arc	2600	C-dn	400-1	500-1	500-1 1/2
BTL VOR	LOM	Direct	2400	S-dn-22*	200-1 1/2	200-1 1/2	200-1 1/2
JXN VOR	Bellevue Int.	Direct	2500	A-dn	800-2	800-2	800-2
LFD VOR	LOM	Direct	2700				
Bellevue Int.	LOM (final)	Via NE crs, ILS	2200				
Hickory Int.	LOM	Direct	2400				
R 160°, BTL VOR counterclockwise	BTL VOR, R 044°	Via 12-mile Arc	2600				

Procedure turn N side NE crs, 044° Outbd, 224° Inbd, 2400' within 10 miles.

Minimum altitude at glide slope interception Inbd, 2300'.

Altitude of glide slope and distance to approach end of runway at LOM, 2160'—3.7 miles; at LMM, 1185'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 3000' and proceed to Leroy Int via BTL VOR, R 176°, or when directed by ATC, climb to 2400', turn left and return to BT LOM.

NOTE: Glide slope unusable below 1141'.

*400-1/2 required when glide slope not utilized. Reduction below 1/4 mile not authorized.

City, Battle Creek; State, Mich.; Airport name, W. K. Kellogg Regional Airfield; Elev., 941'; Fac. Class., ILS; Ident., I-BTL; Procedure No. ILS Runway 22, Amdt. 3; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS-22, Amdt. 2; Dated, 6 Mar. 65

Lafayette VOR	LOM	Direct	1500	T-dn*	300-1	300-1	200-1/2
Bar Int.	LOM (final)	Direct	1500	C-dn	400-1	500-1	500-1 1/2
				S-dn-10*	200-1 1/2	200-1 1/2	200-1 1/2
				A-dn	600-2	600-2	600-2

Procedure turn W side of crs, 013° Outbd, 193° Inbd, 1500' within 10 miles.

Minimum altitude at glide slope interception, Inbd, 1500'.

Altitude of glide slope and distance to approach end of runway at OM, 1500'—3.2 miles; at MM, 236'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on S crs of ILS within 10 miles, or when directed by ATC, turn right, climb to 1500' on R 278° of Lafayette VOR within 20 miles.

CAUTION: 404' TV tower, 3 miles WNW of airport. 539' TV tower, 7 miles NW of airport.

*400-1/2 required when glide slope not utilized; 400-1/2 authorized with operative ALS except for 4-engine turbojets.

*300-1 required for takeoff on Runway 28.

City, Lafayette; State, La.; Airport name, Lafayette; Elev., 42'; Fac. Class., ILS; Ident., I-LFT; Procedure No. ILS Runway 19, Amdt. 3; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS-19, Amdt. 2; Dated, 30 Nov. 63

Narrows VHF Int.	LOM (final)	Direct	1000	T-dn*	300-1	300-1	200-1/2
Channel VHF Int.	Narrows VHF Int.	Via JFK VOR, R 189° and SBJ VOR, R 114°.	1500	C-dn	600-1	600-1	600-1 1/2
				S-dn-4R**	200-1 1/2	200-1 1/2	200-1 1/2
				A-dn	600-2	600-2	600-2

Radar available.

Procedure turn S side of crs, 222° Outbd, 042° Inbd, 1200' within 10 miles of LOM.

Minimum altitude at glide slope interception, Inbd, 1000'.

Altitude of glide slope and distance to approach end of runway at OM, 750'—2.7 miles; at MM, 211'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb straight ahead to 500', then make a climbing right turn to 3000' on JFK, R 077° to Deer Park VOR. Hold E 1-minute left turns, Inbd crs, 257°.

CAUTION: DME indication at 1000' altitude/glide slope interception, 3.8 miles; at OM, 2.8 miles; at MM, 0.75 mile. DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.

*RVR Runways 4R, 22L, 2000', 4-engine turbojet. 1800', other aircraft. RVR Runway 31L, 2000'. RVR 31R, 2400'.

**RVR 2000', 4-engine turbojet. 1800', other aircraft. Descent below 212', not authorized unless ALS visible.

MSA within 25 miles of LOM: 000°-090°—2000'; 090°-180°—1400'; 180°-270°—1600'; 270°-360°—2000'.

City, New York; State, N. Y.; Airport name, John F. Kennedy International; Elev., 12'; Fac. Class., ILS; Ident., I-JFK; Procedure No. ILS Runway 4R, Amdt. 13; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS-4R, Amdt. 12; Dated, 10 Sept. 66

Youngstown VOR	Hubbard RBN	Direct	2800	T-dn@	300-1	300-1	200-1/2
Hubbard RBN	YN LOM (final)	Direct	2800	C-dn	400-1	500-1	500-1 1/2
Mercer Int.	Hubbard RBN	Direct	3000	S-dn-32##	200-1 1/2	200-1 1/2	200-1 1/2
Sharpville Int.	Hubbard RBN	Direct	2800	A-dn	600-2	600-2	600-2
Palestine Int.	Hubbard RBN	Direct	3000	When glide slope not utilized:			
Canfield	Hubbard RBN	Direct	3100	S-dn-32#	400-1 1/2	400-1 1/2	400-1 1/2

Procedure turn E side of crs, 140° Outbd, 320° Inbd, 2800' within 10 miles of Hubbard RBN.*

Minimum altitude at glide slope interception, Inbd, 2800'.

Altitude of glide slope and distance to approach end of runway at OM, 2716'—4.7 miles; at MM, 1395'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing YN LOM, climb to 2700' straight ahead, make right turn and proceed to Youngstown VOR. Hold N on R 002°, YNG VOR, 1-minute right turns, 183° Inbd at 2700'.

@ RVR 2400' authorized Runway 32.

*Procedure turn predicated on Hubbard RBN.

#400-1/2 authorized, with operative ALS, except for 4-engine turbojets.

##RVR 2400'. Descent below 1396' not authorized unless approach lights are visible.

MSA within 25 miles of facility: 000°-090°—2900'; 090°-270°—3200'; 270°-360°—2700'.

City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1106'; Fac. Class., ILS; Ident., I-YNG; Procedure No. ILS Runway 32, Amdt. 16; Eff. date, 8 Apr. 67; Sup. Amdt. No. ILS Runway 32, Amdt. 15; Dated, 4 Feb. 67

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From--	To--				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
335°	205°	Within:		Surveillance approach			
335°	205°	0-5 miles	5000	T-dn	300-1	300-1	200-1/2
335°	205°	5-15 miles	5500	C-dn	400-1	500-1	500-1/2
335°	205°	15-20 miles	7000	S-dn-21	400-1	400-1	400-1
				A-dn	500-2	800-2	800-2

Radar terminal area maneuvering altitudes and azimuth measured clockwise around radar antenna. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to 090°, climb to 6000' on ELP VOR, R 120° within 20 miles.

NOTE: Radar control must provide 1000' vertical clearance within a 3-mile radius of 4148' stacks, 5 miles S; radio towers, 4267'-3-5 miles NW; hill, 5667'-13 miles NE; hill, 4651'-9.5 miles E; and hill, 6717'-22 miles NE.

City, Fort Bliss; State, Tex.; Airport name, Diggs AAF; Elev., 3947'; Fac. Class. and Ident., El Paso Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Apr. 67

Transition		Course and distance	Minimum altitude (feet)	Condition	Precision approach		
From--	To--				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
600° clockwise	340°	Within:	\$2000	Precision approach			
340° clockwise	050°	25 miles	\$2500	S-dn-36*	200-1/2	200-1/2	200-1/2
050° clockwise	250°	25 miles	\$2500	A-dn	700-2	700-2	700-2
250° clockwise	050°	40 miles	\$2000	Surveillance approach			
		40 miles	\$2900	T-dn	300-1	300-1	*200-1/2
				C-dn	700-1	700-1/2	700-2
				S-dn-36	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make an immediate climbing left turn to 2000' direct to Georgetown RBN. Hold NW, Georgetown RBN, 324° Outbound, 144° Inbound, 1-minute right turns.

CAUTION: Climb minimums do not provide standard obstruction clearance over Washington Monument, 1.6 miles N of airport.

*Runway visual range, 2000' authorized for turbojet aircraft; 1800' authorized for all other aircraft, Runway 36. Descent below 215' not authorized unless approach lights or a visible.

#Exclusive of danger and prohibited areas.

City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class. and Ident., Washington Radar; Procedure No. 1, Amdt. 14; Eff. date, 8 Apr. 67; Supp. Amdt. No. 13; Dated, 20 Mar. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 1, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-2487; Filed, Mar. 16, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

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

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and

section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

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

- Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Cocal, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston Counties;
- Arizona. The entire State;
- Arkansas. The entire State;
- California. The entire State;
- Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Teller, Washington, Weld and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;
- Connecticut. The entire State;
- Delaware. The entire State;
- Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Sarasota, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;
- Georgia. The entire State;
- Hawaii. Honolulu, Kauai, and Maui Counties;

Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Ascension, Assumption, Bienville, Claiborne, Jackson, Jefferson, Lincoln, Livingston, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clarke, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Montgomery, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tate, Tippah, Tishomingo, Union, Walthall, Wayne, Webster, Winston, and Yalobusha Counties;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Delaware, Garfield, Grant, Greer, Harmon, Haskell, Jackson, Johnson, Kay, Kingfisher, Kiowa, Latimer, McCurtain, McIntosh, Major, Mayes, Noble, Nowata, Okfuskee, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, and Woods Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Croston, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Pennington, Perkins, Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Armstrong, Bailey, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Caldwell, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dawson, Dickens, Donley, Duval, Eastland, Ector, Ed-

wards, El Paso, Erath, Fisher, Gaines, Garza, Gillespie, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman, Haskell, Hays, Hidalgo, Hockley, Hood, Howard, Hutchinson, Jack, Jeff Davis, Jim Wells, Jones, Karnes, Kendall, Kent, King, Kinney, Knox, Lamb, Lampasas, Lee, Lipscomb, Live Oak, Lubbock, McCulloch, Martin, Mason, Medina, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Real, Reeves, Roberts, Runnels, San Saba, Scurry, Sherman, Somervell, Stephens, Sterling, Swisher, Taylor, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(d): Wilcox County in Alabama; Cheyenne, Douglas, and Jackson Counties in Colorado; Duval and Sarasota Counties in Florida; Tensas Parish in Louisiana; Montgomery and Tate Counties in Mississippi; and Corson and Jackson Counties in South Dakota.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(d): Burnet, Dallam, Floyd, Glasscock, Hartley, Irion, Kerr, Kimble, Lynn, Midland, Reagan, Schleicher, Shackelford, Sutton, and Stone-wall Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C., § 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of March 1967.

E. E. SAULMON,
 Acting Director, Animal Health
 Division, Agricultural Re-
 search Service.

[F.R. Doc. 67-2963; Filed, Mar. 16, 1967;
 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 10—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

Change in Codification

Effective upon the filing of this document with the Office of the Federal Register, 29 CFR Part 10 is recodified as 29 CFR Part 1515.

Signed at Washington, D.C., this 13th day of March 1967.

W. WILLARD WIRTZ,
 Secretary of Labor.

[F.R. Doc. 67-2920; Filed, Mar. 16, 1967;
 8:45 a.m.]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1515—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

Change in Codification

CROSS REFERENCE: For a document recodifying Part 10 of Subtitle A of this title as Part 1515 of Chapter XIII of this title, see F.R. Doc. 67-2920, *supra*.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1545) filed by Merck Sharp & Dohme Research Laboratories, division of Merck & Co., Inc., Rahway, N.J. 07065, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of amprolium in the feed of laying chickens for the treatment

of moderate and severe outbreaks of coccidiosis. Concurrently, the regulations involving amprolium in Subpart C of Part 121 are amended to delete the restriction "not for laying chickens." 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 the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

1. Section 121.208 *Chlortetracycline* is amended by deleting in table 1 of para-

graph (d) the phrase "not for laying chickens;" from item 2a under "Limitations".

2. Section 121.210 *Amprolium*, paragraph (c), is amended:

a. By deleting in table 1 the phrase "not for laying chickens" from items 2.1, 2.2, 2.3, 2.6b, d, e, f, g, i, j, and o, 3.1, 3.2, 3.3, 3.3a, b, d, e, f, g, i, j, o, and p, under "Limitations".

b. By changing in table 1, in the subtable under item 3.1, the column heading reading "From 8 to 14 weeks of age" to read "Over 8 weeks of age".

c. By adding to the end of table 1 new items 5.1 and 6.1, as follows:

TABLE 1.—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
...
5.1 Amprolium.....	113.5 (0.0125%)			For moderate outbreaks of coccidiosis in laying hens; administer for 2 weeks.	Treatment of coccidiosis.
6.1 Amprolium.....	227 (0.025%)			For severe outbreaks of coccidiosis in laying hens; administer for 2 weeks.	Do.

3. Section 121.213 *Hygromycin B* is amended by deleting in table 1 of paragraph (d) the words "Not for laying chickens; as prescribed in" from subitem 0 of item 1 under "Limitations".

4. Section 121.232 *Bacitracin* is amended by deleting in table 1 of paragraph (d) the phrase "not for laying chickens" from items 2.2b and 6.2b under "Limitations".

5. Section 121.233 *Zinc bacitracin* is amended by deleting in table 1 of paragraph (d) the words "not for laying chickens" from items 2.2b and 6.2b under "Limitations".

6. Section 121.252 *Bacitracin methylene disalicylate* is amended by deleting in table 1 of paragraph (d) the words "not for laying chickens" from items 2.2b and 7.2b under "Limitations".

7. Section 121.253 *Arsanilic acid*, paragraph (c), is amended:

a. By deleting in the table the phrase "not for laying chickens" from items 1.2, 1.3, and 1.4 under "Limitations".

b. By changing in the table, in the subtable under item 1.4, the column heading reading "From 8 to 14 weeks of age" to "Over 8 weeks of age".

8. Section 121.256 *Procaine penicillin* is amended by deleting in table 1 of paragraph (d) the words "Not for laying chickens; as prescribed in" from subitems a and b of item 5.1 under "Limitations".

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: March 10, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-2956; Filed, Mar. 16, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELS OF FOODS, DRUGS, DEVICES AND COSMETICS

Proposal Regarding Required Statements

Section 4 of the Fair Packaging and Labeling Act (Public Law 89-755) authorizes the Secretary of Health, Education, and Welfare to promulgate regulations prescribing additional requirements pertaining to the declaration of net quantity of contents, identity of the commodity, and name and place of business of manufacturer, packer, or distributor on labels of foods, drugs, devices, and cosmetics distributed in interstate commerce. Regulations governing certain aspects of these same declarations have been previously promulgated (21 CFR Parts 1, 5) under the authority of the Federal Food, Drug, and Cosmetic Act. In preparation for the effective date (July 1, 1967) of the Fair Packaging and Labeling Act, the Commissioner of Food and Drugs proposes to establish an exempting procedure and to modify the existing regulations pertaining to the required label statements for foods as set forth below (proposed changes in label statements for drugs, devices, and cosmetics will appear in future issues of the FEDERAL REGISTER).

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403 (e), (f), 502(b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (e), (f), 352(b), 362(b), 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), it is proposed that Part 1 be amended:

1. By changing the part heading to read:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

2. By adding new §§ 1.1a and 1.1b, as follows:

§ 1.1a Foods, drugs, devices, and cosmetics; labeling; procedure for requesting variations and exemptions from required label statements.

Section 403(e) of the act (in this Part 1, the term "act" means the Federal

Food, Drug, and Cosmetic Act) provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 403(f) of the act provides for the establishment by regulation of exemptions from the required declaration of ingredients where such declaration is impracticable, or results in deception or unfair competition. Section 502(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 602(b) of the act provides for the establishment by regulation of reasonable variations and exemptions for small packages from the required declaration of net quantity of contents. Section 5(b) of the Fair Packaging and Labeling Act provides for the establishment by regulation of exemptions from certain required declarations of net quantity of contents, identity of commodity, identity and location of manufacturer, packer, or distributor, and from declaration of net quantity of servings represented, based on a finding that full compliance with such required declarations is impracticable or not necessary for the adequate protection of consumers, and a further finding that the nature, form, or quantity of the packaged consumer commodity or other good and sufficient reasons justify such exemptions. The procedure for requesting these exemptions is as follows:

(a) If the petitioner shows that he is an interested person and furnishes reasonable grounds for his proposal, the Commissioner shall publish the proposal in the FEDERAL REGISTER and afford opportunity for interested persons to comment on it. After a study of all the facts available and of the comments received, the Commissioner will act upon the proposal and publish an order, pursuant to section 701(e) of the act, to which objection may be taken by persons who would be adversely affected.

(b) Practical administration of the law requires that there be a substantial showing of merit before any proposal is published. In evaluating proposals submitted by petitioners for initiating actions, it will be the policy of the Food and Drug Administration to consider that reasonable grounds have been furnished when:

(1) The proposal includes or is accompanied by a statement of the facts that the petitioner asserts he can substantiate by evidence in the event the proceedings lead to a public hearing.

(2) The declared facts furnish substantial support of the proposal and warrant a conclusion that the proposal is reasonable.

(3) The proposal if adopted would not unduly impinge upon the consumer's right to information essential to efficient

marketing and to the making of value comparisons and would not otherwise promote deception or unfair competition.

(4) Full compliance with the declarations required by law would be impracticable, deceptive, or otherwise unnecessary.

(c) Opportunity will be given to amend petitions regarded as inadequate.

(d) At any time prior to the issuance of an order acting on his proposal under section 701(e)(1) of the act, the petitioner may withdraw his petition without prejudice to a future filing. Notice of withdrawal of the petition and termination of the rulemaking proceeding will be published in the FEDERAL REGISTER.

§ 1.1b Packages of foods, drugs, devices, and cosmetics.

The term "package" means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

(a) Shipping containers or wrappings used solely for the transportation of any such commodity in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors;

(b) Shipping containers or outer wrappings used by retailers to ship or deliver any such commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

A requirement contained in this part that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outer container or wrapper of the retail package of the food, drug, device, or cosmetic, or is easily legible through the outside container or wrapper. Where, however, the outer container or wrapper of the package bears any written, printed, or graphic matter whatsoever, such outer container or wrapper of the retail package is considered to be a label and must bear the mandatory label information required by this part, whether or not the mandatory label information is legible through the outer container or wrapper of the package. For example, "six-pack" containers bearing any written, printed, or graphic matter whatsoever must also bear the mandatory label information whether or not the mandatory label information can be seen through the container.

3. By redesignating § 1.7 as § 1.15 and adding a new § 1.7, as follows:

§ 1.7 Food in package form; principal display panel.

The term "principal display panel" as it applies to food in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference;

(c) In the case of any other shaped container, the total actual area of the surface of the principal display panel.

4. By revising § 1.8 and adding new §§ 1.8a, 1.8b, and 1.8c, as follows:

§ 1.8 Food in package form, labeling; identity.

(a) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or

(2) The common or usual name of the food; or, in the absence thereof,

(3) An appropriately descriptive term.

(c) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size not less than half the size of the letters forming the other components of the statement of identity.

(d) This statement shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

(a) The label of a food in packaged form shall specify the name and place of business of the manufacturer, packer, or distributor either on the principal display panel, or in case of a package with several panels, on the panel to the right of the principal display panel, or in case of a container with only front and back panels on either panel.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as, "Manufactured for and packed by _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, and State; however, the street address may be omitted if it is shown in a current city directory or telephone directory.

(e) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

(a) The label of a food in packaged form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid or viscous product by fluid measure, it may be used. Whenever the Commissioner determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such commodity.

(b) Statements of weight shall be in terms of avoirdupois pound and ounce.

Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and, except in the case of frozen food that is consumed in the frozen state, shall express the volume at 68° F. (20° C.). Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof; or in terms of the U.S. standard barrel and its subdivisions of third, half, and three-quarters barrel.

(c) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the foods as will provide such information.

(d) The declaration shall contain only such fractions as are generally used in expressing the quantity of the food. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(e) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(f) The declaration shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed matter appearing above the declaration, and shall be without qualifying words or phrases. It shall be placed on the principal display panel within the bottom 20 percent of the area of the panel in lines generally parallel to the base on which the package rests as it is designed to be displayed, and no label information shall appear below or to either side of the declaration on the principal display panel.

(g) The declaration shall accurately reveal the quantity of food that may be delivered from the package exclusive of wrappers, propellants, and other material packed therewith.

(h) The declaration shall appear in conspicuous and easily legible boldface type and in distinct contrast (by topography, layout, color, embossing, or molding) to other matter on the package. Requirements of conspicuousness and legibility shall include the specifications that:

(1) No decorative or ornamental letters shall be used.

(2) The ratio of height to width (of the letter) shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(3) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "x" or its equivalent that should meet the minimum standards.

(4) When fractions are used, each component numeral shall meet the minimum height standards.

(l) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 15 square inches.

(3) Not less than three-sixteenth inch in height on packages the principal display panel of which has an area of more than 15 but not more than 75 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 75 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

(j) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure, the declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (m) (1) and (2) of this section), or in the case of liquid measure, the declaration shall be expressed in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples in paragraph (m) (3) and (4) of this section). If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in decimal fractions of the pound in lieu of ounces (see example in paragraph (m) (5) of this section).

(k) On packages containing greater than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions

of the pint or quart (see par. (m) (6) of this section).

(l) [Reserved]

(m) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lb.)."

(2) A declaration of ¾ pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(3) A declaration of 1 quart liquid measure shall be expressed as "Net 32 fl. oz. (1 qt.)."

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart 1½ pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)."

(5) On a random package, declaration of ¾ pound avoirdupois may be expressed as "Net Wt. .75 lb."

(6) A declaration of 2½ gallons liquid measure shall be expressed in the alternative as "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints".

(n) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional):

weight wt.	pint pt.
ounce oz.	quart qt.
pound lb.	fluid fl.
gallon gal.	

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and full "gallon".

(p) The separate statement of net quantity of contents as specified in this section may be supplemented by an accurate statement in terms of the metric system of weight or measure appearing on the label, but shall not be on the same line with the required declaration.

(q) The statement of net quantity of contents shall express the minimum quantity of the contents of the package. Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure after the food is introduced into interstate commerce to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure. Variations above the stated minimum shall not be unreasonably large.

(r) While held for sale, a food shall be exempt from the required declaration of net quantity of contents specified in this section if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

§ 1.8c Food labeling; number of servings.

The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular.

5. By revising § 1.10 (d) and (e) and adding a new paragraph (g), as follows:

§ 1.10 Food; labeling; designation of ingredients.

(d) When the proportion of an ingredient or ingredients is material in the light of the representation that such ingredient was used in fabricating the food, the label shall contain a quantitative declaration of such ingredient(s).

(e) In the case of an assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of section 403(l) of the act with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement (in terms that are as informative as practicable and that are not misleading) indicating that other ingredients may be present.

(g) Ingredients shall be listed by common or usual name in order of decreasing predominance. The ingredient declaration shall appear on either the principal display panel or on the panel to the right of this panel, unless the package has only a front and back panel in which case it may appear on either panel. It shall be presented in adequate type size, without obscuring designs, vignettes, or crowding, and in lines of type generally parallel to the base of the package.

When the Commissioner makes public an order acting upon this proposal, he will by statement of policy deal with the orderly disposition of label stocks in inventory.

Any interested person may, within 60 days from the date of publication of this notice 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 comments, preferably in quintuplicate, on this proposal.

Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 14, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-2991; Filed, Mar. 16, 1967;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17095]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Crossville, Tenn.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of assignments, FM broadcast stations (Crossville, Tenn.):

1. On February 14, 1967, in an order extending time for filing comments and reply comments in the above-entitled matter, the Commission extended the time for filing comments and reply comments to February 28, 1967, and March 10, 1967, respectively, in RM-1051 only, concerning the proposal to add the assignment of Channel 280A to Crossville, Tenn., in response to a request of Radio

Station WAEW-FM, an interested party. On March 9, 1967, Millard V. Oakley, trading as Millard V. Oakley Broadcasting Co., petitioner in this matter, filed a request for an extension of time until March 21, 1967, in order to reply to the comments filed by WAEW. Petitioner states that a copy of the comments were not received until March 4, 1967, due to an error in the address and that its consulting engineer has not had sufficient time in which to study the comments filed.

2. We are of the view that the extension requested is warranted and would serve the public interest in this case. *Accordingly, it is ordered.* This 13th day of March 1967, That the time for filing reply comments in this proceeding with respect to RM-1051 only, is extended from March 10, 1967, to March 21, 1967.

3. This action is taken pursuant to the authority contained in sections 4(d), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-2964; Filed, Mar. 16, 1967;
8:49 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-253]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-105 authorizing operation of the Accelerator Pulsed Fast Critical Assembly (APFA-III) nuclear research reactor facility located on the Corporation's site at Torrey Pines Mesa near San Diego, Calif.

The license was issued substantially as set forth in the notice of proposed issuance of construction permit and facility license published in the FEDERAL REGISTER November 30, 1966, 31 F.R. 15029, with the exception of (1) certain changes made in the license to clarify wording, (2) imposed conditions which must be met before initiating APFA-III operations in the CD Area, (3) revisions in the technical specifications for clarifications and to revise the maximum scram time for the safety block to 150 milliseconds from the previously stated value of 100 milliseconds, and (4) limiting the storage of APFA-III fuel to the CD Area and to the Fast Spectrum cell. The above changes were made pursuant to the General Dynamics Corp.'s application amendments dated February 6, 1967 and February 22, 1967. These submittals and a related Safety Analysis by the Division of Reactor Licensing are all available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of the Safety Analysis may be obtained at the Commission's 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 7th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-2910; Filed, Mar. 16, 1967; 8:45 a.m.]

[Docket No. 50-203]

GENERAL ELECTRIC CO.

Notice of Issuance of Order Authorizing Dismantling of Facility

Please take notice that the Atomic Energy Commission has issued an order

authorizing General Electric Co. to dismantle a Mixed Spectrum Critical Assembly (MSCA), covered by Facility License No. CX-20, which is located in Building 105 of the General Electric Co.'s Vallecitos Atomic Laboratory in Alameda County, Calif.

Copies of the Commission's order, the General Electric Co.'s application dated January 16, 1967, and a related safety analysis prepared by the Division of Reactor Licensing are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety analysis may be obtained at the Commission's 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 10th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-2911; Filed, Mar. 16, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redlegation Order 1, Amdt. 23]

SUPERINTENDENTS AND PROJECT ENGINEER

Redelegation of Authority With Respect to Lands and Minerals

Billings Area Office Redlegation Order 1, as amended, is further amended by the addition of section 2.8 *Land Acquisition*, under Part 2, Authority of Superintendents and Project Engineer, to read as follows:

Sec. 2.8 *Land Acquisition*. (a) The approval of land conveyances, on forms approved by the Commissioner of Indian Affairs, of trust or restricted lands between individual Indians or individual Indians and Indian tribes, when title remains in trust or restricted status.

(b) This authority includes disbursement of restricted individual Indian money to complete acquisition of lands for individual Indians and Indian tribes.

(c) The authority delegated in section 2.8 (a) and (b) does not include:

(1) Approval of sales in fee or those cases where individual Indian purchasers in trust are considered by the Superintendent of the Agency at which the land is located as already having an economic unit, or with the acquired lands exceeding an economic unit; or being capable of handling their own affairs.

(2) Approval of exchanges between the tribes or individual members and non-Indians when a portion of the lands being exchanged is in fee status.

(3) Approval of requests for patents in any transaction.

(4) The disbursement of annual appropriated tribal funds for the purchase of lands for the tribes on the Fort Peck and Wind River Reservations are expended by the Bureau and not by tribal officials. Such funds are under the Area Office Disbursing Officer. The Superintendent approves the conveyance instrument but the funds are as indicated above.

NED O. THOMPSON,
Acting Area Director.

Approved: March 10, 1967.

ROBERT L. BENNETT,
Commissioner.

[F.R. Doc. 67-2915; Filed, Mar. 16, 1967; 8:45 a.m.]

Bureau of Land Management

[Bureau Order No. 701, Amdt. 3]

LANDS AND RESOURCES

Redelegation of Authority

Section 2.7 of Part II of Bureau Order No. 701 is hereby revoked.

JOHN O. CROW,
Associate Director.

MARCH 13, 1967.

[F.R. Doc. 67-2916; Filed, Mar. 16, 1967; 8:45 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

MARCH 10, 1967.

Notice of a Forest Service, U.S. Department of Agriculture application, Sacramento 080122, for withdrawal and reservation of lands for roadside and streamside areas, recreation sites and an administrative site, was published as F.R. Doc. 66-1210 on page 2394 of the issue for Friday, February 4, 1966. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

SIERRA AND STANISLAUS NATIONAL FORESTS

Merced River Recreation Area

Recreation Development Sites: T, 3 S., R. 19 E.

Sweetwater Site:

Sec. 19, E $\frac{1}{2}$ lot 14 and W $\frac{1}{2}$ lot 15;

Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$ lot 2, SW $\frac{1}{4}$ lot 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ lot 3, and S $\frac{1}{2}$ SE $\frac{1}{4}$ lot 3.

Geological Exhibit:

Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

MOUNT DIABLO MERIDIAN—Continued

- Parking Site:
Sec. 19, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Unnamed Picnic Site:
Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Picnic Site:
Sec. 20, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Picnic Site:
Sec. 20, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ except M.S. 6065.
- Unnamed Picnic Site:
Sec. 20, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ except M.S. 6065.
- Unnamed Picnic Site:
Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Unnamed Site:
Sec. 21, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Site:
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Unnamed Site:
Sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Unnamed Site:
Sec. 21, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Unnamed Site:
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ except M.S. 5798.
- Clearing House Site:
Sec. 21, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ except M.S. 5798.
- Unnamed Public Service Site:
Sec. 22, W $\frac{1}{2}$ SE $\frac{1}{4}$ lot 2 and W $\frac{1}{2}$ lot 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, exclusive of M.S. 6020 and H.E.S. 247.
- Indian Flat Campground:
Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ lot 4 and SE $\frac{1}{4}$ lot 4.
- Unnamed Picnic Site:
Sec. 22, N $\frac{1}{2}$ lot 4 and E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ except M.S. 6020.
- Bridge Crossing Picnic Site:
Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Roadside Rest:
Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Picnic Site:
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Unnamed Site:
Sec. 14, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Unnamed Campground Site:
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Redbud Picnic Site:
Sec. 13, N $\frac{1}{2}$ N $\frac{1}{2}$ lots 13, 14, and 15, S $\frac{1}{2}$ lots 13, 14, and 15, and lot 16.
- Public Service Site: T. 3 S., R. 20 E.
Sec. 19, N $\frac{1}{2}$ lot 1 except any portion withdrawn under P.L.O. 2136.
- Administrative Site: T. 3 S., R. 19 E.
Sec. 23, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Roadside and Streamside Scenic Area: T. 3 S., R. 19 E.
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 18, lots 9, 10, 18, and S $\frac{1}{2}$ lot 14, N $\frac{1}{2}$ lot 15, N $\frac{1}{2}$ lot 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 19, lots 4 and 6, S $\frac{1}{2}$ lot 3, E $\frac{1}{2}$ lot 5, W $\frac{1}{2}$ lot 10, E $\frac{1}{2}$ lot 11, E $\frac{1}{2}$ lot 15, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ except M.S. 6065.
- Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ except any portion within M.S. 5798.
- Sec. 22, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 30, lots 5, 6, 12, and E $\frac{1}{2}$ lot 2, NW $\frac{1}{4}$ lot 3 and W $\frac{1}{2}$ SW $\frac{1}{4}$ lot 3.

T. 3 S., R. 20 E.

- Sec. 18, lot 4 except any portions withdrawn under P.L.O. 2136;
- Sec. 19, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ except any portions withdrawn under P.L.O. 2136.

The areas described aggregate approximately 1,603 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on April 14, 1967, will be relieved of the segregative effect of the above-mentioned application.

The lands remaining in the proposed withdrawal cited above are as listed below:

MOUNT DIABLO MERIDIAN

- Redbud Picnicground: T. 3 S., R. 19 E.
Sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ lot 13, S $\frac{1}{2}$ N $\frac{1}{2}$ lot 14, S $\frac{1}{2}$ N $\frac{1}{2}$ lot 15.
- Indian Flat Campground:
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$ lot 2 and N $\frac{1}{2}$ SW $\frac{1}{4}$ lot 4.
- Sweetwater Site:
Sec. 30, W $\frac{1}{2}$ NW $\frac{1}{4}$ lot 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ lot 3, N $\frac{1}{2}$ SE $\frac{1}{4}$ lot 3, and E $\frac{1}{2}$ SW $\frac{1}{4}$ lot 3.
- Unnamed Picnic Site:
Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Roadside Rest:
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Unnamed Campground Site:
Sec. 14, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Planned Administrative Site:
Sec. 23, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate approximately 146.5 acres.

R. J. LITTEK,

Chief, Lands Adjudication Section.

[P.R. Doc. 67-2917; Filed, Mar. 16, 1967; 8:45 a.m.]

[Survey Group 77; ES 1153]

WISCONSIN

Notice of Filing of Plats of Survey

MARCH 13, 1967.

The plats of survey of islands in the Menominee River, described below, were accepted on March 24, 1966. These surveys were executed to provide areas and designations for islands not reported on the original survey plats. These plats will be officially filed in this Office effective at 10 a.m., on April 10, 1967.

The lands are describe as:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

- T. 36 N., R. 21 E.
Sec. 36, lot 4;
T. 36 N., R. 22 E.
Sec. 17, lots 5, 6, 7, 8, and 9.
Sec. 31, lot 4.

The areas described aggregate 11.63 acres.

The character of the islands and the timber growth thereon attest to their existence on May 29, 1848, when Wisconsin was admitted to the Union. They are, therefore, held to be public lands.

These islands are within Federal Power Project 2394—Michigan and Wisconsin,

and under license to the Wisconsin Michigan Power Co. for its constructed Chalk Hill Development. They are therefore withdrawn for power purposes under the act of June 10, 1920, 41 Stat. 1075, 16 U.S.C. 818, as amended, and are reserved from entry, location or other disposal under the public land laws.

All inquiries relating to these islands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager, Land Office.

[P.R. Doc. 67-2918; Filed, Mar. 16, 1967; 8:45 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE OFFICER, DELAWARE GAP NATIONAL RECREATION AREA, PA.

Delegation of Authority Regarding Contracts

SECTION 1. Administrative Officer. The Administrative Officer, Delaware Water Gap National Recreation Area, may execute, approve, and administer contracts not in excess of \$25,000 for construction, supplies, equipment, or services, in conformity with applicable regulations and statutory authority and subject to the availability of appropriations; *Providing also*; That construction contracts will be entered into only with the advice and consent of the Design and Construction Office Chief.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Northeast Region Order No. 5 (31 F.R. 8135))

Dated: February 8, 1967.

PETER DEGELLEKE,
Superintendent, Delaware Water
Gap National Recreation Area.

[P.R. Doc. 67-2919; Filed, Mar. 16, 1967; 8:45 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Interim Allocation of Quotas for Calendar Year 1967 Among Producers Located in Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a joint agency notice regarding interim allocation of quotas for calendar year 1967 among producers of watches and watch movements located in the Virgin Islands, Guam, and American Samoa, see F.R. Doc. 67-3022, Commerce Department, *infra*.

DEPARTMENT OF COMMERCE

Office of the Secretary WATCHES AND WATCH MOVEMENTS

Interim Allocation of Quotas for Calendar Year 1967 Among Producers Located in Virgin Islands, Guam, and American Samoa

Introduction. Public Law 89-805, approved November 10, 1966, establishes a limitation on the number of watches and watch movements containing foreign components which may be imported duty-free from U.S. insular possessions.

A brief review of the events which led to the enactment of this statute is helpful in placing into focus the joint allocation responsibility assigned by Congress to the Secretaries of the Interior and Commerce Departments.

Under General Headnote 3(a) of the Tariff Schedules of the United States, duty-free treatment is allowed an article produced in the insular possessions if not more than 50 percent of the total value of such article is of foreign origin. The purpose of this duty-free treatment was to stimulate the development of light industry in the insular possessions thereby contributing to their economies. A watch assembly industry was first established in the Virgin Islands in 1959, assembling watch parts of foreign origin for duty-free shipment into the United States. Shipments rose from barely 5,000 units in 1959 to a volume in excess of 4,500,000 units in 1966.

In May of 1965, H.R. 8436, was introduced to exclude from duty-free treatment under Headnote 3(a) all imports of watches and watch movements produced in the insular possessions.

In August 1965, the Virgin Islands Government enacted legislation designed to limit local watch assembly for export to the United States. Quotas were allocated to the firms on the basis of a formula which gave two-thirds of the weight to that portion of the payroll subject to Social Security taxation (exclusive of managerial or administrative personnel) and one-third to prior production over a 6-month base period. H.R. 8436 was thereafter amended to exclude only from duty-free treatment imports of watches from insular possessions other than the Virgin Islands. However, before any legislation on this subject was enacted, the Virgin Islands statute and a subsequent local statute were both declared invalid by the Federal District Court for the Virgin Islands in two separate suits. These cases are currently on appeal.

In the latter part of 1965, subsequent to the restrictive enactments in the Virgin Islands, one firm established assembly operations in Guam. In 1966 seven other firms began operations there. Several watch firms also sought to establish similar operations in American Samoa; however, the Governor of Samoa withheld the necessary authorizations to avoid proliferation of watch

assembly operations in that territory pending Congressional action on the overall problem in all three insular possessions.

Public Law 89-805, a Senate amended version of H.R. 8436, imposed an overall quota for duty-free entry of watches and watch movements assembled in the three insular possessions equal, for each calendar year, to one-ninth of total apparent watch consumption in the United States during the preceding calendar year. The Tariff Commission was assigned the responsibility of determining on or before April 1 of each year the apparent consumption of watches in the United States during the preceding calendar year. The statute expressly allocates 87.5 percent of the total quota to producers in the Virgin Islands, 8.33 percent to producers in Guam, and 4.17 percent to producers in American Samoa. The Secretaries of the Interior and Commerce Departments were assigned the responsibility of jointly allocating individual quotas, "on a fair and equitable basis," to producers located in the three insular possessions.

On December 27, 1966, the two Secretaries published a notice in the FEDERAL REGISTER requiring all parties interested in applying for an allocation of a portion of the duty-free quota assigned to each of the insular possessions to complete and return application forms by January 16, 1967. In addition, as a temporary procedure pending allocation by the Secretaries for calendar year 1967, producers assembling watch units as of November 10, 1966, in the Virgin Islands and Guam were licensed to ship a small portion of the overall quota, duty-free, during the period January 1, 1967, through February 28, 1967, with the stipulation that such shipments would be charged against any annual allocation subsequently granted. On January 13, 1967, the Governor of the Virgin Islands and the Governor of Guam were delegated the function of issuing shipment permits against the licenses issued by the Secretaries.

On January 17, 1967, the Secretaries gave notice, by publication in the FEDERAL REGISTER, of a public hearing to begin on February 1, 1967, for the purpose of gathering views and comments from interested parties concerning the allocation of the duty-free quotas for the importation from the insular possessions of watches and watch movements containing foreign components. The general issues of interest to the Secretaries which had been identified in the earlier notice were restated and the submission of written briefs as well as oral testimony was solicited.

There are 25 applicants for a portion of the duty-free quota in the Virgin Islands; 11 applicants for Guam; and 3 applicants for American Samoa. Among the 25 applicants for the Virgin Islands, 16 firms have had production experience there prior to January 1, 1967. Of these, the first four firms to establish assembly operations were given a 10-year substantial exemption from local taxes as an encouragement to start a new industry in the Virgin Islands. In Guam, 8 of

the 11 applicants have had production experience prior to January 1, 1967, and 4 of these have been granted full tax exemption. Since no watch assembly operation has been established in American Samoa, none of the three applicants has production experience in that possession.

Public hearings were held before representatives of the two Secretaries at the Department of Commerce on February 1, 2, and 3, 1967. Briefs were submitted by 28 applicants and representatives of 23 applicants participated in oral testimony. Subsequent to these hearings, supplemental briefs were filed by 18 applicants.

I. Under Public Law 89-805, the Secretaries are vested with broad discretion in formulating the basis for apportioning the quota. The statute simply provides that allocations be made "on a fair and equitable basis."

The only pertinent legislative history is contained in the Senate Finance Committee Report and in the subsequent debates on the floor of the Senate. The Report comments generally on criteria the Secretaries might consider in determining a "fair and equitable" allocation. It expresses the expectation that "the Secretaries will act in a manner best calculated to reflect and preserve the established character of the industry in the Virgin Islands." While the Committee noted some additional factors which might well be taken into account by the Secretaries such as "production experience" and the "cost of direct labor involved in the assembly," the broad discretion granted the Secretaries can best be summed up by the following statement of Chairman Long on the floor of the Senate:

We do not propose to say who gets what. We merely say look at all the equities and, as far as we are concerned, we let the Secretary of Commerce and the Secretary of the Interior set up pretty much the standards they wish to set up, but they must be fair and equitable in doing it.

As might be expected, widely different views were expressed by the applicants regarding the basis for allocation of quotas. Each applicant maintained that the approach which it proposed would best carry out the statutory mandate that allocation be "on a fair and equitable basis". Further, widely divergent views were expressed concerning the base period for which production experience should be considered. Suggestions ranged from relying on production experience over the entire history of the industry in the insular possessions to reliance on less than 12 months production as a base period.

There were equally divergent views as to the factors which should be given weight in the allocation. Some maintained that production experience, regardless of the base period selected, should be given little or no weight and that all applicants whether or not currently engaged in assembly operations in the insular possessions should be considered on the basis of their potential contribution to the local economy.

Others took the opposite view and maintained that prior production in the insular possessions should be the sole factor in allocation. The Senate Committee's expectation that the allocation would "reflect and preserve the established character of the industry" was given different interpretations. "Production experience" was also a term subjected to varying interpretations by the applicants. In measuring the extent of the contribution made by each firm to the local economy, varying stress was placed on the volume of units locally assembled, the number of assembly steps performed per unit, payroll, direct labor cost per unit assembled, capital investment, and personnel training. Some firms stressed financial stability as a measure of their ability to make a long term contribution to the insular possessions while others believed this factor to be totally irrelevant and urged the encouragement of small nonaffiliated firms.

Applicants disagreed over whether quota allocations to firms should be adjusted from the standpoint of their impact on the domestic watch market. The applicants disagreed over whether the competitive advantage enjoyed by firms with tax-exempt status should be taken into account in making allocations. There was also disagreement over whether common financial ties between firms in the insular possessions should be taken into account in allocating quotas to these firms.

II. The voluminous material submitted by the applicants has been carefully reviewed by the two Departments. The relative weight to be given to factors deemed relevant and the base period best calculated to result in quota allocations on a fair and equitable basis were given most careful consideration.

In considering factors for allocations it became quite clear to the Departments that no single factor could be used as the exclusive basis for allocations. Production, while not a wholly satisfactory measurement of contribution to the local economy, is clearly an important factor in determining the established character of the watch assembly industry.

In evaluating the various proposals concerning the base period over which production experience might be considered, to determine which base period would be the most fair and equitable, the Departments have taken into account the historic development of the watch industry in the Virgin Islands and Guam. With respect to the Virgin Islands, although a small assembly operation was first established in 1959, only one firm produced in the area through 1961. Beginning in 1962, the number of firms increased annually (5 firms producing in 1962, 10 firms in 1963, 11 firms in 1964, 15 firms in 1965 and 16 firms as of Dec. 31, 1966). There was a continuous and rapid increase in the number of firms establishing watch assembly operations until 1965. For this reason, we do not believe it is desirable to use the years prior to 1965 as the base period.

The quotas imposed by the Virgin Islands Government and the subsequent court decisions declaring these invalid undoubtedly have had an impact on the Virgin Islands watch assembly industry. Accordingly, exclusive reliance on 1966 or any portion thereof as a base period would also be inappropriate.

The production experience in Guam, as stated earlier, is of a more recent date. A single firm established sizable assembly operations in the latter part of 1965 and a total of eight firms assembled watch movements during calendar year 1966. Unlike the situation in the Virgin Islands the entire production experience is confined to relatively little more than 1 year without any imposition of local production restraints or other apparent unsettling factors.

The considerations discussed previously have led the Departments to conclude that the formula for allocation of 1967 quotas to producers in the Virgin Islands and in Guam which would best carry out the mandate of Public Law 89-805 should combine prior production (number of units produced) with direct labor cost per unit. We have further concluded to assign a weight of three-fourths to production and one-fourth to direct labor cost per unit.

In assigning a weight of three-fourths to production, the Departments wished to avoid disrupting unduly the production patterns already established in these two insular possessions. By using the years 1965 and 1966 as the base period for measuring production, the Departments wished to avoid a situation where unsettling factors which occurred primarily in 1966 after the imposition of the restraints in the Virgin Islands would unduly distort the allocations. The Departments were concerned that by using solely 1965 as the base period, certain firms with a relatively brief history of production would not have been treated equitably. On the other hand, a longer base period would have inordinately favored the few firms with an early production history.

As discussed previously, the situation with respect to Guam differs from that in the Virgin Islands because there was insufficient time for the industry to establish its character. Therefore, the use of base years 1965 and 1966 embracing the entire history of the industry in Guam produces the fairest result.

The Departments concluded that direct labor cost per unit was the most appropriate other factor to use in the formula and that it should be assigned a weight of one-fourth in allocations for calendar year 1967. This use of direct labor cost per unit is intended to foster more assembly work in the territories and thereby a greater contribution to the economy of the islands. Calendar year 1966 was used as the base period for measuring direct labor cost per unit since the most recent year would best reflect prevailing wage levels in the Virgin Islands and Guam. Direct labor cost per unit takes into account the degree of as-

sembly work performed, but excludes sales, general and administrative costs which are indirect labor costs. Moreover, by computing direct labor cost on a per unit basis as opposed to total direct labor cost of each firm, the labor cost factor will be measured on a uniform basis regardless of the volume of production.

The Departments, therefore, believe that direct labor cost per unit provides a single common denominator consisting of several factors which together reflect a meaningful contribution to the economy of the insular possessions. Furthermore, in making allocations for future years we expect to place increasing emphasis on those factors which foster greater contributions to the economies of the insular possessions.

In allocating the quota for the year 1967, the Department gave careful consideration to those applicants without production experience in the insular possessions. While the Departments subscribe to the principle of allocating quotas in future years to firms without prior production experience which are interested in applying for a quota, we concluded that the quota for 1967 should be allocated to those firms with production experience as of November 10, 1966. This results in allocations to a total of 16 firms in the Virgin Islands and to 8 firms in Guam, which should assure a competitive situation among producers.

With respect to American Samoa, the Departments have decided to postpone any allocation for calendar year 1967 until after additional information, which will be requested from the three applicants concerned, has been received and evaluated.

III. Using the formula previously described, the following interim quota allocations are made to the firms which were performing watch assembly operations in the Virgin Islands and in Guam on November 10, 1966. These interim allocations represent approximately 50 percent of the estimated total allocations for calendar year 1967, without adjustment to reflect the number of watches and watch movements shipped into the customs territory of the United States between January 1, 1967, and February 28, 1967, pursuant to Public Law 89-805 under Temporary Procedures (31 F.R. 16579, Dec. 28, 1966).

VIRGIN ISLANDS

Name of Firm	Number of Units
1. Admiral Time, Inc.....	175,000
2. Antilles Industries, Inc.....	206,000
3. Atlantic Time Products Corp....	159,000
4. Belair Time Corp.....	103,000
5. Belmont Industries.....	55,000
6. Master Time Co., Ltd.....	109,000
7. Multi Jewel Watch Corp.....	133,000
8. Quality Products Co., Inc.....	165,000
9. Rosa Watch Corp.....	107,000
10. R. W. Summers Time Corp.....	90,000
11. Standard Time Corp.....	298,000
12. Sussex Watch Corp.....	28,000
13. Unitime Corp.....	202,000
14. Virgiline Watch Co., Inc.....	45,000
15. Virgo Corp.....	111,000
16. Watches, Inc.....	54,000

GUAM

Name of Firm	Number of Units
1. Cromwell International, Inc.....	12,500
2. Hallmark Watch Factory, Inc.....	17,000
3. Jun-Lau Watch Corp.....	11,500
4. Maro Watch Co., Inc.....	28,000
5. Phoenix Industries, Inc.....	23,500
6. Precision Instruments, Inc.....	11,500
7. Stratton Watch Corp.....	74,500
8. Westminster Time Corp.....	21,500

The above amounts are allocated subject to verification of the data supplied by each of the applicants which were relied upon by the Departments in applying the quota formula. In particular, it will be necessary to verify that the data on which the direct labor cost per unit was calculated are accurate, are based on consistent principles of accounting, and that the number of units which have actually entered the customs territory of the United States conform to the data submitted.

Upon publication by the U.S. Tariff Commission of final statistics on apparent U.S. watch consumption during 1966 and after, data submitted by the above named firms has been verified, final allocations will be made for the balance of calendar year 1967.

The sale or transfer of quotas by one firm to another is not authorized. Unused quotas are subject to reallocation by the Departments. Unless there is a bona fide showing that failure to utilize fully a quota allocation during a given year was due to circumstances beyond the control of the firm, such failure will be taken into account in reducing or even eliminating subsequent allocations to that firm.

LAWRENCE C. MCQUADE,
Acting Assistant Secretary for
Domestic and International
Business, Department of Commerce.

HARRY R. ANDERSON,
Assistant Secretary for Public
Land Management, Department
of the Interior.

MARCH 15, 1967.

[F.R. Doc. 67-3022; Filed, Mar. 16, 1967;
11:06 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[DOT Order 1000.1]

TEMPORARY SEAL FOR THE DEPARTMENT

1. *Purpose.* This order describes a temporary seal for the Department of Transportation and authorizes its use for the authentication of documents by the Department and its components, except for the Saint Lawrence Seaway Development Corporation which will continue to use its present seal. The authority for the establishment of a Department seal is found in section 9(k) of the Department of Transportation Act.

2. *Description.* a. The temporary seal of the Department of Transportation is described as follows:

The words "interim seal" placed one above the other within the inner of two concentric circles, both words to be centered in the circle; within the space between the inner circle and the outer circle the words "Department of Transportation U.S.A." curved and with the abbreviation "U.S.A." at the bottom separated from the words "Department of Transportation" by a five-point star on either side; the whole to be placed within a heavy border slightly separated from the outer circle.

b. The temporary seal of the Department of Transportation appears as follows:

FIGURE 1.



3. *Authority for use.* a. The temporary seal shall be the official seal of the Department and shall be embossed on all documents requiring authentication by the Office of the Secretary and the major elements of the Department, except the Saint Lawrence Seaway Development Corporation. The following officials are authorized to emboss and affix the temporary seal of the Department of Transportation to appropriate documents and other materials of the Department, for all purposes, including those authorized by 28 U.S.C. 1733(b): The Assistant Secretary for Administration, the Commandant of the Coast Guard, the Federal Aviation Administrator of the Federal Aviation Administration, the Federal Highway Administrator of the Federal Highway Administration, the Federal Railroad Administrator of the Federal Railroad Administration, and the Chairman, National Transportation Safety Board.

b. The officers named in subparagraph 3a above may redelegate, and authorize redelegations of, this authority. Delegations made under this authority should be limited to the minimum number consistent with essential requirements in order to minimize procurement requirements for the temporary seal.

4. *Continued use of existing seals.* a. The Federal Aviation Administration and the Coast Guard may continue to use, until further notice, the seals of the Federal Aviation Agency and the Coast Guard, respectively, to identify installations, offices, facilities, activities, property, equipment, publications, brochures, reports, posters, promotional and exhibition material, for affixing to private vehicles of employees for parking purposes, and related uses.

b. The Saint Lawrence Seaway Development Corporation shall continue to use, until further notice, its present seal for authentication of documents and may use, until further notice, its present seal for the purposes described in subparagraph 4a.

c. The major elements of the Department, except the Federal Aviation Administration, the Coast Guard and the Saint Lawrence Seaway Development Corporation, may use the temporary seal of the Department for the purposes listed in subparagraph 4a above. This use shall be limited to requirements of high priority and need, pending the approval of the permanent seal of the Department.

5. *Custody of seal dies.* The officials named in paragraph 3 and all delegates are authorized to secure and maintain custody of the dies of the temporary seal of the Department of Transportation.

6. *Securing of seal dies.* A limited distribution of embossing dies of the temporary seal will be made by the Office of Administrative Operations as soon as they are procured. Request for additional dies should be addressed to the Director, Office of Administrative Operations.

7. *Effective date.* This order is effective on the effective date of the Department of Transportation Act.

ALAN S. BOYD,

Secretary of Transportation.

[F.R. Doc. 67-2921; Filed, Mar. 16, 1967;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order E-24849]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1967.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to a specific commodity rate; Docket 16236, Agreement CAB 19360, R-1.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 17, 1967, names a rate under a new commodity description as set forth below. The new rate reflects a reduction of 45.9 percent and is consistent with the present level of specific commodity rates within the applicable area.

¹ Received in the Board Feb. 20, 1967.

Commodity Item 0525—Ice Cream Cones, 20 cents per kg., minimum weight 300 kgs., Barbados to San Juan.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement CAB 19360, R-1, be approved: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2957; Filed, Mar. 16, 1967;
8:48 a.m.]

[Docket No. 15574]

REOPENED UNITED-PACIFIC TRANSFER CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 18, 1967, at 10 a.m., local time, in Room 284, U.S. Court of Appeals and Post Office, Seventh and Mission Streets, San Francisco, Calif.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 16, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 13, 1967.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-2958; Filed, Mar. 16, 1967;
8:48 a.m.]

CIVIL SERVICE COMMISSION

NURSES, BALTIMORE, MD.

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Com-

mission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-4, 5, 6, and 7 (both occupational

health and clinical programs), and Public Health Nurse GS-615-5, 6, and 7. The revised rate ranges are:

PER ANNUM RATES

Grade	1 ¹	2	3	4	5	6	7	8	9	10
GS-4.....	\$5,736	\$5,896	\$6,056	\$6,216	\$6,376	\$6,536	\$6,696	\$6,856	\$7,016	\$7,176
GS-5.....	6,211	6,387	6,563	6,739	6,915	7,091	7,267	7,443	7,619	7,795
GS-6.....	6,659	6,837	7,015	7,193	7,371	7,549	7,727	7,905	8,083	8,261
GS-7.....	6,877	7,090	7,303	7,516	7,729	7,942	8,155	8,368	8,581	8,794

¹ Corresponding statutory rates: GS-4—Seventh; GS-5—Sixth; GS-6—Fifth; GS-7—Third.

2. The Commission also has increased the minimum rate and rate ranges for positions of Nurse, PFS-610-5. The revised rate ranges are:

Per annum rates

LEVEL...	1 ¹	2	3	4	5	6	7	8	9	10	11	12
PFS-5.....	\$6,652	\$6,843	\$7,034	\$7,225	\$7,416	\$7,607	\$7,798	\$7,989	\$8,180	\$8,371	\$8,562	\$8,753

¹ Corresponding statutory rate is the sixth step.

3. Geographic coverage is the Baltimore, Maryland Standard Metropolitan Statistical Area which includes Anne Arundel, Baltimore, Carroll, and Howard Counties and Baltimore City. Additional coverage is Harford County, Md.

4. The effective date will be the first day of the first pay period beginning on or after March 11, 1967.

5. All new employees in the specified occupational levels will be hired at the new minimum rate.

6. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-2913; Filed, Mar. 16, 1967;
8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on March 29, 1967. The hearing will take place in Court Room No. 1 of the Monroe County Court House, Seventh and Monroe Streets, Stroudsburg, Pa., beginning at 2:30 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Borough of Bernville.* The construction of a sewage collection system

and treatment plant to serve the Borough of Bernville, Berks County, Pa. The treatment plant will provide 85 percent reduction of BOD for a peak flow rate of 280,000 gallons per day. Discharge will be to Northhill Creek, a tributary of the Tulpehocken Creek.

2. *People's Water Co.* A well water supply project to augment public water supplies available in the company's service area in the town of Phillipsburg and the townships of Lopatcong and Pohatcong, Warren County, N.J. The four new wells are capable of producing a maximum of 9 million gallons a month.

3. *Delaware Valley Water Co.* A well water supply project to augment public water supplies in the company's service area in the Borough of Palmyra, Burlington County, N.J. Designated as Well No. 27, the new facility is expected to yield 1.5 million gallons per day. In addition, it is proposed to include in the Comprehensive Plan 18 existing wells previously developed by the same company.

4. *Borough of Shoemakersville.* A well water supply project to augment the Borough's water supply system in Berks County, Pa. The new facility, designated Well No. 5, is expected to yield 150 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan three existing wells previously developed by the Borough.

5. *Ancient Oak Water Co.* A well water supply project designated to augment public water supplies within the company's service area in Lower Macungie Township, Lehigh County, Pa. Two new facilities, designated Well No. 1 and Well No. 2, are expected to have a combined yield of 829,000 gallons per day.

6. *Blackwood Water Co.* A well water supply project designed to augment public water supplies in the company's service area in Camden and Gloucester Counties, N.J. Four wells will be utilized to provide a total maximum average monthly withdrawal of 1.1 million gallons per day.

7. *Mount Arlington Service Co., Inc.* A well water supply project designed to augment water supplies in the company's service area in the Borough of Mount Arlington, Morris County, N.J. Four

wells will be utilized to provide a total maximum average-monthly withdrawal of 50,000 gallons per day.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone 609-883-9500.

W. BRINTON WHITALL,
Secretary.

MARCH 10, 1967.

[P.R. Doc. 67-2914; Filed, Mar. 16, 1967;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14185]

EDUCATIONAL FM CHANNELS

Order Extending Time for Filing Comments and Reply Comments

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards (educational FM channels), Docket No. 14185.

1. On November 14, 1966, the Commission issued a notice of inquiry in the above-entitled matter inviting comments from all interested parties on a proposal to adopt a nationwide table of assignments for noncommercial educational FM stations and other technical rules and standards. The time for filing comments was given as December 30, 1966, and that for reply comments as January 16, 1967. In subsequent orders issued on December 15, 1966, and January 26, 1967, these dates were extended to March 13, 1967, for comments and March 28, 1967, for reply comments.

2. A great deal of interest in this proceeding has been generated as a result of the inclusion of educational radio in the proposed revision of the ETV Facilities Act and several parties have expressed an interest in filing comments in the proceeding in the event the time for filing such comments is further extended. In addition, on March 8, 1967, Kear and Kennedy filed a petition requesting the Commission to extend the time for filing comments and reply comments each for a period of 30 days, so that it may make and analyze additional measurement data which should substantially enhance the value of a report currently under preparation for filing with the Commission.

3. We are of the view that good cause has been shown in this case for the requested extension of time. Accordingly, it is ordered, This 10th day of March 1967, That the time for filing comments is extended to April 14, 1967, and the time for filing reply comments is extended to May 1, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8)

of the Commission's rules and regulations.

Released: March 13, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-2965; Filed, Mar. 16, 1967;
8:49 a.m.]

[Docket No. 16792; FCC 67M-410]

CITY OF CAMDEN AND L & P BROADCASTING CORP.

Order Regarding Procedural Dates

In re application of City of Camden (Assignor), and L & P Broadcasting Corp. (Assignee), Docket No. 16792, File No. BAL-5702; for assignment of license of Station WCAM, Camden, N.J.

It is ordered, This 10th day of March 1967, pursuant to the agreements reached at the prehearing conference of March 9, 1967;

(1) All exhibits to be offered in the direct affirmative presentations shall be exchanged on May 1, 1967;

(2) Notification of witnesses to be called for cross-examination shall be given on or before May 10, 1967;

(3) The hearing shall be held on May 17, 1967 commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-2966; Filed, Mar. 16, 1967;
8:49 a.m.]

[Docket Nos. 16972, 16973; FCC 67M-411]

CARTER BROADCASTING CORP. AND METRO GROUP BROADCASTING, INC.

Order Continuing Hearing

In re applications of Carter Broadcasting Corp., Burlington, Vt., Docket No. 16972, File No. BP-16735; Metro Group Broadcasting, Inc., Plattsburgh, N.Y., Docket No. 16973, File No. BP-17089; for construction permit.

The Hearing Examiner having under consideration joint petition for approval of agreement and dismissal of application filed with the Review Board March 7, 1967, on behalf of the applicants in this proceeding;

It appearing, that there is now scheduled an evidentiary hearing for April 3, 1967, in this proceeding;

It further appearing that because of the filing of the instant joint petition the evidentiary hearing should be continued without date;

Accordingly, it is ordered, This 13th day of March 1967, that the evidentiary hearing now scheduled for April 3, 1967, be and the same is hereby continued without date.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-2967; Filed, Mar. 16, 1967;
8:49 a.m.]

[Docket Nos. 17058-17060; FCC 67R-79]

FINE MUSIC, INC. (WFMI) ET AL.

Memorandum Opinion and Order Modifying Issues

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP-16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP-16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP-16721; for standard broadcast construction permits.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order FCC 66-1148 released December 30, 1966. Among the issues designated was:

7. To determine, with respect to the Tennessee Valley financial proposal:

a. The availability to the applicant of credit from an equipment manufacturer, as described in the application.

b. The availability to the applicant of \$45,000 which it proposes to obtain from loans to it by stockholders, and \$66,500 which it proposes to obtain via bank loans.

c. Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 1 year.

d. Whether, in the light of the evidence adduced pursuant to Item 7-a, Tennessee Valley is financially qualified.

Tennessee Valley Broadcasting Co., Inc. (Tennessee Valley) on January 23, 1967, filed a petition to delete issues.¹

2. Tennessee Valley argues that in evaluating its financial qualifications the Commission failed to note an amendment to its application which was filed several months prior to the designation order. That amendment deleted one of the stockholders of the corporation and increased the joint loan commitment of the two remaining stockholders from \$45,000 to \$70,000. The petitioner notes that as further justification for including the financial issue the Commission observed that:

* * * the balance sheets submitted by the prospective lenders are in each case more than a year old, as are the credit commitment letters to the applicant from the equipment

¹ The Board also has before it Broadcast Bureau's opposition to "Petition to Delete Issues" filed Feb. 7, 1967; opposition to petition to delete issues, filed by Rocket City Broadcasting Co., Inc., Feb. 6, 1967; and a reply to oppositions to petition to delete issues, filed Feb. 9, 1967 by Tennessee Valley Broadcasting Co., Inc.

manufacturer and the bank. Because of the absence of more current supporting documentation, a question exists as to the availability of funds.

Tennessee Valley contends that the balance sheets and letters of commitment were current as of the date the application was filed and that if they were not current as of the date of designation, this was a function of Commission delay in processing, not lack of diligence on the part of the applicant. Moreover, Tennessee Valley argues that it is aware of no rule or obligation which would require it to file current data in the absence of significant changes with respect to its application. It states that the only significant changes, its change in stockholders and the stockholders increased loan commitment to the corporation, were promptly reported by an amendment. To further support its request the petitioner submits a current letter of credit from RCA (Jan. 12, 1967) and balance sheets for its two stockholders dated January 13, 1967, and December 31, 1966. It notes that it has requested to amend its application to submit a new bank loan commitment in the amount of \$90,000. It thereupon argues that the financial issue was included because the Commission was unaware of its amendment and that in view of the data currently before the Board it is qualified to construct and operate the station as proposed for 1 year, and that the financial qualification issue should be deleted.

3. It is apparent from the foregoing that at the time the matter was designated for hearing, the Commission did not consider the then current loan commitment of Tennessee Valley's stockholders. That loan commitment was in fact \$70,000, rather than \$45,000. Issue 7 will therefore be modified to reflect the facts as they appeared in the record as of the date of designation. However, the inquiry concerning the availability of funds from the stockholders, the bank loan commitment and the letter of credit from the equipment supplier must remain unchanged.³ The Commission specifically premised this inquiry upon the fact that the balance sheets of the stockholders, the bank loan commitment and the manufacturer's letter of credit were all over 1 year old at the time the matter was designated for hearing and reasoned that in view of these circumstances a question existed as to the availability of the funds relied upon by the applicant. In view of the foregoing the Board will not delete issues 7 (a) and (b) even though Tennessee Valley has submitted current data with its petition to delete issues. See Theodore Granik, 65R-450, 6 RR 2d 887 and cases cited therein. The foregoing applies equally to the petitioner's contention that if an amendment now pending before the Examiner, which seeks to show that an increased bank commitment to Tennessee Valley, is permitted, it will have sufficient funds to construct and operate the station as

proposed for 1 year and that the issue concerning this matter should therefore be deleted. These issues, having been properly designated, must be met on the record. Issue 7(b) in this proceeding will, however, be modified to correct the factual error which was made at the time of designation.

Accordingly, it is ordered, This 9th day of March 1967, That the petition to delete issues, filed January 23, 1967, by Tennessee Valley Broadcasting Co., Inc., is granted to the extent that issue 7(b) is modified to read as follows:

7. To determine, with respect to the Tennessee Valley financial proposal:

a. * * *

b. The availability to the applicant of \$70,000 which it proposes to obtain from loans to it by stockholders, and \$66,500 which it proposes to obtain via bank loans.

And Denied in all other respects.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2968; Filed, Mar. 16, 1967;
8:49 a.m.]

[Docket Nos. 17058-17060; FCC 67R-81]

FINE MUSIC, INC. (WFMI) ET AL.

Memorandum Opinion and Order
Enlarging Issues

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP-16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP-16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP-16721; for standard broadcast construction permits.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order FCC 66-1148, released December 30, 1966. Issue 6 dealt with the financial qualifications of Rocket City Broadcasting Co., Inc. (Rocket City), Huntsville, Ala. On January 23, 1967, Rocket City filed its motion to modify and enlarge issues.¹ In its motion Rocket City notes that the Commission did not take into account a predesignation amendment which had a bearing on the financial issue. It therefore requests that the issue be modified to reflect the facts as they existed at the time of designation. Rocket City also asks that the issues be enlarged to include: A site availability issue as to Tennessee Valley Broadcasting Co., Inc. (Tennessee Valley); an issue as to Tennessee Valley's failure to report changes

¹ The Board also has before it partial opposition to "Motion to Modify and Enlarge Issues" filed Feb. 6, 1967, by Tennessee Valley Broadcasting Co., Inc.; Broadcast Bureau's comment regarding "Motion to Modify and Enlarge Issues" filed Feb. 8, 1967; and reply to Tennessee Valley's partial opposition and the Broadcast Bureau's comments on "Motion to Modify and Enlarge Issues" filed Feb. 17, 1967, by Rocket City Broadcasting Co., Inc.

in the application as required by § 1.65 of the Commission's rules; an issue with respect to alleged ex parte contacts by Tennessee Valley in contravention of the Commission's rules; an issue going to the qualifications of Tennessee Valley to be a licensee of the Commission in view of the facts adduced pursuant to the foregoing issues.

Modification of the financial qualifications issue. 2. Issue 6 seeks to develop facts concerning the availability of \$8,000 capital to be supplied by stockholders and a \$74,000 loan from stockholders; the availability of credit from equipment suppliers; and since it appeared that Rocket City would require \$128,960 for construction and its first year of operation; how it would obtain funds in addition to the \$84,000 which it would obtain from capital stock and loans from its stockholders. Rocket City does not seek to have the financial qualifications issue deleted. Rather it only seeks to have it modified to reflect the facts as they existed at the time the matter was designated for hearing. The amendment in question reflected an additional \$50,000 loan commitment by one of Rocket City's stockholders. Taking this into account Rocket City would have available to it \$134,000 to meet anticipated expenditures of \$128,960. Issue 6 will be modified to reflect the factual situation as of the time the matter was designated for hearing.

Site availability and failure to report issues. 3. The petitioner notes that Tennessee Valley's application specifies that its antenna site would be leased. It alleges that after the application was filed that site was condemned, and that Tennessee Valley neglected to advise the Commission of this significant change concerning its application as required by § 1.65 of the Commission's rules. In support of these allegations, Rocket City has attached a series of pleadings and orders in the Probate Court for the city of Huntsville, Ala., which, it contends, show that the Tennessee Valley site was condemned for public school use February 25, 1966. The petitioner argues that since the antenna site was condemned for use by the public schools, it cannot be used by Tennessee Valley. Thus, a site availability issue should be added. It further argues that since Tennessee Valley failed to report these facts as required by § 1.65, an issue concerning its failure to do so is appropriate.

4. Tennessee Valley, in its opposition concedes that the proposed site has indeed been condemned but it argues there is now pending before the Hearing Examiner an amendment which specifies a new site and that after the Examiner's ruling on the amendment, the site availability issue requested by Rocket City will be moot and that the Board's ruling on this matter should be held in abeyance pending the Examiner's action on its pending amendment. With respect to the failure to report allegations, it states that the Probate Court's order of February 25, 1966, was not a final order taking the site in question but only the

³ Luis Prado Martorell, 5 FCC 2d 138 (1966), and Norman W. Henning, Docket No. 17175, FCC 67-181, ----- FCC 2d -----

beginning of the condemnation process.³ It argues that shortly after the Probate Court entered its final decree (May 19, 1966), Tennessee Valley filed its amendment (June 13, 1966) proposing a new antenna site.⁴ Thus Tennessee Valley argues that within thirty days of the Probate Court's final Decree of Condemnation and almost 6 months prior to the judgment of the Circuit Court of Alabama affirming the condemnation, it filed an amendment specifying a new site.⁴ This, Tennessee Valley argues, complies with the requirements of § 1.65 of the Commission's rules.

5. From the foregoing it appears that Tennessee Valley does not now have the antenna site it originally specified in its application. Nor has its application been amended to specify a new site. Since the Board cannot anticipate the outcome of Tennessee Valley's petition to amend, an appropriate issue concerning the availability of its site will be added to the proceeding.

6. Tennessee Valley's failure to submit an amendment to its application before June 13, 1966, does not constitute a violation of § 1.65 of the Commission's rules. While it may have been better practice for Tennessee Valley to amend its application as soon as it learned that its proposed site might be condemned, it is understandable that it chose to wait at least until the Probate Court had entered its final Decree taking the property. For until that time there was at least a reasonable possibility that the condemnation action might not succeed. Immediately thereafter Tennessee Valley filed an amendment specifying a new site and even though that amendment did not specifically mention the condemnation proceeding, it did note that a new site was necessary because "the School Board desires the property originally proposed for antenna and transmitter site for expansion of school facilities." In view of these circumstances, an issue concerning Tennessee Valley's failure to disclose changes with respect to its antenna site is not warranted.

The Ex Parte issue. 7. Rocket City bases its request for this issue upon three letters addressed to the Commission by the Honorable Robert E. Jones, Representative for the 8th District of Alabama to the Congress of the United States. The first two letters are conceded to be mere status inquiries. However, Rocket City argues that the third letter is on its face evidence of viola-

tion of the Commission's ex parte rules. It points to the second paragraph of that letter which states as follows:

For more than 2 years now I have been in continuous contact with you people in an effort to expedite the handling of this application. I have exercised both patience and tolerance, however, because of the length of time that this application has been pending and the pressure that is being brought to bear on me by the interested parties I feel compelled to insist that this application be acted on immediately.

This, Rocket City says, "indicates on its face violation of § 1.1223 and § 1.1227(e) of the Commission's rules." In its opposition Tennessee Valley denies that the Congressman's letter is anything more than a status inquiry. To support this position it has attached the affidavits of Congressman Jones and of Anderson and Thrasher, the principals in Tennessee Valley. This being so, Tennessee Valley argues the letter does not indicate on its face a violation of § 1.225 of the Commission's rules. With this conclusion, we are in accord. However, Tennessee Valley has not successfully met the questions raised by the above-quoted paragraph with respect to § 1.1227(e). That section prohibits interested parties from "directly or indirectly soliciting ex parte status inquiries". The affidavits make it quite clear that the "pressure" to which the Congressman referred in his letter came from Anderson and Thrasher, the principals in Tennessee Valley. There can be no question that at the time of the inquiry, Anderson and Thrasher were "interested persons" and solicitation or other "pressure" either directly or indirectly was precluded by the rule. In these circumstances, an issue must be added to the proceeding. However, since it is apparent that neither Congressman Jones nor the principals of Tennessee Valley sought to influence the Commission's disposition of the application, the issue will be limited to an inquiry con-

³ Sections 1.1223 and 1.1227(e) read, in pertinent part, as follows:

"1.1223 Presentations prohibited in restricted application proceedings prior to their designation for hearing.

"As provided in § 1.1203(b), certain application proceedings are 'restricted' following the submission of a petition to deny or public notice of the filing of a mutually exclusive application. Except as provided in § 1.1227, no interested person shall, directly or indirectly, make or attempt to make any oral or written ex parte presentation to decision-making Commission personnel concerning such a proceeding. Nor, in the absence of public notice, shall such an ex parte presentation be made, directly or indirectly, by an interested person having actual knowledge that a mutually exclusive application has been filed."

"§ 1.1227 Permissible ex parte communications.

"The following communications shall not be considered to be ex-parte presentations prohibited by the provisions of this subpart:

"(e) Any request for information solely with respect to the status of a restricted proceeding. (Interested persons, however, are prohibited from directly or indirectly soliciting ex parte status inquiries.)"

cerning possible violation of § 1.1227(e) of the Commission's rules and its effect on the comparative qualifications of Tennessee Valley to be a licensee of the Commission.

8. The burden of proof with respect to the issues added to the proceeding is on the applicant.

It is ordered. This 10th day of March 1967, that the motion to modify and enlarge issues, filed by Rocket City Broadcasting Co., Inc., on January 23, 1967, is granted to the extent indicated and denied in all other respects:

(a) Issue 6 is modified to read as follows:

6. To determine with respect to the Rocket City financial proposal:

a. The availability to the applicant of credit from an equipment manufacturer, as described in the application;

b. The availability to the applicant of \$8,000 which it proposes to obtain from the sale of capital stock to its principals, and \$124,000 which it proposes to obtain from loans to it by its principals;

c. Whether in the light of the evidence adduced through issues 6 (a) and (b), Rocket City is financially qualified.

(b) A new Issue 9 is added as follows:

9. To determine whether the principals of Tennessee Valley Broadcasting Co., Inc. have engaged in conduct prohibited by § 1.1227(e) of the Commission's rules and, if so, what effect such conduct has on Tennessee Valley's qualifications.

(c) A new Issue 10 is added as follows:

10. To determine whether Tennessee Valley has a suitable antenna site available to it.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2969; Filed, Mar. 16, 1967;
8:49 a.m.]

[Docket Nos. 17258-17260; FCC 67-258]

GAMMA TELEVISION CORP. ET AL.
**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT-3787; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 1st day of March 1967;

⁵ Statement of Board Member Berkemeyer, dissenting in part, filed as part of original document; Board Member Nelson dissenting in part.

³ This position is supported by an affidavit of one Jeff D. Smith, a Huntsville attorney, appended to the opposition and a series of further pleadings and orders in the matter, the last of which was the Court's decree of Condemnation dated May 19, 1966.

⁴ Tennessee Valley filed an appeal from the Decree of the Probate Court June 14, 1966. The Appellate Court considers condemnation actions de novo. The appellate judgment affirming the Probate Court was entered Dec. 29, 1966.

⁴ That amendment was returned to the applicant for failure to comply with section 73.187 of the Commission's rules.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 24, Memphis, Tenn.

2. With respect to the issues set forth below, the following considerations are pertinent:

a. Based on the information contained in the application of Tele/Mac of Memphis, cash in amount of \$421,440 will be needed for the construction and first-year operation of the proposed station, consisting of annual rental of equipment—\$77,220; interest on loan—\$12,000; other items—\$15,000 and first-year operating expenses—\$317,220. To meet the cash requirements, the applicant relies upon the availability of existing capital of \$725,000, a loan of \$200,000 and profits of \$100,000 from the operation of Standard Broadcast Stations WOKJ (AM), Jackson, Miss., and WENN (AM), Birmingham, Ala. The applicant has demonstrated the availability of the \$200,000 loan. However, the applicant's principal, John M. McLendon has not shown current and liquid assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to provide the applicant with \$725,000, particularly since he has already committed approximately \$514,700 of his funds toward the construction of Television Broadcast Station WAPT, Channel 16, Jackson, Miss. In addition, while the applicant indicates that profits of \$100,000 will be available from the operation of Standard Broadcast Stations WOKJ (AM) and WENN (AM), the applicant has failed to submit agreements from the licensees of both stations to provide such funds and in addition, there is no indication that such funds are available to finance the proposed station. Moreover, the applicant has made no showing as to the validity of its \$355,680 revenue estimate for the first year. Accordingly, financial issues have been specified.

b. Based on the information contained in the application of Gamma Television Corporation, cash in the amount of \$525,699 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—\$73,200; first-year payments on equipment including interest—\$56,749; first-year payments on bank loan including interest—\$45,750; other items—\$50,000 and first-year operating expenses—\$300,000. To meet the cash requirements, the applicant relies upon the availability of \$96,333 in new capital, a \$300,000 bank loan and estimated first-year revenues of \$330,000. The applicant has established the availability of the \$300,000 bank loan and \$79,333 in new capital. However, the applicant has failed to demonstrate how Sunstand, Inc., will obtain liquid and current assets (as defined in sec. III, par. 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet its commitment to purchase the applicant's stock. Moreover, while the applicant has submitted informa-

tion in an effort to support its estimate of revenues, the Commission does not believe that the information submitted does, in fact, demonstrate the soundness of the estimate of revenues as required by the Commission in Ultravision Broadcast Co., FCC 65-581, 5 RR 2d 343. Accordingly, financial issues have been specified.

3. The principals of Gamma Television Corp. are also principals of Delta Television Corp., permittee of Station WNTU-TV, Channel 33, Norfolk, Va. (construction permit granted Apr. 20, 1966); Kappa Television Corp., permittee of Station WUHF-TV, Channel 61, Hartford, Conn. (construction permit granted May 4, 1966) and Beta Television Corp., permittee of Station WBAU-TV, Channel 49, Buffalo, N.Y. (construction permit granted June 2, 1966). On December 1, 1966, December 2, 1966, and November 18, 1966, respectively, the permittees of the above stations filed applications (BMPCT-6419, BMPCT-6417, and BMPCT-6407) for extensions of time within which to complete construction of the stations. In support of its request for an extension of time, Delta Television Corp. states:

Following conferences with its consulting engineer and based on his advise, applicant has been in the process of attempting to locate a better transmitter site. Included in these efforts have been (1) personal inspection of property in the area, (2) negotiations with real estate agents, and (3) discussions with Mr. M. G. Robertson, regarding the possible purchase of the present WYAH-TV transmitter site, tower, and combined transmitter-studio building should the WYAH-TV application (File No. BPCT-3855) to move its physical plant be granted. As soon as the new site has been selected, applicant will file an application for modification of permit.

In support of its request for an extension of time, Kappa Television Corp. states:

As the Commission knows, hilly terrain factors in the Hartford area have caused considerable television reception difficulties. For this reason, applicant is of the opinion that its transmitter site location is highly critical to its operation. Accordingly, applicant's consulting engineer has been studying this question, but has not yet made his final recommendation. Upon receipt of this recommendation, applicant will select its new transmitter site and will promptly file its application for modification of permit specifying this site.

In support of its request for an extension of time, Beta Television Corp. states:

Applicant is presently involved in negotiations looking toward the acquisition of existing transmitting facilities which are potentially available by reason of the relocation of the transmitter site of Station WGR-TV, Channel 2, Buffalo. Should the parties be able to agree upon the terms of acquisition and should use of the facilities prove technically feasible, applicant intends to apply for a modification of permit to specify such facilities and to commence construction upon the grant of such application.

There is no indication that construction of the stations has commenced and, in addition, the permittees indicate that equipment has not yet been ordered. In

view of the foregoing, it is apparent that construction of these stations in accordance with the terms of the construction permits is not certain nor is there certainty as to when these stations might be constructed. Under these circumstances, we believe that an issue is warranted to determine, with respect to the application of Gamma Television Corp., whether there is any reasonable assurance that the applicant will construct the proposed station.

4. The transmitters proposed by Memphis Broadcasting Associates and Tele/Mac of Memphis have not been type-accepted by the Commission. Accordingly, in the event of a grant of the application of Memphis Broadcasting Associates or the application of Tele/Mac of Memphis, the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of the proposed transmitter in accordance with § 73.640 of the Commission's rules.

5. Since the tower site proposed by Tele/Mac of Memphis will be located in the vicinity of the tower of Standard Broadcast Station WHER (AM), Memphis, Tenn., in the event of a grant of the application of Tele/Mac of Memphis, such grant shall be made subject to a proximity condition with respect thereto.

6. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.¹

7. Memphis Broadcasting Associates is qualified to construct, own and operate the proposed new television station and, except as indicated by the issues set forth below, Gamma Television Corp. and Tele/Mac of Memphis are qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed, would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Gamma Television Corp., Tele/Mac of Memphis, and Memphis Broadcasting Associates are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Tele/Mac of Memphis:

(a) Whether John M. McLendon has current and liquid assets (as defined in sec. III, par. 4(d), FCC Form 301) in

¹ Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

excess of current liabilities in sufficient amount to provide the applicant with funds to construct and operate the proposed station for the first year.

(b) Whether Jomac Jackson Corp., licensee of Standard Broadcast Station WOKJ (AM), Jackson, Miss., and McLendon Birmingham Broadcasting Co., licensee of Standard Broadcast Station WENN (AM), Birmingham, Ala., can make available \$100,000 to John M. McLendon for the construction and first-year operation of the proposed station.

(c) Whether, in the light of the evidence adduced, pursuant to the foregoing, Tele/Mac of Memphis is financially qualified.

2. To determine with respect to the application of Gamma Television Corp.:

a. Whether Sunstand, Inc., has current and liquid assets (as defined in sec. III, par. 4(d) FCC Form 301) in excess of current liabilities in sufficient amount to meet its commitment to the applicant.

b. Whether the applicant will have available sufficient revenue to supplement its available funds.

c. Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

d. In view of the failure of the principals of Gamma Television Corp. to construct Television Broadcast Stations WNTU-TV, Norfolk, Va.; WUHF-TV, Hartford, Conn., and WBAU-TV, Buffalo, N.Y., whether there is any reasonable assurance that Gamma Television Corp. will construct the proposed new television broadcast station in accordance with the provisions of § 1.598 of the Commission's rules.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered. That, in the event of a grant of the application of Memphis Broadcasting Associates or the application of Tele/Mac of Memphis, the application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type-acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

It is further ordered. That, in the event of a grant of the application of Tele/Mac of Memphis, such grant shall be made subject to the following condition:

A skeleton proof of performance shall be submitted consisting of at least five field intensity measurements made between 2 and 10 miles distance on each of eight equally spaced radials before and after said construction to prove that the construction does not adversely affect the operation of Station WHER (AM).

It is further ordered. That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for

the hearing and present evidence on the issues specified in this order.

It is further ordered. That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-2970; Filed, Mar. 16, 1967;
8:49 a.m.]

[Docket Nos. 16609, 16610; FCC 67M-409]

**NORTHWEST BROADCASTERS, INC.
(KBVU) AND BELLEVUE BROADCASTERS (KFKF)**

Memorandum of Ruling

In re applications of Northwest Broadcasters, Inc. (KBVU), Bellevue, Wash., Docket No. 16609, File No. BR-4369; for renewal of license of KBVU; F. Kemper Freeman, Elwell C. Case, and Mrs. Florence G. Hayes, doing business as Bellevue Broadcasters (KFKF), Bellevue, Wash., Docket No. 16610, File No. BP-17059; for construction permit.

1. On March 9, 1967, during a pre-hearing conference, Northwest Broadcasters moved that further hearing procedures be continued pending Commission disposition of certain pleadings now before it. The motion was granted over objection of certain of the parties, and it is deemed appropriate that this memorandum issue for the purpose of clarifying the ruling.

2. On February 6, 1967, the Commission released a memorandum opinion and order designating for comparative hearing the renewal application of Northwest Broadcasters, Inc. and the application for construction permit of Bellevue Broadcasters.² The said order also, in effect, dismissed an application to transfer control of Northwest Broadcasters, Inc. from its present owners, Morton and Tishelle Giant, to Walter N. Nelskog. Recognizing that the proposed transfer of control of Northwest had been for the purpose of restoring the financial viability which the corporation otherwise lacks, the Commission designated an issue as to Northwest's financial qualifications, but afforded it "an opportunity to amend its renewal application

to reflect any new financial information and plans for financing the operation of the station which it proposes to submit in response to the issue". A time limit of 30 days within which to amend was imposed.

3. Rather than availing itself of the privilege to amend, Northwest elected to seek reconsideration pursuant to 47 U.S.C. 405 and 47 CFR 1.106, and also sought, pursuant to 47 CFR 1.44 and 1.45, a stay of the effectiveness of the Commission's order of February 6, 1967, pending action on the petition for reconsideration. It is during the pendency of these pleadings that Northwest sought continuance of further proceedings by the Hearing Examiner.

4. Initially, it should be noted that the basic scheme of the Communications Act and the Commission's rules enacted in implementation thereof contemplates the continuing effectiveness of Commission actions pending disposition of re-requests to reconsider them.³ For this reason, subordinate authority within the Commission does not ordinarily permit the pendency of a request for reconsideration to deter the orderly performance of its function. Nevertheless, circumstances may from time to time render the application of a contrary procedure desirable. This appears to be one of those cases.

5. The premise underlying both orders of designation is that Northwest, as presently constituted, is not financially qualified to effectuate its proposal. That is to say, assuming that the accuracy of such premise is borne out at the hearing, unless it amends to show a new scheme of financing, a hearing on its application would be an empty sham which it is preordained to lose. On the other hand, if it amends to overcome its financial deficiency it may eliminate the factual basis of the proposal on which its pending petition for reconsideration is based, thus mooted the petition and effectively depriving it of the right to reconsideration guaranteed by both the Communications Act and the Commission's rules.

6. To force Northwest to one of these choices would seem inequitable, and the very fact that it was afforded an opportunity to amend suggests that the Commission was desirous of going to unusual lengths to avoid inequity in disposing of these conflicting applications. Under these unusual circumstances, it is deemed appropriate to defer further hearing procedures until the Commission has had an opportunity to consider the pleadings and postures before it.

Accordingly, it is ordered. This 13th day of March 1967, that further proceedings herein are continued pending further order.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-2971; Filed, Mar. 16, 1967;
8:50 a.m.]

³ See 47 U.S.C. 405; 47 CFR 1.106(n).

[Docket No. 16125, FCC 67M-406]

TINKER, INC.**Memorandum Opinion and Order
Regarding Procedural Dates**

In the matter of revocation of the license of Tinker, Inc., for standard broadcast station WEKY Richmond, Ky., Docket No. 16125.

1. The Hearing Examiner has for consideration a motion for continuance of hearing, filed by Tinker, Inc., on March 8, 1967, together with comments in support thereof filed by the Broadcast Bureau on March 9, 1967.

2. Petitioner asserts that its principal stockholder, who is a figure central to the designated issues, is in such physical and emotional condition that he is unable to participate meaningfully in the hearing, and that to compel him to attempt to do so would risk medical consequences of the most serious nature. In support of this assertion, an affidavit of the individual's physician is attached. Because of these facts, petitioner wishes to dispose of Station WEKY, and seeks continuance of the hearing while the Commission considers the matter.

3. In an order released February 14, 1967, the Commission indicated an awareness of the physical problems of Tinker's principal, but indicated that they were not of sufficiently serious nature to bring this case within the doctrine of Martin R. Karig, 3 RR 2d 669. However, the affidavit accompanying the instant petition indicates that the condition has become considerably more grievous since the Commission last considered the matter. In any event, the change of circumstance is sufficiently marked to warrant deferral of proceedings which may result in irreversible consequences until the Commission has had an opportunity to act.

Accordingly, it is ordered, This 13th day of March 1967, that all proceedings herein are continued pending further order.

Released: March 14, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2972; Filed, Mar. 16, 1967; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA**Notice of Petition to Amend**

MARCH 9, 1967.

Take notice that on March 1, 1967, Cities Service Gas Co., Post Office Box 25128, Oklahoma City, Okla. 73125, and Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Ill. 60603 (hereinafter referred to as "Petitioners"), filed a joint petition to

amend the order issued by the Commission January 2, 1964, as amended August 14, 1964, and April 13, 1965, by extending the period in which Petitioners are authorized to exchange natural gas from May 1, 1967, to May 1, 1970, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The above-mentioned order, as amended, authorized Petitioners to exchange up to 40,000 Mcf of natural gas per day, through certain specified delivery points, for a period extending until May 1, 1967.

Petitioners seek authorization to continue the previously authorized exchange of natural gas for a period extending until May 1, 1970. Petitioners state that the agreement between them dated September 30, 1963, and as further amended, extended the term of the agreement until May 1, 1970, and was filed as Exhibit Z of the joint application filed in this docket on December 1, 1964. Petitioners stated and again state that the purpose of this exchange agreement is to enable Cities Service Gas Co. to utilize the unused capacity of its South of Blackwell System to meet the growing demands of its present customers.

On this basis, Petitioners seek authorization to extend the previously authorized exchange of natural gas for a period until May 1, 1970.

Protests 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 or 1.10) on or before April 6, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2943; Filed, Mar. 16, 1967; 8:47 a.m.]

[Docket No. E-7277]

IOWA SOUTHERN UTILITIES CO.**Notice of Application for Amendment
of Order**

MARCH 10, 1967.

Take notice that on March 6, 1967, Iowa Southern Utilities Co. (Applicant) an electric utility incorporated under the laws of the State of Iowa with its principal place of business office at Centerville, Iowa, filed an application seeking an amendment to the Commission's order issued in Docket No. E-7277.

In its order issued April 4, 1966, in Docket No. E-7277 the Commission authorized the Applicant to issue short-term notes having a maturity not in excess of 6 months to commercial banks in an amount not to exceed \$20 million. Applicant now asks that such order be amended so as to authorize the issuance of short-term notes in accordance with amendments to the Applicant's revolving credit agreement with the Continental Illinois National Bank and Trust Company of Chicago.

Under this amendment Applicant proposes to issue notes to Continental Illinois in an amount not to exceed \$15 million at any one time outstanding. The notes will be issued from time to time as the

need for funds arises with maturity dates not in excess of 90 days. Borrowings subsequent to June 30, 1968, shall not exceed \$3 million.

The proceeds from the issuance of the notes will be used to finance in part Applicant's 1967 and 1968 construction program. The principal item in this program, the construction of the 212 mw Burlington generating station, will require an estimated expenditure of \$18.3 million in 1967 and 1968.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 30, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2944; Filed, Mar. 16, 1967; 8:47 a.m.]

[Docket No. G-20111 etc.]

LIVINGSTON OIL COMPANY ET AL.**Order Making Successors Co-Respondents, Redesignating Proceedings, Accepting Agreements and Undertakings for Filing, and Requiring Filing of Agreement and Undertaking**

MARCH 10, 1967.

By order issued January 17, 1967, in Docket No. G-4098 et al., the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Livingston Oil Co. in Docket No. C167-391 authorizing Livingston to continue in part the sale of natural gas theretofore authorized in Docket No. G-19960 to be made pursuant to New Era Royalties FPC Gas Rate Schedule No. 1. Livingston's ratification of the contract comprising said rate schedule was accepted for filing as Livingston's FPC Gas Rate Schedule No. 26. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20111.¹ Livingston has filed a motion to be made co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Livingston will be made a co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

By order issued December 21, 1966, in Docket No. G-5942 et al., the Commission amended the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. C162-1291 by authorizing Roy L. Cook, Trustee, to continue the sale of natural gas theretofore authorized in said docket to be made

¹ Consolidated with Docket No. AR64-1, et al.

pursuant to Feldt & Maytag FPC Gas Rate Schedule No. 1. Said rate schedule was redesignated as Cook's FPC Gas Rate Schedule No. 5. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-500. Cook has submitted an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Cook will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

By order issued December 21, 1966, in Docket No. G-5942 et al., the Commission amended the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. G-19571 by authorizing Phillips Petroleum Co. to continue the sale of natural gas theretofore authorized in said docket to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 217. Said rate schedule was redesignated as Phillips' FPC Gas Rate Schedule No. 431. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-475. Phillips has filed a motion to be made co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Phillips will be made a co-respondent, the proceeding will be redesignated accordingly, and the agreement and undertaking will be accepted for filing.

By order issued December 20, 1966, in Docket No. G-13166 et al., the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Ashland Oil & Refining Co. in Docket No. CI67-507 authorizing Ashland to continue in part the sale of natural gas theretofore authorized in Docket No. G-12064 to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 68. The contract comprising said rate schedule was also accepted for filing as Ashland's FPC Gas Rate Schedule No. 180. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-599. Ashland has filed a motion to be made co-respondent in said proceeding. Therefore, Ashland will be made co-respondent, the proceeding will be redesignated accordingly, and Ashland will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that successors in interest should be made co-respondents in rate proceedings, that said proceedings should be redesignated accordingly, and that agreements and undertakings should be required or should be accepted for filing in said proceedings.

The Commission orders:

(A) Livingston Oil Co. shall be a co-respondent in the proceeding pending in Docket No. G-20111, said proceeding is redesignated accordingly,² and the agreement and undertaking submitted by Livingston in said proceeding is accepted for filing.

(B) Roy L. Cook, Trustee, shall be a co-respondent in the proceeding pending in Docket No. RI64-500, said proceeding is redesignated accordingly,³ and the agreement and undertaking submitted by Cook in said proceeding is accepted for filing.

(C) Phillips Petroleum Co. shall be a co-respondent in the proceeding pending in Docket No. RI65-475, said proceeding is redesignated accordingly,⁴ and the agreement and undertaking submitted by Phillips in said proceeding is accepted for filing.

(D) Ashland Oil & Refining Co. shall be a co-respondent in the proceeding pending in Docket No. RI65-599 and said proceeding is redesignated accordingly.⁵

(E) Within 30 days from the issuance of this order Ashland Oil & Refining Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65-599 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(F) Each of the new respondents shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by them shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2945; Filed, Mar. 16, 1967;
8:47 a.m.]

[Docket No. CP67-247]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

MARCH 9, 1967.

Take notice that on March 3, 1967, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-247 an application pursuant to section 7(c) of the Natural Gas Act for a

² New Era Royalties and Livingston Oil Co.

³ Feldt & Maytag and Roy L. Cook, Trustee.

⁴ Shell Oil Co.; Cabot Corp. (Operator), et al.; Herman Geo. Kaiser (Operator), et al.; and Phillips Petroleum Co.

⁵ Gulf Oil Corp. and Ashland Oil & Refining Co.

certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 2,160 horsepower compressor station in Franklin Township, Greene County, Pa., consisting of two 1,080 horsepower gas turbine driven centrifugal compressor units. Applicant proposes to place this compressor station in service by December 1, 1967. Applicant states that this compressor station is necessary to increase its capacity to the level required for the 1967-68 winter season.

Applicant estimates the cost of the proposed construction at approximately \$550,000, said cost to be financed through the issuance and sale of promissory notes and/or common stock to its parent company, The Columbia Gas System, Inc.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2946; Filed, Mar. 16, 1967;
8:48 a.m.]

[Project No. 2639]

NORTHERN STATES POWER CO.

Notice of Application for License for Constructed Project

MARCH 9, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern States Power Co. (correspondence to: W. N. Marx, President, Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54702) for constructed Project No. 2639, known as Cornell Hydro Plant, located

on the Chippewa River in the city of Cornell, Chippewa County, Wis.

The existing Cornell Hydro Plant consists of: (1) A concrete dam 764 feet long (maximum height 37 feet), made of a 210-foot concrete gravity overflow spillway section, topped by flashboards 3.7 feet high, a 284-foot gated spillway section, 14-foot wide log sluice and fishway section, and a 256-foot integral powerhouse; (2) a reservoir with surface area of 800 acres at an elevation of about 140 feet, with surface fluctuations of 5 feet; and (3) an indoor powerhouse, containing two units with total capacity of 2,160 kw., four 1,600 hp. turbines each connected directly to pulp grinders, three idle turbines, and three turbines with no runners.

Protests 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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 10, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2947; Filed, Mar. 16, 1967;
8:48 a.m.]

[Docket No. RI65-113 etc.]

NORTHWEST PRODUCTION CORP. AND PECOS CO.

Order Conditionally Approving Settlement Proposals, Requiring Filing of Changes in Rates, Requiring Refunds, and Severing Proceedings

MARCH 10, 1967.

Northwest Production Corp. (Northwest) and Pecos Co. (Pecos) filed on August 15, 1966, offers of settlement for sales of natural gas to an affiliate, El Paso Natural Gas Co. (El Paso), from various fields in the Permian Basin. Although Northwest and Pecos are respondents in the Permian Basin area rate proceeding, Docket No. AR61-1, these particular suspension proceedings were not included therein. However, the subject proceedings were included in the Commission's show cause order issued with Opinion No. 468 directing respondents to show cause why said opinion should not apply to them.

Northwest and Pecos have filed quality statements in compliance with Opinion No. 468, as modified. Such statements have been accepted by the Commission. The settlement rates proposed here are the rates reflected in the quality statements which are the just and reasonable rates determined in Opinion No. 468.¹ They shall be effective as of September 1, 1965, the effective date of Opinion No. 468.

Northwest and Pecos propose to refund to El Paso the amounts collected subject to refund in the above-entitled proceedings, above the settlement rates,

with applicable interest, in accordance with ordering paragraph (I) of the Commission's Opinion No. 468, 34 FPC 159. However, we believe that equity requires the 7 percent interest requirement in these dockets on amounts charged and collected subject to refund be terminated as of November 30, 1966, because of the delay involved in acting upon their offers. In the event Pecos or Northwest elect to commingle such refunds, the applicable interest shall be 5½ percent, the prime rate of interest now in effect,² from and after December 1, 1966.

Additionally, Northwest and Pecos request that these proceedings be severed from the show cause proceeding issued concurrently with Opinion No. 468, 34 FPC 424, and that they be consolidated with the proceedings in AR61-1. This order will so provide.

Because Northwest and Pecos are affiliates of El Paso our approval of their offers of settlement is without prejudice to any action which may be taken by the Commission in any rate proceedings involving either Northwest, Pecos, or El Paso.

The Commission finds: The offers of settlement separately filed by Northwest and Pecos on August 15, 1966, as conditioned herein, are in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offers of settlement filed with the Commission by Northwest and Pecos on August 15, 1966, are approved in accordance with the provisions of this order.

(B) Northwest and Pecos each shall file within 20 days of the issuance of this order a notice of change for each of the FPC gas rate schedules involved in these proceedings reflecting the settlement rates. The notice of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Northwest and Pecos within 30 days of the date of this order shall each compute the difference between the settlement rates and the rates collected subject to refund in the above-entitled proceedings, with interest at 7 percent to November 30, 1966, in accordance with ordering paragraph (I) of the Commission's Opinion No. 468, except as modified herein. With respect to such refunds, inclusive of interest, they shall also comply within 30 days of the date of this order with ordering paragraph (J) of said opinion: *Provided, however*, if either of them elect to retain the refund monies it owes El Paso for use for its own corporate purposes pending further action of the Commission the interest rate on such monies shall be 5½ percent, commencing on December 1, 1966, and the offers of settlement are so hereby conditioned.

(D) Upon compliance by Northwest or Pecos with the provisions of this order the instant proceedings shall be respec-

tively severed from the show cause order mentioned above and made subject to Opinion Nos. 468 and 468-A and the settlement rates set forth in the appendix shall be effective as of September 1, 1965.

(E) The acceptance herein is without prejudice to any action which the Commission may take in any pending or future rate proceeding involving either Northwest, Pecos, or El Paso, or in any area rate proceeding involving any of said companies.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX—NORTHWEST PRODUCTION CORPORATION

Rate schedule No.	Supplement No.	Docket No.	Rate effective subject to refund ¹	Applicable rate established by quality statement ²
2	7	RI65-113	(Cents) 18.2430	(Cents) * 14.64
PECOS COMPANY				
1	7	RI65-65	18.2430	* 14.64
2	9	RI65-66	16.2100	* 11.82
3	8	RI65-67	18.2430	* 14.64

¹ Rates are at 14.65 p.s.l.a.

² Quality statement accepted without condition by Commission order issued June 13, 1966.

[F.R. Doc. 67-2948; Filed, Mar. 16, 1967;
8:48 a.m.]

[Docket Nos. CS67-48 etc.]

O.F. & R. OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates¹

MARCH 10, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and section 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests 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 or 1.10) on or before March 31, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

¹ These rates are set forth in the appendix.

² Reserve Oil and Gas Co., Docket Nos. G-18570 et al., order issued Mar. 2, 1966.

that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
CS67-48.....	2-23-67	O. F. & R. Oil Co., 118 West Broadway, Andrews, Tex. 79714.
CS67-49.....	2-27-67	Cornell Oil Co., 4616 Greenville Ave., Dallas, Tex. 75206.
CS67-50.....	3-1-67	Frank J. Whitley, 683 San Jacinto Bldg., Houston, Tex. 77002.
CS67-51.....	3-1-67	BBM Drilling Co., Post Office Drawer 3277, Midland, Tex. 79701.
CS67-52.....	3-1-67	Paul F. Barnhart, Trustee, 1721 Chamber of Commerce Bldg., Houston, Tex. 77002.

[F.R. Doc. 67-2949; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket No. CP67-248]

OHIO FUEL GAS CO. Notice of Application

MARCH 9, 1967.

Take notice that on March 3, 1967, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP67-248 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities:

(1) 3.3 miles of 20-inch O.D. X.250-inch wall pipe line in Montgomery County, Ohio, extending Line A-97, and completing the looping of Line A-77 west of Dayton,

(2) 4.7 miles of 8½-inch O.D. X.172-inch wall pipe line in Clinton County, Ohio, replacing part of 6½-inch O.D. Line A-130 serving Wilmington,

(3) 4 miles of 20-inch O.D. X.250-inch wall pipe line in Hardin County, Ohio, extending Line D-500 and looping an additional section of Lines D-322 and D-357 serving the Lima market area,

(4) 4.3 miles of 8½-inch O.D. X.172-inch wall pipe line in Carroll County, Ohio, replacing sections of 4½-inch, 5½-inch and 6¼-inch O.D. Line V-118 serving the Carrollton market area,

(5) 5.5 miles of 12¾-inch O.D. X.203-inch wall pipe line in Fairfield County, Ohio, replacing part of 10¼-inch O.D.

Line K-226 serving part of the Lancaster area, and

(6) 1.3 miles of 3½-inch O.D. X.156 wall pipe line in Erie County, Ohio, replacing part of 2¾-inch O.D. Line D-23 serving Berlin Heights, together with valves, fittings, and incidental facilities necessary for practical operation.

Applicant states that the facilities proposed are a part of a program to maintain adequate facilities and service and to provide increased capacity needed to serve increasing requirements of existing markets and to assure adequate market service during the winter of 1967-68.

Applicant estimates the cost of the proposed construction at approximately \$1,220,500, said cost to be financed by The Columbia Gas System, Inc.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2950; Filed, Mar. 16, 1967; 8:48 a.m.]

[Docket Nos. CI67-1226, CI67-1227]

PHILLIPS PETROLEUM CO. AND MARATHON OIL CO.

Notice of Applications

MARCH 10, 1967.

Take notice that on March 8, 1967, Phillips Petroleum Co., Bartlesville, Okla. 74003, and Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840 (jointly Applicants), filed in Docket No. CI67-1226 an application pursuant to section 3 of the Natural Gas Act for authorization to export liquefied natural gas (LNG) to Japan from the United States. On the same date Applicants filed in Docket No. CI67-1227 an application for a Presidential permit pursuant to Executive Order No. 10485 dated September 3, 1953, for authorization to construct and main-

tain facilities for the export of LNG to Japan. The proposal is more fully set forth in the applications which are on file with the Commission and open to public inspection.

Specifically, pursuant to section 3 Applicants propose to export to Japan LNG for sale to The Tokyo Power Co., Inc. and Tokyo Gas Co., Ltd., at a price of 52 cents per million B.t.u. The natural gas to be liquefied will be produced from the North Cook Inlet Field and the Kenai Field, both located in the Cook Inlet Basin, Alaska. The Applicants propose to export during the first year from June 1, 1969, through May 31, 1970, thirty-five trillion, two hundred ninety-five billion B.t.u.'s (35,295,000,000,000 B.t.u.'s) of LNG, which is the methane equivalent of six hundred seventy thousand (670,000) metric tons of LNG. During each of the next 14 years Applicants propose to export fifty trillion, five hundred seventy billion B.t.u.'s (50,570,000,000,000) of LNG which is the methane equivalent of approximately nine hundred sixty thousand (960,000) metric tons of LNG.

Pursuant to the Presidential permit Applicants propose to construct and operate facilities for the liquefaction of natural gas, the storage of LNG and the loading of such onto ships for delivery in Japan. Such facilities will be located at the border of the United States in the State of Alaska.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 31, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2951; Filed, Mar. 16, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 March

14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2922; Filed, Mar. 16, 1967;
8:46 a.m.]

[70-4464]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks by Holding Company

MARCH 13, 1967.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act 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.

GPU proposes to issue and sell, from time to time during the period beginning April 10, 1967, and ending April 10, 1968, its promissory notes to banks in an aggregate amount not to exceed \$25 million outstanding at any one time. Each note will mature not more than 10 months after the date of issuance, will bear interest at the prime rate in effect at the lending bank on the date of issuance, and will be prepayable without premium. It is stated that the borrowings will be from among the following banks and that the maximum amount of note indebtedness to be outstanding at any one time with each named bank will not exceed the amounts set forth below:

First National City Bank, New York, N.Y.	\$5,000,000
Chemical Bank New York Trust Co., New York, N.Y.	5,000,000
Marine Midland Grace Trust Co., of New York, N.Y.	4,000,000
Bankers Trust Co., New York, N.Y.	3,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	3,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	3,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	2,000,000
Total	25,000,000

The proceeds from the proposed sale of notes, together with cash available from current operations, will be used by GPU (1) to make additional investments in its subsidiary companies, including capital contributions aggregating not in excess of \$33,500,000 (see File No. 70-4463), or to reimburse GPU's treasury for such additional investments made therefrom, or (2) to pay notes issued and sold pursuant to this declaration or under the exemption afforded GPU by the first sentence of section 6(b) of the Act, the proceeds of which will have been so utilized.

GPU anticipates that in 1968 it will issue and sell common stock in an amount sufficient to pay said note indebtedness, such common stock financing to be the subject of a future filing. GPU stipulates and agrees that the amount of note indebtedness hereby authorized shall automatically be reduced by the amount of net proceeds received by it from any permanent financing for the purpose of raising new capital.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed notes will be approximately \$2,500.

Notice is further given that any interested person may, not later than April 7, 1967, 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 filed or as 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.

[F.R. Doc. 67-2923; Filed, Mar. 16, 1967;
8:46 a.m.]

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

MARCH 13, 1967.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2924; Filed, Mar. 16, 1967;
8:46 a.m.]

[812-2074]

PACIFIC INSURANCE COMPANY OF NEW YORK AND BANKERS AND SHIPPERS INSURANCE COMPANY OF NEW YORK

Notice of Filing of Application

MARCH 13, 1967.

Notice is hereby given that Pacific Insurance Company of New York ("Pacific") and Bankers and Shippers Insurance Company of New York ("Bankers"), 12 Gold Street, New York, N.Y. 10038, both New York corporations, have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act a transaction involving the purchase by Pacific of 15,000 shares of Bankers (10 percent of the outstanding common stock) from Insurance Securities Trust Fund ("ISTF") and the purchase by Bankers of 15,000 shares of common stock of Jersey Insurance Company of New York ("Jersey") (10 percent of the outstanding common stock) from ISTF. All interested persons are referred to the application on file with the Commission for a full statement of the representations made therein, which are summarized below.

ISTF owns 15,000 shares of the 150,000 presently outstanding shares of Bankers and 15,000 shares of the 150,000 presently outstanding shares of Jersey. Bankers and Jersey are therefore "affiliated persons" of ISTF within the meaning of section 2(a)(3) of the Act. Pacific owns 57,100 of the 150,000 outstanding shares of Bankers and 57,400 of the 150,000 shares of Jersey. Pacific is therefore an affiliated person of an affiliated person of ISTF. ISTF, a common-law trust organized under California law, is an investment company registered under the Act.

Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliate or any affiliate of an affiliate of a registered investment company to purchase from such registered company any security or other property, unless the Commission upon application grants an ex-

emption from such prohibition for the proposed transaction after finding that its terms are reasonable and fair and do not involve overreaching on the part of any person concerned and that it is consistent with the policy of the registered investment company and with the general purposes of the Act.

Applicants represent that the purchase price for the stocks involved in the transaction will be the average of the daily mean of the reported bid and asked quotations in the over-the-counter market during the period of 30 calendar days immediately preceding the date of the filing of the application. In the case of Jersey this was \$34.55 per share and in the case of Bankers it was \$53.79 per share. The purchase price in each case will be paid in cash. Applicants further represent that they believe the purchase prices to be paid to ISTF are reasonable and fair and that the transaction does not involve overreaching on the part of any person concerned.

Notice is further given that any interested person may, not later than March 28, 1967, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. 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 set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. 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.

[F.R. Doc. 67-2925; Filed, Mar. 16, 1967;
8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all

other securities of Pakco Companies, 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 March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2926; Filed, Mar. 16, 1967;
8:46 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent industrial development revenue bonds of Pinal County Development Association due April 15, 1989, 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 bonds be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2927; Filed, Mar. 16, 1967;
8:46 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6 percent convertible debentures 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 March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2928; Filed, Mar. 16, 1967;
8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., 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 March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2929; Filed, Mar. 16, 1967;
8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

MARCH 13, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value, of United Security Life Insurance Co., Birmingham, Ala., 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 March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2930; Filed, Mar. 16, 1967;
8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 13, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Ex-

change Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1967, through March 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-2931; Filed, Mar. 16, 1967;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30
(Southeastern Area)]

SOUTHEASTERN AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Rev. 12), 32 F.R. 179, the following authority is hereby redelegated to the positions as indicated herein:

I. Area Coordinators—A. Economic Development Coordinator. *1. To approve or decline section 501 State Development Company loans without dollar limitation and section 502 Local Development Company loans up to \$350,000 (SBA Share).

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part), of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. Supervisory Loan Officer (Economic Development). 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. Loan Officer (Economic Development). 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed sections 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and 40 percent First Mortgage Plan—501 and 502 loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of \$500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed \$500.

D. Liquidation and Disposal Coordinator. 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

E. Supervisory Liquidation and Disposal Officer. 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations.

gations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans and (b) acquired property.

e. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (c) the cancellation of authority to liquidate.

F. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only)*. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only)*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only)*. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only)*. To make initial size de-

terminations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Area Administrative Officer*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors*—A. *Financial assistance*. 1. To approve business and disaster loans not exceeding \$350,000 (SBA share) and economic opportunity loans not exceeding \$25,000 (SBA share).

2. To decline business, economic opportunity and disaster loans of any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and Area approved loans, for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Regional Director,
(City)

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorizations.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster

field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Size determinations*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

C. *Eligibility determination*. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

D. *Administration*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

E. Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned.)—1. Size determinations for financial assistance only. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. Eligibility determinations for financial assistance only. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

3. To approve business and disaster loans not exceeding \$350,000 (SBA share), and economic opportunity loans not exceeding \$25,000 (SBA share).

4. To close and disburse approved business, economic opportunity and disaster loans.

5. To decline business, economic opportunity and disaster loans of any amount.

6. To enter into business, economic opportunity and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____

(Name)

Title of person signing.

8. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participation banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

F. Supervisory Loan Officer. 1. To approve or decline direct loans not in excess of \$50,000 and participation loans not in excess of \$50,000 (SBA share).

2. To approve or decline economic opportunity loans not in excess of \$25,000 (SBA share).

3. To close and disburse approved business, economic opportunity and disaster loans.

4. To enter into business loan participation agreements with banks.

5. To execute loan authorizations for Washington, area, and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____

(Name)

Title of person signing.

6. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, and collection, other than those

accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

11. Size determination for financial assistance only. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

12. Eligibility determinations for financial assistance only. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

G. Loan Officer. 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of \$200 and endorse such

checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed \$200.

2. To close and disburse approved business, economic opportunity and disaster loans.

H. Regional Counsel. [Reserved]

I. Chief, Accounting, Clerical and Training Division. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

J. Assistant Chief, Accounting, Clerical and Training Division. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. Branch Managers. [Reserved]

IV. The specific authority delegated herein, indicated by double asterisks (**), cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: September 1, 1966.

WILEY S. MESSICK,
Area Administrator,
Southeastern Area.

[P.R. Doc. 67-2940; Filed, Mar. 16, 1967;
8:47 a.m.]

[Declaration of Disaster Area 603]

PENNSYLVANIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Allegheny, Greene, Fayette, Washington, and Westmoreland Counties in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situation in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about March 6 and 7, 1967.

OFFICE

Small Business Administration Regional Office, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

2. A temporary office will be located at Charleroi, Pa., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[P.R. Doc. 67-2941; Filed, Mar. 16, 1967;
8:47 a.m.]

[Declaration of Disaster Area 602]

WEST VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of

the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State, suffered damage or destruction resulting from heavy rainfall and accompanying conditions occurring on or about March 5, through March 9, 1967.

OFFICES

Small Business Administration Regional Office, 119 North Third Street, Clarkburg, W. Va. 26301.

Small Business Administration Branch Office, 500 Quarrier Street, Charleston, W. Va. 25301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1967.

Dated: March 10, 1967.

BERNARD L. BOUTIN,
Administrator.

[P.R. Doc. 67-2942; Filed, Mar. 16, 1967;
8:47 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

**FOURTH SECTION APPLICATIONS
FOR RELIEF**

MARCH 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40940—*Chlorine to Selma, Ala.* Filed by O. W. South, Jr., agent (No. A4999), for interested rail carriers. Rates on chlorine, in tank car loads, from Vicksburg, Miss., and Memphis, Tenn., to Selma, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 135 and 128 to Southern Freight Association, agent, tariffs ICC S-397 and S-484, respectively.

FSA No. 40941—*Chlorine to New Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A5000), for interested rail carriers. Rates on chlorine, in tank carloads, from Vicksburg, Miss., to New Johnsonville, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 135 to Southern Freight Association, agent, tariff ICC S-397.

FSA No. 40942—*Liquefied petroleum gas to points in Ontario, Canada.* Filed by Southwestern Freight Bureau, agent (No. B-8965), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to Amherstburg, Brantford, Hamilton, Quarries, Sarnia and Toronto, Ontario, Canada.

Grounds for relief—Carrier and market competition.

Tariff—Supplement 106 to Southwestern Freight Bureau, agent, tariff ICC 4530.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2959; Filed, Mar. 16, 1967;
8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 14, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40943—Corn and sorghum grains to points in Arkansas, also Memphis, Tenn. Filed by Southwestern Freight Bureau, agent (No. B-8951), for interested rail carriers. Rates on corn (not popcorn), corn products, grain sorghums, and grain sorghum products, in carloads, from points in Iowa, Kansas, Missouri, and Nebraska, to points in Arkansas, also Memphis, Tenn.

Grounds for relief—Motortruck competition.

Tariff—Supplement 109 to Southwestern Freight Bureau, agent, tariff ICC 4494.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2960; Filed, Mar. 16, 1967;
8:49 a.m.]

[Notice 351]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 14, 1967.

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 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application 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 protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest 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 Commis-

sion, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1872 (Sub-No. 64 TA), filed March 10, 1967. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West Street, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Articles in truckaway service, between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona; and between points in Utah, on the one hand, and, on the other, points in New Mexico, for 180 days. Supporting shippers: Utah Power & Light Co., 1407 West North Temple, Salt Lake City, Utah; Howard P. Foley Co., 510 West First North Street, Salt Lake City, Utah; Atlas Equipment Co., 2525 South 300 West Street, Salt Lake City, Utah; Rocky Mountain Machinery Co., 1485 South Second West Street, Salt Lake City, Utah; Wasatch Electric Co., 1574 South West Temple Street, Salt Lake City, Utah; Utah Sprocket & Machinery Co., 717 South 500 West Street, Salt Lake City, Utah; Jelco, Inc., 1919 West North Temple Street, Salt Lake City, Utah; Kimball Equipment Co., 1846 South 200 West Street, Salt Lake City, Utah; Interstate Electric Co., Inc., 550 West Seventh South Street, Salt Lake City, Utah. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111. NOTE: Applicant states that it intends to tack the New Mexico authority with the other authority requested and to tack Sub 55 with the requested authority. It intends to interline in all States as is now done under its size and weight authority.

No. MC 55236 (Sub-No. 147 TA) (Correction), filed February 21, 1967, published FEDERAL REGISTER issue of March 1, 1967, and republished as corrected, this issue. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and fertilizer materials, from the plantsite of W. R. Grace & Co., at Henry, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: W. R. Grace & Co., 147 Jefferson Avenue Memphis, Tenn. 38101, C. W. Drewry, traffic manager, central operations. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Bureau of Operations and Compliance, 133 West Wells Street, Room 807, Milwaukee, Wis. 53203. NOTE: The purpose of this republication is to show the State of Minnesota as a destination

State, which was inadvertently shown as Minneapolis.

No. MC 104076 (Sub-No. 11 TA), filed March 9, 1967. Applicant: THE PIONEER AND FAYETTE RAILROAD COMPANY, South State, Pioneer, Ohio 43554. Applicant's representative: Richard C. Repp (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer, dry fertilizer materials (except lime used as a fertilizer base), agricultural insecticides, agricultural fungicides, and agricultural herbicides, between Fostoria, Ohio, on the one hand, and, on the other, points in Jackson, Hillsdale, Calhoun, Branch, St. Joseph, and Lenawee Counties, Mich., for 150 days. Supporting shipper: Kerr-McGee Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 192 TA), filed March 3, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Temporary authority is sought, for 180 days, as a common carrier, to transport, in interstate commerce, the following: Radiopharmaceuticals, radioactive drugs, and medical isotopes, limited to shipments not to exceed 50 pounds per shipment, over irregular routes: (1) Between North Chicago, Ill., on the one hand, and, on the other, O'Hare Field, Des Plaines, Ill., and Midway Airport, Chicago, Ill., restricted to traffic having an immediately prior or immediately subsequent movement by air; (2) between North Chicago, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, and Wisconsin; (3) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, restricted to traffic having an immediately prior or immediately subsequent movement by air; (4) between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi, Tennessee, and Arkansas, restricted to traffic having an immediately subsequent movement by air; (5) between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, and New Jersey, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(6) Between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, Maryland, and Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (7) between Fort Lauderdale and Miami, Fla., on the one hand, and, on the other, points in Florida, restricted to traffic having an immediately prior or immediately subsequent movement by

air; (8) between Atlanta, Ga., on the one hand, and, on the other, points in Georgia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (9) between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana, restricted to traffic having an immediately prior or immediately subsequent movement by air; (10) between Des Moines, Iowa, on the one hand, and, on the other, points in Iowa and Nebraska, restricted to traffic having an immediately prior or immediately subsequent movement by air; (11) between Minneapolis, Minn., on the one hand, and, on the other, points in Minnesota and Wisconsin, restricted to traffic having an immediately prior or immediately subsequent movement by air; (12) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, restricted to traffic having an immediately prior or immediately subsequent movement by air; (13) between Cincinnati, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(14) Between Louisville, Ky., on the one hand, and, on the other, points in Kentucky, restricted to traffic having an immediately prior or immediately subsequent movement by air; (15) between New Orleans, La., on the one hand, and, on the other, points in Louisiana, restricted to traffic having an immediately prior or immediately subsequent movement by air; (16) between Boston, Mass., on the one hand, and, on the other, points in Maine, Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, restricted to traffic having an immediately prior or immediately subsequent movement by air; (17) between Baltimore, Md., on the one hand, and, on the other, points in Maryland and the District of Columbia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (18) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois and points in Missouri, except Cape Girardeau, Miss., Scott, Stoddard, New Madrid and Butler Counties, Mo., restricted to traffic having an immediately prior or immediately subsequent movement by air; (19) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Illinois, restricted to traffic having an immediately prior or immediately subsequent movement by air; (20) between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina and South Carolina, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(21) Between Fargo, N. Dak., on the one hand, and, on the other, points in North Dakota and Minnesota, restricted to traffic having an immediately prior or immediately subsequent movement by air; (22) between Detroit, Mich., on the one hand, and, on the other, points in Michigan and Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by air; (23) be-

tween Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania, Ohio, and West Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (24) between Cleveland and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by air; (25) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or immediately subsequent movement by air; (26) between Omaha, Nebr., on the one hand, and, on the other, points in Iowa, Nebraska, and South Dakota, restricted to traffic having an immediately prior or immediately subsequent movement by air; (27) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(28) Between Washington, D.C., and Richmond, Va., on the one hand, and, on the other, points in Virginia; (29) between New York, N.Y., on the one hand, and, on the other, points in the District of Columbia and Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Virginia; (30) between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia restricted to traffic having an immediately prior or immediately subsequent movement by air; (31) between Bradley Field, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, restricted to traffic having an immediately prior or immediately subsequent movement by air. Applicant possesses emergency temporary authority under Docket MC 111729, R-57, granted for 30 days, effective February 24, 1967, as reflected by the annexed sheet marked Exhibit 2, and expiring March 25, 1967. This temporary authority application includes all of that granted under R-57 except for movements between Dallas, San Antonio, and Houston, Tex., on the one hand, and, on the other, points in Texas, restricted to traffic having an immediately prior or immediately subsequent movement by air. This portion of the service is already covered by a temporary authority application filed under Docket MC 111729, Sub 189 TA, pending before the Commission. With respect to Parts (29), (30), and (31) above, one of the supporting shippers herein, Mallinckrodt Nuclear, Formerly Nuclear Consultants, St. Louis, Mo., supported an application for this service under Docket MC 111729, Sub 166 TA. That portion of the application was denied by the Commission.

The transportation of radiopharmaceuticals under the aforesaid 166 TA was the subject matter of a protest filed by Smith and Solomon and said protest was restricted to the movement of radioactive materials from New York, N.Y., to Philadelphia, Pa., Baltimore, Md., and Washington, D.C. Protestant does not possess authority to perform the total

service required by the shipper. Additionally, we had contacted the Protestant at that time and we were advised that they would be willing to accept a weight restriction and their interests were advised that they would be willing to accept a weight restriction and their interests were in truck-load shipments. We have, accordingly, imposed a weight limitation in this application. Applicant shall file for permanent authority in approximately 1 month with respect to all of the above service except those parts as set forth below because of permanent authority applications now pending before the Commission. A Pending under MC 111729, Sub 145 copy of the Order is annexed to the application as Exhibit 3 reflecting grant of authority. Applicant shall attend to appropriate tariff filing by the necessary compliance date. Parts (1), (9), (10), (11), (12), (13), (21), (22), (26), and part (6) as between Philadelphia, Pa., and points in Pennsylvania; part (18) as between St. Louis, Mo., and points in Illinois and part (29) as between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut.

B. Pending under MC 111729, Sub 168 Filed September 13, 1966—application unopposed and verified statements filed by applicant January 12, 1967. Part (16) as between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, and Rhode Island; all of Part (17); all of Part (30); all of Part (31) and Part (29) as between New York, N.Y., and points in the District of Columbia; Maryland, Massachusetts, Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting Shippers: Abbott Laboratories, 14th and Sheridan Road, Lake County, North Chicago, Ill. 60064; Mallinckrodt Nuclear, Box 6172 Lambert Field, St. Louis, Mo. 63145. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 119702 (Sub-No. 26 TA), filed March 9, 1967. Applicant: STAHLY CARTAGE CO., Post Office Box 461, 130-A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, ammonium nitrate fertilizer, and liquid nitrogen fertilizer solutions, in bulk, in tank vehicles, from Marseilles, Ill., and 5 miles thereof, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. 23501; and F. S. Royster Guano Co., Norfolk, Va. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 126965 (Sub-No. 5 TA), filed March 9, 1967. Applicant: CLIFFORD B. FINKLE, Jr., 800 Bloomfield Avenue, Clifton, N.J. 07011. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Noodles*, in tote bins, from Fairlawn, N.J., to Albion, N.Y., (2) *empty tote bins*, from Albion, N.Y., to Fairlawn, N.J., under contract with A. Zerega's Sons, Inc., for 180 days. Supporting shipper: A. Zerega's Sons, Inc., 20-01 Broadway, Fairlawn, N.J. 07410. Send protests to: District Supervisor Joel Morrows, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128920 TA, filed March 9, 1967. Applicant: LEIGHTON D. CHARLSEN, doing business as CHARLSEN TRUCKING SERVICE, 1030 South Fourth Street, Stillwater, Minn. 55082. Applicant's

representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bed and furniture parts, materials, and supplies*, between St. Paul and Bayport, Minn., and Luck, Wis., for 180 days. Supporting shipper: St. Croix Manufacturing Co., Bayport, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128923 TA, filed March 9, 1967. Applicant: BRUMMETT MOVING & STORAGE, INC., 180 Sheppard Road, Jackson, Miss. 39206. Applicant's representative: Pat H. Scanlon, 930 Deposit Guaranty Building, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*,

as defined by the Commission, (a) between points in Mississippi, and (b) between points in Mississippi, on the one hand, and, on the other, the applicant's warehouse at Jackson, Miss., restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, and further restricted to shipments having a prior or subsequent movement beyond said points in containers, for 180 days. Supporting shippers: Under military contracts. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations and Compliance, 312-A U.S. Post Office Building, Jackson, Miss. 39201.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-2961; Filed, Mar. 16, 1967; 8:49 a.m.]

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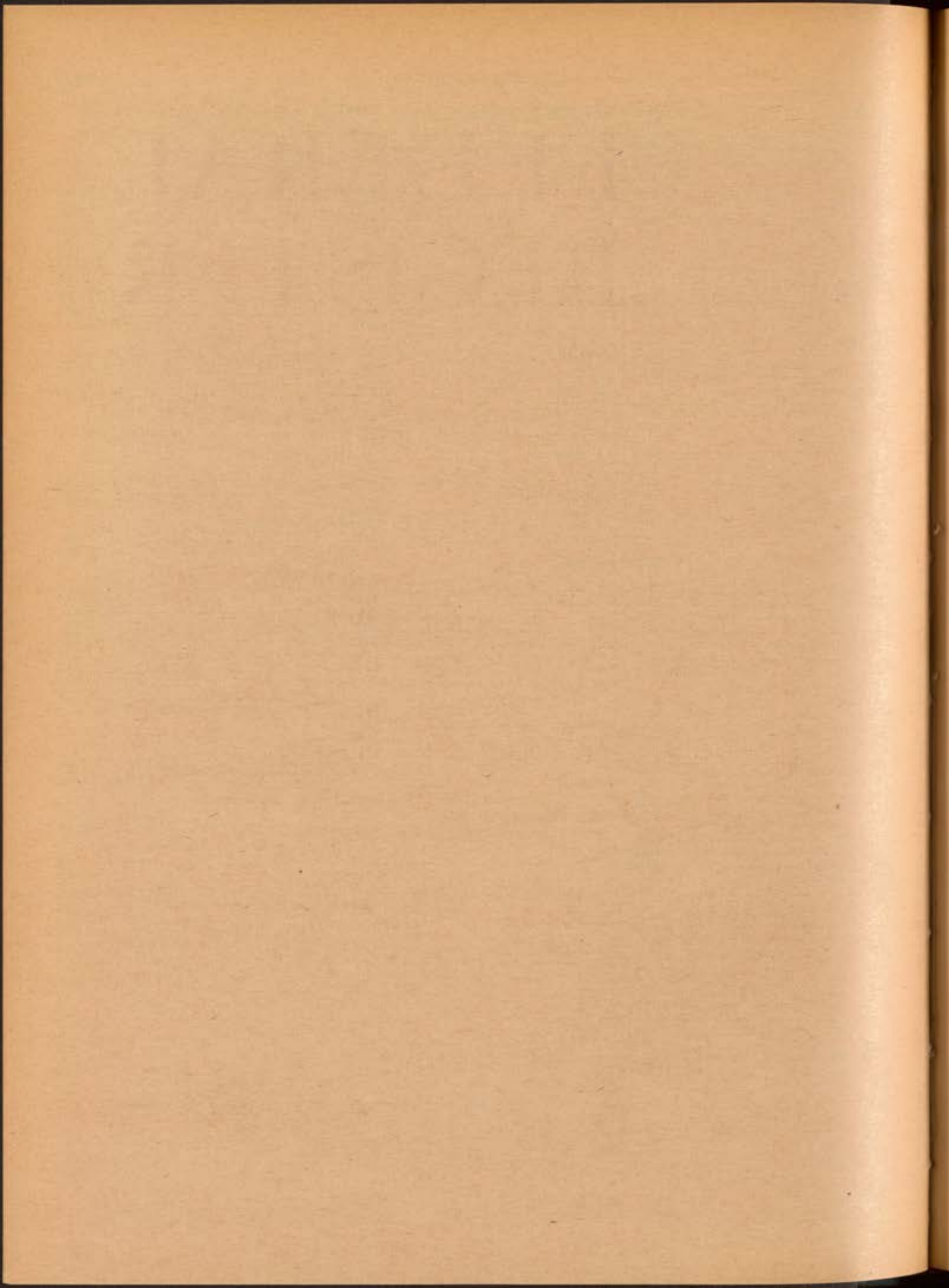
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PART II

Department of Agriculture

Consumer and Marketing Service

Dairy Plants Approved for
USDA Inspection and
Grading Service

General Specifications



Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart B—General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service¹

A proposed revision of the Minimum Specifications for Approved Plants Manufacturing, Processing, and Packaging Dairy Products Under USDA Inspection titled General Specifications For Dairy Plants Approved For USDA Inspection and Grading Service, hereinafter referred to as General Specifications, was published in the FEDERAL REGISTER of September 16, 1966, under proposed rule making. It afforded interested parties 90 days to submit written data, views, or arguments for consideration therewith.

Statement of considerations. Some of the comments that were received did indicate that certain sections of the proposal were subject to misinterpretation. Therefore, minor changes have been made in line with those comments to more clearly state but not change the true intent of those sections. Certain other comments proposing complete changes or deletions of certain requirements were given careful consideration but their adoption was determined to be not in the best interest of a satisfactory and comprehensive plant approval program.

Therefore, the General Specifications are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087 as amended, 7 U.S.C. 1621-1627). It has been determined that it would be in the best interest of those concerned that the General Specifications become effective 60 days after publication in the FEDERAL REGISTER. The General Specifications shall supersede the Minimum Specifications For Approved Plants Manufacturing, Processing, and Packaging Dairy Products Under U.S. Department of Agriculture Inspection effective November 1955.

The revision is as follows:

Subpart B—General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service²

DEFINITIONS

Sec.
58.101 Meaning of words.

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or applicable laws and regulations of States or Municipalities.

² Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or applicable laws and regulations of any State or Municipality.

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58.126	Buildings.
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58.216	Hotwells.
58.217	Evaporators and/or vacuum pans.
58.218	Surge tanks.

Sec.	
58.219	High pressure pumps and lines.
58.220	Spray dryers.
58.221	Collectors and conveyors.
58.222	Dry dairy product cooling equipment.
58.223	Special treatment equipment.
58.224	Sifters.
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QUALITY SPECIFICATIONS FOR RAW MATERIALS

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

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58.318	Butter, frozen or plastic cream melting machines.
58.319	Printing equipment.
58.320	Brine tanks.
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QUALITY SPECIFICATIONS FOR RAW MATERIAL

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58.323	Whipped butter.
58.324	Butteroil.
58.325	Anhydrous milkfat.
58.326	Plastic cream.
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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

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EQUIPMENT AND UTENSILS

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING ICE CREAM AND RELATED PRODUCTS

DEFINITIONS

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ROOMS AND COMPARTMENTS

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

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EQUIPMENT AND UTENSILS

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QUALITY SPECIFICATIONS FOR RAW MATERIAL

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58.715 Cream.
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QUALITY REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING MILK OR MILK PRODUCTS

DEFINITIONS

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QUALITY SPECIFICATIONS FOR RAW MATERIAL

Sec.	
58.817	Milk.
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58.820	Milk-solids-not-fat.

OPERATIONS AND OPERATING PROCEDURES

58.821	General.
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58.829	Single-service containers.
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QUALITY REQUIREMENTS FOR PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

58.839	General.
58.840	Milk.
58.841	Low fat milk.
58.842	Skim milk.
58.843	Half and half.
58.844	Light cream.
58.845	Whipping cream.
58.846	Whipped cream.
58.847	Sour cream.
58.848	Cultured buttermilk.
58.849	Chocolate milk or milk products.
58.850	Chocolate flavored milk or milk products.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR STERILIZED MILK PRODUCTS

DEFINITIONS

58.905 Meaning of words.

EQUIPMENT AND UTENSILS

58.912	General construction repair and installation.
58.913	Evaporators and vacuum pans.
58.914	Fillers.
58.915	Batch or continuous in-container sterilizers.
58.916	Homogenizer.

OPERATIONS AND OPERATING PROCEDURES

58.917	General.
58.918	Standardization.
58.919	Preheat, pasteurization.
58.920	Homogenization.
58.921	Concentration.
58.922	Sterilization.
58.923	Filling containers.
58.924	Aseptic filling.
58.925	Sweetened condensed.
58.926	Heat stability.
58.927	Storage.
58.928	Quality control tests.
58.929	Suitability screening test.
58.930	Frequency of sampling for quality control—evaporated, condensed, and sterilized milk products.
58.931	Official test methods.
58.932	General identification.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.933	Milk.
58.934	Stabilizers.
58.935	Sugars.
58.936	Chocolate and cocoa.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

Sec.	
58.937	Physical requirements for evaporated milk.
58.938	Physical requirements and microbiological limits for sweetened condensed milk.
58.939	Physical requirements for sterilized milk.
58.940	Physical requirements for sterilized milk concentrate.
58.941	Physical requirements for sterilized chocolate (flavored) milk or drink.

AUTHORITY: The provisions of this Subpart B issued under Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

DEFINITIONS

§ 58.101 Meaning of words.

For the purpose of the regulations of this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Act.* The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), or any other Act of Congress conferring like authority.

(b) *Administrator.* The Administrator of the Consumer and Marketing Service or any other officer or employee of the Consumer and Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) *Approved laboratory.* A laboratory in which the facilities and equipment used for official testing have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with this part.

(d) *Approved plant.* One or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service, in accordance with this part.

(e) *Sanitizing treatment.* Subjecting of a clean product contact surface to an acceptable sanitizing agent of sufficient strength, and for a duration of time, as to effectively destroy microorganisms.

(f) *Continuous resident service or resident service.* Inspection or grading service performed at a dairy manufacturing plant or grading station by an inspector or grader assigned to the plant or station on a continuous year-around resident basis.

(g) *Dairy products.* Butter, cheese (whether natural or processed), skim milk, cream, milk products (whether dry, evaporated, stabilized or condensed), ice cream, dry whey, dry buttermilk, and any other food product which is prepared or manufactured in whole or in part from any of the aforesaid products, as the Administrator may hereafter designate.

(h) *Grader.* Any employee of the Department authorized by the Secretary or

any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties, the class, quality, quantity and condition of such products.

(i) *Inspector.* Any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify quality, quantity and condition of products, observe the manufacturing, processing, packaging and handling of dairy products, and to perform dairy plant surveys in accordance with the regulations of this part.

(j) *Inspection or grading service.* Means in accordance with this part, the act of (1) drawing samples of any product; (2) determining the class, grade, quality, composition, size, quantity, or condition of any product by examining each unit or representative samples; (3) determining condition of product containers; (4) identifying any product or packaging material by means of official identification; (5) regrading or appeal grading of a previously graded product; (6) inspecting dairy plant facilities, equipment, and operations; such as, processing, manufacturing, packaging, repackaging, and quality control; (7) supervision of packaging inspected or graded product; (8) reinspection or appeal inspection; and (9) issuing an inspection or grading certificate or sampling, inspection, or other report related to any of the foregoing.

(k) *Milk.* The whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified accredited areas and modified certified areas or from cows in herds fully accredited as tuberculosis-free and certified brucellosis-free by the U.S. Department of Agriculture or in the process of being accredited.

(l) *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. 20044.

(m) *Plant survey.* An appraisal of a plant to determine the extent to which facilities, equipment, method of operation, and raw material being received are in accordance with the provisions of this part. The survey shall be used to determine suitability of the plant for USDA inspection or grading service.

(n) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and who receive payment for this product.

(o) *Quality control.* The inspection of the quality of the raw material and the conditions relative to the preparation of the product from its raw state through each step in the entire process. It includes the inspection of conditions under which the product is prepared, processed, manufactured, packed, and stored. In addition, assistance and guidance is offered to improve the raw milk quality, processing methods, quality, stability,

and packaging and handling of the finished product.

(p) *Regulations.* The term "regulations" means the provisions contained in this part.

(q) *Secretary.* The Secretary of Agriculture or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(r) *Shall.* Expresses a provision that is mandatory.

(s) *Should.* Expresses recommended nonmandatory provisions which when followed would significantly aid in a quality improvement program.

(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 and Accepted Practices.* The latest standards for dairy equipment and accepted practices 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 and Food Sanitarians, Box 437, Shelbyville, Ind.

(v) *"USDA" or "Department".* Means the U.S. Department of Agriculture.

PURPOSE

§ 58.122 Approved plants under USDA inspection and grading service.

(a) Adoption of certain sound practices at dairy plants will significantly aid the operators to manufacture more consistently, uniform high-quality stable dairy products. Only dairy products manufactured, processed and packaged in an approved plant may be graded or inspected and identified with official identification. The specifications established herein provide the basis for a quality maintenance program which may be effectively carried forward through official inspection, grading, and quality control service.

(b) USDA inspection and grading service is provided to dairy product manufacturing plants on a voluntary basis. The operator of any dairy plant desiring to have such a plant qualified as an approved plant under USDA inspection and grading service may request surveys of such plant, premises, equipment, facilities, methods of operation, and raw material to determine whether they are adequate to permit inspection and grading service. The cost of this survey shall be borne by the applicant.

APPROVED PLANTS

§ 58.123 Survey and approval.

Prior to the approval of a plant, a designated representative of the Administrator shall make a survey of the plant, premises, storage facilities, equipment and raw material, volume of raw material processed daily and facilities for handling the products at the plant. The

survey shall be made at least twice a year to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for USDA inspection and grading service in accordance with the provisions of this part. To be eligible for approval a plant shall satisfactorily meet the specifications of this subpart.

§ 58.124 Denial or suspension of plant approval.

Plant approval may be denied or suspended if a determination is made by a designated representative of the Administrator that the plant is not performing satisfactorily in regard to (a) the classification of milk, (b) proper segregation and disposal on unwholesome raw materials, (c) adequate facilities and condition of processing equipment, (d) sanitary conditions of plant and equipment, (e) control of insects, rodents and other vermin, (f) use of nontoxic product contact surfaces and prevention of adulteration of raw materials and products with chemicals or other foreign material, (g) proper operating procedures, (h) the maintenance of legal composition of finished products, (i) the manufacture of stable dairy products, of desirable keeping quality characteristics, (j) proper storage conditions for ingredients and dairy products, or (k) suitable and effective packaging methods and material.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT, AND UTENSILS

§ 58.125 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 drive ways, 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.

§ 58.126 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 tight fitting. 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 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.* (1) 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 back-up of sewage into the drain lines and to the floor of the plant.

(2) 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 and fluorescent tubes 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.

(1) 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.

(2) 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.* (1) 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. The laboratory shall be located reasonably close to the processing activity. It shall be of sufficient size to perform tests necessary in evaluating the quality of raw and finished products.

(2) Approved laboratories shall be supervised by the USDA resident inspector in all aspects of official testing and reporting results. Plant laboratory personnel in such plants may be licensed by the USDA to perform official duties. An approved central control laboratory serving more than one plant may be acceptable, if conveniently located to the dairy plants, and if samples and results can be transmitted without undue delay.

(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.

(7) *Resident grading and inspection room.* Resident plants shall furnish a room or designated area for the grading and inspection of products. The room or area shall be suitably located, sufficient in size, well lighted, ventilated and the temperature shall be not less than 60° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader or inspector. The grading or inspection room or area shall be equipped with a table or desk and convenient facilities for washing hands.

(8) *Resident inspector's facilities.* In resident plants, an office or space shall be provided for official purposes. The room or space shall be conveniently located, preferably in or near the approved laboratory, adequate in size, and equipped with desk and a lockable storage supply cabinet, and clothes locker. It shall be well lighted, ventilated or air conditioned, heated, and custodial service furnished on a regular basis.

§ 58.127 Facilities.

(a) *Water supply.* (1) 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 examinations 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 a USDA or State agency laboratory except for supplies that are regularly tested for purity and bacteriological quality, and approved by the local health officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

(2) 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 driers. 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 fly proof room. Solid wastes shall be disposed of regularly and the containers cleaned before re-use. 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.

§ 58.128 Equipment and utensils.

(a) *General construction, repair, and installation.* (1) 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.

(2) 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.

(3) All C.I.P. systems shall comply with the 3-A Accepted 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 non-metallic parts shall meet 3-A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heat-

ing 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° F., plus or minus.

(iii) Air space indicating thermometers, where applicable, which are accurate within 1° 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.

(l) *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 exchanger 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) *Scales.* (1) Small capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than 1 ounce graduations.

Test load in pounds	Tolerance in ounces
1-2	1/16
2-4	1/8
4-7	2/16
7-10	1/4
10-15	3/16
15-20	3/8
20-30	1/2
30-40	5/8
40-50	3/4
50-75	1

(2) Large capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than 1/4 pound graduations.

Test load in pounds	Tolerance in ounces
75-100	1 1/2
100-150	2
150-200	3
200-300	4

(n) *Homogenizers.* Homogenizers and High Pressure Pumps of the Plunger Type shall meet the 3-A Sanitary Standards.

(o) *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.

(p) *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.

PERSONNEL, CLEANLINESS AND HEALTH

§ 58.129 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 products, 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.

§ 58.130 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.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

§ 58.131 Equipment and facilities.

(a) (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 60° 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 milk house in accordance with the requirements of the regulatory agency in jurisdiction. The bulk tanks 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 45° F. or below until picked up.

(b) (1) *Transporting milk or cream.* 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.

(3) *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.

(4) *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.

QUALITY SPECIFICATIONS FOR RAW MILK

§ 58.132 Basis for classification.

Raw milk for manufacturing purposes from all individual producers shall be based on the following: Organoleptic examination (appearance and odor), quality control tests for sediment content, and bacterial estimate. In addition, milk from cows treated with antibiotics shall be excluded for such period of time as is necessary to have the milk free from antibiotics. All milk received

from producers shall not exceed Federal Food and Drug Administration's established limits for pesticide residues. Producers shall be promptly notified of any shipment or portion thereof of their milk that fails to meet any of these quality specifications.

§ 58.133 Appearance and odor.

The appearance and odor of acceptable raw milk shall be normal, fresh and sweet. The milk shall be free from objectionable feed and other off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor, or other test procedures.

§ 58.134 Sediment content.

(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 applicable charts of Sediment Standards described in Subpart T, §§ 58.2728 through 58.2731.

(b) *Sediment content classification of discs.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows:

Sediment (off-the-bottom method): (1¼-inch diameter disc):
 No. 1—USDA Sediment Standard (not to exceed) 0.50 mg. (Acceptable).
 No. 2—USDA Sediment Standard (not to exceed) 1.50 mg. (Acceptable).
 No. 3—USDA Sediment Standard (not to exceed) 2.50 mg. (Probational) not over 10 days.
 No. 4—USDA Sediment Standard (over 2.50 mg.) (Reject).

Sediment (mixed sample): (0.40-inch diameter disc):
 No. 1—USDA Sediment Standard (not to exceed) 0.0625 mg. (0.50 mg. equiv.)—(Acceptable).
 No. 2—USDA Sediment Standard (not to exceed) 0.1875 mg. (1.50 mg. equiv.)—(Acceptable).
 No. 3—USDA Sediment Standard (not to exceed) 0.3125 mg. (2.50 mg. equiv.)—(Probational) not over 10 days.
 No. 4—USDA Sediment Standard (over 0.3125 mg. (2.5 mg. equiv.)—(Reject).

(c) *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.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) *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.

(e) *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 im-

mediately, 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.

§ 58.135 Bacterial estimate.

(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.

(b) *Bacterial estimate classification.* Milk shall be classified for bacterial estimate by one of the following methods:

Bacterial estimate classification	Direct microscopic clump count or standard plate count	Methylene blue test decolorized in	Resazurin reduction time to munsell color standard 5p 7/4
No. 1.....	Not over 500,000 per ml.....	Not less than 4½ hours.....	Not less than 2¼ hours.
No. 2.....	Not over 3,000,000.....	Not less than 2½ hours.....	Not less than 1½ hours.
Undergrade.....	Over 3,000,000.....	Less than 2½ hours.....	Less than 1½ hours.

(c) *Frequency of tests.* At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

(d) *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.

(e) *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.

§ 58.138 Quality testing of milk from 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" (§§ 58.134 and 58.135). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

§ 58.139 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 inspector.

§ 58.140 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.

§ 58.141 Alternate quality control program.

When a plant has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.142 Product quality and stability.

The receiving, holding and processing of milk and cream and the manufactur-

§ 58.136 Rejected milk.

A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (§ 58.133) or if it is classified No. 4 for sediment content (§ 58.135). All reject milk in cans shall be identified with a reject tag.

§ 58.137 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 (§§ 58.134 and 58.135); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (§ 58.134); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than 4-successive weeks (§ 58.135).

ing, handling, packaging, storing and delivery of dairy products shall be in accordance with clean and sanitary methods, consistent with good commercial practices to promote the production of the highest quality of finished product and improve product stability.

§ 58.143 Raw product storage.

(a) 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.

(b) The bacteriological quality of commingled milk in storage tanks should be No. 2 or better.

§ 58.144 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."

§ 58.145 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 products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

§ 58.146 Cleaning and sanitizing treatment.

(a) *Equipment and utensils.* (1) 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 supplement 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 or 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.

(2) 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.* (1) 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.

(2) 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 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 method to destroy any insects that might be present.

§ 58.147 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.

§ 58.148 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) Bacteriological.
- (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.

§ 58.149 Alternate quality control programs for dairy products.

(a) When a plant has in operation an acceptable quality control program which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality control program as outlined in this subpart, then such a program may be accepted in lieu of the program herein prescribed.

(b) Where a minimum number of samples per batch of product, or per unit of time on continuous production runs are not specified, the phrase "as many samples shall be taken as is necessary to assure compliance to specific quality requirements" is used. Acceptable performance of this would be any method approved by the Administrator as meeting sound statistical methods of selecting samples and determining the number of samples to be taken.

PACKAGING AND GENERAL IDENTIFICATION

§ 58.150 Containers.

(a) 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.

(b) 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.

§ 58.151 Packaging and repackaging.

(a) 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 or by other satisfactory methods approved by the Administrator.

(b) When officially graded bulk dairy products are to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required, see Subpart A, §§ 58.2 and 58.52. If the packaging or repackaging is done in a plant other than the one in which the dairy product is manufactured, the plant, equipment, facilities, and personnel shall meet the same requirements as outlined in this subpart.

§ 58.152 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.

STORAGE OF FINISHED PRODUCT

§ 58.153 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 or damage to the dairy product from mold, absorbed odors, or vermine 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.

§ 58.154 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 from drippage or condensation.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

§ 58.155 Grading.

Dairy products which have been processed or manufactured in accordance with the provisions of this subpart may be graded by the grader in accordance with the U.S. Standards for Grades. Laboratory analyses, when required in determining the final grade shall be conducted in an approved laboratory.

§ 58.156 Inspection.

Dairy products, which have been processed or manufactured in an approved plant, and for which there are no offi-

cial U.S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or product specifications established by the U.S. Department of Agriculture or other Federal agency or buyer and seller. Laboratory analysis when required shall be conducted in an approved laboratory.

§ 58.157 Inspection or grading certificates.

All dairy products which have been processed or manufactured, packaged and inspected or graded, in accordance with the provision of this part may be covered by an inspection or grading certificate issued by the inspector or grader.

§ 58.158 Official identification.

(a) Application for authority to apply official identification to packaging material or containers shall be made in accordance with the provisions of Subpart A, §§ 58.49-58.57.

(b) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

EXPLANATION OF TERMS

§ 58.160 Terms.

(a) *Fresh and sweet.* Free from "old milk" flavor and odor of developed acidity or other off-flavors or off-odors.

(b) *Normal feed.* Regional feed flavors, such as alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors or off-odors.* Flavors or odors, such as utensil, bitter, barny, or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of flavor and odor which is detectable.

(e) *Extraneous-matter.* Foreign substances, such as filth, hair, insects and fragments thereof, and rodents, and materials, such as metal, fiber, wood, and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in paragraph (e) of this section.

(g) *C.I.P.* The abbreviation of an approved system of cleaning equipment or pipelines called "Cleaned-in-Place."

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, DRY WHOLE MILK, DRY BUTTERMILK AND DRY WHEY

DEFINITIONS

§ 58.205 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Nonfat dry milk.* The pasteurized product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It shall not contain buttermilk, or any added preservative, neutralizing agent or other chemical.

(b) *Instant nonfat dry milk.* Nonfat dry milk which has been produced in such a manner as to substantially improve its dispersing and reliquefaction characteristics over that produced by the conventional process.

(c) *Dry whole milk.* The pasteurized product resulting from the removal of water from milk and contains the lactose, milk proteins, milk fat, and milk minerals in the same relative proportions as in the fresh milk from which made. The milk may be standardized but shall not contain buttermilk, or any added preservative, neutralizing agent or other chemicals.

(d) *Dry buttermilk.* The product resulting from drying liquid buttermilk, derived from the manufacture of sweet cream butter, which has been pasteurized either before or during the process of manufacture, with or without the addition of lactic culture and to which no alkali or other chemical preservative has been added.

(e) *Dry whey.* The product resulting from spray drying fresh cheese whey which has been pasteurized either before or during the process of manufacture, and to which no alkali or other chemical preservative has been added.

ROOMS AND COMPARTMENTS

§ 58.210 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.

§ 58.211 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 § 58.126 of Subpart B. 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

six 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.

§ 58.212 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.

§ 58.213 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.

EQUIPMENT AND UTENSILS

§ 58.214 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 58.128 of this Subpart. In addition, for certain other equipment the following requirements shall be met.

§ 58.215 Preheaters.

The pre-heaters shall be of stainless steel or other equally corrosion resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

§ 58.216 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.

§ 58.217 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.

§ 58.218 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.

§ 58.219 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.

§ 58.220 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 device 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.

§ 58.221 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.

§ 58.222 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.

§ 58.223 Special treatment equipment.

Any special equipment used to treat dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection.

§ 58.224 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.

§ 58.225 **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.

§ 58.226 **Portable and stationary bulk bins.**

Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from cracks, seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning. The capacity of each portable bulk bin shall be limited as directed by the Administrator.

§ 58.227 **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. The type of sampler and the sampling procedure shall be as approved by the Administrator.

§ 58.228 **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 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.

§ 58.229 **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.

§ 58.230 **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.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.231 **General.**

All raw materials received at the drying plant shall meet the following quality specifications.

§ 58.232 **Milk.**

Raw milk shall meet the requirements as outlined in §§ 58.132 through 58.138 of Subpart B and, unless processed with-

in two hours after being received, it shall be cooled to and held at a temperature of 45° F. or lower until processed.

§ 58.233 **Skim milk.**

The skim milk shall be separated from whole milk meeting the requirements as outlined in §§ 58.132 thru 58.138, and outlined in §§ 58.132 through 58.138, and unless processed immediately, it shall be cooled to and maintained at a temperature of 45° F. or lower from the time of separating until the time of processing.

§ 58.234 **Buttermilk.**

Buttermilk for drying shall be fresh, sweet and from the churning of sweet cream butter, with or without the addition of harmless lactic culture. No neutralizing agent or chemical preservative may be added. Fluid buttermilk, unless cultured, shall be held at 45° F. or lower until processed.

§ 58.235 **Whey.**

Cheese whey for drying shall be fresh and contain no neutralizing agent or chemical preservative. Whey shall be held at 45° F. or lower, or at temperatures of 150° F. or above until processed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.236 **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. Provided the condensed product is handled according to sanitary conditions approved by the Administrator.

(a) **Pasteurization.** (1) All milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing to at least the minimum pasteurization temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim 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 least 166° F. for 15 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 requirements of U.S. High Heat as defined in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

§ 58.237 **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.

§ 58.238 **Condensed storage tanks.**

(a) 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.

(b) Product cutoff points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

§ 58.239 **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.

§ 58.240 **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 be not more than 110° F.

§ 58.241 **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 non-food items, or food items 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 taping 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 clean-up 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.

§ 58.242 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, pro-

vided applicable labeling requirements are met.

§ 58.243 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.

§ 58.244 Number of samples.

As many samples shall be taken from each dryer production lot as is necessary to assure proper composition and quality control. A sufficient number of representative samples from the lot shall be taken to assure compliance with the stated net weight on the container.

§ 58.245 Method of official sample analysis.

Samples shall be tested according to the "Methods of Laboratory Analysis for Dry Whole Milk, Nonfat Dry Milk, Dry Buttermilk and Dry Whey" as issued by the USDA Consumer and Marketing Service, Dairy Division, Inspection and Grading Branch Laboratory.

§ 58.246 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.

§ 58.247 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 as outlined in AMS Bulletin 302 or subsequent revisions thereof.

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

§ 58.248 Nonfat dry milk.

(a) Nonfat dry milk in commercial bulk containers bearing an official grade label shall meet the requirements of U.S. Extra Grade or U.S. Standard Grade.

(b) Instant and regular nonfat dry milk in consumer size packages which bears an official grade label shall meet the requirements of U.S. Extra Grade. In addition, the nonfat dry milk shall meet the following specifications when sampled and tested in accordance with §§ 58.244 and 58.245. All nonfat dry milk in consumer size packages shall have a direct microscopic count of not more than 75 million per gram.

§ 58.249 Instant nonfat dry milk.

Instant nonfat dry milk shall meet the applicable standard for U.S. Extra Grade.

§ 58.250 Dry whole milk.

Dry whole milk in commercial bulk containers which bears an official grade

label shall meet the requirements for the U.S. Standards for Grades of Dry Whole Milk. Quality requirements for dry whole milk in consumer packages shall be for U.S. Premium Grade or U.S. Extra Grade and in addition shall have a direct microscopic count of not more than 75 million per gram.

§ 58.251 Dry buttermilk.

The quality requirements for all dry buttermilk shall be in accordance with U.S. Standards for Grades of Dry Buttermilk. Dry cultured buttermilk shall meet the same requirements as listed above except that allowances shall be made for increased acidity due to the culture process.

§ 58.252 Dry whey.

The quality requirements for all dry whey shall be in accordance with U.S. Standards for Dry Whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

§ 58.305 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning.

(a) *Butter.* The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, with or without harmless lactic culture or lactic acid, with or without additional coloring matter, and with water for composition control and containing not less than 80 percent by weight of milkfat, all tolerances having been allowed for.

(b) *Butteroil.* The product resulting from the removal of practically all of the moisture and solids-not-fat from butter. It contains not less than 99.6 percent fat, and not more than 0.3 percent moisture; and not more than 0.1 percent other butter constituents, of which the salt shall be not more than 0.05 percent.

(c) *Anhydrous milkfat.* The product resulting from the removal of practically all of the moisture and the solids-not-fat from cream. It contains not less than 99.8 percent fat, and not more than 0.15 percent moisture.

(d) *Frozen cream.* Sweet cream which has been pasteurized and frozen. It contains approximately 40 percent milkfat.

(e) *Plastic cream.* Sweet cream which has been pasteurized and contains approximately 80 percent milkfat.

(f) *Whipped butter.* Butter which has been stirred or whipped to incorporate air or inert gas, until its volume has been increased up to a range of from 50 to 100 percent. It contains not less than 80 percent fat by weight.

ROOMS AND COMPARTMENTS

§ 58.311 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.

§ 58.312 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.

§ 58.313 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 airborne contamination and maintain a reasonable room temperature.

EQUIPMENT AND UTENSILS

§ 58.314 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 § 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.315 Continuous churn.

All product contact surfaces shall be of noncorrosive material. All non-metallic 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.

§ 58.316 Conventional churns.

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.

§ 58.317 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.

§ 58.318 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.

§ 58.319 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 rubber like 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.

§ 58.320 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.

§ 58.321 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.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.322 Cream.

Cream separated at an approved plant and used for the manufacture of butter shall have been derived from raw material meeting the requirements as listed under §§ 58.132 through 58.138. The inspection of farm-separated cream or whey cream to be used for manufacturing or processing into dairy products under this part shall be based on organoleptic examination and quality control tests to determine suitability of cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* Cream received at an approved receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-flavors and off-odors, including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U.S. Standards for Grades of Butter. Any cream having pronounced or offensive off-flavor or off-odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of

cream to the producer, seller, or shipper, the following classifications of cream for sediment shall be applicable using USDA Sediment Chart (§ 58.2726) as the basis for classification.

Sediment (off-the-bottom method):

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg.

No. 2—USDA Sediment Standard (not to exceed) 1.00 mg.

No. 3—USDA Sediment Standard (not to exceed) 2.50 mg.

Sediment (mixed-can method):

No. 1—USDA Sediment Standard (not to exceed) 0.20 mg.

No. 2—USDA Sediment Standard (not to exceed) 0.30 mg.

No. 3—USDA Sediment Standard (not to exceed) 1.00 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method or the "mixed-can" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with No. 1 or No. 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probationary cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified No. 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of No. 2, such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is No. 2, or better. As soon as any shipment of cream is classified as probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probationary cream and if necessary arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller, or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of No. 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each ship-

ment for sediment content, prior to acceptance to determine if the cream is No. 2, or better. If all cans of cream of the subsequent shipment meet No. 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of No. 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of No. 2 cream, or better, the plant shall not accept such cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to contact promptly each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping No. 1 and No. 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least 1 year.

(h) *Alternate quality program.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for cream, then such a program may be accepted in lieu of the program herein prescribed.

§ 58.323 Whipped butter.

Whipped butter to be eligible for official certification with a U.S. Grade shield shall be graded prior to whipping and shall have originated from an approved plant. If made from cream in a continuous churning and whipping process, the quality of the cream used shall meet the requirements of cream for butter of comparable U.S. Grade.

§ 58.324 Butteroil.

Made from butter. To produce butteroil eligible for official certification, the butter used shall conform to the flavor requirements of U.S. Grade AA, U.S. Grade A, or U.S. Grade B, and shall have been manufactured in an approved plant.

§ 58.325 Anhydrous milkfat.

Made by a continuous separation process directly from milk or cream. To produce anhydrous milkfat eligible for official certification, the cream used shall be comparable to the flavor quality specified above for U.S. Grade AA or U.S. Grade A butter, or for U.S. Grade B butter as follows: The flavor of the cream shall be fairly pleasing but may possess the following flavors to a slight degree: musty, utensil, and weed, and to a definite degree: Acid, bitter, smothered and old cream; and to a pronounced degree feed flavors. Appearance should be fairly smooth and uniform in consistency. The cream shall be pasteurized in accordance with the procedure for cream for butter making.

§ 58.326 Plastic cream.

To produce plastic cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.327 Frozen cream.

To produce frozen cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.328 Salt.

The salt shall be free-flowing, white refined sodium chloride of food grade quality free from extraneous material and prepared in accordance with good commercial practice. Iodized salt shall not be used.

§ 58.329 Color.

Coloring, when used shall be Annatto or any color which is approved by the U.S. Food and Drug Administration.

§ 58.330 Butter starter cultures.

Harmless bacterial cultures used in the development of flavor components in butter and related products shall have a pleasing and desirable flavor and odor and shall have the ability to transmit these qualities to the finished product.

§ 58.331 Starter distillate.

The refined flavor components used to flavor butter and related products. It shall be of food grade quality, free of extraneous material and prepared in accordance with good commercial practice.

OPERATIONS AND OPERATING PROCEDURES

§ 58.332 Segregation of raw material.

The milk and cream received at the dairy plant shall meet the quality specifications as indicated under § 58.322. The milk and cream should be segregated by quality and processed separately in such a manner that the finished product will fully meet the requirements of a particular U.S. Grade or other specification, whichever is applicable.

§ 58.334 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 butter making.* (1) The cream for butter making 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.

(2) 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 paragraph (a) of this section, 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.

§ 58.335 Quality control tests.

All milk, cream and related products are subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies in processing and manufacturing. Routine analysis shall be made on raw materials and finished products to assure adequate composition control.

§ 58.336 Frequency of sampling for quality control—butter and related products.

(a) *Microbiological.* Samples shall be taken from churnings or batches and should be taken as often as is necessary to insure microbiological control.

(b) *Composition.* Sampling and testing for product composition shall be made on churns or batches as often as is necessary to insure adequate composition control. For in-plant control, the Kohman or modified Kohman test may be used.

(c) *Copper and iron.* At least once each year a sample of product from

each processing line should be spot checked for copper and iron content to establish the presence or absence of contaminating metal product contact surfaces.

(d) *Other analysis.* Other chemical analysis or physical measurements shall be performed as often as is necessary to insure meeting grade standards and contract specifications.

(e) *Weight or volume control.* Representative samples of the packaged product shall be checked during the packaging operation to assure compliance with the stated net weight or volume on the container.

(f) *Keeping quality and stability.* One sample from each churning or batch of butter (regular or whipped) shall be subjected to a seven-day keeping quality test at a temperature of 70° F. Optionally 98° F. for 48 hours may be used, however, in case of a dispute, the results of the seven days at 70° F. will prevail.

§ 58.337 Official test methods.

(a) *Chemical.* Chemical analyses, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, published by the Association of Official Agricultural Chemists. The Official and Tentative Methods of the American Oil Chemists Society or any other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described or suggested in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

§ 58.338 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.

§ 58.339 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 two pounds or less, to protect the product from contamination during subsequent handling.

(b) *Liners and wrappers.* (1) Supplies of parchment liners, wrappers and other packaging material shall be protected against dust, mold and other possible contamination.

(2) 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 non-corrosive 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.

(3) 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. This may be accomplished by alternately inverting one container over the other or stacking the lined boxes on their sides in a rack, until ready for use. When packing butter into the bulk containers, care shall be taken to fill the corners leaving as few holes or openings as possible. The surface of the butter as well as the covering liner shall be smoothed evenly over the top surface before closing and sealing the container. 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.

§ 58.340 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.

§ 58.341 Repackaging.

When officially graded or inspected bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification, a supervisor of packaging shall be required and the plant, equipment, facilities and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.342 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.

§ 58.343 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.

§ 58.344 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.* (1) 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.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL OR QUALITY APPROVED INSPECTION SHIELD

§ 58.345 Butter.

The quality requirements for butter shall be in accordance with the U.S. Standards for Grades of Butter for U.S. Grade AA, U.S. Grade A, or U.S. Grade B, respectively. In addition, the butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

- Proteolytic count—not more than 100 per gram.
- Lipolytic count—not more than 100 per gram.
- Yeast and mold count—not more than 20 per gram.
- Coliform count—not more than 10 per gram.
- Copper content—not more than 0.3 ppm.
- Iron content—not more than 1.0 ppm.

§ 58.346 Whipped butter.

The flavor requirements as applicable for Whipped Butter shall be in accordance with the U.S. Standards for Grades of Butter, U.S. Grade AA, U.S. Grade A, or U.S. Grade B respectively. In addition, the whipped butter is subject to the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

- Proteolytic count—not more than 100 per gram.
- Lipolytic count—not more than 100 per gram.
- Yeast and mold count—not more than 20 per gram.
- Coliform count—not more than 10 per gram.
- Copper content—not more than 0.3 ppm.
- Iron content—not more than 1.0 ppm.
- Overrun—not more than 100 percent.

§ 58.347 Butteroil or anhydrous milk-fat.

The flavor shall be bland, free from rancid, oxidized or other objectionable

Butteroil		Anhydrous milk fat
Not less than 99.6 percent	Milkfat	Not less than 99.8 percent.
Not more than 0.3 percent	Moisture	Not more than 0.15 percent.
Not more than 0.1 percent	Other butter constituents including salt.	
Not more than 0.05 percent	Salt	
Not more than 0.5 percent (calculated as oleic acid)	Free fatty acids	Not more than 0.3 percent (calculated as oleic acid)
Not more than 0.1 milliequivalents per kilogram of fat.	Peroxide value	Not more than 0.1 milliequivalents per kilogram of fat.
Not more than 0.10 ppm	Copper content	Not more than 0.10 ppm.

§ 58.348 Plastic cream.

The flavor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: Aged, bitter, flat, smothered and storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors. In addition, the finished product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Standard plate count—not more than 30,000 per gram.
Coliform count—not more than 10 per gram.
Yeast and mold—not more than 20 per gram.
Copper content—not more than 0.3 ppm.
Iron content—not more than 1.0 ppm.

§ 58.349 Frozen cream.

The flavor shall be sweet, pleasing and desirable, but may possess the following flavors to a slight degree: Aged, bitter, flat, smothered, storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors. In addition, the product shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337. Samples for analysis should be taken prior to freezing of the product.

Standard plate count—not more than 30,000 per ml.
Coliform count—not more than 10 per ml.
Yeast and mold—not more than 20 per ml.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEDDAR CHEESE AND SIMILAR VARIETIES

DEFINITIONS

§ 58.405 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Cheddar cheese*. The cheese made by the Cheddar process or by any other procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced by the Cheddar process and is made from cow's milk with or without the addition of coloring matter and with common salt, contains not more than 39 percent moisture, and in the water-free substance contains not less than 50 percent milk fat and conforms to the provisions of § 19.500, "Definitions and

flavors. In addition, the finished products shall meet the following specifications when sampled and tested in accordance with §§ 58.336 and 58.337.

Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.500).

(b) *Colby cheese*. The cheese made by the Colby process or by any other procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the Colby process and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 40 percent moisture and its solids contain not less than 50 percent milk fat and conforms to the provisions of § 19.510, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.510).

(c) *Granular, stirred curd cheese*. The cheese made by the granular or stirred curd process or by any other procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the granular or stirred curd process, and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 39 percent moisture, and its solids contain not less than 50 percent milk fat, and conforms to the provisions of § 19.535, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.535).

(d) *Washed curd cheese, soaked curd cheese*. The cheese made by the washed curd or soaked curd process or by any procedure that produces a finished cheese having the same physical and chemical properties as the cheese produced by the washed or soaked curd process and is made from cow's milk with or without the addition of coloring matter and with common salt, containing not more than 50 percent milk fat, and conforms to the provisions of § 19.505, "Definitions and Standards of Identity for Cheese and Cheese Products", U.S. Food and Drug Administration (21 CFR 19.505).

(e) *Whey cream*. Is the cream obtained from the separation of cheese whey.

ROOMS AND COMPARTMENTS

§ 58.406 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 precau-

tion 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.

§ 58.407 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.

§ 58.408 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.

§ 58.409 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.

§ 58.410 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.

§ 58.411 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. They shall be free from rodents, insects, and pests. The shelves shall be kept clean and dry.

§ 58.412 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 movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

EQUIPMENT AND UTENSILS

§ 58.413 General construction, repair, and installation.

All equipment and utensils necessary to the manufacture of Cheddar cheese

and related products shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.414 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.

§ 58.415 Cheese vats.

(a) The vats used for making cheddar 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.

(b) 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 covers.

§ 58.416 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.

§ 58.417 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.

§ 58.418 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.

§ 58.419 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 clothes shall be maintained in good repair and in a sanitary condition. Single service press clothes shall be used only once.

§ 58.420 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.

§ 58.421 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.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.422 Milk.

The milk shall be fresh, sweet, pleasing, and desirable in flavor and shall meet the requirements as outlined under §§ 58.132 through 58.138. The milk may be adjusted by separating part of the fat from the milk or by adding one or more of the following dairy products: Cream, skim milk, concentrated skim milk, non-fat dry milk, water in a quantity sufficient to reconstitute any concentrated or dry milk used. Such dairy products shall have originated from raw milk meeting the same requirements as outlined under §§ 58.132 through 58.138.

§ 58.423 Hydrogen peroxide.

The solution shall comply with the specification of the U.S. Pharmacopoeia, except that it may exceed the concentration specified therein and it does not contain added preservative. Application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products" U.S. Food and Drug Administration (21 CFR 19.500).

§ 58.424 Catalase.

The catalase preparation shall be a stable, buffered solution, neutral in pH, having a potency of not less than 100 Kell units per milliliter. The source of the catalase, its application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration (21 CFR 19.500).

§ 58.425 Cheese starter cultures.

Harmless bacterial cultures used in the development of lactic acid and flavor components in cheese shall have a pleasing and desirable flavor and odor and shall have the ability to actively produce

the desired results in the manufacturing process.

§ 58.426 Calcium chloride.

Calcium chloride, when used, shall be of food grade quality, free from extraneous material.

§ 58.427 Color.

Coloring, when used, shall be Annatto or any cheese or butter color which is approved by the U.S. Food and Drug Administration.

§ 58.428 Rennet, pepsin, or other coagulating enzymes.

Enzyme extracts used for curd coagulation in the manufacture of cheese shall be of food grade quality.

§ 58.429 Salt.

The salt shall be free-flowing, evaporated salt of food grade quality, free from extraneous material. Iodized salt shall not be used.

OPERATIONS AND OPERATING PROCEDURES

§ 58.430 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 or by any other combination of temperature and time treatment approved by the Administrator. 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 the time of pasteurization and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.431 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.

§ 58.432 Time schedule.

A uniform schedule should be established and followed as closely as possible for the various steps of setting, cutting, cooking, draining the whey and milling the curd, to promote a uniform quality of cheese.

§ 58.433 Laboratory and quality control tests.

(a) *Chemical analyses*—(1) *Milkfat and moisture*. One sample shall be tested from each vat of the finished cheese to assure compliance with composition requirements.

(2) *Phosphatase*. If the cheese is labeled or required to be pasteurized representative samples of the production should be taken from milk in the vat or the finished cheese to spot check effectiveness of approved pasteurization procedure.

(3) *Test method*. Chemical analysis shall be made in accordance with the

methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods or by other methods giving equivalent results.

(b) *Weight or volume control.* Representative samples of the finished product shall be checked during the packaging operation to assure compliance with the stated net weight on the container of consumer size packages.

§ 58.435 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.

§ 58.436 Curing.

After the cheese has been packaged and ready for curing, it shall be placed in a curing room, at the plant or elsewhere, to attain the desired body and flavor development. The temperature of the room and the time held shall be determined by the composition of the cheese and the amount of cure desired. Samples of cheese should be examined periodically to make certain that curing is progressing satisfactorily. Cheese made from unpasteurized milk shall be cured for the required time and temperature as specified for specific varieties in the "Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration.

§ 58.437 Packaging and repackaging.

(a) 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.

(b) When officially graded, bulk cheese is to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required. If the repackaging is performed in a plant other than the one in which the cheese is manufactured and the product is officially identified, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in this part.

§ 58.438 General identification.

Each bulk cheese shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designed 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.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA GRADE LABEL, OR QUALITY APPROVED INSPECTION SHIELD

§ 58.439 Cheddar cheese.

The quality requirements for Cheddar cheese shall be in accordance with the U.S. Standards for Grades of Cheddar cheese.

§ 58.440 Colby cheese.

The quality requirements for Colby cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing characteristic cheese flavor; may possess a very slight bitter or acid flavor and feed flavor to a slight degree. It shall not possess any undesirable flavors or odors.

(b) *Body and texture.* A plug drawn from the cheese shall be fairly firm, appear fairly smooth, translucent, open and may have numerous small mechanical openings. May be slightly curdy or entirely broken down. The body shall not be pasty and the texture shall not show the presence of gas holes.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored, it should be a medium yellow-orange.

(d) *Finish and appearance.*—(1) *Bandaged and paraffin-dipped.* Shall possess a sound, fairly firm rind with the bandage and paraffin coating adhering tightly but may possess very slight mold under bandage and paraffin and the following other characteristics to a slight degree: Soiled surface, surface mold, rough surface, irregular bandaging, lopsided and high edges.

(2) *Rindless.* The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese. May be slightly wrinkled but shall be of such character as to fully protect the surface of the cheese and not detract from its initial quality. Fresh or current cheese shall be free from mold under the wrapper or covering. It may be slightly lopsided but shall not be huffed.

(3) *Barrel or bulk.* The container shall be clean, free from rust and in good condition. The barrel liner wrapper shall completely envelop the cheese but need not be sealed. Fresh or current cheese shall be practically free from mold under the liner. Medium or cured cheese may possess slight mold under the liner.

§ 58.441 Washed curd, soaked curd cheese.

The quality requirements for washed curd or soaked curd cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing, but may be lacking in characteristic Cheddar cheese flavor development. It may possess slight feed and acid flavor but shall not possess any undesirable flavors and odors.

(b) *Body and texture.* A plug drawn from the cheese shall be fairly firm, smooth, translucent but may be open.

May be slightly curdy or completely broken down. The body shall not be pasty but may be slightly weak. The texture shall not show the presence of gas holes but may possess two sweet holes per plug.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored it should be a medium yellow-orange.

(d) *Finish and appearance.* Same as for Colby cheese.

§ 58.442 Granular, stirred curd cheese.

The quality requirements for granular or stirred curd cheese shall be as follows:

(a) *Flavor.* Mild to mellow, pleasing characteristic cheese flavor, but may be lacking in flavor if fresh or current. May possess a very slight bitter flavor or slight feed and acid flavor. It shall not possess any undesirable flavors or odors.

(b) *Body and texture.* A plug drawn from the cheese shall be reasonably firm, smooth, reasonably compact and translucent but may be definitely open. May be slightly curdy or completely broken down. The body may be slightly mealy, short and weak. The texture shall not show the presence of gas holes but may possess two sweet holes per plug.

(c) *Color.* The color shall be uniform, bright and attractive. It may be colored or uncolored but if colored it should be a medium yellow-orange.

(d) *Finish and appearance.* Same as for Colby cheese.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

§ 58.505 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Condensed skim.* Skim milk which has been condensed to approximately one-third the original volume in accordance with standard commercial practice.

(b) *Cottage cheese.*—(1) *Dry cottage cheese.* The soft uncured cheese prepared from pasteurized skim milk, or a combination of skim milk, concentrated skim milk or nonfat dry milk, or reconstituted concentrated skim milk or reconstituted nonfat dry milk. Calcium chloride may be added in a quantity not to exceed 0.02 percent of the weight of the mixture. The finished cottage cheese shall contain not more than 80 percent of moisture and shall conform to the provisions of § 19.525, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.525).

(2) *Creamed cottage cheese.* The soft uncured cheese made by mixing dry cottage cheese with a creaming mixture so that the finished product shall contain not less than 4 percent milkfat by weight. The creamed cheese shall contain not more than 80 percent of moisture and shall conform to the provisions

of § 19.530, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.530).

(c) *Creamed cottage cheese with fruits, nuts, chives, or other vegetables.* Shall consist of creamed cottage cheese to which has been added fruits, nuts, chives, or other vegetables. The finished cheese shall contain not more than 80 percent of moisture nor less than 4 percent milkfat by weight prior to the addition of such ingredients.

(d) *Cream.* The milkfat portion of milk which rises to the surface of milk on standing or is separated from it by centrifugal force and contains not less than 18 percent of milkfat.

(e) *Creaming mixture.* The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both. To adjust the solids content nonfat dry milk or concentrated skim milk may be added but not to exceed 3 percent by weight of the creaming mixture. It may or may not contain a culture of harmless lactic acid and flavor producing bacteria, food grade acid, salt, and stabilizers with or without carriers. The creaming mixture in its final form may or may not be homogenized and shall conform to the provisions of paragraph (b) of § 19.530, "Definitions and Standards of Identity for Cheese and Cheese Products," U.S. Food and Drug Administration (21 CFR 19.530).

ROOMS AND COMPARTMENTS

§ 58.510 Rooms and compartments.

(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.

(c) *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.

(d) *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.

EQUIPMENT AND UTENSILS

§ 58.511 General construction, repair, and installation.

The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in § 58.128 of Subpart B. In addition for certain other equipment the following requirements shall be met.

§ 58.512 Cheese vats.

(a) 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.

(b) 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.

§ 58.513 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.

§ 58.514 Container fillers.

Should conform to the 3-A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

§ 58.515 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.

§ 58.516 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.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.517 General.

Raw materials used for manufacturing cottage cheese shall meet the following quality specifications.

§ 58.518 Milk.

The selection of raw milk for cottage cheese shall be in accordance with §§ 58.132 through 58.138.

§ 58.519 Dairy products.

(a) *Raw skim milk.* All raw skim milk obtained from a secondary source shall be separated from milk meeting the same quality requirements for milk as outlined in § 58.518. Skim milk after being pasteurized and separated shall be cooled to 45° F. or lower unless the skim milk is to be set for cheese within 2 hours after pasteurizing. The skim milk should not be more than 24 hours old from the time the milk was received at the plant and the skim milk is set for cheese.

(b) *Nonfat dry milk.* Nonfat dry milk, when used in cottage cheese bearing official identification, shall meet the requirements for U.S. Extra Grade (Spray Process), at time of use, and shall be of U.S. Low Heat Classification (not less than 6 mg. undenatured whey protein nitrogen per gram of nonfat dry milk). In addition, the nonfat dry milk shall have a direct microscopic clump count not exceeding 75 million per gram. The age of the nonfat dry milk shall be covered by a USDA grading certificate, evidencing compliance with quality requirements, dated not more than 6 months prior to use of the dry milk. In the interim between manufacture and use, the nonfat dry milk shall be stored in a clean, dry, vermin-free space. In any case, if the nonfat dry milk is more than 120 days old, at time of use, it shall be examined for flavor to make certain that it meets that requirement for U.S. Extra Grade.

(c) *Condensed skim milk.* Condensed skim milk, if used, shall be prepared from raw milk or skim milk that meets the same quality requirements outlined above for raw milk or skim milk. The concentrated skim milk should meet the requirements for U.S. Low Heat Classification for Nonfat Dry Milk (Spray Process) as indicated in the U.S. Grade Standards for Nonfat Dry Milk. It shall be cooled promptly after drawing from the vacuum pan or evaporator and shall have been

pasteurized before concentrating or during the manufacture. The standard plate count of the concentrated milk shall not exceed 30,000 per ml. at time of use.

(d) *Cream*. Any cream used for preparing the dressing for creamed cottage cheese shall be separated from milk meeting at least the same quality requirements as the skim milk used for making the curd. The flavor of the cream shall be fresh and sweet. Cream obtained from a secondary source shall meet the same requirements. The creaming mixture prepared from this cream, after pasteurization, shall have a standard plate count of no more than 30,000 per ml.

§ 58.520 Nondairy ingredients.

(a) *Calcium chloride*. Calcium chloride, when used, shall be of food grade quality and free from extraneous material.

(b) *Salt*. Salt shall be white refined sodium chloride of food grade quality and free from extraneous material.

(c) *Other ingredients*. Other ingredients such as fruits, nuts, chives or other vegetables used or blended with cottage cheese shall be reasonably free of bacteria so as not to appreciably increase the bacterial count of the finished product. The various ingredients in kind shall be consistent in size and color so as to produce the desired appearance and appeal of the finished product. The flavor of the ingredients used shall be natural and represent the intended flavor and intensity desired in the finished product. Such ingredients shall be clean, wholesome, of uniformly good quality, free from mold, rancid or decomposed particle. Vegetables used in cottage cheese may first be soaked for 15 to 20 minutes in a cold 25 to 50 p.p.m. chlorine solution to appreciably reduce the bacterial population. After soaking, the vegetables shall be drained and used soon thereafter.

OPERATIONS AND OPERATING PROCEDURES

§ 58.521 Pasteurization and product flow.

(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 two 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 has been removed by proper cleaning and sanitizing.

§ 58.522 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.

§ 58.523 Manufacture of cottage cheese.

(a) *Setting*. The pasteurized skim milk shall be inoculated with a sufficient quantity of a desirable starter, thoroughly stirred into the milk to avoid lumps that may float to the surface or cause an irregular set. The amount of starter and temperature of setting shall be such that the desired acidity and firmness of curd will be attained in the time desired. Rennet or calcium chloride may or may not be used. The solids of the skim milk may also be increased by the addition of nonfat dry milk or condensed skim milk.

(b) *Cutting and cooking*. When the proper acidity has been reached, the curd shall be cut uniformly, and carefully handled during cooking to avoid unnecessary shattering and to produce a uniform curd of the proper texture, free from chunks or matted pieces of curd.

§ 58.524 Washing and cooling.

After the curd has been properly cooked, the whey shall be drained promptly and the curd washed sufficiently in cold wash water (practically free of bacterial contamination due to natural purity or chemical treatment) to remove the excess acid and properly chill the curd to 45° F. or lower. If necessary for pH control the wash water may be adjusted by the addition of a food acid approved by the U.S. Food and Drug Administration. The curd shall be adequately drained prior to storing or dressing.

§ 58.525 Dressing the curd.

After the curd has been properly chilled to 45° F. or lower and drained, it may be dressed with the creaming mixture immediately or placed in storage vats, cans, or other suitable containers in a cooler at 40° F. or lower, for dressing at a later date. Dressing the curd with the creaming mixture as soon as possible after chilling and draining is preferred. The dressing for the curd shall be of such milkfat content and consistency as to produce a satisfactory finished product of legal composition. The creamed cottage cheese shall be cooled to 45° F. or lower within 2 hours after dressing,

and shall be stored at this temperature until delivered.

§ 58.526 Laboratory and quality control tests.

(a) Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing as an aid in correcting deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. Keeping quality tests shall be made on each vat of finished cottage cheese to determine shelf-life and stability of the finished product.

(b) *Frequency of sampling*—(1) *Microbiological*. Samples of raw milk for testing shall be taken as prescribed in § 58.135. One sample shall be taken for each vat of finished cottage cheese and from each lot, tank or batch of product used as ingredient. For keeping quality tests one or more samples shall be taken from each vat of finished cottage cheese.

(2) *Chemical*—(i) *Milkfat and moisture*. One sample shall be taken from each vat of creamed cottage cheese; dry cottage cheese shall be tested for moisture only.

(ii) *pH*. One sample shall be taken from each vat or batch of cottage cheese.

(iii) *Phosphatase*. As many samples should be taken as are necessary to spot check effectiveness of approved pasteurization procedure.

(c) *Test methods*—(1) *Microbiological*. Microbiological determinations shall be made for coliform, psychrophiles and yeasts and molds. These tests shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

(2) *Chemical*. Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, published by the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.527 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. Also care shall be taken that the creamed cottage cheese be of uniform consistency at the time of packaging to assure legal composition in all packages.

(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 manufacturer or distributor, code or date of packaging and any other identification as may be required.

§ 58.528 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.

QUALITY REQUIREMENTS FOR COTTAGE CHEESE BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.529 Physical requirements.

(a) *Flavor and odor.* The cottage cheese shall possess a mild pleasing flavor, similar to fresh whole milk or light cream and may possess the delicate flavor and aroma of a good lactic starter. The product may possess to a slight degree a feed, acid, or salty flavor but shall be free from chalky, bitter, utensil, fruity, yeasty, or other objectionable flavors.

(b) *Body and texture.* The curd particles shall have a meaty texture, but sufficiently tender to permit proper absorption of cream or cheese dressing. The texture shall be smooth and velvety and shall not be mealy, crumbly, pasty, sticky, mushy, watery, rubbery, or slimy or possess any other objectionable characteristics of body and texture. Small curd style (cut with 1/4-inch knives) shall have curd particles approximately 1/4-inch or less in size. Large curd style (cut with knives over 1/4-inch) shall have curd particles approximately 3/8-inch or more in size.

(c) *Color and appearance.* The finished cottage cheese, creamed, or plain curd, shall have an attractive natural color and appearance with curd particles of reasonably uniform size. The creamed cottage cheese shall be uniformly mixed with the cream or dressing properly absorbed or adhering to the curd so as to prevent excessive drainage.

§ 58.530 Microbiological requirements at time of packaging in three out of five consecutive samples.

- (a) *Coliform.* Not more than 10 per gram.
- (b) *Psychrophiles.* Not more than 100 per gram.
- (c) *Yeasts and molds.* Not more than 10 per gram.

§ 58.531 Chemical requirements.

- (a) *Moisture.* Not more than 80 percent.
- (b) *Milkfat.* Not less than 4 percent (no requirement for dry cottage cheese).
- (c) *pH.* Not higher than 5.2.
- (d) *Phosphatase.* Not more than 4 micrograms of phenol equivalent per gram of cheese.

§ 58.532 Keeping quality requirements.

Keeping quality samples taken from the packaging line shall be held at 50° F. for 10 days. At the end of the 10-day period the samples shall possess a satisfactory flavor and appearance and shall be free from bitter, sour, fruity, or other objectionable flavors and odors. The surface shall not be discolored, translucent, slimy or show any other objectionable condition.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING ICE CREAM AND RELATED PRODUCTS

DEFINITIONS

§ 58.605 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning as applied to frozen desserts meeting FDA requirements and briefly defined as follows:

(a) *Ice cream.* The product prepared by freezing, while stirring, a pasteurized mix composed of milkfat, milk solids-not-fat, sweetening ingredients, stabilizers, and emulsifiers, natural and/or artificial flavor and color. The dairy products used in preparation of the mix shall not be neutralized by the addition of chemical reagents. The finished product shall conform to the requirements of § 20.1 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.1).

(b) *Frozen custard.* The same product as ice cream except that egg ingredients are used in such quantity, that the total weight of egg yolk solids used, is not less than 1.4 percent of the weight of the finished frozen custard. The finished product shall conform to the requirements of § 20.2 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(c) *Ice milk.* The product prepared from the same ingredients and in the same manner as ice cream. Except that its milkfat content is more than 2 percent but not more than 7 percent and the total milk solids are not less than

11 percent. The finished product shall conform to the requirements of § 20.3 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.3).

(d) *Fruit sherbet.* The product prepared by freezing, while stirring, a pasteurized mix composed of fruit ingredients, sweetening ingredients, stabilizers and emulsifiers, milk solids, harmless food grade acids, natural and/or artificial flavor and color. The finished product shall conform to the requirements of § 20.4 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.4).

(e) *Milkfat.* The fat derived from milk by gravitational or mechanical means. The optional sources of milkfat approved for use in ice cream and related products are: Liquid, dried or plastic cream; natural, concentrated or dried sweet cream buttermilk; and butter or butteroil.

(f) *Milk-solids-not-fat.* Includes proteins, milk sugar, various minerals and certain water-soluble vitamins of milk. The optional sources of these solids, approved for use in ice cream and related products, in addition to the various forms of milk, cream and buttermilk are: Concentrated, evaporated, condensed, superheated condensed, sweetened condensed, and nonfat dry milk. Caseinates may be used if added in addition to the required total milk solids content. Cheese whey as provided in F&D Standard of Identity for Frozen Desserts, either natural, concentrated or dried may be used if added in the prescribed amounts.

(g) *Sweetening ingredients.* Those agents used to impart the desired degree of sensual sweetness as well as body, to the finished product. Sweetening agents approved by the U.S. Food and Drug Administration may be used, such as sucrose in the form of dry or liquid sugar, dextrose or corn sugar in dry or liquid form, glucose in dry or liquid form, invert sugar in paste or liquid, maltose sirup, fructose N.F. and lactose. Individual sweetening ingredients may contain one or more of the approved sweetening agents.

(h) *Flavoring ingredients.* Those ingredients that, when added to the mix or partially frozen product, impart a characteristic and desired flavor to the finished product. Natural and/or artificial flavors approved by the U.S. Food and Drug Administration may be used.

(i) *Stabilizing ingredients.* Those agents used to help bind the water and add to the body and appearance of the finished product. Stabilizing ingredients approved by the U.S. Food and Drug Administration may be used, such as, agar-agar, algin, calcium sulphate, egg white, gelatin, carrageenan and salts of carrageenan, oat gum, gum acacia, locust bean gum, guar seed gum, gum tragacanth, pectin, lecithin, sodium carboxymethyl-cellulose, psyllium seed husk, gum kayara, furcelleran and salts of furcelleran.

(j) *Emulsifying ingredients.* Those agents used to help stabilize the fat and water emulsion, improve the body, and give a dry appearance to the finished product. Emulsifying ingredients approved by the U.S. Food and Drug Administration may be used, such as mono-glycerides, diglycerides and specific poly-oxyethylenes.

(k) *Acid ingredients.* Those harmless food acids used to acidulate fruit sherbet mixes to reach the desired acidity in the finished product. Acid ingredients approved by the U.S. Food and Drug Administration may be used, such as, citric, tartaric, lactic, ascorbic, phosphoric, and malic acid.

(l) *Coloring ingredients.* Those agents, when added to the mix, that will impart the desired color to the finished product. Approved coloring ingredients, are those food grade colors certified by the U.S. Food and Drug Administration, for use in food products for human consumption.

(m) *Overrun.* The trade expression used to reference the increase in volume of the frozen product over the volume of the mix. This increase in volume is due to air being whipped into the product during the freezing process. It is expressed as percent of the volume of the mix.

(n) *Mix.* The trade name for the combined and processed ingredients which after freezing become a frozen dessert.

ROOMS AND COMPARTMENTS

§ 58.619 Mix processing room.

The rooms used for combining mix ingredients and processing the mix shall meet the applicable requirements for rooms specified in § 58.126. The room shall be ventilated to remove moisture and prevent condensation from forming on walls and ceiling. The room shall be well lighted.

§ 58.620 Freezing and packaging rooms.

The rooms used for freezing and packaging frozen desserts shall be adequate in size and maintained in a clean and sanitary condition. The rooms shall be constructed in the same manner as prescribed above for mix rooms.

§ 58.621 Freezing tunnels.

Freezing tunnels used for quick freezing at extremely low temperatures shall be designed and constructed as to insure ease in cleaning and satisfactory conditions of operation.

§ 58.622 Hardening and storage rooms.

Hardening and storage rooms for frozen desserts shall be constructed of satisfactory material for this purpose. The room shall be maintained in a clean and orderly manner. Adequate shelves, bins, or pallets shall be provided to keep the packages of finished products off the floor and to prevent damage to the containers. Sufficient refrigeration should be provided to insure adequate storage temperature (-10° or lower). Air shall be circulated to maintain uniform temperature throughout the room. A vestibule or double entry way should

be provided to minimize heat shock of the frozen products.

EQUIPMENT AND UTENSILS

§ 58.623 Homogenizer.

Homogenizer shall meet 3-A Sanitary Standards.

§ 58.624 Freezers.

Product contact surfaces of freezers used to lower the temperature of the liquid mix to a semifrozen mass by a stirring action shall be constructed of stainless steel or equally corrosion resistant metal and all parts easily accessible for cleaning and sanitizing. Batch continuous freezers should meet the applicable 3-A Standards.

§ 58.625 Fruit or syrup feeders.

Fruit or syrup feeders which inject flavoring material into the semifrozen product, just prior to the filling of the cartons with the semifrozen product. Product contact surfaces shall be constructed of stainless steel or equally corrosion resistant metal and all pumps shall be in accordance to 3-A Sanitary Standards for dairy equipment. The feeder shall be constructed to enable complete disassembly for cleaning and sanitizing.

§ 58.626 Packaging equipment.

Packaging equipment designed to mechanically fill and close single service containers with frozen desserts shall be constructed so that all product contact surfaces shall be of stainless steel or equally corrosion-resistant metal. Wherever applicable, 3-A Standards covering material, design and fabrication should be adhered to. All product contact surfaces shall be easily accessible for cleaning. The design and operation of the machine shall in no way contaminate the container or the finished product placed therein.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.627 Milk and dairy products.

(a) To produce ice cream and related products the raw milk and cream shall meet the quality requirements as prescribed in § 58.132, except that only commingled milk and cream meeting the bacteriological requirements of No. 1 shall be used.

(b) *USDA graded products.* Dairy products used in the manufacture of officially identified frozen desserts for which there is a U.S. grade established (nonfat dry milk, whole milk, buttermilk and whey) shall be U.S. Extra Grade, and in the case of unsalted butter shall be no lower than U.S. Grade A. Dairy products for which there is no USDA grade shall meet the applicable requirements of this part which permit such product to bear the USDA Quality Approved Inspection Shield.

§ 58.628 Sweetening agents.

Sweetening agents shall be clean and wholesome and consist of one or more of the approved sweeteners listed in § 58.605.

§ 58.629 Flavoring agents.

Flavoring agents either natural or artificial shall be wholesome and free from staleness. They must impart the desired characteristic to the finished product. Flavoring agents shall be one or more of those approved in § 58.605.

§ 58.630 Stabilizers.

Stabilizers shall be clean and wholesome and consist of one or more of those approved in § 58.605.

§ 58.631 Emulsifiers.

Emulsifiers shall be clean and wholesome and consist of one or more of those approved in § 58.605.

§ 58.632 Acid.

Acids used in sherbet shall be wholesome and of food grade quality and consist of one or more of those approved in § 58.605.

§ 58.633 Color.

Coloring used for ice cream and related products shall be those certified by the U.S. Food and Drug Administration as safe for human consumption.

OPERATIONS AND OPERATING PROCEDURES

§ 58.634 Assembling and combining mix ingredients.

The assembling and combining of mix ingredients for processing shall be in accordance with clean and sanitary methods and shall be consistent with good commercial practices. All raw materials shall be subjected to inspection for quality and condition prior to being combined and processed into the finished mix. All necessary precautions shall be taken to prevent the contamination of any raw material or the finished mix with any foreign substance.

§ 58.635 Pasteurization of the mix.

Every particle of the mix, except added flavoring ingredients, shall be pasteurized at not less than 155° F. and held at that temperature for 30 minutes or for 175° F. or 25 seconds; or it may be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization.

§ 58.636 Homogenization.

Homogenization of the pasteurized mix shall be accomplished to effectively reduce the size of the milkfat globules and evenly disperse them throughout the mix.

§ 58.637 Cooling the mix.

The mix shall be immediately cooled to a temperature of 45° F. or lower, and stored at this temperature until further processing begins.

§ 58.638 Freezing the mix.

After the mix enters the freezer, it should be frozen as rapidly as possible to assure the formation of minute crystals. Proper adjustment of rate of flow, refrigerant, and vacuum controls shall be achieved to assure correct overrun and consistency of the product for packaging and further freezing.

§ 58.639 Addition of flavor.

The addition of flavoring ingredients to semifrozen mix just prior to packaging shall be performed in a clean and sanitary manner. Care shall be taken to insure the flavor injection equipment has been properly cleaned and sanitized prior to use and that the flavor ingredients are of good quality and wholesome in nature.

§ 58.640 Packaging.

The packaging of the semifrozen product shall be done by means which will in no way contaminate the container or the product. When single service containers and lids are used, they shall be of good construction and protect the finished product. Containers used for frozen products shall be stored and handled in a sanitary manner so as to protect them from dust and bacterial contamination.

§ 58.641 Hardening and storage.

Immediately after the semifrozen product is placed in its intended container it shall be placed in a hardening tunnel or hardening room to continue the freezing process. Rapid freezing to 0° to -15° F. is desirable to produce a good textured product.

§ 58.642 Quality control tests.

All mix ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control.

§ 58.643 Frequency of sampling.

(a) *Microbiological.* One sample shall be taken from each batch of mix, and for the finished frozen product one sample from each flavor made.

(b) *Composition.* Sampling and testing for fat and solids-not-fat shall be made on each batch of mix manufactured. Spot checks shall be made on the finished products as often as is necessary to assure compliance with composition standards.

(c) *Weight or volume control.* Representative samples of the packaged products shall be checked during the packaging operation to assure compliance with the stated volume on the container as well as weight and overrun requirements.

§ 58.644 Test methods.

(a) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.645 General identification.

The various types of frozen desserts shall be packaged and labeled in accordance with the provisions established for each type of product by the U.S. Food and Drug Administration. In addition, each package of mix or frozen product offered for sale shall be coded to identify the date the product was processed or frozen and packaged. This does not imply that individual novelty items require coding. Secondly containers holding novelties shall be coded.

§ 58.646 Official identification.

Only ice cream and related products manufactured in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

QUALITY REQUIREMENTS AND SPECIFICATIONS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.647 Composition requirements for ice cream.

(a) *Milk fat.* Not less than 10 percent by weight, or when fruits, nuts and other such ingredients are used for flavoring, not less than 8 percent by weight.

(b) *Total milk solids, not fat.* Not less than 20 percent by weight, or when fruit, nuts, and other such ingredients are used for flavoring, not less than 16 percent by weight.

(c) *Stabilizers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(e) *Food solids per gallon.* The minimum total food solids weight per gallon must be 1.6 per gallon.

(f) *Weight per gallon.* For the finished product the weight per gallon must be 4.5 pounds or more.

§ 58.648 Microbiological requirements for ice cream.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count, and shall contain not more than 10 coliform organisms per gram for plain and not more than 20 coliform per gram in chocolate, fruit, nut or other flavors in three out of five samples.

§ 58.649 Physical requirements for ice cream.

(a) *Flavor.* The flavor of the finished ice cream shall be pleasing and desirable, and characteristic of the fresh milk and cream and the particular flavoring used.

(b) *Body and texture.* The body shall be firm, have substance and readily melt to a creamy consistency when exposed to room temperatures; the texture shall be fine, smooth, and have the appearance of creaminess throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

§ 58.650 Requirements for frozen custard.

The same requirements apply as for ice cream except plain frozen custard shall have a minimum egg yolk solids content of 1.4 percent, and 1.12 percent when fruits, nuts and other such ingredients are used for flavoring.

§ 58.651 Requirements for ice milk.

The requirements are the same as for ice cream except: (a) The minimum milk fat content shall be 2 percent by weight and the maximum milk fat content 7 percent by weight, (b) the total milk solids content shall be no less than 11 percent by weight, (c) the minimum total food solids weight per gallon shall be 1.3 pounds, (d) no reduction in the standards are permitted when fruits, nuts and other such ingredients are used for flavoring.

§ 58.652 Composition requirements for fruit sherbet.

(a) *Milk fat.* Shall contain a minimum of 1 percent by weight of the finished product, and shall contain no more than 2 percent by weight.

(b) *Milk solids.* The total milk solids minimum shall be 2 percent by weight and shall be no more than 5 percent by weight of the finished product.

(c) *Stabilizer.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the U.S. Food and Drug Administration.

(e) *Amounts of flavor ingredients—*
(1) *Citrus sherbets.* Citrus sherbets shall contain a minimum of 2 percent fruit.

(2) *Berry sherbets.* Berry sherbets shall contain a minimum of 6 percent fruit.

(3) *Other sherbets.* Other fruit sherbets shall contain a minimum of 10 percent fruit by weight of the finished product.

(f) *Acidity.* The minimum acidity shall be no lower than 0.35 percent by weight of the finished product, figured as lactic acid.

(g) *Total food solids.* No minimum amount required.

(h) *Weight per gallon.* For sherbet, the minimum weight per gallon shall be 6 pounds.

§ 58.653 Microbiological requirements for fruit sherbet.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count and shall contain not more than 10 coliform organisms per gram in three out of five samples.

§ 58.654 Physical requirements for fruit sherbet.

(a) *Flavor.* The flavor of the finished fruit sherbet shall be pleasing and desirable and characteristic of the particu-

lar flavoring used and shall impart a sweet yet tart sensation.

(b) *Body and texture.* The body shall be firm, compact, somewhat chewy and readily melt to an even syrupy consistency at room temperatures; the texture shall be smooth but not as fine as in ice cream and shall be even throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

§ 58.705 Pasteurized Process cheese and related products.

Pasteurized Process cheese and related products are the foods which conform to the provisions of §§ 19.750 to 19.790, "Definitions and standards of identity for cheese and cheese products," U.S. Food and Drug Administration (21 CFR 19.750-19.790).

EQUIPMENT AND UTENSILS

§ 58.706 General construction, repair, and installation.

The equipment and utensils used for the handling and processing of cheese products shall be as specified in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.707 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.

§ 58.708 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.

§ 58.709 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 back up 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 ap-

plied to the product only culinary steam shall be used (see Sec. 58.127(d)).

§ 58.710 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.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.711 Cheddar, Colby, washed or soaked curd, granular or stirred curd cheese.

Cheese, used in the manufacture of pasteurized Process cheese products which are identified with the USDA Quality Approved Inspection Shield, shall possess a pleasing and desirable flavor and odor consistent with the age of the cheese; shall have body and texture characteristics which will impart the desired body and texture characteristics in the finished product; and shall possess finish and appearance characteristics which will permit removal of all packaging material and surface defects. The cheese shall possess the above characteristics but may possess the following defects, provided the quantity of the cheese with defects as listed in Tables I and II is limited, to assure compliance with the specifications of the finished product.

TABLE I—FLAVOR

Feed	D
Acid	D
Flat	D
Bitter	S
Fruity	S
Utensil	S
Whey-Taint	S
Yeasty	S
Malty	S
Old Milk	S
Weedy	S
Unclean	S
Barny	S
Lipase	S
Sulfide	S
Rancid	VS
Onion	VS

(VS means very slight, S slight, D definite)

TABLE II—BODY AND TEXTURE

Curdy	D
Coarse	D
Open	D
Sweet Holes	D
Short	D
Mealy	S
Weak	D
Pasty	D
Crumbly	D
Gassy	S
Silty	S
Corky	S
Pinky	S

(VS means very slight, S slight, D definite)

TABLE III—FINISH

Surface mold	D
Mold under wrapper or bandage	D
Penetrating surface mold	VS
Sour rind	VS
Surface rot or rind rot	VS
Sour surface (rindless)	VS

(VS means very slight, S slight, D definite)

§ 58.712 Swiss.

Swiss cheese used in the manufacture of pasteurized process cheese and related products bearing official identification shall be U.S. Grade B or better, except that the cheese may be blind or possess finish characteristics which do not impair the interior quality.

§ 58.713 Gruyere.

Gruyere cheese used in the manufacture of process cheese and related products shall be of good wholesome quality and except for smaller eyes and sharper flavor shall meet the same requirements as for Swiss cheese.

§ 58.714 Cream cheese.

Neufchatel cheese. Mixed with other foods, or used for spreads and dips shall possess a fresh, pleasing and desirable flavor.

§ 58.715 Cream.

Cream shall be pasteurized, sweet, have a pleasing and desirable flavor and be free from objectionable flavors, and shall be obtained from milk which complies with the quality requirements as specified in § 58.132.

§ 58.716 Nonfat dry milk.

Nonfat dry milk used in officially identified cheese products shall meet the requirements of U.S. Extra Grade except that the moisture content may be in excess of that specified for the particular grade.

§ 58.717 Whey.

Condensed or dry whey used in officially identified cheese products shall meet the requirements for USDA Extra Grade except that the moisture requirement for dry whey may be waived.

§ 58.718 Flavor ingredients.

Flavor ingredients used in process cheese and related products shall be those permitted by the Federal Standards of Identity, and in no way deleterious to the quality or flavor of the finished product. In the case of bulky flavoring ingredients such as pimento, the particles shall be, to at least a reasonable degree, uniform in size, shape, and consistency. The individual types of flavoring materials shall be uniform in color and shall impart the characteristic flavor desired in the finished product.

§ 58.719 Coloring.

Coloring shall be Annatto or any other cheese or butter color which is approved by the U.S. Food and Drug Administration.

§ 58.720 Acidifying agents.

Acidifying agents if used shall be those permitted by the Federal Standards of Identity for the specific pasteurized process cheese product.

§ 58.721 Salt.

Salt shall be white refined sodium chloride of food grade quality and free from extraneous material. Iodized salt shall not be used.

§ 58.722 Emulsifying agents.

Emulsifying agents shall be those permitted by the Federal Standards of Identity for the specific pasteurized process cheese product, and shall be free from extraneous material.

OPERATIONS AND OPERATION PROCEDURES

§ 58.723 Basis for selecting cheese for processing.

One sample unit from each vat of cheese shall have been examined to determine fat and moisture content and suitability of the vat for use in process cheese products in accordance with the flavor, body and texture, and finish and appearance characteristics permitted in Tables I, II, III of section 58.711 of this supplement, and to determine the characteristics it will contribute to the finished product when blended with other cheese. The cheese included in each blend shall be selected on the basis of the desirable qualities which will result in the desired finished product. Recook from equivalent blends may be used at not over 2 percent per cooker batch. Hot cheese from the filler may be added to the cooker in amounts up to 10 percent if the cheese is added at the end of the cooking period.

§ 58.724 Blending.

To as great an extent as is practical each vat of cheese shall be divided and distributed throughout numerous cooker batches. The purpose being to minimize the preponderance and consequent influence of any one vat on the characteristics of the finished product, and to promote as much uniformity as is practical. In blending also consider the final composition requirements for fat and moisture. Quantities of salt, color, emulsifier, and other allowable ingredients to be added shall be calculated and predetermined for each cooker batch.

§ 58.725 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.

§ 58.726 Cutting and grinding.

The trimmed and cleaned cheese shall be cut into sections of convenient size to be handled by the grinder or shredder. The grinding and mixing of the blended lots of cheese shall be done in such a manner as to insure a homogeneous mixture throughout the batch.

§ 58.727 Adding optional ingredients.

As each batch is added to the cooker, the predetermined amounts of salt, emulsifiers, color, or other allowable optional ingredients shall be added. However, a special blending vat may be used to mix the ground cheese and other ingredients before they enter the cooker, to provide composition control.

§ 58.728 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 or any other equally effective combination of time and temperature approved by the Administrator. 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.

§ 58.729 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.

§ 58.730 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 container 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.

§ 58.731 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.

§ 58.732 Cooling the packaged cheese.

After the containers are filled they shall be stacked, or cased and stacked in such a manner as to prevent breaking of seals due to excessive bulging and to allow immediate progressive cooling of the individual containers of cheese. As a minimum the cheese should be cooled to a temperature of 100° F. or lower within 24 hours after filling. The temperature of the cheese should be reduced further, before being shipped or if storage is intended.

§ 58.733 Quality control tests.

(a) *Chemical analyses.* The following chemical analyses shall be performed in accordance with the latest edition of the Official Methods of Analysis of the AOAC, or in accordance with methods that give equivalent results.

(1) *Natural cheese.* Each vat of natural cheese used in the manufacture of pasteurized process cheese products shall

have been tested prior to usage to determine its moisture and fat content.

(2) *Pasteurized process cheese products.* As many samples shall be taken of the finished product direct from the cooker, hopper or filler as is necessary to assure compliance with composition requirements. Spot checks shall be made on samples from the cooker as frequent as is necessary to indicate pasteurization by means of the phosphatase test, as well as any other tests necessary to assure good quality control.

(b) *Examination of physical characteristics.* As many samples shall be taken as is necessary to assure meeting the required physical characteristics of the products. Samples shall be taken from the filler line for each product run and cooled to 70° ± 5° F. for examination of its physical characteristics. The sample unit shall be examined at 70° ± 5° F. on the day of operation after the date of processing for the following characteristics: (1) Finish and appearance, (2) flavor, (3) color, (4) body and texture and (5) slicing or spreading properties.

(c) *Keeping quality.* During processing or preferably from the cooled stock select at random from each hours product production run, one unit package of product. The sample shall be stored at 70° ± 5° F. for 30 days for evaluation of physical characteristics as in (b) above. Additional samples may be selected and held at different temperatures or time.

(d) *Weight control.* During the filling operation as many samples shall be randomly selected and weighed from each production run as is necessary to assure accuracy of the net weight established for the finished products.

QUALITY REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHEILD

§ 58.734 Pasteurized process cheese.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese and Related Products, U.S. Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese shall be determined on the basis of flavor, body and texture, color and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavor; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a medium-firm, smooth, and velvety body free from uncooked cheese particles. Is resilient and not tough, brittle, short, weak, or sticky. It shall be free from pinholes or openings except those caused by trapped steam. The cheese shall slice freely, and shall not stick to the knife or

break when cut into approximately $\frac{1}{8}$ -inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dull or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for natural cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.735 Pasteurized process cheese food.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Food and Related Products, U.S. Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese food shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavors; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a reasonably medium-firm, smooth, and velvety body and free from uncooked cheese particles. Is resilient and not tough, brittle, short, or sticky. It shall be free from pinholes or openings except those caused by trapped steam. The product shall slice freely with only a slight amount of sticking and shall not break when cut into approximately $\frac{1}{8}$ -inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dulled or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for natural cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.736 Pasteurized process cheese spread.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Spreads and Related Products, U.S. Food and Drug Administration. The pH of pasteurized process cheese spreads shall not be below 4. The quality of pasteurized

process cheese spreads shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable cheese flavor and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked, acid, or emulsifier flavor; is free from any undesirable flavors and odors.

(b) *Body and texture.* Shall have a smooth body free from uncooked cheese particles and when packaged shall form into a homogeneous plastic mass, and be free from pinholes or openings except those caused by trapped steam. Product made for slicing shall slice freely when cut into approximately $\frac{1}{8}$ -inch slices with only a slight amount of sticking. Product made for spreads shall be spreadable at 70° F.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and translucent and not be dull or faded. To promote uniformity and a common reference to describe color the color designations as depicted by the National Cheese Institute standard color guide for natural cheese may be used.

(d) *Finish and appearance.* Wrappers, if used, may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled. Other containers made of suitable materials shall be completely filled, sealed, and not broken or soiled.

§ 58.737 Explanation of terms.

(a) *Blend set up.* The trade term for a particular group of vat lots of natural cheese selected to form a blend based upon their combined ability to impart the desired characteristics to a pasteurized process cheese product.

(b) *Cooker batch.* The amount of natural cheese and added optional ingredients placed into a cooker at one time, heated to pasteurization temperature, and held for the required length of time.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS PROCESSING, MANUFACTURING AND PACKAGING MILK OR MILK PRODUCTS

DEFINITIONS

§ 58.805 Milk and milk products.

For the purpose of §§ 58.805-58.850 the definitions of milk and milk products shall be those as established in Part I, section 1. Definitions, "Grade A Pasteurized Milk Ordinance", 1965 Recommendations of the U.S. Public Health Service.

- (a) Milk.
- (b) Goat milk.
- (c) Cream.
- (d) Light cream, coffee cream, or table cream.
- (e) Whipping cream.
- (f) Light whipping cream.
- (g) Heavy cream or heavy whipping cream.
- (h) Whipped cream.

(i) Whipped light cream, coffee cream, or table cream.

(j) Sour cream or cultured sour cream.

(k) Half-and-Half.

(l) Sour Half and Half or cultured Half and Half.

(m) Reconstituted or recombined milk and milk products.

(n) Concentrated milk and concentrated milk products.

(o) Skim milk or skimmed milk.

(p) Lowfat milk.

(q) Vitamin D milk and milk products.

(r) Fortified milk and milk products.

(s) Homogenized milk.

(t) Flavored milk or milk products.

(u) Buttermilk.

(v) Cultured buttermilk.

(w) Cultured milk or cultured whole milk buttermilk.

(x) Acidified milk and milk products.

(y) Milk products.

EQUIPMENT AND UTENSILS

§ 58.810 General construction, repair, and installation.

(a) As a safeguard to insure proper pasteurization the 3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time Pasteurizers shall be followed.

(b) All equipment and utensils necessary to the processing of milk and milk products shall meet the same general requirements as outlined in § 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.811 Vacuum chamber.

The vacuum chamber as used for flavor control shall be made of stainless steel or other equally corrosion-resistant material. The unit shall be easily cleaned and accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product intake and a check valve at the product discharge line. If a direct steam vacuum chamber is used it shall be equipped with a ratio controller to regulate the composition of the product. Only direct 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 is not in the forward flow position. The condenser shall be equipped with a water level control and an automatic safety shutoff valve.

§ 58.812 Leak protector valves.

Valves of this type shall be used on all batch pasteurizers and inlet pipelines connected to the pasteurizer during holding and emptying periods. They shall be of the type specified in the 3-A Sanitary Standards for Inlet and Outlet Leak Protector Plug Valves.

§ 58.813 Fillers and sealers for single service containers.

The equipment used for forming, filling and sealing single service containers should meet the 3-A Sanitary Standards for Fillers and Sealers of Single Service Containers for Milk and Fluid Milk Products.

§ 58.814 Bottle washers and sanitizers.

To assure satisfactory cleaning and sanitizing of bottles the washer must be designed to handle the specific size and shape of the bottles used. The equipment must be maintained in a sanitary condition and in good running order. Cleaning and sanitizing solutions shall be changed as often as is necessary to be effective. Scale on the interior of the washer shall be kept to a minimum and all jets shall be kept operative. Adequate steam and water shall be supplied to assure efficient operation.

§ 58.815 Case washers.

Case washers shall be constructed in such a manner as to insure thorough cleaning of cases. Adequate steam and hot water shall be supplied to insure drying of the cases before the filled containers are placed therein.

§ 58.816 Bottle fillers and cappers.

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 metal. 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.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.817 Milk.

To process and package milk and milk products eligible for official identification with the USDA Quality Approved Inspection Shield, the source of the milk and cream must be from producers which have been inspected and are within a milk shed rated 90 or higher by the proper regulatory authorities in accordance with the current U.S. Public Health Service Grade A Pasteurized Milk Ordinance. In addition, the quality of the milk shall be as follows.

(a) *Bacterial estimate.* Milk received from producers and commingled prior to pasteurization shall have a standard plate count not to exceed 300,000 per milliliter. If the regularly scheduled test on individual producer's milk indicates a bacterial count exceeding 100,000 the producer shall be notified and the milk retested within 7 days. If upon retesting the bacterial count is not below the required 100,000 then the producer shall be notified by a field representative of the dairy plan who will call on the producer to aid in correcting the condition causing the high bacterial count. A sample of milk from the producer shall be checked each week until the bacterial count does not exceed 100,000 for five consecutive tests or if a producer's milk exceeds 500,000 on any single shipment, the producer's milk shall not be used for milk products bearing the USDA Quality Approved Inspection Shield.

(b) *Sediment content.* The method and frequency of testing individual patrons milk for sediment content and the classification and acceptance of such milk shall be as outlined in § 58.134.

The rejection and exclusion of milk as pertains to sediment content shall be as in §§ 58.136 and 58.137.

(c) *Sight and odor.* The odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off odors and it shall not show any abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor or other test procedures. Certain feed odors and flavors, which are volatile and can be removed by heating in a vacuum may be allowed if they in no way adversely affect the finished product.

(d) *Temperature.* When farm bulk milk tanks are used, the temperature of the milk shall be no more than 45° F. at the time of pickup for delivery to the dairy plant. Milk cooled and stored by other means shall meet the same temperature requirement.

(e) *Chemical adulterants.* Milk received at the dairy plant shall contain no more than the maximum limits of antibiotics and pesticides as established by the U.S. Food and Drug Administration. Milk containing excessive amounts of such adulterants shall be excluded from use.

§ 58.818 Cream.

All cream used in dairy products which are packaged in containers bearing the USDA Quality Approved Inspection Shield shall not have a bacterial count prior to pasteurization of over 300,000 per ml. The cream shall be obtained only from milk which meets the requirements as outlined in § 58.817.

§ 58.819 Dairy cultures.

Harmless bacterial cultures used in the development of lactic acid and flavor components in certain dairy products shall have a pleasing and desirable flavor and odor and shall have the ability to transmit these qualities to the finished dairy product. Dairy cultures shall be prepared from milk products meeting the same requirements as set in § 58.813.

§ 58.820 Milk-solids-not-fat.

Milk-solids-not-fat used to modify milk products shall be from milk meeting the same requirements as set in § 58.817.

OPERATIONS AND OPERATING PROCEDURES

§ 58.821 General.

All plants processing, manufacturing, and packaging milk or milk products bearing the USDA Quality Approved Inspection Shield must maintain a plant inspection rating of 90 or higher by the proper regulatory authorities in accordance with the current U.S. Public Health Service Grade A Pasteurized Milk Ordinance.

§ 58.822 Bulk milk pickup.

(a) A bulk milk hauler shall be clean in person and shall wear clean outer garments used exclusively for such work. Upon arrival at each farm he shall thoroughly wash his hands before performing the various operations required for the sampling and removal of milk from the farm bulk tank. He shall care-

fully examine the milk and classify it according to the requirements of this subpart. If the milk is acceptable, he shall properly sample the milk and store the samples using some form of refrigeration.

(b) The examination of the milk shall be made before the agitator is started. He shall determine if the tank contains milk of desirable odor and appearance, and shall check temperature of the milk with an accurate thermometer. After examination and acceptance the milk shall be thoroughly mixed and a washed and sanitized dipper shall be used to extract a sample of milk for test purposes. Samples shall be identified and stored at 45° F. or lower until delivered to the plant. The frequency of sampling and the tests to be performed will be covered in following sections of this supplement. The tank shall be completely emptied each time and the bulk hauler shall rinse the tank with water.

§ 58.823 Transfer of bulk milk.

The transfer of bulk milk from tankers to storage vats or tanks at the dairy plant shall be done only after the milk has been checked at the intake by a qualified employee. The pooled milk shall be examined for temperature, odor and appearance and a sample taken for further analysis (see §§ 58.813 and 58.831). After examination and acceptance the milk may be transferred to the plant.

§ 58.824 Storage.

Raw milk shall be stored only in tanks or vats that have been properly cleaned and sanitized. Lines used for the movement of milk into the plant storage facilities or from one operation to another shall be cleaned and sanitized daily. Milk shall be maintained at a temperature of 45° F. or lower until pasteurized and at no time shall exceed a bacterial count of more than 300,000 per milliliter prior to pasteurization.

§ 58.825 Separating and standardizing.

Milk shall be separated and standardized in accordance with good commercial practices. The skimmed portion and the cream obtained therefrom shall be properly stored and handled in a manner which will effectively retard an increase of bacterial growth prior to pasteurization.

§ 58.826 Pasteurization and homogenization.

(a) Raw milk to be used for milk or milk products shall be pasteurized immediately after being separated and standardized. The pasteurizing equipment and process shall be in accordance with 3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High Temperature Short-Time Pasteurizers.

(b) If homogenization is intended, the homogenization of the product shall be accomplished between the preheat section and the pasteurization section or after pasteurization to insure deactivation of the enzyme lipase before the product passes through the homogenizer. The homogenizer shall be main-

tained in good repair and shall effectively reduce in size and disperse the fat globules as specified in Standard Methods. The pasteurized and homogenized product shall be cooled to 45° F. or lower and held for packaging.

§ 58.827 Preparation and processing of batch products.

Dairy products such as chocolate (chocolate flavored) milk and milk products, half and half, cream products of various composition etc., shall be prepared in accordance with good commercial practice. The vats and product lines used shall be clean and properly sanitized. The ingredients shall be properly mixed and the product properly standardized according to precalculated standards of composition. The fully combined product shall then be properly pasteurized, homogenized if need be, cooled to 45° F. or lower and made ready for immediate packaging.

§ 58.828 Preparation and processing of cultured dairy products.

(a) Cultured products such as sour cream and buttermilk shall be prepared by combining the ingredients and standardizing the product in accordance with a precalculated standard of composition. The ingredients shall be pasteurized and cooled to the optimum temperature for the starter culture used. A starter culture possessing a pleasing and desirable flavor and odor, and the ability to transmit the same characteristics to the cultured product shall be added at the proper time and temperature.

(b) For buttermilk sufficient time shall be allowed for the development of lactic acid and the desired flavor and odor. During the time of incubation the product shall be held at about 72° F. After sufficient acid and flavor development has occurred, at about 0.8 percent acidity, the coagulum shall be broken. Butter granules may or may not be added and the product cooled further to 45° F. or lower and packaged.

(c) In the case of cultured sour cream the starter should be added after the product has been homogenized, pasteurized and cooled to 72° F. The starter culture is added and the product is packaged or may be ripened in a vat and then packaged. The acidity, flavor and body development occurs in the container or in the vat. The product after reaching a pH of about 4.4 is cooled to 45° F. or lower.

§ 58.829 Single-service containers.

Packaging materials are used to protect milk products from contamination. Therefore, they must be handled and stored in a manner that will preclude their becoming contaminated before being used in the packaging operation. Paperboard packaging materials used to make single-service containers, as well as preformed containers, should be kept sealed in their original packages or shipping cases until needed. Any opened packages not completely used during a day's operation should be closed and sealed. Paperboard must be protected from excessive heat or excessive

moisture to insure proper performance. Prior to use, all single service containers shall not have over one bacteria per square cm. in three out of four samples and shall be free of coliform organisms.

§ 58.830 Container adhesives.

Adhesives shall be stored at temperatures below 90° F. Adhesives shall be nontoxic, tasteless, and odorless. Clean transfer containers shall be used and all portions shall be kept covered. Unused portions of adhesives shall be returned to storage.

§ 58.831 Multise containers.

Reusable containers shall be properly cleaned and sanitized before each usage. The containers shall be sound and free of cracks, holes or scoring. Prior to use these containers shall not have over one bacteria per ml. of capacity or 50 bacteria colonies per 8 square inches of surface area (1 per square centimeter) in 3 out of 4 samples and shall be free of coliform organisms.

§ 58.832 Filling containers.

All product contact surfaces of lines which convey pasteurized dairy products to a filler shall be clean and properly sanitized. Filler equipment shall also be clean and properly sanitized prior to use and shall be in good operating order. Whether the filler is used for filling glass, plastic, or paper containers it shall in no way contaminate or detract from the quality or desirability of the finished product. When changing from one type of milk product to another, such as cultured products or flavored milk products, it may be necessary to reclean and sanitize the filler so as not to adulterate a greatly dissimilar product with another. Consumer-size containers after being filled shall be properly sealed and placed in cases for storage under refrigerated conditions. If a cap or closure is used, it shall be applied by approved mechanical means in a sanitary manner. The cap or closure shall protect the pouring lip.

§ 58.833 Product storage.

Milk and milk products shall be stored and transported under refrigerated conditions. The products shall be maintained at 45° F. or lower. The products shall also be guarded against freezing and protected from exposure to natural and excessive artificial light. It is most critical for products packaged in glass containers to be protected from light.

§ 58.834 Quality control tests.

All milk product ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition control. Any officially recognized tests shall be used as the need indicates, to help solve quality problems and deficiencies.

§ 58.835 Frequency of sampling.

(a) *Microbiological.* (1) At least one sample shall be taken from each producer per month.

(2) At least twice a week a sample shall be taken from raw milk and cream storage at the plant.

(3) Flow line samples shall be taken as often as is necessary to assure the required bacteriological quality of the finished products and to indicate points of contamination during processing. At least one sample per day shall be taken from each type product run. Continuous product runs such as market milk shall be sampled as often as is necessary to give a complete bacteriological picture of the entire product run.

(4) To check the keeping quality as effected by bacterial action at least one container of each batch type product, and as many as necessary from continuous flow product runs, shall be taken.

(b) *Sediment.* At least once each month a sample from each producer shall be taken for sediment content classification as described in § 58.132.

(c) *Composition.* One sample shall be taken from each batch product run, and tested for fat and total solids. For the continuous flow products run, as many samples shall be taken as is necessary to assure composition control and compliance with regulatory standards.

(d) *Weight or volume control.* Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(e) *Product evaluation.* At least twice a month a container of each finished product shall be evaluated for flavor, body, color, and other applicable quality factors.

§ 58.836 Test methods.

(a) *Microbiological.* All tests shall be made in accordance with the methods described in the latest edition of Standard Methods.

(b) *Keeping quality.* Storage quality tests shall be made in accordance with the methods described under the section on Psychrophilic Bacteria in the latest edition of Standard Methods.

(c) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Agricultural Chemists, the latest edition of Standard Methods, or other methods that give equivalent results.

§ 58.837 General identification.

The various types of milk and milk products shall be packaged and labeled in accordance with the provisions established for each type of product by the appropriate regulatory agencies. Each commercial container of product offered for sale shall be coded to establish the packaging date. By this means a systematic method of rotating stock, and picking up outdated products shall be established.

§ 58.838 Official identification.

Only milk and milk products manufactured in accordance with the requirements established in this supplement and with the applicable requirements in Subpart B and which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

QUALITY REQUIREMENTS FOR PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.839 General.

(a) Milk or milk products which are to be officially identified with the USDA Quality Approved Inspection Shield shall meet the composition and labeling requirements set forth in the State and local laws or regulations under whose jurisdiction the products are manufactured, processed, and sold. In cases where the State regulations for minimum composition of dairy products are lower than those defined in this supplement, then such levels of composition shall be acceptable when sold within the State.

(b) Pasteurized milk and milk products other than cultured products shall have a bacterial standard plate count of no more than 20,000 per ml and shall not exceed a coliform count of 10 per ml. Cultured products shall not exceed 10 coliform per ml with no bacterial limit. In addition, the products shall meet the applicable requirements as specified in this supplement and in this subpart. The provisions of which shall provide a continuous daily quality control and testing procedure for maintaining the following product standards of flavor, body and texture, and appearance.

§ 58.840 Milk.

May be homogenized, fortified, or contain added vitamin D.

(a) *Flavor.* Shall have a fresh, sweet, pleasing, and desirable flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth, free flowing body. If un-homogenized, a cream line or natural cream layer is desirable.

(c) *Appearance.* Shall be white to very light cream in color depending upon the season and the amount of milk fat it contains.

§ 58.841 Low fat milk.

Shall be homogenized. May be modified, fortified, or contain added vitamins A and D.

(a) *Flavor.* Shall have a fresh, sweet, pleasing, and desirable flavor. Shall not be as lacking in the characteristic richness associated with milk fat as is skim milk, but will not appear as rich as whole milk.

(b) *Body and texture.* Shall possess a smooth, free flowing body, with approximately the same apparent viscosity as whole milk.

(c) *Appearance.* Shall be white in color, if modified may appear more opaque due to increased milk solids-not-fat.

§ 58.842 Skim milk.

May be modified, fortified, or contain added vitamin D.

(a) *Flavor.* Shall have a fresh, sweet, desirable flavor though lacking in the characteristic richness associated with products containing a higher percentage of milk fat.

(b) *Body and texture.* Shall possess a smooth, free flowing body less viscous than market milk.

(c) *Appearance.* Shall exhibit a slight off-white color characteristic of milk when almost all of the milk fat has been removed.

§ 58.843 Half and half.

(a) *Flavor.* Shall have a pleasing and desirable fresh, sweet flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be uniform, smooth, and free flowing. Be relatively viscous in proportion to the percent of fat present. Should show no feathering or oiling off when used in hot coffee.

(c) *Appearance.* Shall be light cream in color and shall impart a creamy brown color to coffee.

§ 58.844 Light cream.

(a) *Flavor.* Shall have a pleasing and desirable fresh, sweet cream flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth uniform body and shall be reasonably viscous for the amount of milk fat present. Should show no feathering or oiling off when used in hot coffee.

(c) *Appearance.* Shall be medium cream in color and shall impart a rich creamy brown color to coffee.

§ 58.845 Whipping cream.

(a) *Flavor.* Shall have a sweet, rich flavor. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall possess a smooth, uniform body, relatively viscous in proportion to the percent of fat present. Shall respond readily to whipping under proper conditions.

(c) *Appearance.* Shall be rich cream in color and when whipped shall exhibit stability and stiffness.

§ 58.846 Whipped cream.

(a) *Flavor.* Has a rich, nut like flavor free from all undesirable flavors and odors. When sweetened shall be of medium sweetness in intensity. If flavored, shall be of moderate intensity and natural in character. Added flavoring and sweeteners shall be so blended with the cream as to create a pleasing and desirable flavor.

(b) *Body and texture.* Shall be smooth and uniform and shall exhibit a relatively stiff body with the ability to stand up and not whey off.

(c) *Appearance.* Shall appear dry with no oiling or wheying off. Shall be light in color.

§ 58.847 Sour cream.

(a) *Flavor.* Shall have a rich, clean, pleasing and desirable, milk acid flavor with an acidity of about 0.6 percent to

0.8 percent expressed as lactic acid. It should possess the delicate diacetyl aroma of a good butter culture. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall have a firm, heavy, smooth, and homogenous body which shows some rigidity and will stand up, but is not gummy or resistant to pressure.

(c) *Appearance.* Shall have a natural color. The color may range from a white to light cream. The surface shall appear dry and smooth showing a velvety luster.

§ 58.848 Cultured buttermilk.

(a) *Flavor.* Shall have a pleasing and desirable clean lactic acid flavor. Shall be tangy and possess the delicate aroma of diacetyl. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth, somewhat viscous and possess a medium body. Shall not be curdy or whey off.

(c) *Appearance.* Shall have a uniform attractive appearance of luster white. May or may not be flecked with small uniform yellow granules of butter or butterfat.

§ 58.849 Chocolate milk or milk products.

(a) *Flavor.* Shall possess a natural chocolate flavor of an intensity equal to 1.5 to 2.5 percent of chocolate liquor. The sweetness shall be of medium intensity. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth and free flowing free from sedimentation and with a viscosity slightly greater than normal milk.

(c) *Appearance.* Shall be light to medium brown in color and of such intensity as to be appealing to the eye. Shall be uniform in appearance and be void of air bubbles or curdiness.

§ 58.850 Chocolate flavored milk or milk products.

(a) *Flavor.* Shall possess a natural chocolate flavor of an intensity equal to 1 to 1.5 percent of cocoa. The sweetness shall be of medium intensity. Shall be free of all undesirable flavors and odors.

(b) *Body and texture.* Shall be smooth and free flowing free from sedimentation and with a viscosity slightly greater than normal milk.

(c) *Appearance.* Shall be light to reddish-brown in color and of such intensity as to be appealing to the eye. Shall be uniform in appearance and be void of air bubbles or curdiness.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR STERILIZED MILK PRODUCTS

DEFINITIONS

§ 58.905 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires,

the following terms shall have the following meaning:

(a) *Evaporated milk*. Is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milkfat and not less than 25.9 percent of the total milk solids. The finished product shall conform to the requirements of § 18.520 "Definitions and Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.520).

(b) *Concentrated milk, plain condensed milk*. Is the product which conforms to the standard of identity for evaporated milk except that it is not processed by heat to prevent spoilage. The container may be unsealed, and stabilizing ingredients are not used. The finished product shall conform to the requirements of § 18.525 "Definitions and Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.525).

(c) *Sweetened condensed milk*. Is the liquid or semiliquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28 percent of total milk solids and not less than 8.5 percent of milkfat. The quantity of sugar used is sufficient to prevent spoilage. The finished product shall conform to the requirements of § 18.530 or § 18.535, respectively, "Definitions and Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.530 and 18.535).

(d) *Sterilized milk concentrated*. Is sweet whole milk concentrated to about one-third its original volume by the removal of water and packaged primarily in hermetically sealed glass or metal containers. The final product contains about 9.9 percent milkfat and 24.3 percent milk solids-not-fat for a total of 34.2 percent milk solids. The product may also contain added vitamin D as well as certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act.

(e) *Sterilized milk*. Is the normal milk from which no water has been removed but which is packaged and sterilized in a container or is sterilized and packaged aseptically. The final product contains a minimum of 3.25 percent milkfat and 8.25 percent milk solids-not-fat. The product may also contain added vitamin D as well as certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act.

(f) *Sterilized chocolate (chocolate flavored) milk*. The product made by the addition of sugar and chocolate (cocoa) to milk. The milkfat content is at least 3.25 percent and the milk solids-not-fat at least 8.25 percent and may contain certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act. The product is sterilized and packaged aseptically or may be placed in metal containers hermetically sealed and heat treated to accomplish sterilization.

(g) *Sterilized chocolate (chocolate flavored) drink*. The product made by the addition of sugar and chocolate (cocoa) to milk. The milkfat content is less than 3.25 percent and the milk solids-not-fat at least 8.25 percent and may contain certain stabilizing ingredients permitted under the Federal Food, Drug and Cosmetic Act. The product is sterilized and packaged aseptically or may be placed in metal containers hermetically sealed and heat treated to accomplish sterilization.

EQUIPMENT AND UTENSILS

§ 58.912 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 § 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.913 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; except that copper evaporators used for evaporated milk may be approved if free from corroded surfaces and kept in good repair. All new or used replacements for this type of equipment shall meet the appropriate 3-A Sanitary Standards.

§ 58.914 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.

§ 58.915 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.

§ 58.916 Homogenizer.

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.

OPERATIONS AND OPERATING PROCEDURES

§ 58.917 General.

There are many operations and procedures used in the preparation of

evaporated, condensed, and sterilized milk products that are similar, therefore, the following general requirements will apply when such operations or procedures are used.

§ 58.918 Standardization.

The standardization of the product to obtain a finished product of a given composition shall be accomplished by the addition of milkfat, milk solids-not-fat and/or water. The ingredients added to accomplish the desired composition shall be of the same hygienic quality as the product being standardized.

§ 58.919 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 § 58.128. Preheat temperatures prior to sterilization will be those that have the most favorable effect on the finished product.

§ 58.920 Homogenization.

Where applicable concentrated products shall be homogenized for the purpose of dispersing the fat throughout the product. The temperature of the product at time of homogenization and the pressure at which homogenization is accomplished will be that which accomplishes the most desired results in the finished products.

§ 58.921 Concentration.

Concentrating by evaporation shall be accomplished with a minimum of chemical change in the product. The equipment and systems used shall in no way contaminate or adversely affect the desirability of the finished product.

§ 58.922 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 paragraph (b) of this section, then packaged and given further heat treatment to complete the sterilization process.

§ 58.923 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.

§ 58.924 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.

§ 58.925 Sweetened condensed.

After condensing, the sweetened condensed product should be cooled rapidly to about 85° F. to induce crystallization of the oversaturated lactose. When the desired crystallization is reached further cooling is resumed to 68°-70° F.

§ 58.926 Heat stability.

Prior to sterilization of concentrated products and where stabilizers are allowed, tests should be made on the heat stability of the product to determine necessity for, and the amount of stabilizer needed. Based on the stability tests, the necessary amounts of stabilizers (not to exceed 0.1 percent of the concentrated product) may be added.

§ 58.927 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.

§ 58.928 Quality control tests.

All dairy products and other ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests should be made on flow samples as often as is necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies. Routine analysis should be made on raw materials and finished products to assure adequate composition control. For each batch or production run a keeping quality test should be made to determine product stability.

§ 58.929 Suitability screening test.

(a) Periodic sampling and testing of raw milk supplies used for processing evaporated, condensed or sterilized milk products should be performed as an aid in determining the need for further testing to screen out milk that is high in heat resistant spore forming organisms. Tests for these organisms shall be conducted as outlined in Standards Methods.

(b) Milk to be considered as satisfactory for use should have less than one spore per ml and upon being heated for 10 minutes at 253° F. should have less than 0.1 spore surviving per ml.

§ 58.930 Frequency of sampling for quality control—evaporated, condensed, and sterilized milk products.

(a) A minimum of one sample should be taken from each batch of product or one per hour for each continuous production run.

(b) Composition: Sampling and testing for composition should be made on each batch of product. On continuous

production runs enough samples shall be taken throughout the run to adequately assure composition requirements.

(c) Other chemical analysis or physical analysis: Such tests shall be performed as often as is necessary to assure compliance with standards, specifications or contract requirements.

(d) Weight or volume control: Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(e) Keeping quality and stability: A minimum of one sample from each batch of product or one representative sample per hour from a continuous production run should be taken. For continuous runs, samples should be taken at the start, each hour, and at the end of the run. Samples should also be taken after resumption of processing following an interruption in continuous operation. Each sample shall be incubated at 90° F. to 100° F. for 7 days.

§ 58.931 Official test methods.

(a) Chemical. Chemical analysis, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the AOAC; by Standard Methods or by other methods giving equivalent results.

(b) Microbiological. Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

§ 58.932 General identification.

Consumer-sized containers and bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor, a lot number and coded date of manufacture.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.933 Milk.

To process and package evaporated, condensed or sterilized milk products eligible for official identification with the USDA Quality Approved Inspection Shield the raw incoming milk shall meet the requirements as outlined in §§ 58.132 through 58.138. Unless processed within 2 hours after being received, it shall be cooled to, and held at a temperature of 45° F. or lower until processed.

§ 58.934 Stabilizers.

Shall be those permitted by the U.S. Food and Drug Administration. "Standards of Identity" as optional ingredients for specific products. Stabilizers shall be free from extraneous material, be of food grade quality and not be in violation of the Federal Food, Drug and Cosmetic Act.

§ 58.935 Sugars.

Sucrose, dextrose or lactose used in the manufacture of sweetened condensed or sterilized milk products shall be refined, and of food grade quality.

§ 58.936 Chocolate and cocoa.

Such products used as flavor ingredients shall meet the requirements of the U.S. Food and Drug Administration, "Definitions and Standards of Identity for Cocoa Products."

QUALITY REQUIREMENTS FOR FINISHED PRODUCTS BEARING THE USDA QUALITY APPROVED INSPECTION SHIELD

§ 58.937 Physical requirements for evaporated milk.

(a) Flavor. The product shall possess a sweet, pleasing and desirable flavor with not more than a definite cooked flavor. It shall be free from scorched, oxidized or other objectionable flavors and odors.

(b) Body and texture. The product shall be of uniform consistency and appearance. It shall be smooth and free from fat separation, lumps, clots, gel formation, coarse milk solids precipitate or sedimentation and extraneous material.

(c) Color. The color shall be of a natural white or light cream.

(d) Degree of burn-on. The interior walls of the container shall not show excessive burn-on of product (product fused to more than 75 percent of the inner surface of the can).

(e) Keeping quality. Samples incubated at 90-100° F. shall show no sensory, chemical or microbiological deterioration after 7 days.

§ 58.938 Physical requirements and microbiological limits for sweetened condensed milk.

(a) Flavor. Shall be sweet, clean, and free from rancid, oxidized, scorched, fermented, stale or other objectionable flavors and odors.

(b) Color. Shall be white to light cream.

(c) Texture. Shall be smooth and uniform, free from lumps or coarse graininess. There shall not be sufficient settling of the lactose to cause a deposit on the bottom of the container.

(d) Body. Shall be sufficiently viscous so that the product upon being poured at room temperature piles up above the surface of that previously poured, but does not retain a definite form.

(e) Microbiological limits.

- (1) Coliforms—less than 10 per gram.
- (2) Yeasts—less than 5 per gram.
- (3) Molds—less than 5 per gram.
- (4) Total plate count—less than 1,000 per gram.

(f) Keeping quality. Samples incubated at 90-100° F. shall show no physical evidence of deterioration after seven days.

(g) Composition. Shall meet the minimum requirements as set forth in the "Standards of Identity for Milk and Cream," U.S. Food and Drug Administration (21 CFR 18.530 and 18.535). In addition, the quantity of refined sugar used shall be sufficient to give a sugar-in-water ratio of not less than 61.5 percent.

(h) Sediment. The amount of sediment retained on a lintine disc after a

sample composed of 225 grams of product dissolved in 500 ml. of 140° F. water has passed through it, shall not exceed 0.10 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products (§ 58.2726).

§ 58.939 Physical requirements for sterilized milk.

(a) *Flavor.* Shall be pleasing and desirable and free from scorched, oxidized, tallowy, storage or other objectionable flavors and odors. But may have a slight cooked or sterilized flavor.

(b) *Body.* Shall be smooth, uniform and free from fat and mineral separation, lumps, clots and coarse milk solids precipitate.

(c) *Color.* Shall be white or light cream and shall be free from any brown or yellow color typical of overheating.

(d) *Composition.* Shall contain not less than 3.25 percent milkfat and not less than 8.25 percent solids-not-fat. Acidity not to exceed 0.16 percent calculated as lactic acid.

(e) *Sediment.* The amount of sediment retained on a lintine disc through which a one pint sample has passed, shall not exceed 0.05 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products (§ 58.2726).

(f) *Sterility.* Shall show no microbiological development at the end of the 7-day incubation test at 90-100° F.

(g) *Keeping quality and stability.* The sample taken and stored at 90-100° F. shall also show no physical evidence of deterioration after 7-day incubation. The samples shall possess a satisfactory flavor and color and shall be free from marked separation of fat, cream, and serum.

§ 58.940 Physical requirements for sterilized milk concentrate.

The product initially shall contain about 34.2 percent total milk solids. When reconstituted with two parts water, the product shall meet the same requirements for Flavor, Body, Color, Composition, and Sediment as listed in § 58.939. In the packaged, unreconstituted form the product shall meet the same requirements for sterility, keeping quality and stability, as listed in § 58.939 for sterilized milk.

§ 58.941 Physical requirements for sterilized chocolate (flavored) milk or drink.

(a) *Flavor.* Shall have a pleasing and desirable definite sweetened chocolate flavor and shall be free from scorched, oxidized, stale, fruity, rancid, storage or other objectionable flavors.

(b) *Body.* Shall be smooth, uniform, free from lumps, clots, and definite chocolate sedimentation. Shall have been properly homogenized to prevent creaming or fat separation.

(c) *Color.* Shall have a uniform chocolate color throughout.

(d) *Composition.* Shall contain the amounts and types of ingredients as set forth in §§ 58.907 and 58.908 under definitions of the product.

(e) *Sterility.* Shall show no microbiological development at the end of the 7-day incubation at 90-100° F.

(f) *Keeping quality and stability.* The sample taken and stored at 90-100° F. shall also show no deterioration after 7-days incubation. The samples shall possess a satisfactory flavor and color and shall be practically free from chocolate sedimentation and free from separation of fat, solids-not-fat, and serum.

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 10th day of March 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

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