

support thereof. All documents shall be filed in quintuplicate.

**Effective date:** This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 9, 1960.

[SEAL] JOHN L. HARVEY,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 60-8669; Filed, Sept. 16, 1960;  
8:51 a.m.]

## PART 25—DRESSINGS FOR FOODS

### French Dressing and Salad Dressing; Order Amending Standards of Identity

In the matter of amending the standards of identity for french dressing and salad dressing:

A notice of proposed rule making was published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2545), setting forth the proposal of the Dow Chemical Company, Midland, Michigan, to amend the standards of identity for french dressing and salad dressing. The notice invited all interested persons to submit views and comments on the proposal.

Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the standards of identity for french dressing and salad dressing as proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the above-referenced standards of identity (21 CFR 25.2, 25.3 (24 F.R. 6711)) be amended as set forth below:

1. In § 25.2 *French dressing; identity; label statement of optional ingredients*, paragraph (c) (1) is amended by adding the name "hydroxypropyl methylcellulose" at the end of the list of emulsifying ingredients that are permitted in amounts up to 0.75 percent. As amended, paragraph (c) (1) reads as follows:

(c) \* \* \*

(1) Gum acacia (also called gum arabic) carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), hy-

droxypropyl methylcellulose, or any mixture of two or more of these.

2. In § 25.3 *Salad dressing; identity; label statement of optional ingredients*, paragraph (d) is amended by adding the name "hydroxypropyl methylcellulose" at the end of the list of emulsifying ingredients. As amended, paragraph (d) reads as follows:

(d) The optional emulsifying ingredients referred to in paragraph (a) of this section are: Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethylcellulose, methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), hydroxypropyl methylcellulose, or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75 percent by weight of the finished salad dressing.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by 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. All documents shall be filed in quintuplicate.

**Effective date.** This order shall become effective sixty days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: September 12, 1960.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-8670; Filed, Sept. 16, 1960;  
8:51 a.m.]

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

### Tolerance for Residues of Inorganic Bromide

A petition was filed with the Food and Drug Administration by Dow Chemical

Company, Midland, Michigan, requesting the establishment of a tolerance for residues of inorganic bromide from fumigation with methyl bromide in or on popcorn at 200 parts per million. The petitioner later amended the petition to request a tolerance of 240 parts per million.

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

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123) are amended as follows:

Section 120.123 is amended by inserting therein a tolerance of 240 parts per million for residues of inorganic bromide in or on popcorn. All paragraph designations are hereby deleted to facilitate insertion of new tolerances. As revised, § 120.123 reads as follows:

### § 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities that have been fumigated with methyl bromide are established as follows:

(a) 240 parts per million in or on popcorn.

(b) 200 parts per million in or on almonds, brazil nuts, bush nuts, butter-nuts, cashew nuts, chestnuts, cottonseed, filberts (hazelnuts), hickory nuts, pecans, pistachio nuts, walnuts.

(c) 100 parts per million in or on copra.

(d) 75 parts per million in or on potatoes, sweetpotatoes.

(e) 50 parts per million in or on alfalfa hay, barley, beans, beans (green), beans (lima), beans (snap), black-eyed peas, cipollini bulbs, cocoa beans, corn, garlic, grain sorghum (milo), oats, peas (with pods), rice, rye, sweet corn (determined on kernels plus cob with husk removed), wheat.

(f) 30 parts per million in or on garden beets (roots), carrots (roots), citrus citron, cucumbers, grapefruit, horseradish, Jerusalem-artichokes, kumquats, lemons, limes, okra, oranges, parsnips (roots), peppers, pimentos, radishes, rutabagas, salsify roots, strawberries, sugar beets (roots), summer squash, tangelos, tangerines, turnips (roots), yams.

(g) 20 parts per million in or on apricots, cantaloups, cherries, eggplants, grapes, honeydew melons, mangoes, muskmelons, nectarines, onions, papayas, peaches, pineapples, plums, (fresh prunes), pumpkins, tomatoes, watermelons, winter squash, zucchini squash.

(h) 5 parts per million in or on apples, pears, quinces.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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 25, D.C., written objections thereto. 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. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER.

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

Dated: September 9, 1960.

[SEAL] JOHN L. HARVEY,  
Deputy Commissioner of  
Food and Drugs.

[F.R. Doc. 60-8671; Filed, Sept. 16, 1960;  
8:51 a.m.]

**PART 121—FOOD ADDITIVES**

**Subpart D—Food Additives Permitted in Food for Human Consumption**

**HYDROXYPROPYL METHYLCELLULOSE**

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Dow Chemical Company, Abbott Road Building, Midland, Michigan, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive hydroxypropyl methylcellulose. Therefore, pursuant to the provisions of the 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 (23 F.R. 9500, 25 F.R. 5611), Subpart D (21 CFR Part 121) of the food additive regulations is amended by adding thereto the following new section:

**§ 121.1021 Hydroxypropyl methylcellulose.**

The food additive hydroxypropyl methylcellulose may be safely used in food, except confectionery and except in standardized foods which do not provide for such use, in accordance with the following prescribed conditions:

(a) The additive is a cellulose ether containing both propylene glycol and methyl groups attached by ether linkages and contains, on an anhydrous basis, not more than 1.82 degrees of substitution as methoxyl (OCH<sub>3</sub>), and not more than 0.30 degree of substitution as propylene glycol ether (OCH<sub>2</sub>CHOHCH<sub>3</sub>) groups.

(b) The additive meets all the specifications described in The National Formulary, Eleventh Edition.

(c) It is used or intended for use as an emulsifier, film former, protective colloid, stabilizer, suspending agent, or thickener, in accordance with good manufacturing practice.

(d) To insure safe use of the additive, the container of the additive, in addition to being labeled as required by the general provisions of the act, shall be accompanied by labeling which contains adequate directions for use to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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 25, D.C., written objections thereto. 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. All documents shall be filed in quintuplicate.

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

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

Dated: September 12, 1960.

[SEAL] GEORGE P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 60-8668; Filed, Sept. 16, 1960;  
8:51 a.m.]

**Title 33—NAVIGATION AND NAVIGABLE WATERS**

**Chapter I—Coast Guard, Department of the Treasury**

**SUBCHAPTER C—AIDS TO NAVIGATION**  
[CGFR 60-63]

**PART 72—MARINE INFORMATION**  
**Subpart 72.05—Lists of Lights and Other Marine Aids**

**PURPOSE OF COAST GUARD LISTS**

The purpose of this amendment to 33 CFR 72.05-1 is to provide in the regulations for the publishing of Coast Guard Lists of Lights and Other Marine Aids in Five Volumes thereby reducing the size of the volumes to permit ease of use and correction, and to discontinue the publishing of Local Lists of Lights and Other Marine Aids for individual Coast Guard Districts.

By virtue of the authority vested in me as Commandant, United States Coast

Guard, by Treasury Department Orders 167-3 dated May 6, 1953 (18 F.R. 2962), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976) and 167-23 dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, § 72.05-1 is amended as follows which is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

**§ 72.05-1 Purpose.**

(a) The Coast Guard publishes annually the following five List of Lights and Other Marine Aids covering the waters of the United States, its territories and possessions.

(1) Volume I, Atlantic Coast, from St. Croix River, Maine to Little River, South Carolina.

(2) Volume II, Atlantic and Gulf Coasts, from Little River, South Carolina, to Rio Grande River, Texas, and the Greater Antilles.

(3) Volume III, Pacific Coast and Islands.

(4) Volume IV, Great Lakes.

(5) Volume V, Mississippi River System.

(b) These Lists of Lights and Other Marine Aids show the official name, location, characteristics and general description of all aids to navigation maintained by or under authority of the U.S. Coast Guard.

(Sec. 92, 63 Stat. as amended; 14 U.S.C. 92. Interpret or apply sec. 93, 63 Stat. 504, as amended; 14 U.S.C. 93)

Dated: September 9, 1960.

[SEAL] A. C. RICHMOND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 60-8675; Filed, Sept. 16, 1960;  
8:51 a.m.]

**Title 43—PUBLIC LANDS: INTERIOR**

**Subtitle A—Office of the Secretary of the Interior**

**PART 15—KEY LARGO CORAL REEF PRESERVE**

**Initial Regulations Governing the Protection and Conservation of the Coral and Other Resources of the Seabed**

Presidential Proclamation 3339 of March 15, 1960 (25 F.R. 2352), designated a portion of the outer Continental Shelf situated seaward of a line three geographic miles from Key Largo, Monroe County, Florida, as the Key Largo Coral Reef Preserve, and withdrew such lands from disposition. A new Part 15 governing the protection and conservation of the coral and other mineral resources in this area is published below:

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5



U.S.C. 1003) be observed voluntarily, emergency action must be initiated due to the commercial exploitation of the coral structures now taking place in the Preserve. It is imperative that this commercial exploitation, with its extensive destruction of the coral and other resources of the seabed by blasting, dredging, and otherwise, be stopped as soon as possible.

In order to meet this emergency this regulation shall become effective on the 10th day following publication in the FEDERAL REGISTER.

Subtitle A of Title 43 is amended by the addition of a new Part 15.

Sec.	
15.1	Scope.
15.2	Removal or destruction of natural features and marine life.
15.3	Dredging, filling, excavating and building activities.
15.4	Refuse and polluting substances.
15.5	Wrecks.
15.6	Markers.
15.7	Fishing.
15.8	Skin diving.
15.9	Collection of scientific specimens.
15.10	Operation of watercraft.
15.11	Explosives and dangerous weapons.
15.12	Closing of Preserve.
15.13	Report of accidents.
15.14	Applicability of laws.

AUTHORITY: §§ 15.1 to 15.14 issued under sec. 5, 67 Stat. 464; 43 U.S.C. 1334 Proc. 3339, 25 F. R. 2352.

#### § 15.1 Scope.

The State of Florida has established a similar coral reef preserve on an area situated shoreward of a line three geographic miles from Key Largo and contiguous to the Key Largo Coral Reef Preserve. It is the policy of the Department of the Interior to cooperate with the State of Florida and its conservation agencies in the preservation of the reef.

#### § 15.2 Removal or destruction of natural features and marine life.

No person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove from the Preserve any beach sand, gravel or minerals, corals, sea feathers and fans, shells and shell fish, starfishes or other marine invertebrates, seaweeds, grasses, or any soil, rock, artifacts, stones or other materials. No person shall cut, carve, injure, mutilate, move, displace or break off any bottom formation or growth. Nor shall any person dig in, or in any other way injure or impair the natural beauty or usefulness of this Preserve. No rope, wire or other contrivance shall be attached to any coral, rock or other formation, whether temporary or permanent in character or use.

#### § 15.3 Dredging, filling, excavating and building activities.

No dredging, excavating, or filling operations of any kind are permitted in the Preserve and no materials of any sort may be deposited in or on the waters thereof. No building or structure of any kind, whether permanent or temporary, may be constructed or built, and no public service facility may be constructed or extended into, upon or across the Preserve.

#### § 15.4 Refuse and polluting substances.

No person shall dump or deposit in or on the waters of this Preserve any oily liquids or wastes, acids or other deleterious chemicals, bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other debris or polluting substance.

#### § 15.5 Wrecks.

No person shall willfully destroy, molest, remove, deface, displace, or tamper with any wrecks, parts of wrecks or any cargo pertaining to such wrecks within the Preserve in such manner as to injure or destroy any coral formation.

#### § 15.6 Markers.

No person shall willfully mark, deface or injure in any way, or displace, remove or tamper with any Preserve signs, notices or placards, whether temporary or permanent, or with any monuments, stakes, posts or other boundary markers.

#### § 15.7 Fishing.

(a) Spear fishing within the boundaries or confines of this Preserve is prohibited.

(b) The use of poisons, electric charges, or other such methods is prohibited.

#### § 15.8 Skin diving.

Diving with camera, or diving for observation and pleasure is permitted and encouraged within the Preserve.

#### § 15.9 Collection of scientific specimens.

Collection of natural objects and marine life for educational purposes and for scientific and industrial research shall be done only in accordance with the terms of written permits granted by the Director of the Florida Board of Parks and Historic Memorials. Such permits shall be issued only to persons representing reputable scientific, research, or educational institutions. No permits will be granted for specimens the removal of which would disturb the remaining natural features or mar their appearance. All permits are subject to cancellation without notice at the discretion of the issuing official. Permits shall be for a limited term and may be renewed at the discretion of the issuing official.

#### § 15.10 Operation of watercraft.

No watercraft shall be operated in such a manner as to strike or otherwise cause damage to the natural features of the Preserve. Except in case of emergency endangering life or property, no anchor shall be cast or dragged in such a way as to damage any reef structure.

#### § 15.11 Explosives and dangerous weapons.

No person shall carry, use or possess within the Preserve firearms of any description, air rifles, spring guns, bows and arrows, slings, spear guns, harpoons, or any other kind of weapon potentially harmful to the reef structure. The use of such weapons from beyond the boundaries of the Preserve and aimed or directed into the Preserve is forbidden.

The use or possession of explosives within the Preserve is prohibited.

#### § 15.12 Closing of Preserve.

The Preserve may be closed to public use in the event of emergency conditions encouraged within the Preserve.

#### § 15.13 Report of accidents.

Accidents involving injury to life or property shall be reported as soon as possible by the person or persons involved to the officer in charge of the Preserve.

#### § 15.14 Applicability of laws.

In areas to which this part pertains all Federal Acts shall be enforced insofar as they are applicable, and the laws and regulations of the State of Florida shall be invoked and enforced in accordance with the act of June 25, 1948 (62 Stat. 686; 18 U.S.C. 13).

ELMER F. BENNETT,  
Acting Secretary of the Interior.

SEPTEMBER 13, 1960.

[F.R. Doc. 60-8719; Filed, Sept. 16, 1960; 8:55 a.m.]

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2200]

[Idaho 010682]

[Idaho 010946]

#### IDAHO

### Opening Lands Subject to Section 24 of the Federal Power Act

Pursuant to Determinations DA-416 and DA-530 of the Federal Power Commission issued January 17, 1952 and July 13, 1959, respectively, and to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and as Secretary of the Interior, it is ordered as follows:

1. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the following-described public lands are hereby opened to application, petition, location, entry, and selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, supra, and with respect to the lands in Determination DA-530, to the further condition that in the event such lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

Idaho 010946

DA-416—Idaho

POWER SITE RESERVE NO. 223

BOISE MERIDIAN

T. 11 N., R. 18 E.,

Sec. 14, lots 1, 5, 6, 7, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 15, lots 1 and 2.

Containing 280.36 acres.

Idaho 010682

DA-530—Idaho

POWER SITE RESERVE No. 8

BOISE MERIDIAN

- T. 19 N., R. 21 E.,  
 Sec. 1, lot 6;  
 Sec. 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 11, lot 3, 4, 5, 8, 9, 10, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, lot 1, 2, 3, 4, 7, and 8;  
 Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 22, lot 1, 2, 3, and 4;  
 Sec. 23, lot 1, 2, 3, 4, 5, 8, 9, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 27, lot 1, 2, 3, 4, 5, and 6;  
 Sec. 34, lot 2, 4, and 7.
- T. 20 N., R. 21 E.,  
 Sec. 35, lot 1 and 3.
- T. 20 N., R. 22 E.,  
 Sec. 7, lot 7, 8, 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 23 N., R. 21 E.  
 Sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 1,453.69 acres.

2. The lands are grazing lands, bordering on, or located near the Salmon River. Some are difficult of access but a few are traversed by Highway No. 93.

3. Until 10:00 a.m. on March 14, 1961, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions under any law or regulation applicable thereto, of any of the lands required for

rights-of-way or materials sites, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended. However, applications for highway right-of-way for the lands in DA-416 (except the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 14), shall be subject to the additional stipulations contained in DA-393, Idaho, issued August 31, 1948, that if and when the lands used for the highway are required for purposes of power development by the United States or its permittees or licensees under the Federal Power Act, the transferee of the proposed highway right-of-way shall relocate and reconstruct at its own expense as much of the highway at such higher elevation as may be necessary to avoid interference with such power development.

4. Other applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than from those re-

ferred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 18, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They have also been open to location under the United States mining laws, pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

FRED G. AANDAHL,  
 Assistant Secretary of the Interior.

SEPTEMBER 12, 1960.

[F.R. Doc. 60-8645; Filed, Sept. 16, 1960;  
 8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Parts 960, 975 ]

[ Docket Nos. AO-325 and AO-179-A20 ]

## MILK IN GREATER YOUNGSTOWN-WARREN AND NORTHEASTERN OHIO MARKETING AREAS

### Notice of Hearing on Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Cascade Room, Ohio Pick Hotel, Youngstown, Ohio, beginning at 10:00 a.m. local time, on October 4, 1960, with respect to a proposed marketing agreement and order regulating the handling of milk in the Greater Youngstown-Warren marketing area and a proposed amendment or, alternatively, termination of a provision of the order regulating the handling of milk in the Northeastern Ohio marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreements and orders, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the Greater Youngstown-Warren area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in this area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairyman's Cooperative Sales Association:

Proposal No. 1. Greater Youngstown-Warren order.

#### DEFINITIONS

Sec.	
960.1	Act.
960.2	Secretary.
960.3	Department of Agriculture.
960.4	Person.
960.5	Greater Youngstown-Warren Marketing Area.
960.6	Producer.
960.7	Approved plant.
960.8	Distributing plant.
960.9	Supply plant.

Sec.	
960.10	Pool plant.
960.11	Nonpool plant.
960.12	Handler.
960.13	Producer-handler.
960.14	Producer milk.
960.15	Fluid milk product.
960.16	Other source milk.
960.17	Cooperative association.
960.18	Chicago butter price.

#### MARKET ADMINISTRATOR

960.25	Designation.
960.26	Powers.
960.27	Duties.

#### REPORTS, RECORDS, AND FACILITIES

960.30	Reports of sources and utilization.
960.31	Other reports.
960.32	Records and facilities.
960.33	Retention of records.

#### CLASSIFICATION OF MILK

960.40	Skim milk and butterfat to be classified.
960.41	Classes of utilization.
960.42	Responsibility of handlers.
960.43	Transfers.
960.44	Computation of skim milk and butterfat in each class.
960.45	Allocation of skim milk and butterfat classified.

#### MINIMUM PRICES

960.50	Basic formula price.
960.51	Class price.
960.52	Butterfat differentials to handlers.
960.53	Location differentials to handlers.
960.54	Rate of compensatory payments.
960.55	Use of equivalent prices.

#### APPLICATION OF PROVISIONS

960.60	Producer-handlers.
960.61	Plants subject to other Federal Orders.
960.62	Handlers operating nonpool plants.
960.63	Milk caused by a handler to be delivered to another handler's pool plant.

#### DETERMINATION OF PRICES TO PRODUCERS

960.70	Computation of the obligation of each handler.
960.71	Computation of uniform price.
960.72	Butterfat differential to producers.
960.73	Location differential to producers.
960.74	Notification of handlers.

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#### DEFINITIONS

##### § 960.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

##### § 960.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

##### § 960.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions specified in this part.

##### § 960.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

##### § 960.5 The Greater Youngstown-Warren Marketing Area.

"Greater Youngstown-Warren Marketing Area", hereinafter called the "marketing area", means all the territory included within the boundaries of Trumbull and Mahoning Counties, except Smith Township in Mahoning County; and within the township of Perry in Columbiana County; and all municipalities located in the above defined area, all in the state of Ohio.

##### § 960.6 Producer.

"Producer" means any person except a producer handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

##### § 960.7 Approved plant.

"Approved plant" means all of the buildings, premises and facilities of (a) a plant in which any fluid milk product is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (excluding other plants)

in the marketing area, or (b) a plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a plant described in paragraph (a) of this section.

#### § 960.8 Distributing plant.

"Distributing plant" means an approved plant which meets the conditions of both paragraphs (a) and (b) of this section:

(a) Not less than the required percentage (as specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 960.6 and from a cooperative association as a handler pursuant to § 960.12(c) is disposed of as Class I milk during the month on routes (including disposal through plant stores, vendors or by vending machines) to wholesale or retail outlets (except pool plants), such required percentages being 45 percent in April, May and June, and 55 percent in other months; and

(b) Not less than 5 percent of such disposition on routes as described in paragraph (a) of this section is to wholesale or retail outlets (except pool plants) in the marketing area.

#### § 960.9 Supply plant.

"Supply plant" means: During any of the months of September through January, inclusive, an approved plant from which during the month, fluid milk products equal to not less than 55 percent of its receipts from dairy farmers who meet the inspection requirements pursuant to § 960.6 and from a cooperative association as a handler pursuant to § 960.12(c) are shipped to distributing plants or plants described in § 960.10(c) which during the month dispose of as Class I milk on routes described in § 960.8(a), a volume not less than 55 percent of the sum of: (a) Milk received by the plant from producers pursuant to § 960.14 (a) and (b); (b) milk caused to be delivered to the plant pursuant to § 960.63; and (c) any other fluid milk product received by the plant and eligible for distribution in the marketing area under a Grade A label: *Provided*, That if a plant qualifies as a supply plant pursuant to this section in each of the months of September, October, November, December, and January, such plant shall be a pool plant until the end of the following August, unless the operator requests in writing that such plant not be a pool plant beginning in the month following the date of such request.

#### § 960.10 Pool plant.

"Pool plant" means:

(a) A distributing plant;

(b) A supply plant; or

(c) An approved plant which receives no milk from dairy farmers and from which Class I milk equal to not less than 5 percent of milk disposed of during the month on routes (including disposal through plant stores, vendors or by vending machines) to retail or wholesale outlets (excluding pool plants), is so disposed of in the marketing area.

#### § 960.11 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

#### § 960.12 Handler.

"Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 960.6;

(b) Any person in his capacity as the operator of one or more approved plants; or

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck.

#### § 960.13 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

#### § 960.14 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk (a) received by a handler directly from producers, not including milk delivered for another handler's account pursuant to § 960.63; or (b) diverted by a handler to a nonpool plant (except a nonpool plant at which the handling of milk is subject to the classification and pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 960.6; or (c) caused by a handler to be delivered for his account to the pool plant of another handler pursuant to § 960.63.

#### § 960.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, egg nog, ice cream mix and aerated cream).

#### § 960.16 Other source milk.

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

(a) Receipts during the month of fluid milk products except (1) fluid milk prod-

ucts received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

#### § 960.17 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

#### § 960.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

#### MARKET ADMINISTRATOR

#### § 960.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

#### § 960.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

#### § 960.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who



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handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 960.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 960.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of the handler who after the date on which he is required to perform such acts, has not made reports pursuant to § 960.30 and § 960.31 or payments pursuant to § 960.80 through § 960.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class II milk price and the Class II butterfat differential both for the preceding month; and

(2) The 11th day of each month, the Class I milk price and the Class I butterfat differential both for the current month; and the uniform prices computed pursuant to § 960.71 and the producer butterfat differential, both for the preceding month.

## REPORTS, RECORDS, AND FACILITIES

## § 960.30 Reports of sources and utilization.

On or before the 7th day after the end of each month each handler, except a

producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 960.12(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

## § 960.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such times and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of May through August the aggregate quality of base milk received for the preceding month.

(2) On or before the 20th day after the end of the month, his producer payroll for such months which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The days for which milk was received from such producer if less than the entire month;

(iv) The average butterfat content of such milk; and

(v) The net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions.

(3) On or before the day prior to diverting producer milk pursuant to § 960.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

## § 960.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursements of money so deducted.

## § 960.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under sec. 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

## CLASSIFICATION OF MILK

## § 960.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 960.30(a) shall be classified each month pursuant to the provisions of § 960.41 through § 960.46.

## § 960.41 Classes of utilization.

Subject to the conditions set forth in § 960.42 through § 960.46, the classes of utilization shall be as follows:

(a) *Class I milk*. Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) and (4) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk*. Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form; (4) disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and an inspection (at his discretion) by the market administrator; and (5) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 960.6), milk received from a cooperative association for which it is a handler pursuant to § 960.12(c), milk caused to be delivered to the plant pursuant to § 960.63, and other source milk received in the form of fluid milk products; *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it

shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 960.6), milk received from a cooperative association for which it is a handler pursuant to § 960.12(c), milk caused to be delivered to the plant pursuant to § 960.63, and other source milk received in the form of fluid milk products.

#### § 960.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who first receives such milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

#### § 960.43 Transfers.

(a) Skim milk and butterfat transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 960.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 960.63) shall be classified as Class I milk unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II milk does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 960.45: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk: *And provided further*, In no case shall the assignment to Class I milk in the transferee plant be greater than the difference between its total receipts of milk and its total utilization of such milk in Class II;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless:

(1) The transferee-plant is located less than 250 miles from the Court House in Youngstown or Warren, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 960.30 for the month within which such transaction occurred;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Pro-*

*vided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a non-pool plant shall be classified Class I unless:

(1) The transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 960.30;

(2) The handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced;

(3) The handler gives the market administrator sufficient notice to allow him to verify such shipment;

(4) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(5) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

#### § 960.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 960.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

#### § 960.45 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 960.41(b).

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk except that to be subtracted pursuant to subparagraph (3) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than

the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act and classified as Class I pursuant to such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk.

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk.

(5) Subtract the pounds of skim milk in fluid milk products received from other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 960.43(a).

(6) Add to the pounds of skim milk, remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph.

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk;

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

#### § 960.46 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 960.45(a)(4) and the corresponding step in § 960.45(b) subtract in the following order the skim milk and butterfat respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to § 960.45 in:

(a) Producer milk, and  
(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

#### MINIMUM PRICES

##### § 960.50 Basic formula price.

The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received



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from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

*Present Operator and Location*

Borden Co., New London, Wis.  
Borden Co., Orfordville, Wis.  
Carnation Co., Oconomowoc, Wis.  
Carnation Co., Richland Center, Wis.  
Carnation Co., Sparta, Mich.  
Pet Milk Co., Belleville, Wis.  
Pet Milk Co., Coopersville, Mich.  
Pet Milk Co., New Glarus, Wis.  
Pet Milk Co., Wayland, Mich.  
White House Milk Co., Manitowoc, Wis.  
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

**§ 960.51 Class prices.**

Subject to the provisions of §§ 960.52 and 960.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received at his pool plant from producers during the month shall be determined as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price (computed pursuant to § 960.50) for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) April, May, June and July—add \$1.60

(2) All other months—add \$2.05

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 960.50.

**§ 960.52 Butterfat differentials to handlers.**

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 960.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

**§ 960.53 Location differentials to handlers.**

For milk disposed of from a pool plant located 80 miles or more from the Court House of Youngstown or Warren, Ohio, whichever is nearest by shortest hard-surfaced highway distance as determined by the market administrator, as Class I milk pursuant to paragraphs (a)

and (b) of this section, but not to exceed producer milk received and milk caused to be delivered pursuant to § 960.63 at such plant, the price specified in § 960.51 (a) shall be reduced at the rate set forth in the following schedule:

*Distance from the Court House of Youngstown or Warren, Ohio whichever is nearest (miles):*

<i>Rate per hundredweight (cents)</i>	
80 but not more than 90.....	18.0
For each additional 10 miles or fraction thereof an additional.....	1.5

(a) In the case of fluid milk products which are moved from the pool plant to another pool plant, assign to Class I milk for the purposes of this section, that proportion of the milk moved which remains after assigning such milk to the quantity of Class II milk in the transferee plant as determined by the calculations prescribed in § 960.45(a) (1) through (4), and the comparable steps in § 960.45(b) for the transferee plant, such assignment to Class II milk in the case of transfers from several plants to be made in the sequence to the transferring plants according to the location differential applicable at each transferring plant, beginning with the plant having the largest differential; and

(b) Class I disposition from the plant other than disposition to the other pool plants.

**§ 960.54 Rate of compensatory payments.**

The rate of compensatory payment per hundredweight shall be calculated as follows, except that the rate shall be zero in any month in which total deliveries by producers are less than 110 percent of Class I utilization (excluding duplications) in plants qualified as pool plants pursuant to § 960.10 (a) and (b):

(a) Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and adjusted by the location differential rates set forth in § 960.53 for the location of the plant at which the milk was received from farmers.

**§ 960.55 Use of equivalent prices.**

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

## APPLICATION OF PROVISIONS

**§ 960.60 Producer-handlers.**

§§ 960.40 through 960.46, 960.50 through 960.53, 960.61 through 960.63, 960.70 through 960.74, and 960.80 through 960.87 shall not apply to a producer-handler.

**§ 960.61 Plants subject to other Federal orders.**

A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant,

make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 960.10 (a) or (c) which disposes of a lesser volume of Class I milk in the Youngstown-Warren marketing area than in a marketing area where milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted pursuant to this paragraph from regulation as a pool plant under this part, unless the Secretary determines otherwise;

(b) Any plant qualified pursuant to § 960.10 (b) for any portion of the period February through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

**§ 960.62 Handlers operating nonpool plants.**

Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, shall on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by venders and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 960.54: *Provided*, That such payments shall not apply to butterfat or skim milk in excess of butterfat or skim milk received by such nonpool plant from dairy farmers and in the form of fluid milk products from plants not fully regulated under any Federal order.

**§ 960.63 Milk caused by a handler to be delivered to another handler's pool plant.**

Milk caused by a handler, as the operator of a pool plant which is an approved plant pursuant to § 960.7(a), to be delivered for his account to another handler's pool plant similarly qualified pursuant to § 960.7(a), shall be considered, for purposes of reporting, classification, and payment to be received by the handler who so caused the milk to be delivered, if both handlers report such milk as so caused to be delivered.

## DETERMINATION OF PRICES TO PRODUCERS

**§ 960.70 Computation of the obligation of each handler.**

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the quantity of producer milk in each class by the applicable class price, as adjusted by location differentials on the amount of milk to which location

differential allowance applies pursuant to § 960.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 960.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 960.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 960.45 (a) (7) and (b) by the applicable class price; and

(d) Add (1) any amount obtained by multiplying any plus amount resulting from the calculations pursuant to § 960.46 (a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) any amount obtained by multiplying any plus amount remaining after the calculation pursuant to § 960.46 (b) by the rate of compensatory payment pursuant to § 960.54 (a).

#### § 960.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Combine into one total the obligation computed pursuant to § 960.70 for all handlers who submit reports prescribed in § 960.30 and who are not in default of payments pursuant to §§ 960.80 or 960.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 960.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 960.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 960.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

#### § 960.72 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for

such class as determined pursuant to § 960.52, dividing by the total butterfat in producer milk and rounding to the nearest even tenth of a cent.

#### § 960.73 Location differential to producers.

The applicable uniform prices to be paid for producer milk as defined in § 960.14 (a) and (b), received at a pool plant located 80 miles or more from the City Hall of Youngstown or Warren, Ohio, whichever is nearest by shortest hard-surfaced highway distance, as determined by the market administrator, or caused to be delivered pursuant to § 960.63, to a pool plant so located shall be reduced at the rates set forth in § 960.53 according to the location of such plant.

#### § 960.74 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 960.30 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price(s) computed pursuant to § 960.71 and the butterfat differential computed pursuant to § 960.72; and

(c) The amounts to be paid by such handler pursuant to §§ 960.82, 960.85, 960.86, or 960.62 and the amount due such handler pursuant to § 960.83.

### PAYMENTS

#### § 960.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to each handler before the 25th day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 960.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has

not received full payment from the market administrator pursuant to § 960.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipts of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section;

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 960.12 (c) at not less than the value of such milk at the applicable class prices: *Provided*, That to this amount shall be added one-half of one percent of any amount due such association pursuant to this paragraph for each month or any portion thereof that such payment is overdue;

(d) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month; and

(2) On or before the 7th day of the following month;

(i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk;

(ii) The amount or rate and nature of any deductions to be made from payments; and

(iii) The amount and nature of payments due pursuant to § 960.84.

#### § 960.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 960.62, § 960.82, and § 960.84, and out of which he shall make all payments pursuant to §§ 960.83 and 960.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

#### § 960.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler, including a cooperative association which



## PROPOSED RULE MAKING

is a handler, shall pay to the market administrator any amount by which his obligation is computed pursuant to § 960.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

#### § 960.83 Payments out of producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which his obligation computed pursuant to § 960.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

#### § 960.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors, resulting in monies due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

#### § 960.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 960.80, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and

such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction is computed for each producer.

#### § 960.86 Expenses of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 960.12(c), (b) milk received from a cooperative association as a handler pursuant to § 960.12(c), (c) other source milk allocated to Class I milk pursuant to § 960.45(a) (2) and (b), and (d) Class I milk disposed of in the marketing area (except to a pool plant) form a nonpool plant as determined pursuant to § 960.62.

#### § 960.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the marketing administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation,
- (2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section,

a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to § 960.8(c) (15) (a) of the Act, a petition claiming such money.

#### EFFECTIVE TIME, SUSPENSION, OR TERMINATION

#### § 960.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

#### § 960.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

#### § 960.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

#### § 960.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

#### § 960.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of

the United States to act as his agent and representative in connection with any of the provisions of this part.

#### § 960.111 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Isaly's Dairy and the Borden Company, both of Youngstown, Ohio; Riverside Dairy, Inc., Niles, Ohio; Petersburg Creamery Company, Petersburg, Ohio; Smith Dairy, Boardman, Ohio; Warren Sanitary Dairy, Warren, Ohio; and Select Dairies, Salem, Ohio:

*Proposal No. 2.* The Greater Youngstown-Warren Marketing Area.

Greater Youngstown-Warren marketing area, hereinafter called the marketing area, means all the territory included within the boundaries of Ashtabula County, except the City of Ashtabula; all the territory included within the boundaries of Trumbull and Mahoning Counties, except Smith Township; all the territory included within the boundaries of Columbiana County, except the Township of Knox, and those townships now included within the marketing area defined in Order No. 102, the Greater Wheeling milk marketing order; all the territory included within the boundaries of Carroll County; all the territory included within the boundaries of Lake County, except the City of Painesville and those townships now included within the marketing area defined by Order No. 75, the Northeast Ohio milk marketing order; all the territory included within the boundaries of Geauga County; and all the territory included within the boundaries of Portage County, except those townships now included in the marketing area defined in Order No. 75, the Northeast Ohio milk marketing order.

Proposed by Sealtest Foods Division, National Dairy Products Corporation:

#### *Proposal No. 3.*

Provide for a marketing area as follows: "All the territory in the Counties of Ashtabula (including Ashtabula City), Trumbull, Mahoning, and the Townships of Butler, Salem, Fairfield, Unity, West, Hanover, Center, Elk Run, Middleton, Franklin and Wayne, all within the County of Columbiana."

#### *Proposal No. 4.*

"Conduct a joint public hearing on the proposed Greater Youngstown-Warren order and Order No. 75, and amend Order No. 75 by deleting the City of Ashtabula from the marketing area, or, in the alternative, terminate the provisions of Order No. 75 which include the City of Ashtabula in the marketing area."

Proposed by Greenville Dairy Company, Greenville, Pennsylvania:

#### *Proposal No. 5.*

Amend §§ 960.7 through 960.11 to provide that a handler selling less than 10 percent of his milk as Class I within the marketing area, shall be exempt from the pooling provisions of § 960.70 and from the compensatory payment provisions of §§ 960.54 through 960.62 and § 960.82, provided however that such handler

shall pay his own producers the Class I price provided in this order for such sales. Such handler shall be bound by all other provisions of the order.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 14th day of September 1960.

ROY W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 60-8694; Filed, Sept. 16, 1960;  
8:54 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 120 ]

#### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Notice of Filing of Petition for Establishment of Tolerances for Residues of Sodium 2,2-Dichloropropionate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 5 parts per million for residues of sodium 2,2-dichloropropionate, expressed as 2,2-dichloropropionic acid, in or on grapefruit, lemons, limes, and tangerines.

The analytical method proposed in the petition for determining residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid is that described in the notice published in the FEDERAL REGISTER of November 29, 1956 (21 F.R. 9329) and in the Journal of Agricultural and Food Chemistry, Volume 5, pages 675-678 (1957), with minor modifications.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,  
Director, Bureau of Biological  
and Physical Sciences.

[F.R. Doc. 60-8664; Filed, Sept. 16, 1960;  
8:50 a.m.]

[ 21 CFR Part 120 ]

#### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Notice of Filing of Petition for Establishment of Tolerance for Residues of Sodium o-Phenylphenate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Dow Chemical Company, Midland, Michigan, pro-

posing the establishment of a tolerance of 10 parts per million for residues of sodium o-phenylphenate, expressed as o-phenylphenol, to cover residues from postharvest use of sodium o-phenylphenate and o-phenylphenol in or on tomatoes.

The analytical method proposed in the petition for determining residues of o-phenylphenol resulting from the treatment of tomatoes with formulations containing o-phenylphenol or sodium o-phenylphenate is the method described in the FEDERAL REGISTER of November 13, 1959 (24 F.R. 9240) with minor modifications.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,  
Director, Bureau of Biological  
and Physical Sciences.

[F.R. Doc. 60-8665; Filed, Sept. 16, 1960;  
8:50 a.m.]

[ 21 CFR Part 120 ]

#### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Notice of Filing of Petition for Establishment of Tolerance for Residues of O,O-Diethyl S-2-(Ethylothio)Ethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, proposing the establishment of a tolerance of 0.75 part per million for residues of O,O-diethyl S-2-(ethylothio)ethyl phosphorodithioate in or on potatoes.

The analytical method proposed in this petition for determining residues of O,O-diethyl S-2-(ethylothio)ethyl phosphorodithioate in or on potatoes is a total phosphorus method with a chromatographic step designed to remove the naturally occurring phosphorus compounds. In addition, a paper chromatographic procedure for the qualitative identification of residues of this pesticide chemical is proposed.

Dated: September 12, 1960.

[SEAL] ROBERT S. ROE,  
Director, Bureau of Biological  
and Physical Sciences.

[F.R. Doc. 60-8666; Filed, Sept. 16, 1960;  
8:50 a.m.]

[ 21 CFR Part 120 ]

#### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Notice of Filing of Petition for Establishment of Tolerance for Residues of Dieldrin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.