

Boulevard, St. Louis, MO 63166, proposing establishment of an exemption from the requirement of a tolerance for residues of mesityl oxide when used as an inert solvent or cosolvent with other permitted solvents in pesticide formulations applied to growing crops prior to formation of the edible portion of the plant.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that mesityl oxide is useful for the purpose for which an exemption is being established and that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by revising the items "Mesityl oxide" and "Methyl alcohol" in the table in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) * * *		
Inert ingredients	Limits	Uses
Mesityl oxide...	Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Solvent, co-solvent.
Methyl alcohol		Do.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto 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 its date of publication in the FEDERAL REGISTER (1-28-72).

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

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-1195 Filed 1-27-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

SIZE STANDARDS, DEFINITIONS, AND SET-ASIDES

Section 1-1.701-1 is amended to include a revised small business size standard for meatpacking plants and a revised definition for the term "annual receipts" which have been prescribed by the Small Business Administration for use in determining the status of a business as a small business concern. In addition, § 1-1.706-3 is amended to codify FPR Temporary Regulation 21 (36 F.R. 14080, July 29, 1971). This amendment extends the notification and appeal requirements applicable to withdrawal of joint determination small business set-asides to include unilateral small business set-asides where SBA has designated either resident or liaison representatives for an agency.

1. Section 1-1.701-1 is amended to modify the definition of "annual receipts" in paragraph (a) and to delete the reference in paragraph (h) to "Census Classification Code 2011, Meatpacking plants, 750." As amended, the section reads as follows:

§ 1-1.701-1 Small business concern (for Government procurement).

(a) **General.** A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in this § 1-1.701. "Concern" means any business entity organized for profit with a place of business located in the United States, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets and interaffiliate transactions) of a concern (and its domestic and foreign affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable ac-

counting basis) and, in the case of a concern subject to U.S. Federal income taxation, reported or to be reported to the Department of the Treasury, Internal Revenue Service, for Federal income tax purposes. If a concern has been in business less than a year its annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in business and multiplying such figure by 52. If a concern has acquired an affiliate during the applicable accounting period, it is necessary in computing the concern's annual receipts to include the affiliate's receipts during the accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(h) *Table of specific industry employment size standards for the purpose of Government procurement.* (See footnotes at end of table.)

MANUFACTURING		
Census classification code	Industry	Employment size standard (number of employees)
* * * * *		
MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS		
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuit, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750

2. Section 1-1.706-3 is amended to modify the requirements in paragraph (b) to read as follows:

§ 1-1.706-3 Withdrawal or modification of set-asides.

(b) If, prior to the award of a contract involving an individual or class set-aside for small business, the contracting officer considers the procurement of the set-aside portion from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), the contracting officer may withdraw either a joint or a unilateral set-aside determination. In the case of (1) a joint set-aside determination, or (2) a unilateral set-aside determination where SBA has designated either a resident or a liaison representative for the agency, the contracting officer shall initiate the withdrawal thereof by giving notice, containing the reason therefor, to the SBA representative (by telephone where liaison representatives are involved). Similarly, a class set-aside may be modified

so as to withdraw one or more individual procurements therefrom. If the SBA representative does not agree to a withdrawal or modification, the action may be appealed in accordance with the procedures set forth in § 1-1.706-2(a). This procedure is not applicable to automatic dissolutions of set-asides as provided in § 1-1.706-7. In all cases where SBA has not designated either resident or liaison representatives for the agency, the contracting officer shall withdraw a unilateral set-aside determination where he considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effect on other issuances. This amendment cancels Federal Procurement regulations, Temporary Regulation 21 (36 F.R. 148080, July 29, 1971).

Effective date. This regulation is effective March 1, 1972, but may be observed earlier.

Dated: January 20, 1972.

ROD KRÉGER,
Acting Administrator
of General Services.

[FR Doc.72-1251 Filed 1-27-72;8:48 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-11; Notice 4]

PART 566—MANUFACTURER IDENTIFICATION

Coverage of Incomplete Vehicles

This notice amends Part 566 in Title 49, Code of Federal Regulations, to provide for the coverage of "incomplete vehicles,"

as defined in Part 568, Vehicles Manufactured in Two or More Stages. A notice of proposed rule making on this subject was published on November 2, 1971 (36 F.R. 20987). No comments on the proposed amendment were received, and the amendment is adopted as proposed.

Part 566, published on November 2, 1971 (36 F.R. 20977), requires manufacturers of motor vehicles and of motor vehicle equipment other than tires to which a motor vehicle safety standard applies to submit identifying information and a description of the items which they produce. In responding to a comment on the proposed regulation from an incomplete vehicle manufacturer, it was noted that while the regulation clearly covers intermediate and final-stage manufacturers (as defined in Part 568) it makes no reference to incomplete vehicle manufacturers. This amendment is intended to clarify this ambiguity by specifically providing for coverage of incomplete vehicles.

The incomplete vehicle manufacturer stated that he was unaware of the final use of his light truck vehicles and requested that he be permitted to submit a brief description of the incomplete vehicle expressed in the terminology of the industry as an alternative to the description in terms of final use. This method for incomplete vehicle manufacturers has been found acceptable, and the NHTSA accordingly grants this request.

In consideration of the foregoing, the NHTSA adopts the following amendments to Part 566 of Title 49, Code of Federal Regulations:

1. Section 566.4 is amended to read as follows:

§ 566.4 Definitions.

All terms defined in the Act and the rules and standards issued under its authority are used as defined therein. Specifically, "incomplete vehicle," "intermediate manufacturer," and "final-stage

manufacturer" are used as defined in Part 568—Vehicles Manufactured in Two or More Stages.

2. Section 566.5 is amended to read as follows:

§ 566.5 Requirements.

Each manufacturer of motor vehicles, and each manufacturer of covered equipment, shall furnish the information specified in paragraphs (a) through (c) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

(c) * * *

(3) In the case of motor vehicles produced in two or more stages, if the manufacturer is an incomplete vehicle manufacturer, the description shall so state and include a description indicating the stage of completion of the vehicle and, where known, the types of use for which the vehicle is intended.

EXAMPLE: "Incomplete vehicle manufacturer—Chassis-cab intended for completion as van-type truck."

If the manufacturer is an intermediate manufacturer, or a final stage manufacturer, the description shall so state and include a brief description of the work performed.

EXAMPLE: "Multipurpose passenger vehicles: Motor homes with GVWR from 8,000 to 12,000 pounds. Final-stage manufacturer—add body to bare chassis."

Effective date: February 1, 1972.

(Secs. 103, 108, 112, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1397, 1401, 1407; delegation of authority, 49 CFR 1.51)

Issued on January 24, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-1295 Filed 1-27-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 2]

PUBLIC USE AND RECREATION IN NATIONAL PARKS

Possession and Use of Drugs and Alcohol

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), it is proposed to amend Part 2 of Title 36 of the Code of Federal Regulations to add § 2.37 concerning possession and delivery of drugs and drug incapacitation; and to amend § 2.16 concerning possession of alcohol and intoxication.

The purpose of the proposed § 2.37 is to regulate the possession and delivery of certain drugs within park areas and to amend and recodify that portion of the current § 2.16 which deals with drug incapacitation.

The purpose of the proposed amendment of § 2.16 is to eliminate all reference to drug incapacitation and to change the language of § 2.16 regarding alcoholic beverages.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

It is proposed that § 2.16(a) be amended to read as follows:

§ 2.16 Intoxication; possession of alcohol by minors.

(a) Presence in a park area when under the influence of alcohol, to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area is prohibited.

It is proposed that § 2.37 be added to read as follows:

§ 2.37 Possession and delivery of controlled substances: Incapacitation.

(a) *Definitions.* (1) The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (title 21, United States Code, section 812) or any drug or substance added to these schedules pursuant to the terms of the Act.

(2) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term "delivery" means the actual, attempted or constructive transfer of a controlled substance, whether or not there exists an agency relationship.

(b) *Offenses.* (1) The delivery of any controlled substance is prohibited, provided that distribution by a practitioner in accordance with applicable law is permitted.

(2) The possession of a controlled substance is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a park area when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area, is prohibited.

Dated: January 12, 1972.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.72-1292 Filed 1-27-72; 8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-373]

LETTUCE GROWN IN CALIFORNIA, ARIZONA, COLORADO, NEW MEXICO, AND DESIGNATED PART OF TEXAS

Decision With Respect to Proposed Marketing Agreement and Order and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act" and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Los Angeles, Calif., March 2-6, 1971, and continued at Albuquerque, N.Mex., March 10-12, 1971. It was held pursuant to a notice thereof which was published in the January 27, 1971, issue of the FEDERAL REGISTER (36

F.R. 1266) with a minor correction in the February 2, 1971, issue (36 F.R. 1541) upon a proposed marketing agreement and order regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and a designated part of Texas.

Based on evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on July 29, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision (including a proposed marketing agreement and order, hereinafter referred to collectively as the "order"), which was published in the FEDERAL REGISTER August 4 and 21, 1971 (36 F.R. 14316, 16517). It afforded opportunity to file written exceptions thereto within 20 days, and was later extended another 20 days to September 13, 1971.

Ruling on exceptions. Exceptions to the recommended decision were filed within the prescribed time by Halbert Moller for Growers Exchange, Inc.; Andrew A. D'Arrigo for D'Arrigo Bros. of California; Harold G. Bradshaw for Inter Harvest, Inc.; J. F. Barkley for Barkley Company of Arizona; Allan Grant for California Farm Bureau Federation; R. C. Samsel for Ralph Samsel Co.; Frank Eckel, Jr., for Eckel Produce Co.; Ray Koyama for Koyama Farms; James R. Martin for Cal-a-Pak; Ernest J. Holcomb for Western States Lettuce Producers Committee; Marshall H. Davis for Mel Finerman Co., Inc.; Carl Nakayama for New Mexico Lettuce Growers Committee; Frank R. Gailor for The Irvine Co.; Alfred P. Carpenter for The Alfred Carpenter Co.; Charles F. Wheatley, Jr. for Thomas M. Bunn; 25 individuals or firms from the Santa Maria-Guadalupe area of California; The Committee to oppose and defeat the Proposed Western States Lettuce Marketing Order; Allen L. Marlatt; and Stuart H. Russell for New Mexico Lettuce Growers Committee. Exceptions were also received from William H. Carder for United Farm Workers Organizing Committee, AFL-CIO; Bruce Parr for the Texas Vegetable Marketing Association and Robert V. Antle for Bud Antle, Inc.; however, such exceptions were all filed after the prescribed time.

Each of the exceptions filed within the prescribed time has been carefully and fully considered in conjunction with a thorough evaluation of the record evidence and the recommended decision in arriving at the findings and conclusions set forth in this decision. To any extent that any exception is not specifically ruled upon or the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto such exception is denied on the basis of the findings and conclusions relating to the issues to which the exception refers.