

federal register

FRIDAY, FEBRUARY 25, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 38

Pages 3977-4061



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**Order from: Superintendent of Documents
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Washington, D.C. 20402**



Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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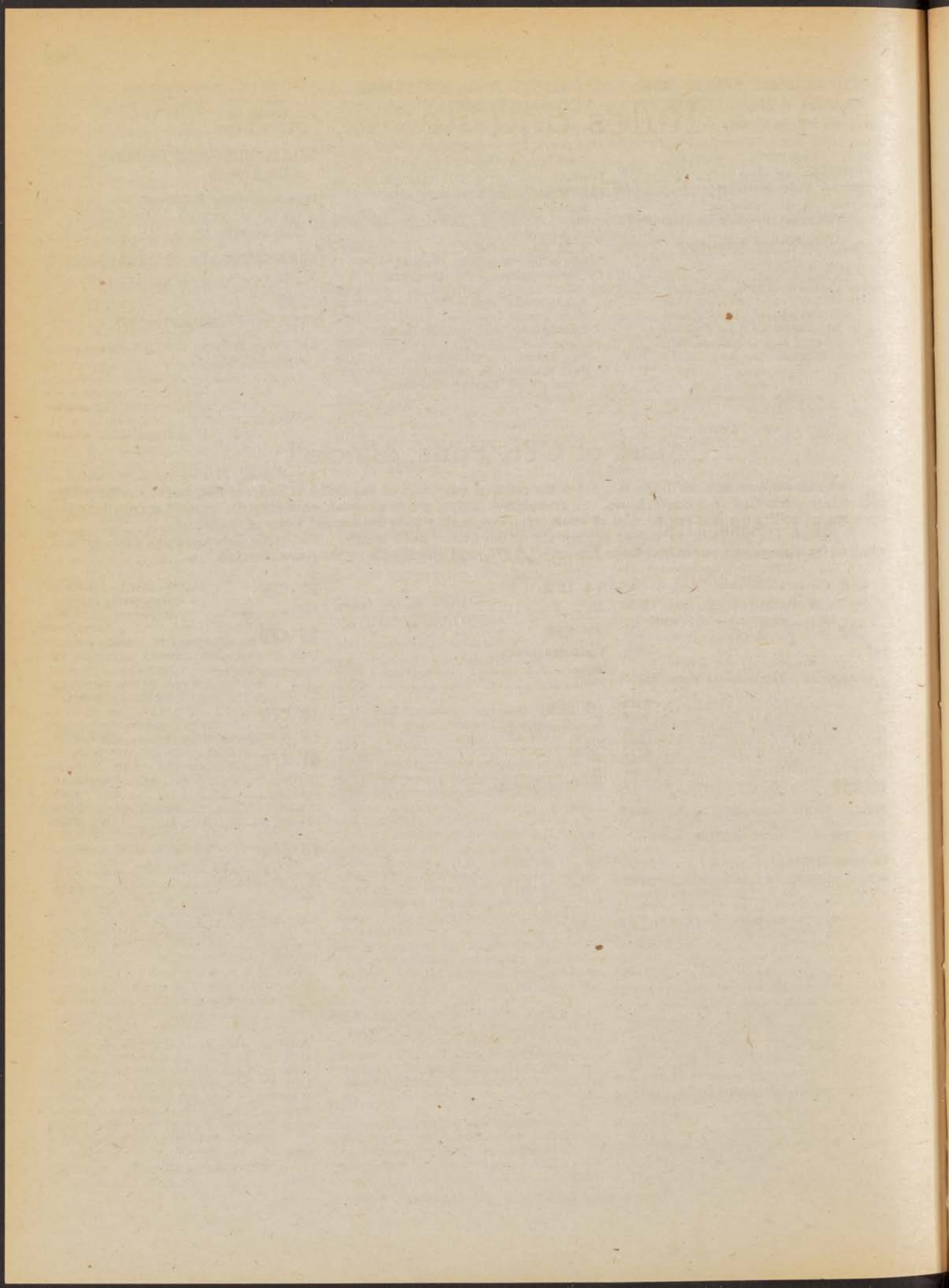
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Appendix B is amended by adding thereto the list of acts enacted in 1971 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

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Title 7—AGRICULTURE

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

PART 981—ALMONDS GROWN IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Almonds Grown in California, as amended (Order No. 981, as amended; 7 CFR Part 981) and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued January 10, 1972 (F.R. Doc. 72-557; 37 F.R. 617) with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such almonds. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 981.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations

hereinafter set forth are supplementary, and in addition to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 15 F.R. 4993; 22 F.R. 3781; 22 F.R. 8485; 23 F.R. 903; 35 F.R. 11372.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Sacramento, Calif., on March 17-23, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of almonds grown in California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of almonds in the production area covered by the

order, as amended, and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of almonds grown in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found, for the reasons herein-after set forth, that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date thereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order permits the Control Board, with the approval of the Secretary, to establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising. The Control Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The crediting concept is new to the almond order. Hence, the Control Board must make extensive preparations before recommending administrative rules and regulations. An effective advertising program by the industry should tend to maximize the industry's opportunity to effectuate the declared policy of the act, and the almond industry should be afforded opportunity to engage in such activity as soon as practicable. No advance preparation by handlers will be necessary to comply with the amended order. Hence, to permit compliance with, and maximum benefit from, the new or revised provisions, it is necessary that the amendatory order become effective as hereinafter specified.

(d) *Determinations.* It is hereby determined that: (1) The "Marketing Agreement, as Amended, Regulating the Handling of Almonds Grown in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by the said order, as amended and as hereby further amended) who during the period July 1, 1970, through June 30, 1971, handled not less than 50 percent of the volume of

such almonds covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period July 1, 1970, through June 30, 1971 (which has been determined to be a representative period), have been engaged, within the State of California, in the production for market of almonds, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is therefore ordered: That on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 981.16 [Amended]

1. Section 981.16 is amended by deleting the words "continental," "Alaska," and "Hawaii".

§ 981.21 [Amended]

2. Section 981.21 is amended by deleting the word "continental," and substituting therefor the word "the" and deleting the words "Alaska" and "Hawaii".

3. A new paragraph (e) is added to § 981.40 to read:

§ 981.40 Procedure.

(e) *Additional voting requirements.* Adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 involving production research, marketing research and development projects, and marketing promotion including paid advertising and crediting the pro rata expense assessment obligation of handlers with such portion of their direct expenditures for marketing promotion including paid advertising, shall require at least seven affirmative votes.

4. Section 981.41 is revised to read:

§ 981.41 Research and development.

(a) *General.* The Control Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81(a) or credited

pursuant to paragraph (c) of this section.

(b) *Authorization.* If, on the basis of a Control Board recommendation pursuant to § 981.40(e) with respect to projects pursuant to this section, and appertaining rules and regulations established by the Secretary on recommendation of the Control Board, and other available information, the Secretary concurs that such activities should be permitted, he shall authorize such activities.

(c) *Creditable expenditures.* The Control Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. Such expenditures may include, but are not limited to, money spent for advertising space or time in newspaper, magazines, radio, television, transit, and outdoor media, including the actual standard agency commission costs not to exceed 15 percent: *Provided,* That, with respect to paid advertising, advertising production costs, preparation expenses, travel allowances, and other expenses not directly connected with paid space or time, and costs relating to pretesting of advertising, test marketing, directory advertising, point of sales materials, premiums, and trade promotion allowances shall not be eligible for credit against a handler's assessment obligation.

(d) *Promotion guidelines.* All marketing promotion activity engaged in by the Control Board, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising shall refer to any private brand, private trademark or private trade name;

(2) No promotion or advertising shall disparage the quality, use, value, or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product;

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity; and

(4) Upon conclusion of each activity, but at least annually, the Control Board shall summarize and report the results of such activity to its members and to the Secretary.

(e) *Rules and regulations.* Before any project involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

§ 981.66 [Amended]

5. Paragraph (b) of § 981.66 is amended by deleting the words "continental," "Alaska," and "Hawaii".

6. Paragraph (c) of § 981.66 is amended by deleting the words "Alaska" and "Hawaii".

§ 981.70 [Amended]

7. Section 981.70 is amended by inserting in the first sentence after the word "disposition" the words "advertising and promotion activities".

§ 981.80 [Amended]

8. Section 981.80 is amended by inserting in the first sentence after the words "maintenance and functioning of the Control Board" the words, "including the accumulation and maintenance of an operating reserve fund", and in the second sentence after the word "expenses" the words "and size of the operating reserve fund".

§ 981.81 [Amended]

9. Paragraph (a) of § 981.81 is amended by inserting in the first sentence after the words "such sums" the words "less any amounts credited pursuant to § 981.41" and by inserting after the words "to meet the authorized Board expenses" the words "and the operating reserve requirements," and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative".

10. Paragraph (b) of § 981.81 is revised to read:

(b) *Refunds.* Any money collected as assessments during any crop year and not expended at the end of the crop year's operations shall be used by the Control Board during the period of 4 months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year, refunded by the Control Board in accordance with the provisions of this part, or be retained in an operating reserve fund as provided in paragraph (c) of this section. Assessments collected in excess of Board expenses and not retained in the reserve shall be refunded to handlers. The Control Board shall from funds on hand, including assessments collected during the new crop year, or from funds in the reserve, distribute or make available within 5 months after the beginning of the new crop year, such excess to the handlers from whom it was collected or credited. Each handler's share of such funds shall be the amount of assessment he paid to the Board plus any assessment credited pursuant to § 981.41, in excess of his pro rata share of actual expenses of the Board including amounts credited to handlers for paid advertising pursuant to § 981.41 and the addition, if any, to the operating reserve fund.

11. Paragraph (c) of § 981.81 is designated (d), and a new paragraph (c) is added to read:

(c) *Reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more crop years an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning and other authorized activities of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately 1 crop year's budgeted expenses for such activities. Upon approval of the Secretary, funds accumulated in the reserve fund may be used by the Board for authorized activities.

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

Dated February 18, 1972, to become effective upon publication in the *FEDERAL REGISTER* (2-25-72).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc. 72-2779 Filed 2-24-72; 8:48 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

On April 6, 1971, the Atomic Energy Commission published in the *FEDERAL REGISTER* (36 F.R. 6521) proposed amendments to 10 CFR Parts 20, 30, 40, 70, and 71 of its regulations. The proposed amendments would impose on AEC licensees safety regulations applicable to shippers and carriers of radioactive material not regulated by the Department of Transportation (DOT), the U.S. Postal Service (formerly the Post Office Department), or an Agreement State. Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the *FEDERAL REGISTER*.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments published for comment with certain modifications of the requirements for opening instructions in §§ 20.205, 71.51, and 71.55, and certain editorial changes. The amendments which follow impose on AEC licensees: (1) Packaging requirements for shipments of licensed material not presently subject to Part 71 and DOT regulations; (2) package marking and labeling requirements for all shipments of licensed material not subject to DOT regulations; (3) requirements to provide consignees with any special opening instruction needed to safely open packages delivered to a carrier for transport and to have procedures for opening and closing packages; and (4) all applicable requirements of the

regulations of DOT when transporting licensed material as a carrier not subject to DOT regulations.

Amendments to §§ 30.13, 40.12, and 70.12 add freight forwarders and warehousemen to the present exemptions from licensing requirements for common and contract carriers to the extent that they transport or store byproduct, source, or special nuclear material for another. An amendment to Part 71, § 71.7, exempts physicians from the requirements of Part 71 to the extent that they transport, or direct an employee to transport, in a vehicle under the physician's control, licensed radioactive material for use in the practice of medicine.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 20, 30, 40, 70, and 71, are published as a document subject to codification to become effective 30 days after publication in the *FEDERAL REGISTER*.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new § 20.205 is added to Part 20 to read as follows:

§ 20.205 Procedures for opening packages.

Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and due consideration is given to special instructions for the type of package being opened.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

2. Section 30.13 of Part 30 is revised to read as follows:

§ 30.13 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and Parts 31-36 of this chapter and the requirements for a license set forth in section 81 of the Act to the extent that they transport or store byproduct material in the regular course of carriage for another or storage incident thereto.

3. Paragraph 30.34(c) of Part 30 is amended by adding the following sentence:

§ 30.34 Terms and conditions of licenses.

(c) * * * Preparation for shipment and transport of byproduct material shall be in accordance with the provisions of Part 71 of this chapter.

PART 40—LICENSING OF SOURCE MATERIAL

4. Section 40.12 of Part 40 is revised to read as follows:

§ 40.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and the requirements for a license set forth in section 62 of the Act to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

5. Paragraph 40.41(c) of Part 40 is amended by adding the following sentence:

§ 40.41 Terms and conditions of licenses.

(c) * * * Preparation for shipment and transport of source material shall be in accordance with the provisions of Part 71 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

6. Section 70.12 of Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

7. Paragraph 70.41(a) of Part 70 is amended by adding the following sentence:

§ 70.41 Authorized use of special nuclear material.

(a) * * * Preparation for shipment and transport of special nuclear material shall be in accordance with the provisions of Part 71 of this chapter.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

8. The title of 10 CFR Part 71 is amended to read as follows:

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

9. Section 71.1 of Part 71 is revised to read as follows:

§ 71.1 Purpose.

(a) This part establishes requirements for transport and for preparation for shipment of licensed material and prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241) and for large quantities of licensed materials, as defined in § 71.4(f).

(b) The packaging and transport of these materials are also subject to other