

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER PART 18—PREPARATION AND TRANS- MITTAL OF DOCUMENTS GENERALLY Exceptions From Highlights Requirement

Since May, 1971, agencies have been required to submit summary statements with each document for inclusion in the "Highlights" section of the FEDERAL REGISTER except in cases where exceptions were granted under 1 CFR 18.16(b). Notices of these exceptions appear in the FEDERAL REGISTER at 36 FR 7757, April 24, 1971; 36 FR 11822, June 19, 1971; 36 FR 13709, July 23, 1971; and 36 FR 20453, October 22, 1971.

Recently, an agency requested that the Director of the Federal Register grant another general exception applicable to all agencies. The specific class of documents involved is the notices of advisory committee meetings required by Public Law 92-463.

The agency pointed out that these notices are usually one page documents and that the essential information is summarized by the Office of the Federal Register in the listing of meetings which now appears in the "Highlights" section of the FEDERAL REGISTER. The agency felt, and the Director of the Federal Register agrees, that in view of this daily listing, the requirement that an agency prepare a separate highlight statement for each such document is unnecessary. Therefore, the exception request is granted. This new exception appears as General Exception No. 71-7 in the listing which follows. While this exception relieves agencies of the responsibility for submitting highlights for these documents, the Office of the Federal Register will continue to prepare a listing of meetings for inclusion in the "Highlights" of the daily issue.

A specific exception was granted to the National Park Service on March 28, 1973, relating to special regulations for individual or small groups of park areas. This specific exception has not been published prior to its inclusion in this republication as 71-116.

The listing of all general and specific exceptions is republished as Tables I and II following 1 CFR § 18.16. It is being included with the regulations of the Administrative Committee to facilitate research and provide a permanent record of the various exceptions granted by the Director of the Federal Register.

Accordingly, immediately following the text of § 18.16 Tables I and II are added reading as set forth below:

Exception No.	Agency	Class of documents
The exceptions listed below do not apply to any individual document that involves issues of broad public interest		
GENERAL EXCEPTIONS		
71-1	All agencies	Documents that involve the rights or obligations of one or more named persons or companies.
71-2	do	Documents relating to internal organization, such as delegations of authority.
71-3	do	Documents relating to employee standards of conduct.
71-4	do	Documents relating to uniform systems of accounts.
71-5	do	Financial interest statements.
71-6	do	Documents implementing and supplementing the Federal Procurement Regulations (41 CFR Ch. 1) and the Armed Services Procurement Regulations (32 CFR Ch. I, Subch. A).
71-7	do	Documents announcing meetings published pursuant to Public Law 92-463.
SPECIFIC AGENCY EXCEPTIONS		
71-100	Civil Service Commission	The following notice documents: Grants or revocations of authority to make noncareer executive assignment. Manpower shortage listings. Establishments or adjustments of minimum rates and rate ranges.
71-101	do	All Schedule A, B, and C amendments, additions or revocations in 5 CFR Part 213.
71-102	Small Business Administration	Notices of declaration of disaster loan areas.
71-103	Bureau of Land Management, Department of the Interior	Documents which classify lands for disposal or special use, and Public Land Orders (43 CFR Ch. II App.).
71-104	General Services Administration	Temporary interagency delegations of authority. Property Management Regulations (41 CFR Ch. 101-end).
71-105	Rescinded	Standard Instrument.
71-106	Federal Aviation Administration, Department of Transportation	Airworthiness Directives (14 CFR Part 39). Approach Procedures (14 CFR Part 97). Minimum I.F.R. altitudes (14 CFR Part 95). Airspace docket (enroute and terminal) (14 CFR Parts 71, 73, 75).
71-107	Agricultural and Marketing Service, Department of Agriculture	Regulations governing the handling of certain fruits, vegetables and nuts in designated areas (7 CFR Ch. IX). Milk marketing agreements and orders in designated areas (7 CFR Ch. X).
71-108	Agricultural Research Service, Department of Agriculture	Animal quarantines for limited geographic areas (9 CFR Ch. I).
71-109	Interstate Commerce Commission	Car service regulations (40 CFR Part 1035).
71-110	Fish and Wildlife Service, Department of the Interior	Special regulations respecting wildlife refuges and wildlife research areas (50 CFR 28.28, 32.11, 32.12, 32.21, 32.22, 32.31, 32.32, 33.4, 33.5, 60.11).
71-111	Securities and Exchange Commission	Interpretative releases and rules relating to forms (17 CFR Ch. II).
71-112	Bureau of Indian Affairs, Department of the Interior	Documents pertaining to specified reservations and irrigation projects (25 CFR Ch. I).
71-113	National Park Service, Department of the Interior	Documents concerning named parks (including special regulations in 36 CFR Part 7).
71-114	Forest Service, Department of Agriculture	National Forests boundary changes.
71-115	Coast Guard, Department of Transportation	Drawbridge operations (33 CFR Part 117).
71-116	National Park Service, Department of the Interior	Documents relating to special regulations for individual or small groups of park areas (36 CFR Part 7). Removal of termination dates for special salary rates. Establishment or revision of prescribed minimum educational requirements.

(1 CFR 18.16(b).)

FRED J. EMERY,
Director of the Federal Register.

[FR Doc. 73-24526 Filed 11-15-73; 8:45 am]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Dairy Indemnity Program

The regulations issued by the Department of Agriculture which set forth the

terms and conditions under which indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content and to manufacturers of dairy products who have been directed to remove their dairy products from commercial markets because of pesticide residues, 33 FR 2497, 33 FR 17341, as amended, 36 FR 5205, are hereby revised to read as follows in order to extend the effective date of the indemnity

payment program and to incorporate provisions for making indemnity payments to dairy farmers on the actual quantity of milk removed from the market. Consideration will be given to amending these regulations at a later date to incorporate provisions for making indemnity payments on dairy cows.

PROGRAM OPERATIONS

- Sec.
760.1 Administration.
760.2 Definitions.

PAYMENTS TO DAIRY FARMERS FOR MILK

- 760.3 Indemnity payments on milk.
760.4 Normal marketings of milk.
760.5 Fair market value of milk.
760.6 Information to be furnished.
760.7 Other requirements for affected farmers.
760.8 Application for payments for milk.

PAYMENTS TO MANUFACTURERS

- 760.20 Payments to manufacturers of dairy products.
760.21 Application for payments by manufacturers.
760.22 Information to be furnished by manufacturer.
760.23 Other requirements for affected manufacturers.

GENERAL PROVISIONS

- 760.24 Limitation of authority.
760.25 Estates and trusts; minors.
760.26 Appeals.
760.27 Setoffs.
760.28 Overdisbursement.
760.29 Death, incompetency or disappearance.
760.30 Records and inspection thereof.
760.31 Assignment.
760.32 Instructions and forms.

AUTHORITY: The provisions of this Part 760 issued pursuant to Public Law 90-484 (82 Stat. 750), as amended, Public Law 91-524 (84 Stat. 1361), Public Law 93-86 (87 Stat. 223).

PROGRAM OPERATIONS

§ 760.1 Administration.

This indemnity payment program will be carried out by ASCS under the direction and supervision of the Deputy Administrator. In the field, the program will be administered by the State and County Committees.

§ 760.2 Definitions.

For purposes of this subpart, the following terms shall have the meanings specified:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the U.S. Department of Agriculture to whom he has delegated, or to whom he may hereafter delegate, authority to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "Deputy Administrator" means the Deputy Administrator, Programs, ASCS.

(d) "State Committee" means the Agricultural Stabilization and Conservation State Committee.

(e) "County Committee" means the Agricultural Stabilization and Conservation County Committee.

(f) "Pesticide" means an economic poison which was registered pursuant to

the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135-135k), and approved for use by the Federal Government.

(g) "Public agency" means any Federal, State, or local public regulatory agency.

(h) "Affected farmer" means a person who produces whole milk which is removed from the commercial market any time from January 1, 1964, to June 30, 1977, pursuant to the direction of a public agency or a milk handler because of the detection of pesticide residue in such whole milk by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(i) "Affected manufacturer" means a person who manufactures dairy products which are removed from the commercial market any time from November 30, 1970, to June 30, 1977, pursuant to the direction of a public agency because of the detection of pesticide residue in such dairy products by tests made by a public agency or under a testing program deemed adequate for the purpose by a public agency.

(j) "Milk handler" means the marketing agency to or through which the affected dairy farmer marketed his whole milk at the time he was directed to remove his whole milk from the commercial market.

(k) "Person" means an individual, partnership, association, corporation, trust, estate, or other legal entity.

(l) "Application period" means any period beginning not earlier than January 1, 1964, and ending not later than June 30, 1977, during which an affected farmer's whole milk is removed from the commercial market pursuant to direction of a public agency or milk handler for the reason specified in paragraph (h) of this section and for which application for payment is made.

(m) "Pay period" means (1) in the case of an affected farmer who markets his whole milk through a milk handler, the period used by the milk handler in settling with the affected farmer for his whole milk, usually biweekly or monthly, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, a calendar month.

(n) "Whole milk" means milk as it is produced by cows.

(o) "Commercial market" means (1) the market to which the affected farmer normally delivers his whole milk and from which it was removed because of detection therein of pesticide residue, or (2) the market to which the affected manufacturer normally delivers his dairy products and from which they were removed because of detection therein of pesticide residue.

(p) "Removed from the commercial market" means (1) produced and destroyed or fed to livestock, (2) produced and delivered to a handler who destroyed it or disposed of it as salvage (such as separating whole milk, destroying the fat, and drying the skim milk), or (3)

produced and otherwise diverted to other than the commercial market.

(q) "Payment subject to refund" means a payment which is made by a milk handler to an affected farmer, and which such farmer is obligated to refund to the milk handler.

PAYMENTS TO DAIRY FARMERS FOR MILK

§ 760.3 Indemnity payments on milk.

An indemnity payment for milk will be made to an affected farmer who is determined by the County Committee to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of his normal marketings for the application period, as determined in accordance with §§ 760.4 and 760.5, less (a) any amount he received for whole milk marketed during the application period, and (b) any payment not subject to refund which he received from a milk handler with respect to whole milk removed from the commercial market during the application period.

§ 760.4 Normal marketings of milk.

(a) The County Committee shall determine the affected farmer's normal marketings which, for the purposes of this subpart, shall be the sum of the quantities of whole milk which such farmer would have sold in the commercial market in each of the pay periods in the application period but for the removal of his whole milk from the commercial market because of the detection of pesticide residue.

(b) Determination of normal marketings for each pay period shall be based upon: (1) The actual quantity of milk produced and removed from the market provided such quantity does not exceed the quantity estimated under paragraphs (b) (2) or (b) (3) of this section, (2) If the affected farmer or another person marketed whole milk from the farm during the period in the previous year equivalent to the pay period, the marketings of whole milk from the farm during such equivalent period, or (3) If the affected farmer or another person did not market whole milk from the farm during the period in the previous year equivalent to the pay period, the average of the affected farmer's marketings of whole milk from the farm per pay period during the three months immediately prior to removal of his whole milk from the commercial market.

(c) The base for normal marketings determined (1) under paragraph (b) (2) of this section shall be adjusted to reflect any change in the rate of the affected farmer's whole milk production from the production of the previous year due to factors such as changes in herd size both before and after removal of whole milk from the commercial market, and changes in management practices before such removal, or (2) under paragraph (b) (3) of this section shall be adjusted to reflect normal changes in the affected farmer's whole milk production during the pay period due to seasonal factors affecting production and changes in herd size.

(d) If only a portion of a pay period falls within the application period, normal marketings for such pay period shall be reduced so that they represent only that part of such pay period which is within the application period.

§ 760.5 Fair market value of milk.

(a) The County Committee shall determine the fair market value of the affected farmer's normal marketings, which, for the purposes of this subpart, shall be the sum of the net proceeds such farmer would have received for his normal marketings in each of the pay periods in the application period.

(b) The County Committee shall determine the net proceeds the affected farmer would have received in each of the pay periods in the application period (1) in the case of an affected farmer who markets his whole milk through a milk handler, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk paid during the pay period by such farmer's milk handler in the same area for whole milk similar in quality and butterfat test to that marketed by the affected farmer in the base period used to determine his normal marketings, or (2) in the case of an affected farmer whose commercial market consists of direct retail sales to consumers, by multiplying the affected farmer's normal marketings for each such pay period by the average net price per hundredweight of whole milk, as determined by the County Committee, which other producers in the same area who marketed their whole milk through milk handlers received for whole milk similar in quality and butterfat test to that marketed by the affected farmer during the base period used to determine his normal marketings.

(c) In determining the net price for whole milk, the County Committee shall deduct from the gross price therefor any transportation, administrative, and other costs of marketing which it determines are normally incurred by the affected farmer but which were not incurred because of the removal of his whole milk from the commercial market.

§ 760.6 Information to be furnished.

The affected farmer shall furnish to the County Committee complete and accurate information sufficient to enable it to make the determinations required in §§ 760.4 and 760.5. Such information shall include, but is not limited to:

(a) A copy of the notice from, or other evidence of action by, the public agency or milk handler which resulted in the removal of the affected farmer's whole milk from the commercial market.

(b) The name of the pesticide causing the removal of his whole milk from the commercial market, if not included in the notice or other evidence of action furnished under paragraph (a) of this section.

(c) A record of the quantity and butterfat test of whole milk which he produced on his farm and marketed, (1) if the affected farmer is covered by the provisions of § 760.4(b) (1) and (2), during

each pay period during the 15 months immediately prior to the time the whole milk was removed from the commercial market, or (2) if the affected farmer is covered by the provision of § 760.4(b) (3), during the three months immediately prior to the removal of his whole milk from the commercial market. This record shall be either a certified statement furnished by the affected farmer's milk handler, or such other evidence as the County Committee determines accurately establishes the butterfat test and quantity of whole milk produced and marketed during such periods.

(d) The number of cows milked during each pay period in the application period, and during the pay periods within the 3-month period immediately prior to the application period.

(e) If the affected farmer markets his whole milk through a milk handler, a statement from the milk handler showing for each pay period in the application period, the average price per hundredweight of whole milk paid producers in the affected farmer's area for whole milk similar in quality to that marketed by the affected farmer during the base period used to determine his normal marketings. If the milk handler has information as to the transportation, administrative, and other costs of marketing which are normally incurred by producers who market through the milk handler but which the affected farmer did not incur because of removal of his whole milk from the market, the average price stated by the milk handler shall be the average gross price paid producers less any such costs. If the milk handler does not have such information, the affected farmer shall furnish a statement setting forth such costs, if any.

(f) The amount of proceeds, if any, received by the affected farmer from the marketing of whole milk produced during the application period.

(g) The amount of any payments not subject to refund made to the affected farmer by the milk handler with respect to the whole milk produced during the application period and removed from the commercial market.

(h) To the extent that such information is available to the affected farmer, the name of any pesticide used on the farm within 24 months prior to the application period, the use made of the pesticide, the approximate date of such use, and the name of the manufacturer and the registration number, if any, on the label on the container of the pesticide.

(i) To the extent possible, the source of the pesticide that caused the contamination of the whole milk, and the results of any laboratory tests on the feed supply.

(j) Such other information as the County Committee may request to enable them to make the determinations required in this subpart.

§ 760.7 Other requirements for affected farmers.

An indemnity payment for milk will be made under this subpart to an affected

farmer only under the following conditions:

(a) If the pesticide contaminating the milk was used by the affected farmer, he establishes each of the following:

(1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f);

(2) That the contamination of his milk was not the result of his failure to use the pesticide according to the directions and limitations stated on the label of the pesticide; and

(3) That the contamination of his milk was not otherwise his fault.

(b) If the pesticide contaminating the milk was not used by the affected farmer:

(1) He did not know or have reason to believe that any feed which he purchased and which contaminated his milk contained a harmful level of pesticide residue;

(2) None of the milk was produced by dairy cattle which he knew, at the time he acquired them, were contaminated by pesticide residue; and

(3) The contamination of his milk was not otherwise his fault.

(c) The affected farmer has adopted practices recommended for eliminating pesticide residues from his milk as soon as practicable.

§ 760.8 Application for payments for milk.

The affected farmer or his legal representative, as provided in §§ 760.16 and 760.20, must sign and file an application for payment on a form which is approved for that purpose by the Deputy Administrator. The form must be filed with the ASCS County Office for the county where the farm headquarters are located no later than August 31, 1977, or such later date as the Deputy Administrator may specify. The application for payment shall cover application periods of at least 28 days, except that, if the entire application period, or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period. The application for payment shall be accompanied by the information required by § 760.6 as well as any other information which will enable the County Committee to determine whether or not the making of an indemnity payment is precluded for any of the reasons set forth in § 760.7. Such information shall be submitted on such forms as may be approved for the purpose by the Deputy Administrator.

PAYMENTS TO MANUFACTURERS

§ 760.20 Payments to manufacturers of dairy products.

An indemnity payment will be made to the affected manufacturer who is determined by the Deputy Administrator to be in compliance with all the terms and conditions of this subpart in the amount of the fair market value of the product removed from the commercial market because of pesticide residues, less any amount the manufacturer receives for the product in the form of salvage.

§ 760.21 Application for payments by manufacturer.

The affected manufacturer, or his legal representative, shall file an application for payment with the Deputy Administrator, ASCS, Washington, D.C., through the county office serving the county where the contaminated product is located. The application for payment may be in the form of a letter or memorandum. Such letter or memorandum, however, must be accompanied by acceptable documentation to support such application for payment.

§ 760.22 Information to be furnished by manufacturer.

The affected manufacturer shall furnish the Deputy Administrator, through the County Committee, complete and accurate information sufficient to enable him to make the determination as to the manufacturer's eligibility to receive an indemnity payment. Such information shall include but is not limited to:

(a) A copy of the notice or other evidence of action by the public agency which resulted in the product being removed from the commercial market.

(b) The name of the pesticide causing the removal of the product from the commercial market and, to the extent possible, the source of the pesticide.

(c) A record of the quantity of milk or butterfat used to produce the product for which an indemnity payment is requested.

(d) The identity of any pesticide used by the affected manufacturer.

(e) Such other information as Deputy Administrator may request to enable him to make the determinations required in this subpart.

§ 760.23 Other requirements for affected manufacturers.

An indemnity payment will be made under this subpart to an affected manufacturer only under the following conditions:

(a) If the pesticide contaminating the product was used by the affected manufacturer, he establishes each of the following: (1) That the pesticide, when used, was registered and recommended for such use as provided in § 760.2(f); (2) that the contamination of his product was not the result of his failure to use the pesticide in accordance with the directions and limitations stated on the label of the pesticide; and (3) that the contamination of his product was not otherwise his fault.

(b) If the pesticide contaminating the product was not used by the affected manufacturer: (1) He did not know or have reason to believe that the milk from which the product was processed contained a harmful level of pesticide residue; and (2) the contamination of his product was not otherwise his fault.

GENERAL PROVISIONS

§ 760.24 Limitation of authority.

(a) County executive directors and State and County Committees do not have authority to modify or waive any of

the provisions of the regulations in this subpart.

(b) The State Committee may take any action authorized or required by the regulations in this subpart to be taken by the County Committee when such action has not been taken by the County Committee. The State Committee may also (1) correct, or require a County Committee to correct, any action taken by such County Committee which is not in accordance with the regulations in this subpart, or (2) require a County Committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(c) No delegation herein to a State or County Committee shall preclude the Deputy Administrator or his designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or County Committee.

§ 760.25 Estates and trusts; minors.

(a) A receiver of an insolvent debtor's estate and the trustee of a trust estate shall, for the purposes of this subpart, be considered to represent an insolvent affected farmer or manufacturer and the beneficiaries of a trust, respectively, and the production of the receiver of trustee shall be considered to be the production of the person or manufacturer he represents. Program documents executed by any such person will be accepted only if they are legally valid and such person has the authority to sign the applicable documents.

(b) An affected dairy farmer or manufacturer who is a minor shall be eligible for indemnity payments only if he meets one of the following requirements:

(1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had he been an adult.

§ 760.26 Appeals.

The Appeal Regulations issued by the Administrator, ASCS, Part 780 of this chapter, shall be applicable to appeals by dairy farmers or manufacturers from determinations made pursuant to the regulations in this subpart.

§ 760.27 Setoffs.

(a) If the affected farmer or manufacturer is indebted to any agency of the United States and such indebtedness is listed on the county debt record, indemnity payments due the affected farmer or manufacturer under the regulations in this part shall be applied, as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the affected farmer or manufacturer of any right he would otherwise have to contest the justness of the indebtedness in-

volved in the setoff action, either by administrative appeal or by legal action.

§ 760.28 Overdisbursement.

If the indemnity payment disbursed to an affected farmer or to manufacturer exceeds the amount authorized under the regulations in this subpart, the affected farmer or manufacturer shall be personally liable for repayment of the amount of such excess.

§ 760.29 Death, incompetency or disappearance.

In the case of the death, incompetency, or disappearance of any affected farmer or manufacturer who is entitled to an indemnity payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The person requesting such payment shall file Form ASCS-325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," as provided in that part.

§ 760.30 Records and inspection thereof.

(a) The affected farmer, as well as his milk handler and any other person who furnishes information to such farmer or to the County Committee for the purpose of enabling such farmer to receive a milk indemnity payment under this subpart, shall maintain any existing books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected farmer, his milk handler and any other person who furnishes such information to the affected farmer or to the County Committee, shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records and accounts.

(b) The affected manufacturer or any other person who furnishes information to the Deputy Administrator for the purposes of enabling such manufacturer to receive an indemnity payment under this subpart shall maintain any books, records, and accounts supporting any information so furnished for 3 years following the end of the year during which the application for payment was filed. The affected manufacturer or any other person who furnishes such information to the Deputy Administrator shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

§ 760.31 Assignment.

No assignment shall be made of any indemnity payment due or to come due under the regulations in this subpart.

§ 760.32 Instructions and forms.

The Deputy Administrator shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in this subpart. Affected

farmers and manufacturers may obtain information necessary to make application for a dairy indemnity payment from the ASCS County Office. The following forms may be obtained at the ASCS County Office: ASCS-373—Application for Milk Indemnity Payment, ASCS-374—Marketing and Payment Report, Milk Indemnity Payment Program.

NOTE.—The reporting and/or recordkeeping requirements contained herein has been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: November 16, 1973.

Signed at Washington, D.C., on November 8, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-24476 Filed 11-15-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 613]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 18-24, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.913 Lemon Regulation 613.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(1) The committee has submitted its recommendation with respect to the

quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is expected to be stronger this week as the trade continues to build inventories in anticipation of Thanksgiving Holiday sales. Sales volume next week is expected to remain about unchanged. Average f.o.b. price was \$6.35 per carton the week ended Nov. 10, 1973, compared to \$6.29 per carton the previous week. Track and rolling supplies at 135 cars were up 19 cars from last week.

(1) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 12, 1973.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period Nov. 18, 1973, through November 24, 1973, is hereby fixed at 200,000 cartons.

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

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

Dated: November 15, 1973.

FLOYD P. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-24596 Filed 11-15-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Statement of Policy Concerning Quarantining for Cattle Scabies

Statement of considerations. Psoroptic cattle scabies is a disease of cattle caused by the mite *Psoroptis Bovis* which attacks the skin of the animal and feeds on blood serum thus causing a loss of weight and damage to the skin and general condition of animals affected. The disease is endemic in the United States.

Regulations (including quarantine provisions) regulating the interstate movement of cattle because of this disease are contained in (9 CFR) Part 73.

In order to inform the public as to the policy of the Department with respect to the imposition of quarantines for cattle scabies, it is deemed appropriate to promulgate a statement of policy to appear in 9 CFR Part 73, pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f):

Part 73 is hereby amended by adding a new § 73.1b to read:

§ 73.1b Quarantine policy.

The Act of March 3, 1905, as amended (21 U.S.C. 123), authorizes the Secretary of Agriculture to quarantine any State, or any portion of any State, when he determines the fact that any animals in such jurisdiction are affected with any contagious, infectious, or communicable disease of livestock or that the contagion of any such disease exists, or that vectors which may disseminate any such disease exist in such jurisdiction. Pursuant to this authority, the Department has quarantined various areas because of cattle scabies and has issued the regulations in this Part governing the interstate movement of cattle from such areas.

It is the policy of the Department to quarantine those portions of any State that are clearly identifiable, and in which exist animals affected with cattle scabies, or mites which are the contagion of said disease and not to quarantine an entire State for cattle scabies if the State adopts and enforces requirements for the intrastate movement of

cattle that are at least as stringent as the requirements in the regulations in this Part for interstate movements of cattle. Further, it is the policy of the Department to remove the quarantine from any quarantined area when it is determined that scabies-affected animals and the mites which are the contagion of scabies no longer exist in such areas.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 83 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-26, 134b, 134f, 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective November 16, 1973.

Done at Washington, D.C., this 13th day of November 1973.

E. E. SAULMON,
Deputy Administrator, Veter-
inary Services, Animal and
Plant Health Inspection
Service.

[FR Doc. 73-24522 Filed 11-15-73; 8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 266—LIMITATIONS ON ACTIVITIES OF FORMER MEMBERS AND EMPLOYEES OF THE BOARD

By notice of proposed rulemaking published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26469), the Board of Governors proposed to adopt rules to limit the activities of former members and employees of the Board in matters connected with their duties or official responsibilities while serving with the Board.

Although the Federal Criminal Code applies criminal sanctions against former officers and employees of the Government whose activities involve a conflict of interest or an appearance of such conflict, it is believed that rules of the Board as to personal appearance before the Board or the Federal Reserve Banks would provide additional protection to the public as well as to both present and former employees. The adoption of such rules seems particularly desirable in view of the increase in the last few years in the number of the Board's employees and in the Board's responsibilities in areas that require applications for its approval.

Accordingly, the Board adopts the following new Part 266, to be effective November 6, 1973:

- Sec.
266.1 Basis and scope.
266.2 Definitions.
266.3 Limitations.
266.4 Suspension of appearance privilege.
266.5 Criminal penalties.

AUTHORITY: Sec. 11(i) Federal Reserve Act (12 U.S.C. 248(i)) (5 U.S.C. 552).

§ 266.1 Basis and scope.

This part, issued under authority of section 11(i) of the Federal Reserve Act

(12 U.S.C. 248(i)), and pursuant to section 552 of Title 5 of the United States Code, which requires that every agency shall publish in the FEDERAL REGISTER its rules of procedure, relates to limitations on former members and employees of the Board with respect to participation in matters connected with their former duties and official responsibilities while serving with the Board.¹

§ 266.2 Definitions.

(a) "Employee" means a regular officer or employee of the Board; it does not include a consultant to the Board.²

(b) "Official responsibility," with respect to a matter, means administrative, supervisory, or decisional authority, whether intermediate or final, exercisable alone or with others, personally or through subordinates, to approve, disapprove, decide, or recommend Board action or to express staff opinions in dealings with the public.

(c) "Appear personally" includes personal appearance or attendance before, or personal communication, either written or oral, with the Board or a Federal Reserve Bank or any member or employee thereof, or personal participation in the formulation or preparation of any material presented or communicated to, or filed with, the Board, in connection with any application or interpretation arising under the statutes or regulations administered by the Board or the Federal Reserve Banks, except that requests for general information or explanations of Board policy or interpretation shall not be construed to be a personal appearance.

§ 266.3 Limitations.

(a) *Matters on which Board member or employee worked.* No former member or employee of the Board shall appear personally before the Board or a Federal Reserve Bank on behalf of anyone other than the United States, an agency thereof, or a Federal Reserve Bank, in connection with any judicial or other proceedings, application, request for ruling or determination, or other particular matter involving a specific party or parties in which the United States, an agency thereof, or a Federal Reserve Bank is also a party or has a direct and substantial interest and in which he participated personally and substantially as a member or employee of the Board through approval, disapproval, decision, recommendation, advice, investigation or otherwise.

¹ While the Board has not adopted rules with regard to the disclosure of unpublished information by former Board members and employees, it advises such persons not to disclose unpublished information of the Board obtained in the course of their work. Questions in this regard may be addressed to the General Counsel or the Secretary of the Board.

² While former consultants to the Board are not covered by these Rules, they appear to fall within the coverage of section 207 of the United States Criminal Code (18 U.S.C. § 207) that provides criminal penalties for engaging in activities similar, although not identical, to those described in paragraphs (a) and (b) of § 266.3 of this part.

(b) *Matters within Board member or employee's official responsibility.* No former member or employee of the Board shall appear personally before the Board or a Federal Reserve Bank on behalf of anyone other than the United States, an agency thereof, or a Federal Reserve Bank, in connection with any judicial or other proceeding, application, request for ruling or determination, or other particular matter involving a specific party or parties in which the United States, an agency thereof, or a Federal Reserve Bank is also a party or has a direct and substantial interest, and which matter was in process during his tenure of office or period of employment and under his official Board responsibility, at any time within a period of one year after the termination of such responsibility.

(c) *Consultation as to propriety of appearance before the Board.* Any former member or employee of the Board who wishes to personally appear before the Board or a Federal Reserve Bank on behalf of any party other than the United States or an agency thereof or a Federal Reserve Bank at any time within two years from termination of employment with the Board is advised to consult the General Counsel or the Secretary of the Board as to the propriety of such appearance.

(d) *Rulemaking proceedings.* Nothing in this section shall preclude a former member or employee of the Board from representing another person in any Board or Federal Reserve Bank proceeding governed by a rule, regulation, standard, or policy of the Board solely by reason of the fact that such former member or employee participated in or had official responsibility in the formation or adoption of such rule, regulation, standard, or policy.

(e) *Effective date.* This Part shall become effective November 6, 1973. Notwithstanding the foregoing, the limitations of this Part shall not apply to any activities with respect to a specific matter before the Board in which any former Board member or employee may be engaged on September 21, 1973, the date of publication of this Part, until the expiration of 60 days following the effective date of this Part or of such additional period as the Secretary of the Board may determine to be appropriate in order to avoid inequity.

§ 266.4 Suspension of appearance privilege.

If any person knowingly and willfully fails to comply with the provisions of this part, the Board may decline to permit such person to appear personally before it or a Federal Reserve Bank for such periods of time as it may determine and may impose such other sanctions as the Board may deem just and proper.

§ 266.5 Criminal penalties.

Any former member or employee of the Board who engages in actions in contravention of paragraphs (a) or (b) of § 266.3 may be subject to criminal penalties for violation of section 207 of the United States Criminal Code (18 U.S.C. § 207).