

million pounds less than in 1971. Accordingly, they expect that shipment percentages for such group of plants will average 3 to 4 percentage points less in 1972 than in 1971.

In this market situation it is apparent that the proportion of supply plant milk needed to supplement fluid milk requirements of distributing plants has declined to the point where the present minimum shipping standards need to be reduced 5 percentage points for the months of August through November to accommodate pooling of the milk now associated with the market. The December shipping standard, which is 10 percentage points less than during September through November, should not be reduced. Class I utilization during December 1970 and 1971 was about the same as during the preceding months of September through November each year. Shipments from supply plants were only 4.2 and 4.9 percentage points less in December than the period September through November during 1970 and 1971, respectively.

If the shipping standards are not reduced, handlers undoubtedly will have to modify normal marketing practices to maintain pool status of the producer milk on the market. To insure that the proportion of milk shipped from supply plants is sufficient to qualify such plants for pooling it probably would be necessary to route current direct receipts of producer milk at distributing plants through supply plants. Such a practice would likely involve unnecessary transportation of milk and should not be encouraged.

Accordingly, it is concluded that proponents' proposal to reduce the minimum supply plant shipping percentages should be adopted.

**RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS**

No briefs were filed.

**GENERAL FINDINGS**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER**

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Chicago regional marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1030.11, paragraph (a) (3) and the preamble of paragraph (b) (4) are revised as follows:

**§ 1030.11 Pool plant.**

\* \* \* \* \*

(3) Not less than 45 percent in each of the months of September, October, November, and December and 35 percent in each of the months of January, February, March, and August, and 30 percent in all other months of such receipts is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

\* \* \* \* \*

(4) Such percentage shall be not less than 35 percent in each of the months of September, October, and November, and 25 percent in August and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

\* \* \* \* \*

Signed at Washington, D.C., on July 13, 1972.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc. 72-10990 Filed 7-14-72; 8:53 am]

**Animal and Plant Health Inspection Service**

**[ 9 CFR Part 2 ]**

**ANIMAL WELFARE**

**Annual Fees and Report; Termination of Licensees**

Notice is hereby given in accordance with the administrative procedure pro-

visions in 5 U.S.C. 553 that pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579) (7 U.S.C. 2131 et. seq.), the Animal and Plant Health Inspection Service is considering amending §§ 2.6 (b) and 2.7 (b) and (c) of Part 2, Subchapter A, Chapter I, Title 9, Code of Federal Regulations.

*Statement of considerations.* The Act of August 24, 1966 (Public Law 89-544), was amended by the Animal Welfare Act of 1970 (Public Law 91-579). The regulations and standards to implement such legislative amendments were published as Miscellaneous Amendments in the FEDERAL REGISTER on December 24, 1971 (36 F.R. 24917-24927). It was the Department's intent to have the amount of the annual fee for a dealer to be based on the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and to persons for use as pets, directly or through auction sales, by the dealer during his preceding business year. It was the Department's intent to have the amount of the annual fee for an operator of an auction sale to be based on the total gross amount, expressed in dollars, derived in commissions or fees charged to the public for the sale of animals at auction to retail pet stores and persons for use as pets, as well as to research facilities, dealers, and exhibitors, during the preceding business year. However, the provisions in § 2.6 of the regulations relating to annual fees, inadvertently omitted sales for pet purposes as a basis for computing the annual license fees for dealers and operators of auction sales. This proposed revision of the regulations would correct these oversights.

Subparagraphs (1), (2), and (4) of paragraph (b) of § 2.6 of the regulations would be amended to read as follows:

**§ 2.6 Annual fees; and termination of licenses.**

\* \* \* \* \*

(b) (1) Except as provided in subparagraphs (3) and (4) of this paragraph, the amount of the annual license fee for a dealer shall be based on the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by such dealer or applicant during his preceding business year (calendar or fiscal).

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, the amount of the annual license fee for an operator of an auction sale shall be that of a Class "B" dealer and shall be based on the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals at auction by the operator to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, during the preceding business year (calendar or fiscal).

\* \* \* \* \*

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[ 29 CFR Part 1910 ]

#### SANITATION

#### Proposed Safety and Health Standards

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 F.R. 8754), and 29 CFR Part 1911 (36 F.R. 17506), it is hereby proposed to revise 29 CFR 1910.141 as set forth below.

The changes proposed herein are summarized as follows:

(1) Clarifying definitions for several terms would be provided.

(2) False floors, platforms, mats, or other dry standing places or appropriate waterproof footwear would be required where wet processes are used.

(3) Where vermin are detected an extermination program would be required.

(4) Drinking water would be required within 200 feet of regular workplaces.

(5) A requirement of the sewage disposal method would be that it not endanger the health of employees.

(6) Toilet facilities would be required within 200 feet of a place where employees regularly work.

(7) Cleansing agents would be required to be supplied with lavatories.

(8) Warm air blower would be recognized as acceptable drying means in washrooms.

(9) The ratio of showers per affected employees would be set. The actual requirement to have showers would be contained in specific standards with respect to employees who are exposed to toxic substances and physical stresses. These standards will be established at a future time.

(10) If employees are permitted to bring lunches into the premises, and vermin are a problem, then a sanitary repository for lunches would be required.

(11) Specific limitations to the scope of the section would be eliminated. However, in accordance with § 1910.267 the application of the section would continue to be confined to nonagricultural operations.

(12) Clean ice would be permitted in drinking water. The present ANSI (American National Standards Institute) standard Z4.1 had justification for prohibiting ice in drinking water when the original standard was established, since much ice was then cut from rivers and lakes. Today most ice is machine made, and sanitation in its manufacture is practicable.

(13) Nonpotable water would be permitted for cleaning the premises, bathing or laundering provided that it has been treated so that chemicals or organisms harmful to employees are eliminated. The present standard is too restrictive in the uses of nonpotable

water. In many places the availability of potable water is limited and the use of treated nonpotable water for cleaning premises or washing any portion of person or clothing presents no health problem.

(14) The requirement for adequate washing facilities in or adjacent to each toilet room would be changed to require one lavatory for each toilet facility. The present requirement for adequate washing facilities is too vague.

(15) All provisions relating to separate facilities based on sex are eliminated. Separate facilities for each sex have no basis in sanitation standards.

(16) The requirement for split toilet seats would be changed to apply only to seats installed or replaced after the effective date of this change.

(17) The number of lavatories in office occupancies would be reduced to the number of toilet facilities. Not all office workers need or do wash at the end of the working day. The number of lavatories required in the present standard and ANSI Z4.1 is based more on industrial occupancies, where the load on washing facilities is likely to be heavier, and concentrated at specific periods of the working day.

(18) The present language regarding change rooms would be replaced by a requirement to have change rooms only when employees are required to wear protective clothing pursuant to standards issued under this Part relating to exposure to toxic materials. Separate storage facilities (both for each employee and for street and work clothing) would be required. The present standard is vague, speaking of "practice" and "necessity" for reasons of "excessive dirt, heat, vapors, moisture."

(19) The specific area requirement for lunchrooms required on account of toxic materials exposures or potential exposures in work areas would be deleted. It appears that the specification of a precise number of square feet is not relevant.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Room 305, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Office of Standards located at the above address.

Pursuant to 29 CFR 1911 (b) and (c), interested persons may in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be post-marked on or before the 30th day after the date of publication of this notice of proposed rule making.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) In the case of an applicant for a license as a dealer or operator of an auction sale who did not operate for at least 6 months during his preceding business year, the annual license fee will be based in the case of a dealer on the anticipated total gross yearly income to be derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, and in the case of an operator of an auction sale on the anticipated gross yearly income to be derived from commissions and fees charged for the sale of animals at auction to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets.

Paragraphs (b) and (c) of § 2.7 of the regulations would be amended to read as follows:

#### § 2.7 Annual report by licensees.

(b) A person licensed as a dealer shall set forth in his annual report the total gross dollar amount derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the licensee during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

(c) A person licensed as an operator of an auction sale shall set forth in his annual report the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals at auction by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, during the preceding business year (calendar or fiscal), and such other information as may be required thereon.

Any person who wishes to submit written data, views, or arguments concerning this proposal may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Lone at Washington, D.C., this 12th day of July 1972.

G. H. Wise,  
Acting Administrator, Animal  
and Plant Health Inspection  
Service.

[FR Doc. 72-10897 Filed 7-14-72; 8:51 am]