in lieu of (1) above, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in (1) above. When so elected, the reporting period for the tour operator or foreign tour operator in (2) above shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378.16. The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [1]

I, the undersigned _____
(Title of officer in charge of accounts)
of the _____
(Full name of reporting company)
do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or tour operator's or foreign tour operator's post office address)

Date _____, 19__.

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(Secs. 204(a), 407, 416(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.72-12699 Filed 8-10-72;8:53 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 650—STANDARD FOR APPEALS PROMPTNESS — UNEMPLOYMENT COMPENSATION

The Secretary's standard for appeals promptness sets forth his construction of sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)) requiring, as a condition for receipt of granted funds, that State laws include provision for hearing and deciding appeals of all unemployment compensation claimants who are parties to an administrative benefit appeal with the greatest promptness that is administratively feasible. The standard sets forth also the Secretary's construction of section 303(b)(2) of the Social Security Act (42 U.S.C. 503(b)(2), requiring States to comply substantially with the required provision of State law and the criteria he will apply in determining such substantial compliance with respect to first level benefit appeal decisions.

The standard, which will appear in the Employment Security Manual, Part V, sections 8800-8820, is also incorporated in a new Part 650 of Title 20, Code of Federal Regulations, reading as set forth below.

The standard shall be effective upon publication in the FEDERAL REGISTER (8-11-72).

The new Part 650 reads as follows:

Sec.
650.1 Nature and purpose of the standard.
650.2 Federal law requirements.
650.3 Secretary's interpretation of Federal law requirements.
650.4 Review of State law and criteria for review of State compliance.
650.5. Immediate plan of action and annual appeals performance plan.

AUTHORITY: The provisions of this Part 650 issued as constructions of sections 303(a)(1), 303(a)(3), and 303(b)(2) of the Social Security Act, 42 U.S.C. 503(a)(1), 503(a)(3), and 503(b)(2); Secretary's Order No. 20-71 dated August 13, 1971.

§ 650.1 Nature and purpose of the standard.

(a) This standard is responsive to the overriding concern of the U.S. Supreme Court in California Department of Human Resources v. Java, 402 U.S. 121 (1971), and that of other courts with delay in payment of unemployment compensation to eligible individuals, including delays caused specifically by the adjudication process. The standard seeks to assure that all administrative appeals affecting benefit rights are heard and decided with the greatest promptness that is administratively feasible.

(b) Sections 303(a)(1) and (3) of the Social Security Act require, as a condition for the receipt of granted funds, that State laws include provisions for methods of administration reasonably calculated to insure full payment of unemployment compensation when due, and opportunity for a fair hearing for all individuals whose claims for unemployment compensation are denied. The Secretary has construed these provisions to require, as a condition for receipt of granted funds, that State laws include provisions for hearing and deciding appeals for all unemployment insurance claimants who are parties to an administrative benefit appeal with the greatest promptness that is administratively feasible. What is the greatest promptness that is administratively feasible in an individual case depends on the facts and circumstances of that case. For example, the greatest promptness that is administratively feasible will be longer in cases that involve interstate appeals, complex issues of fact or law, reasonable requests by parties for continuances or rescheduling of hearings or other unforeseen and uncontrollable factors than it will be for other cases.

(c) In addition, the Secretary has construed section 303(b)(2) of the Social Security Act as requiring States to comply substantially with the required provisions of State law. The Secretary considers as substantial compliance the issuance of minimum percentages of first level benefit appeal decisions within the periods of time specified in § 650.4.

(d) Although the interpretation of Federal law requirements in § 650.3 below applies to both first and second level administrative benefit appeals, the criteria for review of State compliance in § 650.3(b) apply only to first level benefit appeals.

§ 650.2 Federal law requirements.

(a) Section 303(a)(1) of the Social Security Act requires that a State law include provision for:

> Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.

(b) Section 303(a)(3) of the Social Security Act requires that a State law include provision for:

> Opportunity for a fair hearing, before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied.

(c) Section 303(b)(2) of the Social Security Act provides that:

> Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—
> (1) * * *
> (2) A failure to comply substantially with any provision specified in subsection (a) [303(a)]; the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such denial or failure to comply. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State * * *

§ 650.3 Secretary's interpretation of Federal law requirements.

(a) The Secretary interprets sections 303(a)(1) and 303(a)(3) above to require that a State law include provision for—

(1) Hearing and decision for claimants who are parties to an appeal from a benefit determination to an administrative tribunal with the greatest promptness that is administratively feasible, and

(2) Such methods of administration of the appeals process as will reasonably assure hearing and decision with the greatest promptness that is administratively feasible.

(b) The Secretary inteprets section 303(b)(2) above to require a State to comply substantially with provisions specified in paragraph (a) of this section.

§ 650.4 Review of State law and criteria for review of State compliance.

(a) A State law will satisfy the requirements of § 650.3(a) if after calendar year 1973 it contains a provision requiring, or is construed to require, hearing and decision for claimants who are parties to an administrative appeal affecting benefit rights with the greatest promptness that is administratively feasible.

(b) A State will be deemed to comply substantially with the State law requirements set forth in § 650.3(a) with respect to first level appeals, if for the calendar year 1975 and ensuing years, the State has issued at least 75 percent of all first level benefit appeal decisions within 30 days of the date of appeal, and at least 85 percent of all first level benefit appeal decisions within 45 days. These computations will be derived from the State's regular reports required pursuant to the Employment Security Manual, Part III, Sections 4400–4450.[1]

(c) To afford the States a reasonable opportunity to make the changes necessary to meet these criteria, the Secretary will not evaluate substantial compliance until calendar year 1974 and for that year he will apply less stringent criteria than for future years. A State law will be deemed to comply substantially with the State law promptness requirement for calendar year 1974 if the State has issued at least 50 percent of all first level benefit appeal decisions within 30 days of the date of appeal; at least 75 percent of its first level benefit appeal decisions within 45 days; and at least 90 percent of its first level benefit appeal decisions within 75 days. These computations also will be derived from the aforementioned reports required pursuant to the Employment Security Manual.

§ 650.5 Immediate plan of action and annual appeals performance plan.

(a) Every State that has not for fiscal year 1972 issued at least 50 percent of its first level benefit appeal decisions within 30 days of the date of appeal, 75 percent within 45 days, and 90 percent within 75 days, shall submit, no later than December 31, 1972, a plan of action showing how it will operate so as to meet these criteria beginning with the last quarter of calendar year 1973.

(b) No later than December 15, 1974, and the 15th of December of each ensuing year, each State shall submit an appeals performance plan showing how it will operate during the following calendar year so as to achieve or maintain the issuance of at least 75 percent of all first level benefit appeal decisions within 30 days of the date of appeal, and 85 percent within 45 days.

Signed at Washington, D.C., this 7th day of August 1972.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.72-12676 Filed 8-10-72;8:52 am]

[1] The Employment Security Manual is available at each regional office of the Department of Labor and at the headquarters' office of each State employment security agency.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Chemical, Physical, and Biological Methods of Analysis

In the enforcement of the Federal Food, Drug, and Cosmetic Act and other statutes, the Commissioner of Food and Drugs often must rely upon the results obtained by chemical, physical, and biological methods of analysis to demonstrate compliance or noncompliance with the statute and regulations. The methods of analysis used for this purpose may be implicit in the statute as in the case of the United States Pharmacopeia, National Formulary, and the Homeopathic Pharmacopeia, or specified in an approved new-drug application or supplied in a food or color additive petition. They may be promulgated in detail as in the case of the antibiotic regulations. In other cases they may be incorporated by reference as with pesticide residue methods and many food standards.

Where methods are not specified, as in the case of the general adulteration and misbranding sections of the act, for example, it is essential that regulatory agencies use standardized, reliable methods of analysis with demonstrated accuracy and reproducibility. Since even before the passage of the original Food and Drug Act of 1906, regulatory agencies developed a mechanism of choosing, validating, and publishing approved and standardized methods of analysis through the Association of Official Analytical Chemists (AOAC). The mechanism, designated as a collaborative study, requires the demonstration of reliability of a method by a number of different laboratories analyzing a number of unknown (to the laboratory) samples. Although the final decision on approval of methods by the AOAC is restricted to government scientists, Federal and State, all scientists may participate in the collaborative studies and supply comments and discussion on the performance of the methods.

The Freedom of Information Act requires the Government to provide as much information as possible regarding its activities. The Commissioner, therefore, wishes to indicate formally by a statement of policy and interpretation what has been the informal practice in the past—that unless otherwise indicated by the statute or regulation, the Food and Drug Administration will utilize the methods of analysis of the AOAC in its enforcement programs. Where such methods do not exist, or if there is a question regarding applicability, the Commissioner, on request, will indicate the methods that will be employed for enforcement purposes. It is important to recognize that use of an AOAC method does not relieve the practitioner of responsibility to demonstrate that he can perform the method properly through use of positive and negative controls and recovery and reproducibility studies.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701(a) and 707, 52 Stat. 1055 and 57 Stat. 500; 21 U.S.C. 371(a), 377) and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by adding a new section to Subpart A, as follows:

§ 3.89 Methods of analysis.

Where the method of analysis is not prescribed in a regulation, it is the policy of the Food and Drug Administration in its enforcement programs to utilize the methods of analysis of the Association of Official Analytical Chemists (AOAC) as published in the latest edition of their publication, "Official Methods of Analysis of the Association of Official Analytical Chemists," and the supplements thereto ("Changes in Methods" as published in the March issues of the "Journal of the Association of Official Analytical Chemists"), when available and applicable. Upon request, the Commissioner will furnish advice as to the availability and applicability of an AOAC method with respect to the enforcement of any specific regulation or statutory requirement. In the absence of an AOAC method, the Commissioner will furnish a copy of the particular method, or a reference to the published method, that the Food and Drug Administration will use in its enforcement program. Other methods may be used for quality control, specifications, contracts, surveys, and similar nonregulatory functions, but it is expected that they will be calibrated in terms of the method which the Food and Drug Administration uses in its enforcement program. Use of an AOAC method does not relieve the practitioner of the responsibility to demonstrate that he can perform the method properly through the use of positive and negative controls and recovery and reproducibility studies.

Since this order merely formalizes and codifies a practice already in effect and is in the public interest, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-11-72).

Dated: August 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 72-12610 Filed 8-10-72;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water; Order Amending Standard of Identity

In the matter of amending the standard of identity for soda water (21 CFR 31.1) to provide for the use of edible vegetable oils as optional ingredients in clouding agents and as carriers for flavoring ingredients used in soda water.

A notice of proposed rule making in the above identified matter was published in the FEDERAL REGISTER of February 18, 1972 (37 F.R. 3644), based upon a petition submitted by Aromatics International Manufacturing Co., Inc., Atlanta, Ga. 30331. The vegetable oils are incorporated in a formulation consisting of a number of other ingredients already permitted for use in the subject section, to serve as a cloud producing agent.

No comments were received in response to the invitation to comment on the proposal. On the basis of information submitted by the petitioner and other relevant information, the Commissioner of Food and Drugs concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for soda water under § 31.1 of Title 21 to provide for the use of edible vegetable oils as optional ingredients.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 31.1(b)(2), (6)(i), (ii), and (iii) of Part 31 be amended as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(2) One or more of the following flavoring ingredients may be added, in a carrier consisting of ethyl alcohol, glycerin, propylene glycol, or edible vegetable oils.

* * * * *

(6)(i) * * *

(ii) One or more edible vegetable oils as optional ingredients in cloud producing agents.

(iii) When one or more of the optional ingredients in subdivisions (i) and (ii) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

* * * * *

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 Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

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

Date: August 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12611 Filed 8-10-72;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2714) filed by W. R. Grace & Co., Dewey and Almy Chemicals Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of urea as a component of resinous and polymeric coatings for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xxxii) is amended by alphabetically adding to the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxxii) *Side seam cements.* * * *

* * * * *

Urea

* * * * *

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 Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, 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. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–11–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12612 Filed 8-10-72;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2722) filed by Lubrizol Corp., Post Office Box 3057, Cleveland, Ohio 44117, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of the reaction product of N-(1,1-dimethyl-3-oxobutyl) acrylamide and formaldehyde as a component of polyvinyl acetate latex coatings for paper and paperboard intended for use in contact with food.

Therefore, pursuant to provision of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by alphabetically adding to the list of substances a new item as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Hydroxymethyl derivatives (mixture of mono and poly) of [N-(1,1-dimethyl-3-oxobutyl) acrylamide] produced by reacting 1 mole of the [N-(1,1-dimethyl-3-oxobutyl) acrylamide] with 3 moles of formaldehyde such that the finished product has a maximum nitrogen content of 6.2 percent and a maximum hydroxyl content of 15 percent by weight on a dry basis.	For use only as a comonomer in polyvinyl acetate latex coatings and limited to use at a level not to exceed 1 percent by weight of dry polymer solids.
* * *	* * *