

nutritional calculations for compliance with requirements for the school food program or for other purposes. Percentage labeling would also offer State and local authorities information on patty compositions that would assist in efforts to assure consumers of properly labeled patty products.

The protein quantity and quality equivalency requirements proposed for "Patties with Meat" and "Patty Mix with Meat" are to prevent nutritional deception through these products that contain nonmeat ingredients but are indistinguishable in appearance from "Meat Patties" and "Meat Patty Mixes." The proposed requirements would safeguard the nutritional welfare of the consumers of these products who do not have access to information as to the identity of their ingredients. The 90 percent protein equivalency requirement for "Patties with Meat" as compared to the protein content of "Meat Patties" would provide processors with ample opportunities for innovation in the selection of product ingredients.

The specific proposed amendments to the regulations are as follows:

§ 319.15 [Amended]

Paragraph (c) of § 319.15 would be revoked, and a new § 319.70 added to read as follows:

§ 319.70 Miscellaneous meat products.

(a) *Meat patties or meat patty mixes.*—Products labeled "Meat Patties" and "Meat Patty Mixes" shall be prepared from a raw mix consisting of chopped meat, either fresh or frozen, or both, with or without the addition of meat fat as such, and with or without seasoning, to the exclusion of binders, extenders, or other nonmeat substances, poultry products, meat byproducts, and added water. If the products are labeled with species names, e.g., "Lamb Patties" or "Veal Patty Mix," they shall contain only meat of the specified species and, optionally, added fat and seasonings. The fat content of products subject to this paragraph shall not exceed 30 percent.

(b) *Patties with meat or patty mixes with meat.*—Patties and patty mixes made with meat, combined with binders, extenders, poultry products, meat byproducts, or added water, or any combination thereof, shall be prepared from a raw mix consisting of not less than 60 percent of chopped meat, either fresh or frozen, or both, combined with binders, extenders, poultry products, meat byproducts, or added water, or any combination thereof, and, optionally, seasonings. The products in the form of patties, or patty mixes, that are made with these ingredients shall be labeled "Patties with Meat" or "Patty Mix with Meat," as appropriate. The percentage of each ingredient shall be shown in the ingredients statement except that the percentage of condimental substances in the same class may be declared as a combined percentage.

(1) Products labeled "Patties with Meat" or "Patty Mix with Meat" shall

contain not less than 13.5 percent protein with a minimum protein efficiency ratio (PER) that is not less than 90 percent of the PER for "Meat Patties," as determined by the AOAC method "Biological Evaluation of Protein Quality."¹

(2) The term "meat" as used in this paragraph (b) shall mean "meat" as defined in § 301.2(bb) of this subchapter, which does not contain more than 30 percent fat and does not contain any bone or skin.

(c) (1) Product may be labeled as "Patties with Meat" or "Patty Mix with Meat" only if the establishment operator controls the preparation of the product so that in each batch of the product:

(i) A minimum of 60 percent meat is used in the formulation of the product.

(ii) The maximum fat content of the meat ingredient is 30 percent.

(iii) The finished product contains a minimum of 13.5 percent protein.

(iv) The protein efficiency ratio (PER) is not less than 90 percent of the PER for "Meat Patties," as determined by the AOAC method "Biological Evaluation of Protein Quality."¹

As used in this paragraph (c), a batch consists of any amount of product which is formulated at one time.

(2) The operator of each official establishment where products within paragraph (b) of this section are to be prepared must obtain from the Administrator prior approval of the procedures to be used in such preparation to insure compliance with the following requirements:

(i) Assure compliance of the products with all labeling requirements under this subchapter.

(ii) Assure that the products otherwise meet the requirements of this section.

(iii) Provide for disposition in accordance with the act of all products not in compliance with this part, unless they are reprocessed to bring them into such compliance.

(iv) Incorporate a system of raw product testing, weighing and identification that permits monitoring by Federal inspectors and establishment employees.

(v) Incorporate in the control procedure, sufficient laboratory analysis of finished product to assure compliance with all requirements of this section.

(d) If the products are cooked or partially cooked, the composition of the raw mix from which they were prepared shall be used in determining whether they meet the requirements of paragraph (a) or (b) of this section.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250 by July 6, 1973.

¹ AOAC, 11th edition, 1970, 39.166-39.170, p. 800. Published by the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the office of the hearing clerk during regular hours of business, unless the person makes the submission to the staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged and confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on April 27, 1973.

F. J. MULHERN,
Administrator, Animal and
Plant Health Inspection Service.

[FR Doc. 73-8753 Filed 5-3-73; 8:45 am]

Soil Conservation Service

[7 CFR Ch. VI]

WATERSHED PROTECTION AND FLOOD PREVENTION PROGRAM AND RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

Proposed Water Quality Management Guidelines

Water quality management measures are authorized for installation in watershed and resource conservation and development projects under authority of section 201(e), title II; and section 301, title III of the Rural Development Act of 1972 (Public Law 92-419). Title II of that act amends Public Law 83-566, the Watershed Protection and Flood Prevention Act (68 Stat. 666) as amended. Title III amends the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011) as amended.

Criteria for providing assistance.

In order that measures for water quality management may be eligible for inclusion in watershed and RC&D projects, the following criteria must be met:

(a) Sponsorship must be by units of government or eligible local nonprofit organizations having legal authority and

financial ability to plan, install, operate, and maintain the measure.

(b) Measures must be planned to solve a community problem or to capitalize on a community opportunity, and their installation must provide community benefits.

(c) When planned in a watershed project, works of improvement for water quality management must be an integral part of a project which includes works of improvement providing substantial benefits for flood prevention, irrigation or drainage, or any combination thereof.

(d) The proposed water supply is adequate in quantity and quality to meet the agreed-upon need.

(e) Water release is not to be used as a substitute for adequate treatment or other methods of controlling waste at the source. This requirement is considered to be met if the storage capacity for making releases is recommended, and benefits are determined, by the Environmental Protection Agency.

(f) Assistance cannot be provided on a single structure, including modification of an existing structure, with a capacity in excess of 12,500 acre-feet for a flood-water-detention purpose, or in excess of 25,000 acre-feet total capacity.

(g) Assistance cannot be provided for reservoirs on streams at locations draining more than 250,000 acres.

(h) Sponsors must present satisfactory evidence that:

(1) Any needed water rights are held or can be obtained for the quantity, period of use, and storage of water to meet project objectives; the owners of water rights are agreeable to such changes, exchanges, waivers, or modifications of their rights as may be required for the effective functioning of the contemplated improvements.

(2) They will obtain land rights and will pay all engineering, legal, or administrative costs they incur for acquisition of needed land rights.

(3) They can and will agree to operate and maintain the measures and bear all related costs for the planned life of the project. An operation and maintenance agreement will be entered into with the Soil Conservation Service.

(4) At least 50 percent of the land needing soil conservation practices above each retention reservoir, or other water storage facility for which assistance is to be provided, shall be covered by conservation plans.

(5) Plans for all structural measures must include sponsors' decisions that (i) not less than 75 percent of the effective land treatment must be installed, or installation provided for, on those sediment source areas which, if uncontrolled, would require a material increase in the cost of construction, operation, or maintenance of the structural measure; and (ii) conservation planning for land on which at least 75 percent of the effective land treatment measures referred to in subdivision (i) of this subparagraph are to be installed must be done prior to the execution of a project agreement for construction. Such planning must schedule the installation of the required land

treatment either before or concurrently with the installation of the structural measures covered by each project agreement.

(6) They have obtained all necessary permits and authorizations to comply with procedures and regulations relating to the types of installation or construction involved.

(7) They will provide the necessary relocation assistance advisory services and pay the non-Federal share of relocation payments in accordance with Public Law 91-646.

(i) Improvements must be installed, operated, and maintained in accordance with State law, and State and local health standards must be met.

Works of improvement.

Works of improvement include measures for the enhancement of water quality to improve the environment. They include the storage of water or other facilities to augment, divert, retain, or otherwise regulate streamflow. Works of improvement may also include needed intake, outlet, flow control regulation devices and conveyances from a reservoir or lake to the point of release for streamflow regulation purposes.

Coordination with Federal and State agencies.

The Soil Conservation Service will consult with the Environmental Protection Agency and the State agency responsible for water pollution control and other concerned agencies to determine flow requirements and justification for flow augmentation.

Section 102(b) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) provides:

(3) The need for, the value of, and the impact of, storage for water quality control shall be determined by the Administrator (of EPA), and his views on these matters shall be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage.

(4) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of regulation of streamflow in a manner which will insure that all project purposes, share equitably in the benefits of multiple-purpose construction.

(5) Costs of regulation of streamflow features incorporated in any Federal reservoir or other impoundment under the provisions of this act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

SCS assistance for water quality management.

Assistance under the SCS programs is as follows:

(a) Under the provisions of section 102(b) (5) of Public Law 92-500, when it is determined that benefits are widespread, the entire construction cost allocated to works of improvement for water quality management, will be borne from Federal funds. When benefits are determined to be other than widespread,

cost sharing will not exceed 50 percent of the construction cost.

(b) All of the engineering and other technical assistance costs may be borne by Federal funds.

Local responsibilities for water quality management.

Sponsors must bear all costs in connection with acquisition of land rights required for project works of improvement and will be responsible for operation and maintenance. They must also provide for at least 50 percent of the construction cost of measures when benefits are determined to be other than widespread in nature.

Evaluation of benefits.

Under the provisions of section 102(b) (3) the Administrator of EPA will determine the value and impact of all water quality management measures for which SCS will provide assistance.

The Soil Conservation Service invites those who desire to submit written comments or suggestions concerning the preparation of final guidelines to do so addressing them to the Administrator, Soil Conservation Service, U.S. Department of Agriculture, room 5105A, South Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

Such submission should be received by June 15, 1973, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submission will be available for examination by interested persons at the above address upon their receipt.

Dated May 1, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.73-8873 Filed 5-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 8, 9]

COLOR ADDITIVE D&C BLUE NO. 9

Proposal To List for Drug Use Subject to Certification

The Commissioner of Food and Drugs, having considered a petition filed by Davis and Geck Division, American Cyanamid Co., Danbury, Conn. 06810 (notice of filing was published March 7, 1964; 29 FR 3175), and other relevant material, proposes to establish the following regulation listing D&C Blue No. 9 as a color additive, subject to certification, for use in coloring cotton and silk surgical sutures for general and ophthalmic surgery.

This change would render obsolete the provisions of § 9.245, which contain the current identity and specifications for D&C Blue No. 9; accordingly, § 9.245 would be revoked. This change would also necessitate deleting the item "D&C Blue No. 9" from the listing of color additives, in § 8.501(b).

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic

Act (sec. 706(b), (c)(1), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend parts 8 and 9 (21 CFR parts 8 and 9) as follows:

1. In part 8:

§ 8.501 [Amended]

(a) By deleting "D&C Blue No. 9" from the listing of color additives in § 8.501(b).

(b) By adding the following new section:

§ 8.4039 D&C Blue No. 9.

(a) *Identity*.—The color additive D&C Blue No. 9 is principally 7,16-dichloro-6,15-dihydro-5,9,14,18-anthrazinetetrone.

(b) *Specifications*.—D&C Blue No. 9 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Volatile matter (at 135° C.), not more than 3 percent.

Matter extractable by alcoholic HCl (0.1 ml of concentrated hydrochloric acid per 50 ml of 95 percent ethyl alcohol), not more than 1 percent.

2-Amino anthraquinone, not more than 0.2 percent.

Organically combined chlorine in pure dye, 13.0-14.8 percent.

Lead (as Pb), not more than 20 p.p.m.

Arsenic (as As), not more than 3 p.p.m.

Pure color, not less than 97 percent.

(c) *Uses and restrictions*.—D&C Blue No. 9 may be safely used for coloring cotton and silk surgical sutures, including sutures for ophthalmic use, subject to the following restrictions:

(1) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(2) The quantity of the color additive does not exceed 2.5 percent by weight of the suture.

(3) When the sutures are used for the purposes specified in their labeling, the color additive does not migrate to the surrounding tissue.

(4) If the suture is a new drug, a new-drug application approved pursuant to section 505 of the act is in effect for it.

(d) *Labeling*.—The label of the color additive shall conform to the requirements of § 8.32.

(e) *Certification*.—All batches of D&C Blue No. 9 shall be certified in accordance with regulations in subpart A of this part.

§ 9.245 [Reserved]

2. In part 9 by revoking § 9.245 D&C Blue No. 9 and by reserving it for future use.

Interested persons may, on or before July 3, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accom-

panied by a memorandum or brief in support thereof.

Dated April 30, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-8877 Filed 5-3-73;8:45 am]

[21 CFR Part 121]

FOOD ADDITIVES

Use of Salts of Capric Acid et al. as Stabilizers in Polymers

Notice was given in the FEDERAL REGISTER of June 18, 1970 (35 FR 10050) that a petition (FAP OB2549) was filed by Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036, proposing that § 121.2566, Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) be amended to provide for the safe use of the aluminum, calcium, magnesium, potassium, sodium, and zinc salts of capric, caprylic, lauric, myristic, oleic, palmitic, and stearic acids as stabilizers in polymers used in the manufacture of food-contact articles. Subsequently, the petitioner revised the request with respect to the zinc salts.

Having considered the data in the petition, and other relevant material, the Commissioner of Food and Drugs proposes that the food additive regulations be amended, as set forth below, (1) to provide for the safe use of the subject

Salts of fatty acids as follows:

(a) Aluminum, calcium, magnesium, potassium, and sodium salts of capric, caprylic, lauric, myristic, oleic, palmitic, and stearic acids.

(b) Zinc salts of myristic, oleic, palmitic, and stearic acids.

2. In § 121.2566 by deleting from the "List of substances" in paragraph (b) the items "calcium myristate", "calcium stearate", "zinc palmitate", and "zinc stearate".

3. By adding a new section to subpart F as follows:

§ 121.----- Fatty acids and salts of fatty acids.

Fatty acids and salts of fatty acids where permitted for use in the manufacture of articles that contact food shall meet the following specifications as determined by methods described in § 121.1070(c):

1. Unsaponifiable matter does not exceed 2 percent.

2. It is free of chick-edema factor.

Interested persons may, on or before July 3, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in

additives as antioxidants and/or stabilizers for polymers used in the manufacture of food-contact articles, and (2) to delete for editorial purposes the items calcium myristate, calcium stearate, zinc palmitate, and zinc stearate as the amendment proposed herein provides for use of the additives as contemplated.

The Commissioner, having also reviewed data relating to fatty acids and their salts, considers such substances containing chickedema factor or more than 2 percent unsaponifiable matter to be of unsuitable purity for use in articles that contact food. Accordingly, the Commissioner also proposes that part 121 be amended by adding a new section to subpart F to prescribe purity specifications for all fatty acids and their salts permitted for use in the manufacture of articles intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that part 121 be amended as follows:

1. In § 121.2566 by alphabetically adding to the "List of substances" in paragraph (b) a group of salts of fatty acids as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:

Limitations

support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated April 26, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-8807 Filed 5-3-73;8:45 am]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of Interstate Land Sales Registration
[24 CFR Parts 1700, 1710, 1720, 1730]

[Docket No. R-73-228]

LAND REGISTRATION, FORMAL PROCEDURES, AND ADVERTISING, SALES PRACTICES, AND POSTING OF NOTICES OF SUSPENSION

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) it is proposed to amend chapter IX of 24 CFR. Under