

Rules and Regulations

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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 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Staff Assistant to the Deputy Administrator, Federal Energy Office, is excepted under Schedule C. Effective on April 19, 1974, § 213.3303 (k) (2) is added as set out below.

§ 213.3303 Executive Office of the President.

(k) *Federal Energy Office.* * * *

(2) One Staff Assistant to the Deputy Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 74-9060 Filed 4-18-74; 8:45 am]

PART 713—EQUAL OPPORTUNITY PART 772—APPEALS TO THE COMMISSION

Requests for Reopening

Sections 713.235 and 772.308(b) are amended to define the nature of the compliance, and the extent to which an agency must comply with the recommendation of the Board of Appeals and Review when it intends to request reopening by the Commissioners in the case of employee appeals involving removal, separation, or suspension continuing beyond the date of the request for reopening; to require agency notice to the employee-appellant of the nature of the corrective action pending the agency request for reopening; and to provide a period of time after which an agency request for reopening will not be considered by the Commissioners.

1. Effective April 19, 1974 § 713.235 is amended as follows:

Insert "(a)" immediately before "The" in the initial sentence of the section, and add the following as the final paragraph of the section:

§ 713.235 Review by the Commissioners.

(b) When an agency gives notice of intent to request reopening within the time specified in the decision of the Board of Appeals and Review for the agency report of corrective action, the agency may not effect the corrective ac-

tion recommended by the Board except as provided in this paragraph. When the agency gives notice of intent to request reopening, and when the appeal involves removal, separation, or suspension continuing beyond the date of the request for reopening, and when the Board decision recommends retroactive restoration, the agency shall comply with the Board decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Board pending the outcome of the agency request for reopening. The agency shall notify the Board and the employee in writing that the corrective action it takes is temporary or conditional at the same time it gives notice of intent to request reopening. When the agency does not give notice of intent to request reopening within the time specified in the Board decision for the agency report of corrective action, or when, after giving notice of intent to request reopening, the agency does not file a request for reopening within 30 days from the date of the Board decision, or when a request to reopen is denied, the agency shall effect the corrective action recommended by the Board, and there is no further right by the agency to request reopening. However, service under the temporary or conditional restoration provisions of the paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(5 U.S.C. 1301, 3301, 3302, 7151-7154, 7301, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218, E.O. 11222; 3 CFR, 1964-1965 Comp., p. 306, E.O. 11478; 3 CFR, 1969 Comp. p. 133)

2. Effective April 19, 1974, § 772.308(b) is revised to read as follows:

§ 772.308 Review by the Commission.

(b) When an agency gives notice of intent to request reopening within the time specified in the decision of the Board of Appeals and Review for the agency report of corrective action, the agency may not effect the corrective action recommended by the Board except as provided in this paragraph. When the agency gives notice of intent to request reopening, and when the appeal involves removal, separation, or suspension continuing beyond the date of the request for reopening, and when the Board decision recommends retroactive restoration, the agency shall comply with the Board decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position rec-

ommended by the Board pending the outcome of the agency request for reopening. The agency shall notify the Board and the employee in writing that the corrective action it takes is temporary or conditional at the same time it gives notice of intent to request reopening within the time specified in the Board decision for the agency report of corrective action, or when, after giving notice of intent to request reopening, the agency does not file a request for reopening within 30 days from the date of the Board decision, or when a request to reopen is denied, the agency shall effect the corrective action recommended by the Board and there is no further right by the agency to request reopening. However, service under the temporary or conditional restoration provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218, E.O. 11491; 3 CFR 1969 Comp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 74-9061 Filed 4-18-74; 8:45 am]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Changes in Subscription Charges; Extension of Deadline To Submit Proposals

On February 14, 1974, there was published in the FEDERAL REGISTER a notice of a proposed amendment to the health benefits regulations to extend for one month, the deadline date by which carriers must submit to the Commission, proposals for changes in subscription charges for the ensuing contract period. Carriers and other interested persons were invited to submit their comments, objections or suggestions to the Commission within 30 days after publication of such notice. The comments, objections and suggestions received on the proposal have been considered by the Commission and the Commission has decided to adopt the proposed amendment. Accordingly, § 890.203(b) is hereby amended as set out below.

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(b) Any proposal for change in a health benefits plan should be in writing,

specifically describe the change proposed and be signed by an authorized official of the carrier. The Commission will review a proposal for change and notify the carrier whether it accepts the change and may make a counter-proposal or at any time propose changes on its own motion. The Commission will not consider until after the expiration of the then current contract period any proposal for a change which is received less than 8 months before the expiration of the then current contract period, except that changes in subscription charges for the ensuing contract period may be proposed not less than 5 months before the expiration of the then current contract period.

(5 U.S.C. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.74-9014 Filed 4-18-74; 8:45 am]

Title 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 152—PHASE IV PAY REGULATIONS

Executive Control Group Reporting and Recordkeeping Requirements

In Part 152, § 152.130 is amended to redefine the term "annual sales or revenues" found in paragraphs (f) (1) and (g). Under these amendments the total gross receipts of a U.S. firm, from whatever source derived, are to be considered in determining executive control group reporting or recordkeeping requirements. Prior to these amendments, § 152.130 incorporated the definition of "annual sales or revenues" set forth in § 152.2, which in certain instances excludes the gross receipts of or from a foreign branch or division of the U.S. firm and the gross receipts of or from a wholly or partially owned foreign entity. The compensation paid to a member of an executive control group is normally related to the entire operation of the firm, and not simply to the firm's U.S. operations. The Council reviews the information submitted on the required reports in relationship to the firm's total revenues from all sources. Therefore, the Council has determined that receipts from foreign operations of U.S. firms should be included in determining whether a U.S. firm is subject to the reporting or recordkeeping requirements set forth in § 152.130.

This amendment does not apply to or affect the definition of "annual sales or revenues" for any other purpose in the Economic Stabilization Regulations. Neither does this amendment affect U.S. citizens who reside and are employed outside the U.S. while generating such "annual sales or revenues."

This amendment is effective with respect to reports required to be filed and records required to be maintained with respect to fiscal years ending prior to April 17, 1974, for which incentive compensation payments are made on or after

such date, and with respect to fiscal years ending on or after April 17, 1974.

Because the immediate implementation of Executive Order 11730 is required, and because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 152 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective April 17, 1974.

Issued in Washington, D.C. on April 17, 1974.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

In 6 CFR Part 152, paragraphs (f) (1) and (g) of § 152.130 are amended to read as follows:

§ 152.130 Executive control groups.

(f) *Reporting*—(1) *Timing of report*.—A firm which derives annual sales or revenues in excess of \$250 million (including, in the case of an affiliated group of entities, the sales or revenues attributable to all such entities of which such firm is the parent) shall submit a report to the Council not later than 10 days after any payment, award, or grant of any item of incentive compensation subject to § 152.124 or § 152.125 is made with respect to a member of an executive control group. If no payments, awards, or grants are made with respect to a fiscal year pursuant to an incentive compensation plan or practice subject to § 152.124 or § 152.125, such a firm shall submit a report to the Council not later than 30 days after the end of such fiscal year. For purposes of this paragraph, annual sales or revenues means the total gross receipts of a firm during the most recently completed fiscal year, from whatever source derived. Notwithstanding the previous sentence, annual sales or revenues of a foreign firm with a U.S. branch, division or subsidiary means only those receipts from operations of the U.S. entity.

(g) *Recordkeeping*.—A firm which derives annual sales or revenues in excess of \$50 million (including, in the case of an affiliated group of entities, the sales or revenues attributable to all such entities of which such firm is the parent) shall maintain records sufficient to permit the submission of a report described in paragraph (f) of this section, upon

request by the Council. For purposes of this paragraph, annual sales or revenues means the total gross receipts of a firm during the most recently completed fiscal year, from whatever source derived. Notwithstanding the previous sentence, annual sales or revenues of a foreign firm with a U.S. branch, division or subsidiary means only those receipts from operations of the U.S. entity.

[FR Doc.74-9116 Filed 4-17-74; 2:42 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS¹

Subpart—United States Standards for Grades of Canned Red Tart Pitted Cherries

A notice of proposed rulemaking to revise the United States Standards for Grades of Canned Red Tart Pitted Cherries was published in the FEDERAL REGISTER of September 11, 1973 (38 FR 24904). Interested parties were given until November 1, 1973, to study the proposal and offer comments, suggestions, or arguments relative to the proposal.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the United States Standards for Grades of Canned Red Tart Pitted Cherries are hereby revised pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

STATEMENT OF CONSIDERATION LEADING TO THE REVISION OF THE STANDARD

A proposed revision of the United States Standards for Grades of Canned Red Tart Pitted Cherries was published in the FEDERAL REGISTER of September 11, 1973, at the request of the National Red Cherry Institute, East Lansing, Michigan. It was requested that the standards be revised to:

(1) Clarify the definition of a "blemished cherry" under the factor of defects to conform to the recently revised definition in the standard of quality for canned cherries issued by the Federal Food and Drug Administration; and

(2) Include a third grade classification above Substandard to be designated as "U.S. Grade B" (or "U.S. Choice").

Comments were received regarding the proposal from three consumers and two trade associations.

One consumer suggested it is not practical to establish a Grade B classification based on requirements for color, texture,

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

flavor and odor unless an accurate measurement can be made.

The Department concurs that it is most desirable to be able to use objective and accurate measurements to separate product characteristics into different levels of quality and acceptability. Consequently, no differentiation is made between Grades A, B, and C with respect to flavor and odor. In all three grades the flavor and odor must be normal.

Various instruments and devices are available to measure color and texture. However, the Department has not yet found them entirely suitable and practical for application to canned red tart pitted cherries. In the meantime, the standards can be interpreted and applied with reasonable uniformity by relying on the expertise of trained personnel. The inclusion of an additional grade level will require some adjustment in cut-off points but will not dilute the effectiveness of the grade standards in being responsive to current industry practices of recognizing three marketable grade levels.

Comments from the second consumer did not relate to the proposed revision but were more in the form of a complaint regarding the general low quality of canned cherries.

A third consumer suggested that a Grade B is not needed and that the present requirements for Grade A are too lenient. This consumer wanted a guarantee that the product will be totally free of pits and defects.

The Grade B designation was requested by the National Red Cherry Institute to meet customer demands. They felt that there was indeed a marketable quality level between the existing Grade A and Grade C. The present quality levels in Grade A have been slightly improved in this proposal.

The best of growing conditions on a commercial basis and the best of commercial processing techniques cannot guarantee a product totally free of defects or pits. The USDA grade standards for canned red tart pitted cherries set allowances for these factors for the different quality levels based on good commercial practices. Producing a product totally free of defects or pits would not be possible.

Comments from the Northwest Food Processors Association, Portland, Oregon, gave basic agreement with the proposed revision but took exception to the lower limits for drained weights. The Northwest Canners Association suggests that the variation in drained weight be approximately five percent from the sample average. This would decrease the lower limit value for drained weights by 0.3 ounces for the smaller can sizes and 2.7 ounces for the No. 10 container. The supporting reasons given were:

(1) In different lots of product, variability in cell wall strengths and incidence of rupture caused significant fluctuations in the amount of liquid released from fruit cells.

(2) Retained water in the pit cavity of the fruit cannot be controlled and can, in itself, produce enough weight varia-

tion to exceed the lower limits permitted by the standards.

(3) Variations in tare weight of metal cans could account for a major portion of the permitted variation.

It was further stated that to illustrate the effect of these factors on No. 10 containers, an average drained weight of 76 ounces would normally be required to assure that the required number of cans meet or exceed the 71.2-ounce lower limit. Such overfill would be excessive, resulting in compression and crushing of fruit units, further cell rupture, and loss of fruit liquid, and considerable economic loss.

A comprehensive fill weight-drained weight study was performed by the U.S. Department of Agriculture in several red tart pitted cherry canning plants in Michigan and Pennsylvania in 1970 at the request of the National Red Cherry Institute. The data obtained from this study took into consideration such factors as variability from lot to lot in cell wall strength and incidence of rupture, retention of water in the pit cavity, and variations in tare weights of the various container sizes since these factors are inherent in any canning operation of this product.

Statistical analyses of these data showed a definite correlation between the fill weight (ingoing weight of the fruit) and the drained weight of the finished product. It further showed that a lot averaging 72.70 ounces drained weight or better would be accepted 95 percent or more of the time when the sample average requirement is 72.0 ounces. This, statistically, is considered the normal degree of reliability for acceptance based on the sample average value.

The various lower limits for fill weights and drained weights were statistically calculated from analysis of the data from the above-mentioned study. These values are based on the standard deviation (variability) taken from the study of the process capabilities for both fill weights and drained weights.

Experience with the drained weight limits in major red sour pitted cherry canning areas, as studied under a proposal in 1971 and since their inclusion in the grade standards in 1972, indicates that very little difficulty has been encountered because of failure to meet the lower limit value for drained weights when appropriate processing controls were exercised.

The Department feels there is no statistically valid reason to base lower limit values for all container sizes on a single percentage. Based on the results of the aforementioned study, lowering the limit for low drained weights would allow slack filled cans in excess of that normally expected in a reasonably well controlled filling operation. Therefore, until such time as data can be furnished to show just cause for lowering the lower limit values, the Department feels the values that have been in effect since 1972 and contained the proposal in the September 11, 1973 issue of the FEDERAL REGISTER should be retained.

Comments from the National Red Cherry Institute, East Lansing, Michigan, suggest basic agreement with the proposal, with the following exceptions:

(1) In § 52.773 Color, paragraph (c) (B) classification, the standards committee unanimously supports the concept that this should be neither a limiting rule nor a partial limiting rule. USDA proposed that color in the (B) classification be a limiting rule, meaning that if the color of a sample unit was evaluated as Grade B the sample unit could not be classified above Grade B regardless of the total score.

The standards committee argues that color of canned red tart pitted cherries at the Grade B level is not important enough to be a limiting factor by itself.

The Department agrees that the basic difference between Grade A and Grade B color is not sufficient to justify implementing a limiting rule for the factor of color at the Grade B level.

(2) In § 52.780 Defects. In the definition of "blemished cherry," the word "scab" has no application to red tart pitted cherries. The standards committee recommends it be deleted.

The definition for "blemished cherry" is taken from the definition contained in the Federal Food and Drug Standard of Quality for canned cherries since the word "scab" is contained in that definition, the Department feels it should be retained in the U.S.D.A. grade standards.

Other comments from the National Red Cherry Institute were basically of an editorial nature.

No other comments were received. Therefore, the United States Standards for Grades of Canned Red Tart Pitted Cherries are hereby revised as proposed, except for the aforementioned changes, effective May 15, 1974.

The revision is as follows:

IDENTITY AND GRADES

- Sec.
52.771 Identity.
52.772 Grades.

LIQUID MEDIA AND BRUX MEASUREMENTS

- 52.773 Liquid media and Brux measurements.

FILL OF CONTAINER

- 52.774 Fill of container.

SAMPLE UNIT SIZE

- 52.775 Sample unit size.

FACTORS OF QUALITY

- 52.776 Ascertaining the grade of a sample unit.
52.777 Ascertaining the rating for the factors which are scored.
52.778 Color.
52.779 Freedom from pits.
52.780 Defects.
52.781 Character.

ALLOWANCES FOR QUALITY FACTORS

- 52.782 Allowances for quality factors.

LOT COMPLIANCE

- 52.783 Ascertaining the grade of a lot.

SCORE SHEET

- 52.784 Score sheet for canned red tart pitted cherries.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

IDENTITY AND GRADES

§ 52.771 Identity.

"Canned red tart pitted cherries" is the product represented as defined in the standard of identity for canned cherries (21 CFR 27.30), issued pursuant to the Federal Food, Drug, and Cosmetic Act, and packed in one of the liquid media specified in § 52.773; and is sealed in a hermetically sealed container and so processed by heat as to prevent spoilage.

§ 52.772 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned red tart pitted cherries that have at least the following attributes:

- (1) At least a reasonably good color;
- (2) Practically free from pits;
- (3) Practically free from defects;
- (4) Good character;
- (5) Normal flavor and odor; and
- (6) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than eight cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned red tart pitted cherries that have at least the following attributes:

- (1) Reasonably good color;
- (2) Reasonably free from pits;
- (3) Reasonably free from defects;
- (4) Reasonably good character;
- (5) Normal flavor and odor; and
- (6) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

Canned red tart pitted cherries of this grade may contain not more than 15 cherries per sample unit that are less than 9/16 inch (14 mm) in diameter.

(c) "U.S. Grade C" (or "U.S. Standard") is the quality of canned red tart pitted cherries that have at least the following attributes:

- (1) Fairly good color;
- (2) Fairly free from pits;
- (3) Fairly free from defects;
- (4) Fairly good character;
- (5) Normal flavor and odor; and
- (6) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

There is no size requirement for canned red tart pitted cherries of this grade.

(d) "Substandard" is the quality of canned red tart pitted cherries that fail to meet the requirements of "U.S. Grade C."

LIQUID MEDIA AND BRIX MEASUREMENTS

§ 52.773 Liquid media and Brix measurements.

(a) Brix measurement requirements for the liquid media in canned red tart pitted cherries are not incorporated in the grades of the finished product since sirup, or any other liquid medium, as

such, is not a factor of quality for the purpose of the grades. The designation of liquid packing media and Brix measurements, where applicable, are as follows:

Designations	Brix measurement
Water (cherry juice and water).	Not applicable.
Cherry juice.....	Not applicable.
Slightly sweetened water.	Less than 18°.
Slightly sweetened cherry juice.	Less than 18°.
Light sirup.....	18° or more, but less than 22°.
Light cherry juice sirup.	18° or more, but less than 22°.
Heavy sirup.....	22° or more, but less than 28°.
Heavy cherry juice sirup.	22° or more, but less than 28°.
Extra heavy sirup....	28° or more, but less than 45°.
Extra heavy cherry juice sirup.	28° or more, but less than 45°.

(b) The densities of the packing media, as listed in this section, are measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), but without correction for invert sugars or other substances. The Brix measurement of the packing media may be determined by any other method which gives equivalent results.

(c) Brix determination is made on the packing media 15 days or more after the cherries are canned or on the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days.

FILL OF CONTAINER

§ 52.774 Fill of container.

(a) **FDA requirements.** Canned red tart pitted cherries shall meet the fill of container requirements as set forth in the regulations of the Food and Drug Administration (21 CFR 27.32).

(b) **Recommended minimum drained weights—(1) General.** The minimum drained weight recommendations for the various container sizes and types of packing media as listed in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(2) Definitions.

Sample average—Average of all the drained weights of the sample containers representing a lot.

$\bar{X}_a$ —A specified minimum sample average drained weight.

LL—Lower limit for individual container drained weight.

(3) **Method for ascertaining drained weight.** The drained weight of canned red tart pitted cherries is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (0.0937 inch (2.3 mm), ± 3 percent, square openings) so as to distribute the product evenly over the sieve. Without shifting the product, incline the sieve at an angle of 17° to 20°

to facilitate drainage and allow to drain for two minutes. The weight of drained cherries is the weight of the sieve and product less the weight of the dry sieve. A sieve eight inches in diameter is used for No. 3 size containers (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than No. 3 size containers.

(4) **Compliance with recommended minimum drained weights.** A lot of canned red tart pitted cherries is considered as meeting the minimum drained weight recommendations when the following criteria are met:

(i) The sample average meets the specified minimum sample average drained weight (designated as " $\bar{X}_a$ " in Table I); and

(ii) The number of sample containers which fail to meet the minimum drained weight for individual containers (designated as "LL" in Table I) does not exceed the applicable acceptance number specified in Table II.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED RED TART PITTED CHERRIES

Container designation	Packed in water or cherry juice		Packed in any sirup or slightly sweetened water	
	LL	$\bar{X}_a$	LL	$\bar{X}_a$
Ounces				
No. 303 (303 x 406)...	10.7	11.0	9.9	10.2
No. 303 Cylinder (303 x 509).....	14.0	14.4	12.7	13.1
No. 2 (307 x 409).....	13.1	13.5	12.3	12.7
No. 10 (603 x 700)....	71.2	72.0	69.4	70.2

TABLE II—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBERS

Sample Size (No. of sample containers).	3	6	13	21	29	38	48	60
Acceptance numbers....	0	1	2	3	4	5	6	7

(c) **Recommended fill weights—(1) General.** The minimum fill weight recommendations for the various container sizes in Table III of this section are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purpose of these grades.

(2) Definitions.

Subgroup..... A group of sample containers representing a portion of a sample.

$\bar{X}'_{min}$ A specified minimum lot average fill weight.

LWL..... Lower warning limit for subgroup averages.

LRL..... Lower reject limit for subgroup averages.

LWL..... Lower warning limit for individual fill weight measurements.

LRL..... Lower reject limit for individual fill weight measurements.

$\bar{R}'$ A specified average range value.

R_{max} A specified maximum range for subgroups.

(3) **Method for ascertaining fill weight.** The fill weight of canned red tart pitted cherries is determined in accord-

ance with the U.S. Standards for Inspection by Variable and the U.S. Standards for Determination of Fill Weights.

(4) Compliance with recommended fill weights. Compliance with the recom-

mended fill weights for canned red tart pitted cherries shall be in accordance with the U.S. Standards for Inspection by Variables and the U.S. Standards for Determination of Fill Weights.

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED RED TART PITTED CHERRIES

Container designation	Fill weight values in ounces							Sampling allowance code
	$\bar{X}'_{min}$	LWL	LRL	LWL	LRL	$\bar{R}'$	R_{max}	
No. 303	12.9	12.6	12.4	12.2	11.8	0.80	1.70	F
No. 303 Cylinder	16.8	16.4	16.2	15.9	15.4	1.10	2.20	H
No. 2	15.8	15.4	15.2	14.9	14.4	1.10	2.20	H
No. 10	86.7	85.9	85.5	85.0	84.1	2.00	4.20	P

SAMPLE UNIT SIZE

§ 52.775 Sample unit size.

Compliance with requirements for the size and the various quality factors is based on the following sample unit sizes for the applicable factor:

- (a) Size, color, pits, and character—20 ounces of drained cherries.
- (b) Defects (other than harmless extraneous material)—100 cherries.
- (c) Harmless extraneous material—The total contents of each container in the sample.

§ 52.776 Ascertaining the grade of a sample unit.

FACTORS OF QUALITY

(a) General. The grade of a sample unit of canned red tart pitted cherries is ascertained by considering the factor of flavor and odor of the product and the requirement for size (in U.S. Grade A and U.S. Grade B) which are not scored; the ratings for the factors of color, freedom from pits, defects, and character, which are scored; and the limiting rules which may be applicable.

(b) Factors rated by score points. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Freedom from pits	20
Defects	30
Character	30
Total score	100

(c) Definition. "Normal flavor and odor" means that the flavor and odor are characteristic of canned red tart pitted cherries and that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.777 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.778 Color.

(a) (A) classification. Canned red tart pitted cherries that have a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform color that is bright and typical of canned red tart pitted cherries which have been prepared and processed from properly ripened cherries.

(b) (B) classification. Canned red tart pitted cherries that have a reasonably good color may be given a score of 16 or 17 points. "Reasonably good color" means a reasonably uniform color, typical of canned red tart pitted cherries which have been properly prepared and processed and which color may range from a slight yellowish-red color to a slightly mottled reddish brown.

(c) (C) classification. Canned red tart pitted cherries that have a fairly good color may be given a score of 14 or 15 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a fairly uniform color typical of canned red tart pitted cherries which have been properly processed and which color may range from a brownish cast to mottled shades of brown.

(d) (SStd.) classification. Canned red tart pitted cherries that fail to meet the color requirements for U.S. Grade C may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.779 Freedom from pits.

(a) General. The factor of freedom from pits refers to the incidence of pits and pit fragments.

(b) Definitions. (1) A "pit," for the purposes of the allowances in this section, is a whole cherry pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their

combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that have been drained of packing medium by the method prescribed in this subpart.

(c) (A) classification. Canned red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table IV.

(d) (B) classification. Canned red tart pitted cherries that are reasonably free from pits may be given a score of 16 or 17 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from pits" means that the number of pits that may be present does not exceed the allowances for this classification as set forth in Table IV.

(e) (C) classification. Canned red tart pitted cherries that are fairly free from pits may be given a score of 14 or 15 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table IV.

(f) (SStd.) classification. Canned red tart pitted cherries that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.780 Defects.

(a) General. The factor of defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Minor blemished cherry" means any cherry blemished with skin discoloration (other than scald) having an aggregate area of a circle 9/32 inch (7 mm) or less in diameter which more than

slightly affects the appearance of the cherry but does not extend into the fruit tissue.

(5) "Blemished cherry" means any cherry blemished by skin discoloration (other than scald) which in the aggregate exceeds the area of a circle 9/32 inch (7 mm) in diameter. A cherry affected by skin discoloration extending into the fruit tissue or by scab, hail injury, scar tissue, or other abnormality, regardless of size, is considered a blemished cherry.

(b) (A) *classification*. Canned red tart pitted cherries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(c) (B) *classification*. Canned red tart pitted cherries that are reasonably free from defects may be given a score of 24 to 26 points. Canned red tart pitted cherries that fall into this classification may not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(d) (C) *classification*. If the canned red tart pitted cherries are fairly free from defects, a score of 21 to 23 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the number of defects that may be present does not exceed the number specified for the type of defects in Table IV.

(e) (SStd.) *classification*. Canned red tart pitted cherries that fail to meet the requirements for Grade C for any reason may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.781 Character.

(a) *General*. The factor of character refers to the physical characteristics of the flesh of the cherries.

(b) (A) *classification*. Canned red tart pitted cherries that have a good character may be given a score of 27 to 30 points. "Good character" means that the cherries are thick-fleshed and have a firm, tender texture.

(c) (B) *classification*. Canned red tart pitted cherries that have a reasonably good character may be given a score of 24 to 26 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries may be reasonably thick-fleshed and may be slightly soft.

(d) (C) *classification*. Canned red tart pitted cherries that have a fairly good character may be given a score of 21 to 23 points. Canned red tart pitted cherries that fall into this classification shall not be graded above U. S. Grade

C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries may be thin-fleshed, and may be soft but not mushy, or slightly tough but not leathery.

ALLOWANCES FOR QUALITY FACTORS

§ 52.782 Allowances for quality factors.

TABLE IV—ALLOWANCES FOR QUALITY FACTORS

Factor	Sample unit size	Maximum number permissible for the respective grade					
		A		B		C	
Pits.....	20 ozs.....	Not more than 2 in any sample unit.	Sample average 1 per 40 ozs.	Not more than 3 in any sample unit.	Sample average 1 per 30 ozs.	4 or more in any sample unit.	Sample average 1 per 20 ozs.
Defects:	100 cherries.						
Total—multilobed, plus minor blemished plus blemished of which		10		15		20	
Blemished—limited to Harmless extraneous material.	Total contents.	3	Average 1 piece per 60 oz. net contents.	7	Average 1.5 pieces per 60 oz. net contents.	15	Average 3 pieces per 60 oz. net contents.

LOT COMPLIANCE

§ 52.783 Ascertaining the grade of a lot.

The grade of a lot of canned red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.784 Score sheet for canned red tart pitted cherries.

Size and kind of container.....
 Container mark or identification.....
 Label.....
 Net weight (ounces).....
 Vacuum (inches).....
 Drained weight (ounces).....
 Syrup designation (extra heavy, heavy, etc.).....
 Brix measurement.....
 Size.....

Factors	Score points
Color.....	(A) 18-20 (B) 16-17 (C) 14-15 (SStd.) 0-13
Freedom from pits.....	(A) 18-20 (B) 16-17 (C) 14-15 (SStd.) 0-13
Freedom from defects.....	(A) 27-30 (B) 24-26 (C) 21-23 (SStd.) 0-20
Character.....	(A) 27-30 (B) 24-26 (C) 21-23 (SStd.) 0-20
Total score.....	100

Normal flavor.....
 Grade.....

¹ See size limitation for U.S. Grade A and U.S. Grade B.

² Indicates limiting rule.

The United States Standards for Grades of Canned Red Tart Pitted Cherries, as herein revised, shall become effective May 15, 1974, and thereupon will supersede the United States Standards for Grades of Canned Red Tart Pitted

(e) (SStd.) *classification*. Canned red tart pitted cherries that fail to meet the requirements for U.S. Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

Cherries which have been in effect since June 16, 1972.

Dated: April 12, 1974.

E. L. PETERSON,
 Administrator,
 Agricultural Marketing Service.

[FR Doc.74-8971 Filed 4-18-74; 8:45 am]

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

[Lemon Reg. 635]

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 April 21-27, 1974. 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.

§ 910.935 Lemon Regulation 635.

(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 regulation 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.

(i) 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 continues about unchanged from last week. Average f.o.b. price was \$5.68 per carton the week ended April 13, 1974, compared to \$5.58 per carton the previous week. Track and rolling supplies at 155 cars were down 5 cars from last week.

(ii) 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 April 16, 1974.

(b) Order. (1) The quantity of lemons grown in California and Arizona which

may be handled during the period April 21, 1974, through April 27, 1974, is hereby fixed at 225,000 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: April 17, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-9180 Filed 4-18-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NE-11; Amdt. 39-1823]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming Aircraft Engines

There have been contained failures of the second, third, fourth and fifth stage compressor rotor discs and impeller assemblies on Avco Lycoming T5309C, T5311A and T5311B turboshaft engines due to stress rupture, stress corrosion or fatigue which have resulted in partial or complete engine power losses. Since this

condition is likely to exist or develop in other engines of the same model, an Airworthiness Directive is being issued to require the removal of the compressor rotor discs and centrifugal impeller assemblies and replacement with new improved discs and impeller assemblies. Due to the high spread in time in these failures, this replacement is required within 100 hours time in service after the effective date of this Airworthiness Directive.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Avco Lycoming. Applies to all Avco Lycoming T5309C, T5311A and T5311B turboshaft engines.

Compliance required, unless already accomplished, prior to the accumulation of 100 hours in service after the effective date of this AD.

To prevent possible compressor disc or impeller assembly failures leading to partial or complete loss of engine power, remove and replace the second, third, fourth, and fifth stage compressor rotor discs and centrifugal impeller assemblies in accordance with the table below.

Component	Remove P/N	Install P/N
2d stage compressor rotor disk.....	1-100-230-01.....	1-100-230-04 or later FAA approved P/N.
3d stage compressor rotor disk.....	1-100-242-01 or 1-100-242-06.....	1-100-242-09 or later FAA approved P/N.
4th stage compressor rotor disk.....	1-100-244-01, 1-100-244-02, 1-100-244-04, or 1-100-244-06.....	1-100-244-08 or later FAA approved P/N.
5th stage compressor rotor disk.....	1-100-417-01 or 1-100-417-02.....	1-100-417-05 or later FAA approved P/N.
Centrifugal impeller assembly.....	1-100-440-04 or 1-100-440-07.....	1-100-440-07 Rev. B or later FAA approved P/N.

Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time.

NOTE: (Avco Lycoming Service Bulletin Number 0033 pertains to this subject.)

This amendment becomes effective May 2, 1974.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts on April 11, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.74-9009 Filed 4-18-74; 8:45 am]

[Docket No. 73-NW-15-AD; Amdt. 39-1823]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707, 727 and 737 Series Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1627 (38 FR 9990), AD

73-9-4, as amended by Amendment 39-1643 (38 FR 13549), to include all Boeing Model 727-200 series airplanes incorporating the forward entry door upper hinge assembly spigot, P/N 65-29996-1, as being applicable to the inspection and interim modification requirements specified in Boeing Service Bulletin 727-52-83 was published in 39 F.R. 1640.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was made that the amendment as proposed would add all Model 727-200 series airplanes to AD 73-9-4 whereas only a portion of Model 727-200 series airplanes have been determined to be suspect of inadvertent upper spigot retention bushing installation, which has caused the spigots to crack or fail. These affected Model 727-200 series airplanes are those airplanes listed under Group II in Paragraph I.A.1. of Boeing Service Bulletin 727-52-83, Revision 1 dated June 20, 1973. Therefore, the commentator stated that if the AD is amended it should include only those Model 727-200 series airplanes which are suspect of having the bushing installed. The FAA agrees with this comment; therefore, the

amendment will be made accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1627 (38 FR 9990), AD 73-9-4, as amended by Amendment 93-1643 (38 FR 13549) is further amended by amending the applicability to read:

BOEING: Applies to all Model 707, 727 and 737 series airplanes certificated in all categories, listed in Boeing Service Bulletins 3105, Revision 1, dated June 15, 1973 (707); 727-52-83, Revision 1, dated June 20, 1973; and 737-52-1044, Revision 1, dated June 15, 1973, respectively, or later FAA approved revisions.

This amendment becomes effective May 20, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on April 10, 1974.

C. B. WALK, Jr.,
Director,
FAA Northwest Region.

[FR Doc. 74-9008 Filed 4-18-74; 8:45 am]

[Docket No. 74-SO-42; Amdt. 39-1821]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 Series Airplanes

There have been instances where crash forces could have resulted in hazardous rear seat belt loads due to the belts attachment location on Piper PA-28 Series Airplanes. Since this condition exists in other airplanes of the same type design, an airworthiness directive is being issued to require relocation of the rear seat belt attachments on Piper PA-28 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER: Applies to Model PA-28-140 Serial Numbers 28-7225001 through 28-7325674; Model PA-28-180 Serial Numbers 28-7205001 through 28-7305601; Model PA-28-235 Serial Numbers 28-7210001 through 28-7310176; and Model PA-28R-200 Serial Numbers 28R-7235001 through 28R-7335446, certificated in all categories.

Compliance required within the next 100 hours time in service from the effective date of this AD, unless already accomplished.

To provide a safer rear seat belt installation, accomplish the following:

Relocate the rear seat safety belt outboard attachments in accordance with Piper Service Bulletin Number 393 or equivalent approved by the Chief, Engineering and Manufacturing

Branch, Federal Aviation Administration, Southern Region, Atlanta, Georgia.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Piper Aircraft Corporation, Vero Beach Division, Vero Beach, Florida 32960. These documents may also be examined at the Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Georgia 30344 and at Federal Aviation Administration Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the Federal Aviation Administration, Southern Region.

This amendment becomes effective April 24, 1974.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on April 9, 1974.

NOTE: The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

P. M. SWATEK,
Director, Southern Region.

[FR Doc. 74-9007 Filed 4-18-74; 8:45 am]

[Airspace Docket No. 74-RM-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 12, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 9544) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bismarck, No. Dak., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 20, 1974.

Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Aurora, Colorado, on April 11, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.181 (39 FR 440) amend the 1200-foot transition area for Bismarck, N. Dak. to read as follows:

BISMARCK, N. DAK.

***; that airspace extending upward from 1200 feet above the surface within a 2 1/2-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 290° radial clockwise to the Bismarck VORTAC 082° radial and within a 33-mile radius of the Bismarck VORTAC extending from the Bismarck VORTAC 082° radial clockwise to the Bismarck VORTAC 290° radial.

[FR Doc. 74-9010 Filed 4-18-74; 8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Miscellaneous Amendments

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) there was published in Part II of the FEDERAL REGISTER for December 9, 1972 (37 FR 26379 and 26380) a notice of proposed rulemaking setting forth proposals to amend Part 57, Subchapter N, Chapter I, 30 CFR, relating to certain health and safety standards applicable to underground mines subject to the Act. These standards had been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726). Included among these standards was a proposal to add a new mandatory standard 57.18-28 requiring instruction in approved courses on mine emergency training and the use of the self-rescue devices. Although considered, the proposed standard was not recommended by the Advisory Committee.

Subject to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 (30 U.S.C. 725(d)) on or before the last day of the period fixed for the submission of comments and recommendations, any person who may be adversely affected by a proposed health and safety standard which had been designated as a "Mandatory" standard and which had not been recommended as a "Mandatory" standard by the Advisory Committee may file with the Secretary of the Interior written objections thereto stating the grounds for such objections and request a public hearing (subject to the provisions of the Administrative Procedure Act (5 U.S.C. 556 and 557) on such objections.

Interested persons were afforded a period of 30 days following publication of the Notice of Proposed Rulemaking in the FEDERAL REGISTER within which to submit to the Director, Bureau of Mines, their written data, views, arguments or objections to the proposed mandatory standards. Such period was subsequently extended to January 31, 1973, by a notice published in the FEDERAL REGISTER for January 23, 1973 (38 FR 2219).