

[Airspace Docket No. 74-CE-10]

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

Alteration of Transition Area

On page 27918 of the FEDERAL REGISTER dated August 2, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Spencer, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

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

Issued in Kansas City, Missouri, on September 3, 1974.

GEORGE R. LACALLE,
Acting Director,
Central Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

SPENCER, IOWA

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Spencer, Iowa Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.); and within three miles each side of the Spencer VOR 298° radial, extending from the five-mile radius zone to eight miles northwest of the VOR; within five miles east and three miles west of the Spencer VOR 134° radial, extending from the five-mile radius zone to 15 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Spencer VOR 298° radial, extending from 6½ miles southeast of the VOR to 18½ miles northwest of the VOR; within eight miles northeast and 9½ miles southwest of the Spencer VOR 134° radial, extending from 6½ miles northwest of the VOR to 22½ miles southeast of the VOR.

[FR Doc.74-21131 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-SO-34]

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

Alteration of Transition Area

On March 29, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 11561) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Vidalia, Ga., transition area is amended as follows: " * * * longitude 82°22'15" W.) * * *" is deleted and " * * * longitude 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on September 5, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21127 Filed 9-12-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Futures Commission Merchant Statements to Customers

A proposal was published in the FEDERAL REGISTER on July 1, 1974, (39 FR 24235), pursuant to the authority of section 8a of the Commodity Exchange Act (7 U.S.C. 12a), to amend §§ 1.33 and 1.33a of Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to require all futures commission merchants to render every customer, with certain specified exceptions, a monthly statement which clearly shows the customer's net unrealized profit or loss in all open contracts figured to the market. Interested persons were given an opportunity to request a hearing or to make written submissions on the matter on or before August 12, 1974.

As set forth in the notice of proposed rulemaking published on July 1, 1974, the purpose of the proposed amendments is to require futures commission merchants to send each customer a statement which would enable the customer to better appraise his market positions. To ease the burden of the requirement, especially for futures commission merchants using manual bookkeeping systems, it would not apply to certain limited types of accounts.

No objections have been received and the proposed amendments are hereby

adopted without change. As amended, § 1.33 and paragraph (a) of § 1.33a read as set forth below.

Effective date. These amendments shall become effective November 1, 1974.

1. Section 1.33 is amended to read as follows:

§ 1.33 Monthly statement for customer and record of customer's position in each future.

Each futures commission merchant shall promptly furnish in writing directly to each customer, as of the close of the last business day of each calendar month or as of any regular monthly date selected: (a) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (b) a statement which clearly shows the net unrealized profit or loss in all open contracts figured to the market; *Provided, however,* That this requirement shall not apply to the following: (1) Any account carried for a person who is a member of any contract market, (2) any omnibus account carried for another futures commission merchant, and (3) any account containing only hedge positions; and (c) a statement which clearly shows any securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account. Copies of the statements prepared for customers shall be retained by the futures commission merchant in accordance with the requirements of § 1.31.

2. Section 1.33a(a) is revised to read as follows:

§ 1.33a Controlled accounts.

(a) With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant shall (1) promptly confirm in writing directly to the customer for whom such account is carried the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31; and (2) clearly show on each monthly statement furnished as required by § 1.33, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement: *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent, or child of the customer for whom such account is carried (7 U.S.C. 6g, 12a).

Issued: September 10, 1974.

RICHARD L. FELTNER,
Assistant Secretary for
Marketing and Consumer Services.

[FR Doc.74-21226 Filed 9-12-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

INITIAL DETERMINATIONS

On January 15, 1974, there was published in the FEDERAL REGISTER (39 FR 1860) a notice of proposed rulemaking with a proposed portion of Subpart N of Regulations No. 16, relating to determinations. Interested parties were given 30 days within which to submit data, views, and arguments. The 30-day period has elapsed and few comments have been received.

The only party recommending changes was the Legal Services for the Elderly Poor, which suggested (1) that the regulations provide a time limit for the making of an initial determination; and (2) that determinations as to emergency cash advances be considered initial determinations and thus be subject to review.

By providing for the payment of as many as 3 months' benefits prior to the initial determination where disability may be presumed, Congress has allowed at least 90 days for the making of an initial determination in a supplemental security income claim based on disability. In other supplemental security income claims, Congress set the amount of the emergency cash advance at \$100 because it was expected that in those cases the initial determination can be made within 30 days. Although, at the present time, title XVI nondisability initial determinations are taking longer to process than intended by Congress, efforts are currently being directed toward making these determinations in the shortest possible time and, as a result, the Social Security Administration expects that, in the not too distant future as the initial load of claims is processed, the personnel becomes more proficient with the new program and the systems are perfected, nondisability initial determinations can be made in 30 days and the current processing time of approximately 90 days for initial determinations involving disability under both the title II and title XVI programs can be improved. Since the payment under the title XVI program is effective with the month in which the application is filed, the Administration will gain no advantage by delaying the initial determination. In addition, the local Social Security Administration office will both take the claims and make the initial determinations in title XVI claims whereas initial determinations in title II or title XVIII claims require review by another office of the Social Security Administration. However, there are some cases that

present problems which prolong processing, and to establish a 30-day maximum for all initial determinations would be unrealistic. Consequently, a time limit for making such determinations has not been included in the regulations, but the Social Security Administration will continue to make every effort to render an initial determination within a 30-day period.

With regard to the comment regarding review of the determination of eligibility for an emergency cash advance, if such a determination were appealable, the intended purpose of such an advance (i.e., to meet the immediate needs of the individual) would not be served. In most cases, by the time the appellate process could be completed, the claimant would be receiving benefits based on the initial determination. The immediate needs of the individual would have been met for the full period in question (i.e., beginning with the month the application was filed), and the issue of the emergency cash advance would no longer be meaningful.

Accordingly, the proposed amendments are adopted with the following changes:

(1) One minor editorial change in § 416.1403(b) for clarification;

(2) A change in § 416.1404(a) to provide that where, upon redetermination, an individual's eligibility for supplemental security income benefits and the amount of his benefits are not changed, the usual written notice of an initial determination will not be sent;

(3) A change in § 416.1403(b) to make clear that although determinations are not considered initial determinations, explanatory notices will be sent; and

(4) A change in § 416.1405 to include, as another exception to the usual rule regarding finality of initial determinations, the case of an initial determination regarding cessation of disability due to medical improvements. The amendments, as revised, are set forth below.

(Secs. 1102, 1601-1634, 49 Stat. 647, as amended, 86 Stat. 1465-1478 (42 U.S.C. 1302, 1381-1385))

Effective date. The amendments shall be effective September 13, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: August 6, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 6, 1974.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Part 416 of 20 CFR Ch. III is amended as follows:

1. Sections 416.1401-1405 are added to proposed Subpart N to read as follows:

Sec.
416.1401 General.
416.1403 Determinations.
416.1404 Notice of initial determination.
416.1405 Effect of initial determination.

§ 416.1401 General.

The provisions contained in this Subpart N relate to determinations under title XVI (Supplemental Security Income) and administrative and judicial review. The provisions herein govern in determining whether a determination is subject to review and set forth the conditions and procedures for reconsideration, hearings, Appeals Council review, and the right to judicial review of initial determinations.

§ 416.1403 Determinations.

(a) *Initial determinations.* The Administration shall, with respect to the application (or conversion) of, or on behalf of, any individual who is or claims to be an eligible individual or eligible spouse and with respect to redeterminations pursuant to section 1611(c)(1) of the Act, make findings of fact setting forth pertinent conclusions and an initial determination with respect to eligibility for supplemental security income benefits and the amount of such benefits. For the purposes of this subpart, the following determinations are also considered initial determinations:

(1) A determination with respect to waiver of recovery of an overpayment;

(2) A determination that payment will be made to a representative payee on behalf of a recipient; except that such a determination with respect to an individual under age 18 or with respect to an individual adjudged legally incompetent or with respect to an individual determined to be a drug addict or an alcoholic shall not be considered an initial determination;

(3) A determination that penalties are to be imposed for failure to report the occurrence of certain events; and

(4) A determination that a recipient is a drug addict or alcoholic.

(b) *Other determinations.* Determinations with respect to presumptive disability for the payment of benefits prior to a determination of disability and with respect to eligibility for, or amount of, emergency cash advances are not considered initial determinations. However, when payment of presumptive disability benefits or emergency cash advances are made, a notice shall be sent, explaining the nature of the payments and the conditions under which they are made; and notice shall also be sent when no further presumptive disability payments can be made.

§ 416.1404 Notice of initial determination.

(a) Written notice of an initial determination shall be mailed to the party to such determination at his last known address and to his representative, if any, except that such notice shall not be required in the case of a determination that a party's eligibility for benefits has ended because of such party's death or in the case of a redetermination pursuant to section 1611(c)(1) of the Act if the Party's eligibility for benefits and the amount of his benefits have not changed.

(b) If the initial determination denies, in whole or in part, the application of a party, the notice of the determination shall state the basis for such determination.

(c) If the initial determination is that a party's eligibility for benefits has ended or that benefits are to be suspended or that a reduction or adjustment is to be made in the amount of benefits, the notice of such determination shall state the basis for the determination and shall provide notice and opportunity for an evidentiary hearing before such determination is effectuated except as otherwise provided in Subpart M of this Part.

(d) Each notice of an initial determination shall inform the party of his right to the pertinent administrative appellate process.

§ 416.1405 Effect of initial determination.

The initial determination shall be final and binding upon the party or parties to such determination unless it is reconsidered in accordance with §§ 416.1408-416.1423, it is revised, or, in the case of an initial determination regarding cessation of disability due to medical improvement, a decision on such issue is made by a presiding officer in accordance with § 416.1447 or § 416.1457 (a).

[FR Doc.74-21156 Filed 9-12-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Disodium EDTA-Copper; Confirmation of Effective Date

In the matter of listing disodium EDTA-copper for safe use in coloring shampoos which are cosmetics:

1. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399-403; 21 U.S.C. 376 (b), (c), and (d)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above identified matter published in the FEDERAL REGISTER of May 10, 1974 (39 FR 16884). Accordingly, the regulation (21 CFR 8.8006) promulgated thereby became effective July 9, 1974.

2. Effective as of July 9, 1974, § 8.501 Provisional lists of color additives is amended in the table in paragraph (g) by deleting "Copper versenate" from the list of color additives.

Dated: September 6, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-21210 Filed 9-12-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Spiced, Flavored Standardized Cheeses; Confirmation of Effective Date of Order Establishing Standards of Identity and Label Statement of Optional Ingredients

An order was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19776), amending Part 19 by adding a new § 19.792, establishing a standard of identity and label statement of optional ingredients for spiced, flavored standardized natural cheeses (21 CFR 19.792). The order provided for the filing of objections within 30 days after its date of publication in the FEDERAL REGISTER.

Pursuant to 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 of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective August 5, 1974.

Dated: September 5, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-21209 Filed 9-12-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Chlortetracycline, Robenidine Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-507V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing safe and effective use of robenidine hydrochloride and chlortetracycline in chicken feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. In § 121.208(d) by adding to table 1 a new item 17 as follows:

§ 121.208 Chlortetracycline.

(d) * * *

TABLE 1.—Chlortetracycline in complete chicken and turkey feeds

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
17. Chlortetracycline.	100,200,500	Robenidine hydrochloride.	30	See § 135e.66(f) table items 3, 4, and 5 of this chapter for limitations.	See § 135e.66(f) table items 3, 4, and 5 of this chapter for indications for use.

2. In § 135e.66(f) by adding to the table of new items 3, 4, and 5 as follows:

§ 135e.66 Robenidine hydrochloride.

(f) * * *

	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	100	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers, feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by <i>E. mitis</i> , <i>E. brunetti</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. maxima</i> , and <i>E. necatrix</i> ; as an aid in the control of chronic respiratory disease (CRD) caused by <i>M. gallisepticum</i> susceptible to chlortetracycline; as an aid in the control of infectious synovitis caused by <i>M. synoviae</i> susceptible to chlortetracycline.
4. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	200	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers; feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by <i>E. mitis</i> , <i>E. brunetti</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. maxima</i> , and <i>E. necatrix</i> ; as an aid in the treatment of infectious synovitis caused by <i>M. synoviae</i> susceptible to chlortetracycline; as an aid in the control of chronic respiratory disease (CRD) caused by <i>M. gallisepticum</i> susceptible to chlortetracycline.

	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
5. Robenidine hydrochloride.	30 (0.0083%)	Chlortetracycline.	500	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; not to be fed continuously for more than 5 days; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by <i>E. mitis</i> , <i>E. brunetti</i> , <i>E. tenella</i> , <i>E. acroloina</i> , <i>E. maxima</i> , and <i>E. necatrix</i> ; as an aid in the reduction of mortality due to <i>E. coli</i> susceptible to chlortetracycline.

Effective date. This order shall be effective on September 13, 1974.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc. 74-20930 Filed 9-12-74; 8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-290V) filed by Pfizer, Inc., New York, NY 10017, proposing safe and effective use of pyrantel tartrate at a revised dosage administered in feed for swine over 200 pounds body weight. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 135e are amended as follows:

1. In § 135c.59 by revising the introductory text of paragraph (d) (2) and (d) (2) (ii) to read as follows:

§ 135c.59 Pyrantel tartrate powder.

* * * * *

(d) * * *

(2) Swine:

* * * * *

(ii) It is added to feed at 0.4 gram pyrantel tartrate per pound of nonpelleted ration. The ration is administered as a single treatment as the sole ration at the rate of 1 pound per 40 pounds of animal weight for animals up to 200 pounds. Animals 200 pounds and over are administered 5 pounds of ration per animal.

2. In § 135e.64 by revising item 3 in the table of paragraph (e) to read as follows:

§ 135e.64 Pyrantel tartrate.

* * * * *

(e) * * *

Principal ingredient	Grams per ton	Limitations	Indications for use
3. Pyrantel tartrate.	800 (0.0881%)	For swine: as a single therapeutic treatment in complete feed; feed at the rate of 1 lb of feed per 40 lb of body weight for animals up to 200 lb, and 5 lb of feed per head for animals 200 lb or over; withdraw 24 hours prior to slaughter.	For the removal and control of large round worm (<i>Ascaris suum</i>) and nodular worm (<i>Oesophagostomum</i>) infections.

Effective date. This order shall be effective on September 13, 1974.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc. 74-20929 Filed 9-12-74; 8:45 am]

Title 22—Foreign Relations
CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.704]

PART 51—PASSPORTS

Subpart D—Fees

PASSPORT APPLICATION FEE

H.R. 15172, which amends 22 U.S.C. 214, has passed both Houses of Congress and is awaiting signature by the President. Under the legislation the Secretary of State is authorized to prescribe the passport application fee, in lieu of the present statutory fee. Accordingly, and pursuant to the authority vested in the Secretary by 22 U.S.C. 214, as amended by H.R. 15172, and authority delegated to me by the Secretary, Title 22, Code of Federal Regulations, § 51.61, is amended by substituting "\$3" for "\$2" wherever the latter figure appears in that section, effective on the date of signature by the President of H.R. 15172.

The maximum application fee has been set by statute at \$2 since 1956. This amendment raises the fee for executing an application for a passport to \$3. This amendment is being made effective immediately on the date of signing of the legislation by the President for the following reason: The legislation terminates the statutory fee and authorizes the Secretary of State to prescribe the fee. If a fee is not prescribed by the Secretary by regulation at the same time as the termination of the statutory fee, there would be no authority to charge an application fee, and passport acceptance facilities that are reimbursed for their services by the application fee might be compelled to suspend receiving applications from the public. Since immediate action was required, it was considered that notice and public procedure thereon were impracticable and contrary to the public interest.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, and inasmuch as the amount of the fee is subject to periodic review and change, interested persons may submit written comments, suggestions, data, or arguments to the Director, Passport Office, Department of State, Washington, D.C. 20524, on or before October 29, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as a further amendment is made, however, § 51.61, as amended, shall remain in effect, thus permitting the public business to proceed more expeditiously.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of
Security and Consular Affairs.

SEPTEMBER 9, 1974.

[FR Doc. 74-21124 Filed 9-12-74; 8:45 am]