

lowing SDF-LOC-LDA SIAPs, effective September 6, 1974.

Grand Island, Neb.—Grand Island Airpark, LOC/DME (BC) Rwy 17, Amdt. 1.  
Santa Ana, Calif.—Orange County, LOC (BC) Rwy 1L, Amdt. 4.  
Santa Ana, Calif.—Orange County, LOC Rwy 19R, Amdt. 5.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 7, 1974.

Summit, Alaska—Summit Arpt., NDB-A, Amdt. 6.

\* \* \* effective October 31, 1974.

Waseca, Minn.—Waseca Municipal Arpt., NDB Rwy 15, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective October 3, 1974.

New York, N.Y.—John F. Kennedy Int'l. Arpt., ILS Rwy 22L, Amdt. 17.

\* \* \* effective September 26, 1974.

Kansas City, Mo.—Kansas City Int'l. Arpt., ILS (BC) Rwy 19, Orig., canceled.  
Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 19, Orig.

Saranac Lake, N.Y.—Adirondack Arpt., ILS Rwy 23, Amdt. 1.

\* \* \* effective September 6, 1974.

Grand Island, Neb.—Grand Island Airpark, ILS Rwy 35, Amdt. 2.  
Santa Ana, Calif.—Orange County Arpt., ILS Rwy 19R, Amdt. 4.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective November 7, 1974.

King Salmon, Alaska—King Salom Arpt., RADAR-1, Amdt. 4.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective September 6, 1974.

Grand Island, Neb.—Grand Island Airpark, RNAV Rwy 31, Amdt. 1.

**CORRECTION:**

In Docket Nr. 13953, Amendment 929, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated August 14, 1974, on page 29172, under § 97.25 effective September 26, 1974—Change effective date of San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 4, and LOC Rwy 10, Orig., to September 19, 1974.

(Secs. 302, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510), Sec. 6(c), Department of Transportation Act. (49 U.S.C. 1655(c) and 5 U.S.C. 552(a) (1))).

Issued in Washington, D.C., on September 12, 1974.

**JAMES M. VINES,**  
Chief,  
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.74-21846 Filed 9-19-74; 8:45 am]

**Title 16—Commercial Practices  
CHAPTER 1—FEDERAL TRADE  
COMMISSION**

[Docket C-2517]

**PART 13—COMMERCIAL TRADE  
PRACTICES**

**Hallmark Group Companies, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.35 Condition of goods; § 13.205 Scientific or other relevant facts; § 13.225 Services. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 Condition of goods; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Hallmark Group Companies, Inc., et al., Dallas, Texas, Docket C-2517, July 1, 1974]

**In the Matter of Hallmark Group Companies, Inc., and Pacific Western Mobile Estates, Inc., Corporations.**

Consent order requiring a Dallas, Texas, developer of mobile home parks and its wholly-owned subsidiary in Santa Clara, Calif., among other things to cease misrepresenting and failing to provide facilities and services they represented would be available at mobile home parks they have developed. Further, the order requires respondents to provide, within ninety (90) days of the effective date of this order, mobile home parks with all of the facilities and services which they represented would be available at said parks.

The Decision and Order, including further order requiring report of compliance therewith is as follows.

It is ordered, That respondents Hallmark Group Companies, Inc., Pacific Western Mobile Estates, Inc., corporations, their successors and assigns, and their officers, and directly or through any corporation, subsidiary, division or other device, in connection with the development, operation and/or leasing of mobile home parks in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication, orally or in writing, that any facility or service is available at any mobile home park.
2. Misrepresenting, directly or by implication, orally or in writing, that any facility or service will be available at any mobile home park.

Provided, however, That it shall not be deemed a violation of this paragraph if for reasons not within their control (e.g., floods, other acts of God, strikes), such facility or service is not usable and available.

<sup>1</sup> Amended.

<sup>2</sup> Copies of the complaint, decision and order, filed with the original document.

able for its intended use at the time of said occupancy by the first lessee.

3. Failing to provide mobile home parks within ninety (90) days of the effective date of this order with all of the facilities and services which they represented would be available at said parks.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of its operating divisions, and mobile home parks, and post in a prominent place for 30 days in each mobile home park presently owned and/or operated by respondents, their successors and assigns.

It is further ordered, That the respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission July 1, 1974.

**CHARLES A. TOBIN,**  
Secretary.

[FR Doc.74-21887 Filed 9-19-74; 8:45 am]

[Docket C-2520]

**PART 13—PROHIBITED TRADE  
PRACTICES**

**Colt Industries Operating Corp.**

Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Cutting off access to customers or market: § 13.560 Interfering with distributive outlets. Subpart—Cutting off supplies or service: § 13.655 Threatening disciplinary action or otherwise. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; § 13.1165-80 Requiring information of price cutting.

(Secs. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Colt Industries Operating Corp., Hartford, Conn., Docket C-2520, July 12, 1974]

**In the Matter of Colt Industries Operating Corp., a corporation.** Consent order requiring a Hartford, Conn., manufacturer, seller and distributor of sporting firearms and firearm accessories, among other things to cease fixing its dealers' retail prices of firearm products; requiring dealers, through any means, to agree to resell at specified retail prices; using cancellation threats to induce dealers to observe its retail prices; and re-

questing dealers or salesmen to report persons who do not adhere to its suggested retail prices.

The Decision and Order, including further order requiring report of compliance therewith is as follows:<sup>1</sup>

*It is ordered*, That respondent, Colt Industries Operating Corp., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, distribution, offering for sale or sale of firearms and firearm accessories (hereinafter referred to in this order as "firearm products"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, maintaining or enforcing any contracts, agreements, understandings or arrangements entered into with dealers in respondent's firearm products which have the purpose or effect of fixing, establishing, maintaining or enforcing the suggested retail prices at which respondent's firearm products are to be resold;

2. Requiring any dealer or prospective dealer to enter into oral or written agreements or understandings that such dealer or prospective dealer will resell or offer for resale respondent's firearms products at any price;

3. Requesting dealers or prospective dealers, either directly or indirectly, to report any person or firm who does not adhere to the suggested retail prices by respondent, or acting on reports so obtained by refusing or threatening to refuse sales to any person or firm so reported;

4. Threatening dealers, either directly or indirectly, with cancellation in order to induce them to observe, maintain, or advertise the respondent's suggested retail prices;

5. Requiring from dealers charged with price cutting or failure to adhere to suggested retail prices, promises or assurances of the observance of respondent's suggested retail prices as a condition precedent to future sales to said dealers;

6. Directing or requiring respondent's salesmen, or any other agents, representatives, or employees, directly or indirectly, from requiring its dealers to adhere to its suggested retail prices, to report dealers who do not adhere to such suggested retail prices, or to act on such reports by refusing or threatening to refuse sales to dealers so reported;

7. Requiring or inducing by any means, dealers or prospective dealers, to refrain, or to agree to refrain from reselling respondent's firearm products to any other dealers or distributors which are authorized by law to sell firearm products; and

8. Publishing, disseminating or circulating any price lists, price books, price tags, advertising or promotional material,

or other documents indicating any retail prices without stating on each page of such price lists, price books, price tags, advertising or promotional material, or other documents that the prices are suggested or approximate.

Provided, however, That nothing hereinabove shall be construed to waive, limit or otherwise affect the right of respondent to enter into, establish, maintain and enforce in any lawful manner any price maintenance agreement excepted from the provisions of section 5 of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act to disseminate or circulate to any of its dealers and distributors suggested retail prices for the sale of its firearm products.

*It is further ordered*, That the respondent herein shall within sixty (60) days after service upon it of this order, mail a copy of this order to each of its dealers under cover of the letter annexed hereto as Exhibit A, and furnish the Commission proof of the mailing thereof.

*It is further ordered*, That the respondent shall forthwith distribute a copy of this order to each of its operating departments, and to all of its sales personnel and shall instruct each sales person employed by it now or in the future to read this order and to be familiar with its provisions.

*It is further ordered*, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Decision and Order issued by the Commission July 12, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-21886 Filed 9-19-74;8:45 am]

#### Title 19—Customs Duties

### CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-242]

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

##### Articles Exported for Exhibition, Research or Education; Certificates of Exportation

Customs Form 4467, formerly used as a certificate of exportation, has been abolished and Customs Form 3311, entitled Declaration for Free Entry of Returned American Products and/or Certificate of Exportation, has been revised for use in its place. Consequently, §§ 10.66 (a) (1) and 10.67(a) (1) of the Customs regulations (19 CFR 10.66(a) (1), 10.67

(a) (1)) which require the filing of a certificate of exportation on Customs Form 4467, must be amended to provide for the present use of Customs Form 3311.

Accordingly, §§ 10.66(a) (1) and 10.67 (a) (1) of the Customs regulations (19 CFR 10.66(a) (1), 10.67(a) (1)) are revised to read as follows:

#### § 10.66 Articles exported for temporary exhibition and returned; procedure on entry.

(a) \* \* \*

(1) A certificate of exportation on Customs Form 3311;

#### § 10.67 Articles exported for scientific or educational purposes and returned; procedure on entry.

(a) \* \* \*

(1) A certificate of exportation on Customs Form 3311;

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624))

Because this amendment merely conforms the Customs regulations with certain administrative changes, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

*Effective date.* This amendment shall be effective on September 20, 1974.

[SEAL] VERNON D. ACREE,  
Commissioner of Customs.

Approved: September 12, 1974.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc.74-21909 Filed 9-19-74;8:45 am]

#### Title 20—Employees' Benefits

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

[Regulations No. 16]

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

##### Essential Person Factors

On February 7, 1974, there was published in the FEDERAL REGISTER (39 FR 4785) a notice of proposed rulemaking with proposed amendments to Subparts B, E, K, and L of Regulations No. 16. The proposed amendments provide general information and basic guidelines for the provisions of Pub. L. 93-66, enacted July 9, 1973, relating to supplemental security income benefits for essential persons. Proposed additions to Subpart B (Eligibility) set forth the criteria that must be met in order to consider the needs of an essential person under the new program. Proposed additions to Subpart E set forth the manner in which payments are to be made for essential persons. Proposed additions to Subparts K and L set forth the method to be used for deeming the income and re-

<sup>1</sup>Copies of the complaint, decision and order, filed with the original document.

sources of an essential person to the qualified individual.

Interested parties were given 30 days within which to submit data, views, and arguments with regard to the proposed amendments. Comments were received from the Ohio Department of Public Welfare, the National Council of Senior Citizens, the Middlesex County Welfare Board, and the Center for Legal Services for the Aging, Syracuse University.

Most of the comments concerning Subpart B deal with loss of essential person status. Specifically, concern is expressed over the apparent severity of the 90-day time limit for temporary absences of the essential person from the home, and the element of irrevocability included when the option to exclude the needs of an essential person is invoked by the qualified individual. While the 90-day limit for temporary absences of the essential person from the home is of shorter duration than the limit established for temporary absences of the qualified individual, it is reasonable to conclude that the presence of the "essential person" in the home of the qualified individual can no longer be deemed essential when the qualified individual has demonstrated the ability to get along for more than 90 days without the services of such person. The element of irrevocability in the recipient's option to exclude the needs of an essential person is consistent with section 211 of Pub. Law 93-66 which specifies that loss of essential person status is permanent. One comment made questions what is felt to be an apparent conflict with Pub. Law 92-603 which provides for accrual of benefits from the date of application. There is no conflict with Pub. Law 92-603. Retroactivity of benefits (to the month of application) is implicit in the language used in the regulation and all individuals filing for benefits are treated alike in this regard. Another comment expresses the feeling that restricting eligibility for essential person payments to persons who were eligible prior to December 1973 under a State plan approved under title I, X, XIV, or XVI of the Social Security Act is discriminatory and unfair. The law is specific on this point and restricts eligibility for essential person payments to those individuals who for the month of December 1973 were recipients of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act. Accordingly, the amendments to Subpart B have been prepared for final publication in the FEDERAL REGISTER without any substantive changes.

Regarding Subpart E, the comments deal with the provisions for payment when the essential person resides with more than one eligible person. It is felt that several cross references should be included in order to ensure applicability of section 211(a)(1) (B), (C) of Pub. Law 93-66 to these payment provisions. Since the regulation in question is set out under the subpart covering payment of benefits, overpayments, and underpayments, further cross referencing is not considered necessary. One comment expressed the opinion that the standard

of payment based on the existence of an essential person is much too low. Any change in this payment standard would require legislative action. Concern is also expressed over the apparent harshness of the section which provides that when an essential person lives with an eligible individual and an eligible spouse (or two or more eligible individuals) only one of whom is the qualified individual, essential person status is not automatically retained upon the death of the qualified individual or upon separation from the qualified individual. However, the language of Pub. Law 93-66 precludes adoption of the suggested change. Accordingly, Subpart E has been prepared for final publication in the FEDERAL REGISTER without any substantive changes.

Regarding Subpart K, one comment expresses concern over the provisions for deeming of income of an essential person. Specifically, it interprets the section in question to mean that the mandatory deeming provision of Pub. Law 92-603, section 1614(f), will be applied in every essential person case. Section 211(a)(1) of Pub. Law 93-66 requires that all of the income and resources of the essential person be considered in determining whether the qualified individual is eligible for the essential person increment, and further provides that this entire subsection shall not apply if such deeming causes the qualified individual to lose eligibility for benefits. Thus, in essential person cases the deeming provisions of Pub. Law 92-603 are only applicable when the above ineligibility situation arises. It should be noted that the deeming provisions of Pub. Law 93-66 do not delegate any discretion to the Secretary with respect to the amount of income and resources to be deemed from the essential person. Another comment expressed concern over the deeming of the essential person's income when the essential person has no legal requirement to support the qualified individual. Any such exception to the deeming provision would require legislative action. Accordingly, the amendments to Subpart K have been prepared for final publication in the FEDERAL REGISTER without any substantive changes.

There were no comments on Subpart L. The regulations as announced under the notice of proposed rule making (39 FR 4785) are adopted with no major changes.

(Secs. 1102 and 1611, Social Security Act; sec. 211 Pub. Law 93-66; sec. 4, Public Law 93-233; 49 Stat. 647, as amended; 86 Stat. 1466, as amended; 87 Stat. 154, as amended; 87 Stat. 953, (42 U.S.C. 1302, 1382, 1382nts))

**Effective date.** The amendments shall be effective September 20, 1974.

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

Dated: August 20, 1974.

J. B. CARDWELL,

Commissioner of Social Security.

Approved: September 16, 1974.

CASPAR W. WEINBERGER,

Secretary of Health, Education and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Sections 416.241-416.249 are added to proposed Subpart B to read as follows:

**Subpart B—Eligibility**

| Sec.    |                                                                            |
|---------|----------------------------------------------------------------------------|
| 416.241 | Supplemental security income benefits for essential persons; general.      |
| 416.242 | Criteria for a qualified individual.                                       |
| 416.243 | Criteria for an essential person.                                          |
| 416.246 | Number of essential persons.                                               |
| 416.248 | Loss of essential person status.                                           |
| 416.249 | Qualified individual's option to exclude the needs of an essential person. |

**§ 416.241 Supplemental security income benefits for essential persons; general.**

In determining (for purposes of this part) the eligibility for and the amount of the supplemental security income benefit payable to any qualified individual (as defined in § 416.242) with respect to any period for which such individual has in his home an essential person (as defined in § 416.243), the standard payment amount as prescribed in section 1611 of the Act shall be increased if consideration of the income and resources of such essential person would not cause the qualified individual to lose eligibility for such benefits. In determining whether the qualified individual loses eligibility on the basis of the income of the essential person, the standard of payment against which such income will be applied is that prescribed in section 1611(a) of the Act plus the essential person increment(s). The resource limitation in § 416.1205 (as modified by § 416.1260, where applicable) will apply.

**§ 416.242 Criteria for a qualified individual.**

For purposes of § 416.241, a qualified individual is any individual who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, and, in determining the need of such individual for aid or assistance for December 1973 under such State plan, there were taken into account the needs of a person other than the qualified individual (i.e., an "essential person") who:

- Was living in the home of the qualified individual; and
- Was not eligible in his or her own right for aid or assistance under such State plan for December 1973.

**§ 416.243 Criteria for an essential person.**

An essential person is any person who for the month of December 1973 was a person whose needs were taken into account in determining the need of a qualified individual (see § 416.242) for aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, as in effect for June 1973, and who:

- Lives in the home of the qualified individual; and
- Is not eligible in his or her own right for supplemental security income benefits; and

(c) Is not an eligible spouse (as defined in section 1614(b) of the Act) of the qualified individual or any other individual; and

(d) Does not have income or resources in an amount that will cause the qualified individual to lose eligibility for benefits (see § 416.1190 and § 416.1203).

#### § 416.246 Number of essential persons.

The number of essential persons that shall be considered in increasing the amount of the supplemental security income payment to each qualified individual, shall be limited to those persons, as determined by the Social Security Administration, who are identified in State records (in accordance with the State plan as approved for June 1973 and State practices under such approved plan) as being essential to the qualified individual for the month of December 1973. (See § 416.531 for amount of payment.)

#### § 416.248 Loss of essential person status.

(a) *General.* If for any month after December 1973, any essential person fails to meet the criteria specified in § 416.243, such person shall not thereafter be considered to be an essential person.

(b) *Essential person absent from the home.* If the essential person is temporarily absent from the home of the qualified individual (e.g., hospitalization), the increment to the standard payment that is based on the presence of the essential person shall be allowed or continued. An absence will be considered to be temporary if the essential person intends to return to reside with the qualified individual and the facts support such intention and the probability of its occurrence; provided, however, that in no event may an absence of more than 90 days be considered temporary.

(c) *Qualified individual absent from the home.* If the qualified individual is temporarily absent from his home (e.g., hospitalization), the increment to the standard payment amount that is based on the presence of the essential person shall be allowed or continued. An absence will be considered to be temporary if the qualified individual intends to return to reside with the essential person and the facts support such intention and the probability of its occurrence; provided, however, that in no event may an absence of more than 6 months be considered temporary.

(d) *Essential person becomes eligible for benefits.* If the essential person becomes eligible for supplemental security income payments on the basis of age, blindness, or disability (see § 416.201), his status as an essential person shall continue throughout the month prior to the month for which he is determined to be eligible for such payment in his own right and shall cease at the end of such prior month.

(e) *Essential person becomes an eligible spouse.* If the essential person becomes eligible for supplemental security income payments as the eligible spouse of the qualified individual or any other individual, his status as an essential person shall continue throughout the month prior to the month for which he is determined to be eligible for such payment in his own right and shall cease at the end of such prior month.

son shall continue throughout the month prior to the month for which he is determined to be eligible for such payments and shall cease at the end of such prior month.

#### § 416.249 Qualified individual's option to exclude the needs of an essential person.

A qualified individual may request the Administration to determine his standard payment amount without the addition of an increment based on an essential person. Should there be more than one essential person, the qualified individual may choose the essential person or persons who should no longer be included for purposes of such determination. Thus, one or more essential persons may be excluded while the remaining essential person(s) can continue to be included. Such request shall be effective with the month after the month in which such request, in writing, is filed with the Administration. Once it has become effective, such request is irrevocable, and essential person status is lost permanently.

2. Sections 416.531 and 416.532 are added to proposed Subpart E to read as follows:

#### Subpart E—Payment of Benefits, Overpayments, and Underpayments

##### § 416.531 Standard of payment based on existence of an essential person.

In determining the amount of the supplemental security income standard of payment to any qualified individual (see § 416.242), for months after December 1973, such standard shall be increased to take into account the needs of an essential person (see § 416.243). The amount of such increase shall be at the rate of \$840 per year, in the case of any period prior to July 1974, and at the rate of \$876 per year thereafter. The total amount due the qualified individual will be computed in accordance with section 1611 of the Act. The resulting monthly payment will be made to the qualified individual. If State records appropriately identify two or more essential persons for a qualified individual, an increment of \$70 per month (\$73 after June 1974) shall be added to the qualified individual's standard of payment for each such essential person.

##### § 416.532 Method of payment when the essential person resides with more than one eligible person.

(a) When an essential person lives with an eligible individual and an eligible spouse, the State may report that the person is essential to one or both members of the couple. In either event, the income and resources of the essential person will be considered to be available to the family unit. The payment increment attributable to the essential person will be added to the rate of payment for the couple, the countable income subtracted, and the resulting total benefit divided equally between the eligible individual and the eligible spouse.

(b) Where the essential person lives with two eligible individuals (as opposed to an eligible individual and eligible

spouse), one of whom has been designated the qualified individual, the income and resources of the essential person will be considered to be available only to the qualified individual (as defined in § 416.242) and any increase in payment will be made to such qualified individual.

(c) In those instances where the State has designated the essential person as essential to two or more eligible individuals so that both are qualified individuals, the payment increment attributable to the essential person must be shared equally, and the income and resources of the essential person divided and counted equally against each qualified individual.

(d) When an essential person lives with an eligible individual and an eligible spouse (or two or more eligible individuals) only one of whom is the qualified individual, essential person status is not automatically retained upon the death of the qualified individual or upon the separation from the qualified individual. A review of the State records established on or before December 31, 1973, will provide the basis for a determination as to whether the remaining eligible individual or eligible spouse meets the definition of qualified individual. Payment in consideration of the essential person will be dependent on whether the essential person continues to live with a qualified individual. If the essential person does reside with a qualified individual, status as an essential person is retained.

(e) Where an eligible couple is separated for less than 6 months, the full payment attributable to the essential person, less the income of the essential person, will be made to the qualified individual with whom the essential person resides (see Subpart D for computation of payment where one person in a separated couple has an essential person).

3. Section 416.1190 is added to proposed Subpart K to read as follows:

#### Subpart K—Income

##### § 416.1190 Deeming of income of an essential person.

In the case of a qualified individual (as defined in § 416.242) whose payment standard has been increased because of the presence of an essential person (as defined in § 416.243), the income of such qualified individual shall be deemed to include all the income of such essential person. The income deemed to the qualified individual shall be treated as unearned income. If such qualified individual would not meet the income criteria for eligibility (as defined in § 416.241) because of this deemed income, then the payment standard increase because of the essential person will be nullified and the provision of this section will not apply; essential person status is lost permanently. However, if such essential person is the ineligible spouse of the qualified individual, or a parent (or spouse of a parent) of the qualified individual who is a child under age 21, then the income of such person will be deemed to such qualified individual in accordance

with the provisions of section 1614(f) of the Act and § 416.1185 of this subpart.

4. Sections 416.1203 and 416.1262 are added to proposed Subpart L to read as follows:

**Subpart L—Resources**

**§ 416.1203 Deeming of resources of an essential person.**

In the case of a qualified individual (as defined in § 416.242) whose payment standard has been increased because of the presence of an essential person (as defined in § 416.243), the resources of such qualified individual shall be deemed to include all the resources of such essential person. If such qualified individual would not meet the resource criteria for eligibility (as defined in §§ 416.1205 and 416.1260) because of the deemed resources, then the payment standard increase because of the essential person will be nullified and the provision of this section will not apply; essential person status is lost permanently. However, if such essential person is an ineligible spouse of a qualified individual or a parent (or spouse of a parent) of a qualified individual who is a child under age 21, then the resources of such person will be deemed to such qualified individual in accordance with the provision in § 416.1202.

**§ 416.1262 Special resource provision applicable in cases involving essential persons.**

(a) *Essential persons continuously meet criteria of eligibility.* In determining the resources of an individual (and spouse, if any) who meet the conditions specified in § 416.1260 and whose payment standard is increased because such individual has in his home an essential person (as defined in § 416.243), either the State plan resource limit and exclusions (as specified in § 416.1260) applicable to cases in which the needs of an essential person are taken into account in determining the individual's needs, or the resource limit as specified in § 416.1205 and exclusions as specified in § 416.1210, whichever is most advantageous to the individual (and spouse), will be used.

(b) *Essential person fails to meet criteria of eligibility.* If for any month after December 1973 a person fails to meet the criteria for an essential person as specified in § 416.243, in determining the resources of an individual (and spouse, if any) either the State plan resource limit and criteria as specified in § 416.1260 applicable to the individual or individual and spouse, as the case may be, or the resource limit as specified in § 416.1205 and exclusions as specified in § 416.1210, whichever is most advantageous to the individual (and spouse), will be used.

[FR Doc.74-21901 Filed 9-19-74;8:45 am]

**Title 21—Food and Drugs**

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

**SUBCHAPTER C—DRUGS**

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

**Tylosin**

The Commissioner of Food and Drugs has evaluated the following new animal drug applications and supplemental application proposing the safe and effective use of tylosin premix in the manufacture of animal feed: Ralston Purina Co., St. Louis, MO 63188, (43-387V, for use in swine and beef cattle feeds) and Central Soya Co., Inc., Fort Wayne, IN 46802, (91-582V, 95-550V, for use in swine feeds). These applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 512(d), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.10 is amended by revising paragraph (b) (5) and adding a new (b) (10) as follows:

**§ 135e.10 Tylosin.**

(b) \* \* \*

(5) To 047: 0.4, 0.8, and 10 grams per lb., item 4; 40 grams per lb., items 4, 6, 7, 8, and 11.

\* \* \*

(10) To 006: 0.4 and 0.8 gram per lb.; item 4.

\* \* \*

*Effective date.* This order shall be effective September 20, 1974.

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

Dated: September 13, 1974.

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

[FR Doc.74-21840 Filed 9-19-74;8:45 am]

**Title 23—Highways**

**CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

**SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT**

**PART 712—THE ACQUISITION FUNCTION**

**Federal Land Transfers and Direct Federal Acquisition**

**Correction**

In FR Doc. 74-20852, appearing at page 32604 in the issue for Tuesday, September 10, 1974, in the 12th and last lines of § 712.503(b), the references to "Attachment 1" should be changed to read "Appendix 1".

**Title 29—Labor**

**CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR**

**PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS AND AMERICAN SAMOA**

**Changes in Procedures as the Result of the Fair Labor Standards Amendments of 1974**

**Correction**

In the first complete sentence in column one on page 17948 of Vol. 39, No. 100, of the FEDERAL REGISTER dated Wednesday, May 22, 1974, the phrase "or from the mainland to Puerto Rico" was inadvertently omitted in § 511.8(b).

As corrected this sentence reads as follows:

If such statements are sent by airmail from Puerto Rico or the Virgin Islands to the mainland or from the mainland to Puerto Rico, or from the mainland to Washington, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 16th day of September, 1974.

BETTY SOUTHARD MURPHY,  
Administrator, Wage  
and Hour Division.

[FR Doc.74-21904 Filed 9-19-74;8:45 am]

**Title 32—National Defense**

**CHAPTER VII—DEPARTMENT OF THE AIR FORCE**

**SUBCHAPTER A—ADMINISTRATION**

**PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE**

**Shipment of Publications by Contractors**

This update includes an expansion of the activities that stock and issue publications (§ 807.3(c)), and adds a new section covering the shipment of publications by contractors (§ 807.3).

Part 807 is amended as follows:

1. The contents of Part 807 is amended by adding a new § 807.3 to read as follows:

Sec.

807.3 Shipment made by contractors.

2. Section 807.1 is amended by revising paragraph (c) to read as follows:

§ 807.1 Issuing publications and forms to private citizens, private organizations, and commercial activities.

\* \* \*

(c) Publications and forms other than those specified in paragraphs (a) and (b) of this section will be issued, on request to private citizens and organizations of any country, but only under the conditions cited in AFR 11-25 and Parts 806, and 813 of this chapter. If requested items are not immediately available from local stocks, the Publication Dis-

tribution Office will obtain them from the Air Force Publications Distribution Center for release to the requester. For those publications with M or X distribution symbols to which the Publications Distribution Office is not normally entitled, PDOs will include a statement in the remarks section of the request that the item is for release to the public. When the index indicates that an item is stocked and issued by some activity other than the Air Force Publication Distribution Center the following action will be taken:

(1) If an office of primary responsibility in HQ USAF is designated as the source of availability, the request will be referred to HQ USAF/DADP.

(2) If some other source, such as AFPLC/MMOSD, Wright-Patterson Air Force Base OH 45433 is shown, the request will be referred to that source.

3. A new § 807.3 is added to read as follows:

#### § 807.3 Shipments made by contractors.

(a) Air Force activities responsible for printing and distribution contracts will insure that contractors comply with this part. Appropriate shipping instructions must be included in printing contracts that require initial distribution of the publications being printed.

(b) When the terms of the printing and distribution contract require the contractor to make distribution by mail, the Air Force contracting activity is authorized to furnish the contractor Air Force official mailing labels bearing the "Postage and Fees Paid" indicia. The labels must bear the return address of the sponsoring Air Force activity rather than that of the contractor. Shipments of backup stock points will normally be by freight.

(10 U.S.C. 8012)

By Order of the Secretary of the Air Force.

STANLEY L. ROBERTS,  
Colonel, USAF Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.74-21881 Filed 9-19-74;8:45 am]

#### Title 33—Navigation and Navigable Waters

[CGD 74-82]

#### CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION PART 117—DRAWBRIDGE OPERATION REGULATIONS

##### Duwamish Waterway and Lake Washington Ship Canal, Washington

The regulations for the drawbridges across the Duwamish Waterway and the Lake Washington Ship Canal, Washington are amended by deleting the vertical clearances given for each bridge in § 117.790 and § 117.795 of Title 33. These deletions are being made because the clearances differ from the clearances shown on National Oceanic and Atmospheric Agency charts for the Lake Washington Ship Canal, Lake Washington, and Puget Sound. This inconsistency between datums could confuse the mariner and are therefore deleted.

As this action does not affect the regulations governing the operation of these bridges and does not affect the public in any way, the changes are made without notice of proposed rule making.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

#### § 117.790 [Amended]

1. By deleting the note at the end of paragraph (b) (2) (i) (a).

2. By deleting the words "clearance 52 feet at mean lower low water" from paragraph (b) (2) (ii).

3. By deleting the words "clearance 45 feet at mean lower low water" from paragraph (b) (2) (iv).

#### § 117.795 [Amended]

4. Delete the words "clearance 42 feet at high tide" from paragraph (b) (1) (i).

5. Delete the words "clearance 45 feet" from paragraph (b) (1) (ii).

6. Delete the words "clearance 16 feet" from paragraph (b) (1) (iii).

7. Delete the words "clearance 30 feet" from paragraph (b) (1) (iv).

8. Delete the words "clearance 44 feet" from paragraph (b) (1) (v).

9. Delete the words "clearance 46 feet" from paragraph (b) (1) (vi).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

*Effective date:* This revision shall become effective on September 23, 1974.

Dated: September 16, 1974.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.74-21873 Filed 9-19-74;8:45 am]

[CGD 74-048]

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

##### Mystic River, Mass

In the June 5, 1974, issue of the FEDERAL REGISTER (39 FR 19942), the Coast Guard issued drawbridge operation regulations for the Wellington Bridge between Somerville and Medford, Massachusetts. The heading of § 117.75(g) was not changed to reflect the addition of this bridge to the regulations.

#### § 117.75 [Amended]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by striking the words "Boston and Maine Railroad" in the heading of § 117.75(g) and inserting the word "Wellington" in place thereof.

*Effective date:* This correction shall become effective September 20, 1974.

Dated: September 16, 1974.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc.74-21874 Filed 9-19-74;8:45 am]

#### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

#### SUBCHAPTER C—AIR PROGRAMS

[FRL 203-4]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Approval of Plan Revision for State of Maine

On May 31, 1972 (37 FR 10852) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions, the Maine implementation plan for the attainment of national ambient air quality standards. Included in approved portions of the plan were regulations banning the use of open burning as a means of solid waste disposal after July 1, 1974. This publication contains the Administrator's approval of a revision to that portion of the plan concerning open burning.

By a letter dated September 4, 1973, Mr. William R. Adams, Jr., Commissioner of the Maine Department of Environmental Protection, submitted for EPA approval a proposed revision to the plan which would postpone the date for cessation of open burning until July 1, 1975. On February 1, 1974 the Administrator announced the proposed revision to the Maine plan in 39 FR 4116. Copies of the Maine submittal were made available for public inspection at the regional office of the Environmental Protection Agency, Boston, Massachusetts; the Maine Department of Environmental Protection, Augusta, Maine; and the Freedom of Information Center, Washington, D.C. Written comments were solicited from the public and representatives from more than twenty towns in Maine responded by urging the Administrator to approve the revision. No comments recommending disapproval were received.

In addition to postponing the final date of compliance with the Maine regulation 100.2, the revision sets forth the following schedule for compliance.

A. November 1, 1973. Status reports from towns currently open burning to be submitted to the Maine Board of Environmental Protection.

B. April 15, 1974. Status report indicating that the necessary studies and investigation, and preparation of final plans is progressing to insure compliance with Regulation 100.2.

C. October 1, 1974. Final plans for alternate methods of solid waste disposal to be submitted to the Board for review and approval.

D. April 15, 1975. Copies of executed contracts or agreements necessary to implement the approved final plans.

E. July 1, 1975. Certification of compliance.

After a careful evaluation of the State's submittal, the Administrator has determined that the proposed revision meets the requirements of 40 CFR part 51 and section 110(a) (2) (A)-(H) of the Clean Air Act. Accordingly it is approved as a revision to the Maine implementation plan for attainment and maintenance of national ambient air quality standards postponing the final date for