

rules and regulations

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Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Administrator (ASCS) is re-established under Schedule C.

Effective on January 14, 1975, § 213.3313 (h) (4) is amended as set out below.

§ 213.3313 Department of Agriculture.

(h) *Agricultural Stabilization and Conservation Service.*

(4) Four Confidential Assistants to the 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. 75-1283 Filed 1-13-75; 8:45 am]

Title 9—Animals and Animal Products CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPEC- TION), DEPARTMENT OF AGRICULTURE SUBCHAPTER A—MANDATORY MEAT INSPECTION TENANTS AND SUBSIDIARIES IN OFFICIAL ESTABLISHMENTS

Application for Grant of Inspection

On August 15, 1973, there was published in the FEDERAL REGISTER (38 FR 22041) in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rulemaking under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) to amend the Federal meat inspection regulations (9 CFR Parts 305 and 317) concerning tenants and subsidiaries in official establishments to identify and clarify responsibility for compliance with the Act and regulations by each entity conducting operations subject to the Act. Interested persons were given 60 days in which to submit views or arguments concerning the proposed amendments.

Statement of considerations. This regulation change requires tenants and subsidiaries operating in official establishments to apply separately for their own grant of inspection. In so doing, they must supply basic information regarding the makeup of management and meet all other requirements for a grant of inspection. This will better enable the

Department to identify management and place responsibility for compliance with the regulations and the Act upon each entity conducting regulated operations.

When published as a proposal, seven letters of comment were submitted. Of these, one national association and one industry member supported the proposal. Three industry members opposed the amendment. One expressed opposition primarily because of the cost of new labeling material. The effective date of this change has accordingly been delayed for one year from publication of this notice. That should allow ample time to exhaust the current supply of presently approved labels. The second industry member objected because he was unsure as to whether the proposal would affect product prepared under various labels. Under § 317.2, as amended, an establishment would be permitted to prepare product under various trade names, but each tenant and subsidiary would be required to operate his own establishment and prepare product only under his own name or trade names. The third industry member raised several points—the amendments were not needed; they would increase costs to tenants and to the Department; and they would constitute unwarranted interference with private contracts. The Department finds that the amendments are needed for the purpose of regulatory control, and that the public need is sufficient to justify the slight inconvenience to the regulated industry.

Two State Departments of Agriculture submitted comments. The first stated that the proposal would require States to amend their regulations and would impose additional hardships on small plant owners. Although some States may have to amend their regulations in order to have requirements at least equal to those under the Federal Meat Inspection Act pursuant to section 301(c) of the Act, the Department has determined that such changes are needed as pointed out above. Small plant owners will experience additional hardships only to the extent that their tenants and subsidiaries must now apply separately for inspection. However, under the regulations, as amended, persons operating as separate entities in the same building or structure may operate separate establishments therein under their own grant of inspection.

The second State Department of Agriculture raised a few points concerning § 305.1. It stated that by requiring each tenant to have its own inspection number, the proposal would increase the number of entities with which the States

would have to deal. That is true. However, it will allow accountability to be placed upon the responsible party. The State also contended that this section would be in conflict with the poultry regulations. However, the amendment will decrease, not increase, the difference in the respective regulations since the poultry regulations do not permit tenants to operate in an establishment without a separate grant of inspection. Further only subsidiaries which are separate legal entities must apply for their own grant of inspection. The State also expressed concern with respect to responsibility for common areas. However, the regulations have been clarified to require all tenants, subsidiaries, or landlords operating separate establishments in the same building or structure to be responsible for compliance with the Act and regulations in their own establishments which include common areas, e.g. hallways, stairways and elevators. Finally, the State expressed concern for increased cost and inconvenience for the industry and the program. As has been explained above, the Department finds that neither the cost nor the inconvenience is unreasonable and that both are warranted by the public need for accountability.

Accordingly, after due consideration of all the comments and other matters relevant to this matter, Parts 304, 305, and 317 of the meat inspection regulations (9 CFR 304, 305, 317) are amended as follows:

PART 304—APPLICATIONS FOR INSPECTION; GRANT OR REFUSAL OF INSPECTION

1. Section 304.1 is revised to read as follows:

§ 304.1 Application for inspection.

(a) Before the inspection is granted, each person conducting operations at an establishment subject to the Act, whether tenant, subsidiary, or landlord, shall make application therefor to the Administrator as provided for in this part.

(b) Every application under this section shall be made on an official form furnished by the Program, available from any Regional Director identified in § 301.2(iii) of this subchapter, and shall be completed to include all information requested. Trade names of the applicant for labeling purposes, shall be inserted in the appropriate blank in the application. Each applicant for inspection will be held responsible for compliance with the Act and the regulations in this subchapter if inspection is granted. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant named in the application.

(c) In cases of change of ownership or location, a new application shall be made.

PART 305—OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTING OF VIOLATION

2. Section 305.1(c) is revised to read as follows:

§ 305.1 Official numbers.

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment. However, persons operating as separate entities in the same building or structure may operate separate establishments therein only under their own grant of inspection. All such persons operating separate establishments in the same building or structure shall be responsible for compliance with the Act and regulations in their own establishments, which shall include common areas, e.g., hallways, stairways, and elevators.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

3. Section 317.2(g) (1) is revised to read as follows:

§ 317.2 Labels: definitions; required features.

(g) (1) The name or trade name of the person that prepared the product may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for * * *". The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal ZIP code when such business is listed in a telephone or city directory, and if not listed in such directory, then the place of business shall be shown by street address, city, State, and postal ZIP code.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

It does not appear that further public participation in rulemaking proceedings would make additional relevant information available to the Department which would alter the decision in this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures on the amendments are impracticable and unnecessary.

The recordkeeping and/or reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

These amendments shall become effective on July 14, 1976.

Done at Washington, D.C., on January 7, 1975.

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

[FR Doc.75-1043 Filed 1-13-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10492; Amdt. SFAR 26-7]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances; Continuation

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulations No. 26 (SFAR 26), as amended by Amendments SFAR 26-1, 26-2, 26-3, 26-4, 26-5, and 26-6 until July 1, 1975.

SFAR 26 provides for approvals on a selective basis, of aircraft engines, propellers, materials, parts, and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date of March 1, 1972, for SFAR 26 was extended by Amendment SFAR 26-1 to September 1, 1972, by Amendment SFAR 26-2 to January 1, 1973, by Amendment SFAR 26-3 to July 1, 1973, by Amendment SFAR 26-4 to January 1, 1974, by Amendment SFAR 26-5 to July 1, 1974, and further extended by Amendment SFAR 26-6 to January 1, 1975.

At the present time the United States has entered into new bilateral agreements with the United Kingdom, Sweden, Belgium, Netherlands, Italy, Germany, and France, and the United States is continuing to negotiate amendments to the bilateral agreements which exist with a number of other foreign countries. However, the FAA is advised that the continuing negotiations will not be concluded by the January 1, 1975, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, and, in view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from January 1, 1975 to July 1, 1975.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and

it may be made effective in less than 30 days.

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

In consideration of the foregoing, effective January 1, 1975, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 FR 12748) on August 12, 1970, as amended by Amendments SFAR 26-1, SPAR 26-2, SFAR 26-3, SFAR 26-4, SFAR 26-5, SFAR 26-6, published in the FEDERAL REGISTER (37 FR 4325, 37 FR 16789, 37 FR 28276, 38 FR 17491, 38 FR 35441, and 39 FR 25228) on March 2, 1972, August 19, 1972, December 22, 1972, July 2, 1973, December 28, 1973, and July 9, 1974, respectively, is further amended by striking out the words "January 1, 1975," and inserting the words "July 1, 1975," in place thereof.

Issued in Washington, D.C., on December 31, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.75-1075 Filed 1-13-75;8:45 am]

[Docket No. 14052; Amdts. 21-43, 23-16, 25-37]

AIRWORTHINESS REVIEW PROGRAM
Form Number and Clarifying Revisions

The purpose of these amendments is to incorporate into Parts 21, 23, and 25 of the Federal Aviation Regulations several form number and clarifying revisions.

These amendments are based on a notice of proposed rule making (Notice No. 74-33) published in the FEDERAL REGISTER on October 11, 1974 (39 FR 36595) and are the first amendments issued as a part of the First Biennial Airworthiness Review Program (ref. Notice No. 74-5, 39 FR 5785). These amendments and the reasons therefor are the same as those proposed in Notice No. 74-33.

Interested persons have been afforded an opportunity to participate in the making of these amendments. No objections were received.

(Secs. 313(a), 601, 603, 608, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1428); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, and for the reasons stated in Notice No. 74-33, Parts 21, 23, and 25 of the Federal Aviation Regulations are amended effective February 14, 1975, as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

§ 21.251 [Amended]

1. By amending § 21.251(b) (4) (iii) and (iv) by striking the parenthetical expression "(FAA Form 186)" and inserting the expression "(FAA Form 8130-3)" in its place in both subdivisions.