rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Under Secretary is excepted under Schedule C.

Effective October 17, 1975, § 213.3315 (a) (43) is added as set out below:

§ 213.3315 Department of Labor.

(a) * * *

(43) One Staff Assistant to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28022 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one position of Staff Assistant to the Deputy Director is excepted under Schedule C.

Effective October 17, 1975, § 213.3364 (l) is added as set out below:

§ 213.3364 U.S. Arms Control and Disarmament Agency.

* * * * *

(l) One Staff Assistant to the Deputy Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28024 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant to the Deputy Administrator is excepted under Schedule C.

Effective October 17, 1975, § 213.3388 (b) (3) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(b) * * *

(3) One Special Assistant to the Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28021 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant to the Deputy Administrator (Policy Planning) is excepted under Schedule C.

Effective October 17, 1975, § 213.3388 (l) (1) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(l) *Office of the Deputy Administrator (Policy Planning).*

(1) One Special Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28020 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Director, Materials Transportation Bureau is excepted under Schedule C.

Effective October 17, 1975, § 213.3394 (a) (4) is added as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(4) One Secretary to the Director, Materials Transportation Bureau.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.75-28023 Filed 10-16-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-20; Order No. 537]

PART 35—FILING OF RATE SCHEDULES

Rate Design Information

OCTOBER 9, 1975.

Revisions to regulations under the Federal Power Act to provide for filing of rate design information.

On April 26, 1974, the Commission issued a notice of proposed rulemaking proposing to amend the Regulations under the Federal Power Act by requiring the submission of rate design information by public utilities as a part of their filings of initial rate schedules under Section 35.12 of the regulations and their filing of rate schedule changes under Section 35.13.

In the original notice, the Commission referred to its policy ". . . to develop the role of rate design in the conservation and efficient utilization of energy resources . . ." Accordingly, the proposed regulations would have required an explanation of each rate design in relation to conservation as well as cost considerations. The Commission also specifically called into question the typical design of rates in power contracts, stating that they must be considered promotional in nature.

Comments in response to the notice of April 26 were received from 34 parties. These parties are shown on Appendix A of this order. A majority of parties expressed opposition to the proposed rulemaking. Several of the parties contended that the proposed filing requirements would be unduly burdensome. For the most part, however, the majority of parties opposing the rulemaking interpreted it as an attempt by the Commission to depart from traditional cost-based rates in order to achieve certain social, economic, or conservation objectives. A total of sixteen parties, including utilities, public and rural cooperative distribution systems, and retail industrial consumers, strongly voiced their continued support for the concept of cost-based rates.

In order to clarify the purpose and intent of the proposed rulemaking, the Commission issued a revised rulemaking notice on February 14, 1975, incorporating certain modifications to the original proposals. The renotice makes clear the central role of costs in determining the reasonableness of rate designs, and eliminates the suggestion or implication that the Commission intends to depart from the principle of cost-based rates.

Comments in response to the renotice were received from seven investor-owned utilities, the Salt River Project, the Environmental Defense Fund (EDF) and General Motors Corporation. The commenting parties are listed in Appendix B.

A majority of the commenting investor-owned utilities object wholly or in part to the proposed regulations on grounds the required information would be burdensome and in some cases difficult to prepare. Based upon a review of these comments, we find that the proposed regulations will in all likelihood be less burdensome in practice than may be anticipated by the utilities, and that in any event the information sought is necessary in order to properly enable this Commission to determine the justness and reasonableness of proposed rates, as required by Sections 205 and 206 of the Federal Power Act.

General Motors in its comments strongly supports the concept of cost-based rates, and further recommends that the proposed rulemaking require the submittal or data which would reveal the impact upon customers of any rate which is not cost-based. In view of the revisions contained in the renotice, we find that the additional information requested by General Motors has not been shown to be necessary in achieving the purpose or objectives of the proposed rulemaking, and the request to include such information is therefore denied.

EDF suggests the proposed regulations be modified to require the reporting of annual and monthly load duration curves, estimated incremental capacity costs, maximum and typical weekday and weekend instantaneous demands, and other information necessary to apply the principles of so-called marginal cost pricing.

It appears EDF's suggestions go well beyond the scope of the present rulemaking and must therefore be denied. Nevertheless, in view of widespread and growing interest in application of marginal cost pricing principles, including peak load pricing, long run incremental cost pricing, time-of-day metering, daily and seasonal differentials and the like, we believe that this is a matter of deserving of our attention insofar as such pricing techniques are applicable to rates subject to our jurisdiction.

Section 202(a) of the Federal Power Act makes reference to two principal objectives to be pursued by the Commission, namely: (1) assurance of "... an abundant supply of electric energy throughout the United States with the greatest possible economy ..." and (2) regard for "... the proper utilization and conservation of natural resources ..." The principal thrust of national power policies for many decades has been toward the first of these objectives. Recently, however, public policy has shifted to greater concern for the second objective, namely proper utilization and conservation of our natural resources including fuels and raw materials as well as air, water and land. It is primarily with the latter objective in view that some degree of restructuring of electric utility rates to reflect marginal cost pricing principles may be in order. It has been argued that pricing on this basis will bring about a closer alignment of rates to costs and thereby minimize misallocation of resources as well as reduce waste, inequity and discrimination.

The Federal Power Act establishes criteria for this Commission in the exercise of its rate regulatory authority. Rates must be just and reasonable, nonpreferential and non-discriminatory. We believe that it would be appropriate for the Commission to consider the extent to which application of marginal cost pricing principles will result in rates which conform more closely with these criteria while at the same time achieving the objectives outlined above. The record before us in this proceeding, however, does not provide a sufficient basis to determine the feasibility of applying marginal cost pricing principles to the design of rates subject to our jurisdiction, particularly rates charged to distributor systems for firm power.[1] Issuance of the subject filing requirements will not prejudice any party's rights, including those of our staff, to offer innovative rate design proposals through evidentiary presentations. Indeed, we believe that this matter should be examined by all electric systems with a view to determining whether alternate pricing mechanisms, particularly those based on marginal cost principles, for wholesale sales subject to the jurisdiction of this Commission would be economically sound as well as in accordance with statutory requirements. We note that at the present time a number of studies of rate design alternatives are in progress. We would welcome the introduction into evidence in rate proceedings before this Commission materials that become available from these studies to assist us in reaching judgements that are in the public interest.

Based on a review of the record in this rulemaking proceeding including the Commission's notices and the comments filed in response thereto, we find that the proposed revised regulations set forth in the renotice of February 14, 1975, are necessary to the proper discharge of our regulatory responsibilities under the Federal Power Act, and that such regulations should be approved and adopted. The regulations as set forth in the February 14, 1975, renotice will be amended to make clear the requirement to submit the specified rate design information with rate increase applications of less than $50,000 annually. They will be further clarified, in response to the comments of Detroit Edison Company, to eliminate any apparent duplication of the requirement to file summary cost data.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking by the submission in writing of data, views, and comments in the manner described above are in accordance with the procedural requirements of Section 553 of Title 5 of the United States Code.

(2) The amendments of the Commission's regulations herein prescribed are necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly Section 309 thereof (49 Stat. 858–859; 16 U.S.C. 829h) *orders:*

(1) A new § 35.12(b)(5) of the Commission's Regulations under the Federal Power Act is added immediately following Section 35.12(b)(4), to read as follows:

§ 35.12 Filing of initial rate schedules.

* * * * *

(b) * * *

(5) In support of the design of the proposed rate, the filing public utility shall submit the same material required to be furnished pursuant to § 35.13(b)(4)(iii) Statement P. In addition to the summary cost analysis required by Statement P, the public utility shall also submit a complete explanation as to the method used in arriving at the cost of service allocated to the sales and service for which the rate or charge is proposed, and showing the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(i) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show the cost of service related to such special facilities.

(ii) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the proposed rate schedule and the kWh delivered from the filing public utility's supply system.

(iii) Computations showing the demand responsibility of the service, and explaining the considerations upon which such responsibility was determined (e.g., coincident or non-coincident peak demands, etc.).

(2) Existing § 35.13(b)(4)(ii) is revised as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) * * *

(ii) Statements A through O need not be filed where a proposed rate increase amounts to less than $50,000 annually. Increases of less than $50,000 annually shall, however, be accompanied by the information specified in § 35.12(b)(2) and (5), except where the increase results from changes such as an increase in the number of delivery points or a change in delivery-voltage.

§ 35.13 [Amended]

(3) Existing Statement P under § 35.13(b)(4)(iii) is revised as follows:

[1] Pricing on the basis of incremental costs, however, is quite common in rate schedules covering power pooling type transactions.

Statement P. In support of the design of the proposed rate, the filing public utility shall submit the following material:

(1) A narrative statement describing and justifying the objectives of the design of the proffered rate. If the purpose of the rate design is to reflect costs, the narrative should state how that objective is achieved, and should be accompanied by a summary cost analysis that would justify the rate design. If the rate design is not intended to reflect costs (whether fully distributed, incremental or other) a statement should be furnished justifying the departure from cost-based rates.

(2) where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the cost allocation determinants supporting such charges, an explanation shall be submitted setting forth the economic or other considerations which warrant such departure. The information should include, but need not be limited to, the following:

(a) For rate schedules so structured, where the individual rates for the demand, energy, and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for the differences.

(b) For rate schedules so structured, where the rates being charged contain more than one demand or energy block, a detailed explanation shall be submitted indicating the rationale for the blocking and the considerations upon which such blocking is based, together with adequate cost support for the specific blocking.

(4) Existing Section 35.13(b)(4)(iii) is amended by revising the portion of the introductory text beginning with the words "Following is a description . . ." to read as follows:

Following is a description of statements A through P required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through P together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included. Period II shall be the test period.

(5) The revised regulations promulgated by this order shall become effective 30 days following the date on which this order is issued.

(6) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

PARTIES SUBMITTING COMMENTS ON DOCKET NO. RM74-20

1. Carolina Power & Light Company.
2. Consumers Power Company.
3. Detroit Edison Company.
4. Duke Power Company.
5. Iowa-Illinois Gas and Electric Company.
6. Iowa Southern Utilities Company.
7. Louisiana Power & Light Company.
8. Northern States Power Company (Minnesota).
9. Ohio Edison Company.
10. Pennsylvania Power Company.
11. Public Service Company of New Hampshire.
12. Southern Indiana Gas and Electric Company.
13. Wisconsin Electric Power Company.
14. Wisconsin Public Service Corporation.
15. Butler Rural Electric Cooperative, Inc.
16. City of Webster City, Iowa.
17. New England Public Systems (7 Connecticut and Massachusetts municipals).
18. Kansas Forestry, Fish and Game Commission.
19. New York Public Service Commission.
20. American Public Power Association.
21. O. Franklin Rogers, representing:
    (a) National Rural Electric Cooperative Association.
    (b) 19 rural cooperative associations.
    (c) 2 municipal associations.
    (d) 1 regional service organization serving electric cooperatives, municipals and public power districts.
22. Environmental Action Foundation.
23. Mid-America Coalition for Energy Alternatives.
24. Natural Resources Defense Council, Inc.
25. Resources for the Future, Inc.
26. U.S. Environmental Protection Agency.
27. Air Products and Chemicals, Inc.
28. American Cyanamid Company.
29. Georgia Industrial Group representing 21 industrials.
30. FMC Corporation.
31. Jones & Laughlin Steel Corp.
32. Owens-Illinois, Inc.
33. Vulcan Materials Company.
34. Gilbert Management Consultants.

APPENDIX B

PARTIES SUBMITTING COMMENTS ON RENOTICING IN DOCKET NO. RM74-20

1. Carolina Power and Light Company.
2. Consumers Power Company.
3. Detroit Edison Company.
4. Duke Power Company.
5. New England Power Company.
6. Public Service Company of Colorado.
7. Public Service Company of New Hampshire.
8. Salt River Project.
9. Environmental Defense Fund.
10. General Motors Corporation.

[FR Doc.75-27943 Filed 10-16-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75F-0221]

PART 121—FOOD ADDITIVES

Resinous and Polymeric Coatings

Notice was given in the FEDERAL REGISTER of September 18, 1974 (39 FR 33584), that a petition (FAP 5B3029) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 (21 CFR 121.2514) be amended for the item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * * by deleting the limitation on the types of foods that may be contacted by the copolymers.

The Commissioner of Food and Drugs, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.2514 should be amended as set forth below; effective October 17, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xv) is amended by revising the item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * *" to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xv) * * *

Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.1 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer for use in coatings for containers.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 17, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 17, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27958 Filed 10-16-75;8:45 am]

[Docket No. 75N-0216]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Phenylbutazone Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-618V) filed by Philips-Roxane, Inc., St. Joseph MO 64502, pro-