

section 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)).

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

PILATUS AIRCRAFT LTD. Applies to Pilatus Model PC-6 airplanes, serial numbers 685 and below (all variants) manufactured by Pilatus Aircraft Ltd., powered by Lycoming GSO-480-B1A6 engines.

NOTE: This AD does not apply to Pilatus PC-6 airplanes manufactured by Fairchild Hiller.

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

To prevent hazardous fuel leaks from developing at the elbow fittings connecting the fuel line to the fuel pump and carburetor and to prevent a broken fuel line, accomplish the following:

(a) Replace aluminum fittings (AN 822-8D and AN 823-8D) with stainless steel fittings (MS 20822-8C and MS 20823-8C), or FAA-approved equivalents.

(b) Replace aluminum fuel line P/N 6238-0094.80 with a stainless steel fuel line P/N 6238.0094.80C, or an FAA-approved equivalent.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34072 Filed 12-17-75;8:45 am]

[Docket No. 14818; Amdt. 39-2477]

PART 39—AIRWORTHINESS DIRECTIVES **Societe Nationale Industrielle Aerospatiale** **Alouette II and Alouette III Helicopters**

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection, repair, and replacement, as necessary, of the blade spars of the main rotor blades on certain Societe Nationale Industrielle Aerospatiale Alouette helicopters (S.N.I.A.S.) was published in the FEDERAL REGISTER on July 29, 1975, (40 FR 31806).

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)).

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Alouette helicopter Models SE-3130, SE-313B, SA-3180, SA-318B, SA-318C, SA-315B, SE-3160, SA-316B, SA-319B, and SA-316C incorporating

3130 series main rotor blade(s) with serial number 9554 and lower, and 3160 series main rotor blade(s) with serial number 6999 and lower.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Lama Service Bulletin No. 01.04 for the Model SA-315B, or Alouette Service Bulletin No. 01.30 for the other designated models.

To prevent failure of the main rotor blades due to corrosion, inspect the blade spar in the section between the attachment fitting and root end rib for corrosion, repair as necessary, and return to service, in accordance with paragraphs 2 B(2), 2 B(3), 2 B(4) and 2 C of SOAC-approved Alouette Service Bulletin No. 01.30, as amended August 30, 1972, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34073 Filed 12-17-75;8:45 am]

[Docket No. 14882; Amdt. 39-2476]

PART 39—AIRWORTHINESS DIRECTIVES **Societe Nationale Industrielle Aerospatiale** **Model SA-341G "Gazelle" Helicopter**

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the fuel system of the Aerospatiale Model SA-341G "Gazelle" helicopter was published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33050).

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

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)).

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Model SA-341G "Gazelle" helicopters, certificated in all categories, serial numbers 1062 and lower, incorporating standard fuel tank P/N 341A-55.1065.20, or .22 or .24.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Gazelle Service Bulletin No. 28.01.

To prevent interruption of fuel flow to the engine during execution of approved flight maneuvers, modify the fuel system to provide for increased fuel pump capacity and an improved booster pump location in accordance with subparagraph 2(B) of Ga-

zelle Service Bulletin No. 28.01, as revised November 21, 1973, or an FAA-approved equivalent.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34074 Filed 12-17-75;8:45 am]

[Airspace Docket No. 75-WE-24]

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

Extension of Federal Airway

On November 6, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 51655) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 293 from Bryce Canyon, Utah, to Grand Canyon, Ariz., via the Page, Ariz., VOR.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

In V-293 "From Bryce Canyon, Utah;" is deleted and "From Grand Canyon, Ariz., via Page, Ariz.; INT Page 340" and Bryce Canyon, Utah., 120° radials; Bryce Canyon;" is substituted therefore.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)))

Issued in Washington, D.C., on December 11, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-34079 Filed 12-17-75;8:45 am]

[Airspace Docket No. 75-WA-19]

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

Renumbering of Airway Segments

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to renumber certain segments of airways which cross the United States/Canadian border.

The Canadian Ministry of Transport has asked that the United States portion of alternate airway segments, going to/from Canada, be renumbered. It is nec-

essary that this action be effective March 25, 1976, at the same time that all alternate airways in Canada are renumbered.

Because this action merely rennumbers existing routes without changing any airspace, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

a. In V-14 "Buffalo, N.Y. including a N alternate from Erie to Buffalo via INT Erie 043" and Buffalo 259" radials;" is deleted and "Buffalo;" is substituted therefor.

b. In V-31 "Rochester;" is deleted and "Rochester; INT Rochester 289" and Kleinburg, Ont., 133" radials; Kleinburg, The airspace within Canada is excluded;" is substituted therefor.

c. In V-34 "Rochester, including a south alternate via INT of Kleinburg 133" and Rochester 289" radials;" is deleted and "Rochester;" is substituted therefor.

d. In V-36, all before "Elmira, N.Y.;" is deleted and "From Sault Ste Marie, Mich., to the INT of the Sault Ste Marie 110" radial and the United States/Canadian border. From Toronto, Ont., via INT Toronto 141" and Buffalo, N.Y., 312" radials; Buffalo;" is substituted therefor.

e. In V-42 "Akron, Ohio, including an E alternate from Windsor, Ont., Canada, to Akron via INT Windsor 134" and Akron 312" radials;" is deleted and "to Akron, Ohio," is substituted therefor.

f. In V-43 "to Erie, Pa.;" is deleted and "Erie, Pa.; INT Erie 043" and Buffalo, N.Y., 259" radials; to Buffalo;" is substituted therefor.

g. In V-90 "Dunkirk, including a N alternate from INT Windsor 083" and Dunkirk 266" radials to Dunkirk via Aylmer, Ont.;" is deleted and "Dunkirk;" is substituted therefor.

h. In V-164 "From Buffalo, N.Y.;" is deleted and "From Toronto, Ont., via Toronto 141" and Buffalo, N.Y., 312" radials; Buffalo;" is substituted therefor. Also "The airspace within Canada is excluded;" is added after "East Texas."

i. In V-218 all after "Pontiac, Mich.;" is deleted and "INT Pontiac 112" and Windsor, Ont., 320" radials; Windsor; INT Windsor 134" and Akron, Ohio, 312" radials; to Akron. The airspace within Canada is excluded;" is substituted therefor.

j. In V-300 "Wlarton, Ontario, Canada, including a N alternate;" is deleted and "to Wlarton, Ont., Canada;" is substituted therefor.

k. V-464 is amended to read as follows: "From the INT of Windsor, Ont., Canada, 083" and Aylmer, Ont., Canada, 235" radials, via Aylmer; Dunkirk, N.Y.; to Genesee, N.Y." (Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 11, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-34080 Filed 12-17-75;8:45 am]

[Docket No. 15243; Amdt. No. 999]
**PART 97—STANDARD INSTRUMENT
APPROACH PROCEDURES**

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.35. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, effective January 29, 1976.

Bishop, CA—Bishop Arpt., VOR-A, Amdt. 1
Clinton, OK—Clinton-Sherman Arpt., VOR Rwy 35, Amdt. 2
Concord, CA—Buchanan Field, VOR Rwy 19B, Amdt. 7
Demopolis, AL—Demopolis Muni. Arpt., VOR/DME-A, Original
Ellensburg, WA—Bowers Field, VOR-B, Original
Fallon, NV—Fallon Muni. Arpt., VOR/DME-B, Amdt. 1
Fort Bridger, WY—Fort Bridger Arpt., VOR-A, Amdt. 2
Frederick, MD—Frederick Muni. Arpt., VOR Rwy 23, Amdt. 4
Idaho Falls, ID—Fanning Field, VOR Rwy 21, Amdt. 3

Knoxville, TN—McGhee-Tyson Arpt., VOR Rwy 22R, Original
Lexington, NC—Lexington Muni. Arpt., VOR/DME-A, Original
Marion, IL—Williamson County Arpt., VOR-A, Original
Nashville, TN—Nashville Metro. Arpt., VOR Rwy 31, Amdt. 23
Salina, KS—Salina Muni. Arpt., VOR Rwy 17 (TAC), Amdt. 9
San Antonio, TX—Stinson Muni. Arpt., VOR Rwy 32, Amdt. 8
San Francisco, CA—San Francisco Int'l Arpt., VOR Rwy 19L, Amdt. 3
Swainsboro, GA—Emanuel County Arpt., VOR-A, Amdt. 1
Unalakleet, AK—Unalakleet Arpt., VOR-C, Amdt. 2
Unalakleet, AK—Unalakleet Arpt., VOR/DME-A, Amdt. 3
Unalakleet, AK—Unalakleet Arpt., VOR/DME-D, Original

... effective January 15, 1976.

Springtown, TX—Springtown Arpt., VOR/DME Rwy 17, Original, cancelled

... effective December 25, 1975.

Valdosta, GA—Valdosta Muni. Arpt., VOR Rwy 35, Amdt. 22

... effective December 9, 1975.

Pell City, AL—St. Clair County Arpt., VOR-A, Amdt. 4

... effective December 4, 1975.

Madison, GA—Madison Muni. Arpt., VOR/DME-A, Amdt. 3

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, effective January 29, 1976.

Chicago, IL—Chicago O'Hare Int'l Arpt., LOC(BC) Rwy 14 R, Amdt. 3, cancelled
Clinton, OK—Clinton-Sherman Arpt., LOC (BC) Rwy 17, Amdt. 2
Nashville, TN—Nashville Metro. Arpt., LOC Rwy 31, Amdt. 2
Nome, AK—Nome Arpt., LOC Rwy 27, Amdt. 2

... effective December 25, 1975.

Valdosta, GA—Valdosta Muni. Arpt., LOC Rwy 35, Amdt. 1, Cancelled

... effective December 9, 1975.

Anniston, AL—Anniston-Calhoun County Arpt., LOC Rwy 5, Amdt. 6

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, effective January 29, 1976.

Adrian, MI—The Lenawee County Arpt., NDB Rwy 5, Amdt. 3
Chicago, IL—Chicago Midway Arpt., NDB Rwy 4R, Amdt. 6
Clinton, OK—Clinton-Sherman Arpt., NDB Rwy 17, Amdt. 2
Idaho Falls, ID—Fanning Field, NDB Rwy 21, Amdt. 3
Mattoon-Charleston, IL—Coles County Memorial Arpt., NDB Rwy 29, Amdt. 1
Petersburg, AK—Petersburg Arpt., NDB-A, Amdt. 2
Phillipsburg, KS—Phillipsburg Muni. Arpt., NDB Rwy 31, Amdt. 3
Salina, KS—Salina Muni. Arpt., NDB Rwy 35, Amdt. 7
San Francisco, CA—San Francisco Int'l Arpt., NDB Rwy 19L, Amdt. 6
Unalakleet, AK—Unalakleet Arpt., NDB-B, Amdt. 1

... effective January 8, 1976.

Fort Dodge, IA—Fort Dodge Muni. Arpt., NDB Rwy 6, Amdt. 1

... effective December 25, 1975.

Knoxville, TN—McGhee-Tyson Arpt., NDB Rwy 4L, Original
Murray, KY—Murray-Calloway County Arpt., NDB Rwy 23, Original

... effective December 9, 1975.

Anniston, AL—Anniston-Calhoun County Arpt., NDB Rwy 5, Amdt. 12

... effective December 8, 1975.

Jessup, GA—Jessup-Wayne County Arpt., NDB Rwy 10, Amdt. 1

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, effective January 29, 1976.

Chicago, IL—Chicago Midway Arpt., ILS Rwy 4R, Amdt. 2

Clinton, OK—Clinton-Sherman Arpt., ILS Rwy 35, Amdt. 2

Dayton, OH—James M. Cox-Dayton Muni. Arpt., ILS Rwy 18, Amdt. 3

Idaho Falls, ID—Fanning Field, ILS Rwy 21, Amdt. 2

Mattoon-Charleston, IL—Coles County Memorial Arpt., ILS Rwy 29, Amdt. 1

Mobile, AL—Bates Field, ILS Rwy 32, Amdt. 1

Salina, KS—Salina Muni. Arpt., ILS Rwy 35, Amdt. 9

San Francisco, CA—San Francisco Int'l Arpt., ILS Rwy 19L, Amdt. 11

Seattle, WA—Seattle-Tacoma Int'l Arpt., ILS Rwy 16R, Amdt. 4

... effective January 8, 1976.

Fort Dodge, IA—Fort Dodge Muni. Arpt., ILS Rwy 6, Original

... effective December 25, 1975.

Knoxville, TN—McGhee-Tyson Arpt. ILS Rwy 4L, Original

Valdosta, GA—Valdosta Muni. Arpt., ILS Rwy 35, Original

... effective December 9, 1975.

St. Paul, MN—St. Paul Downtown Holman Field, ILS Rwy 30 (Interim) Amdt. 1

... effective December 8, 1975.

Bakersfield, CA—Meadows Field, ILS Rwy 30R, Amdt. 21

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, effective January 29, 1976.

Nashville, TN—Nashville Metro. Arpt., RADAR-1, Amdt. 15

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, effective January 29, 1976.

Salina, KS—Salina Muni. Arpt., RNAV Rwy 17, Amdt. 2

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on December 11, 1975.

JAMES O. ROBINSON,
Acting 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.75-34081 Filed 12-17-75; 8:45 am]

Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE PART 113—STANDARD REQUIREMENTS Miscellaneous Amendments

• Purpose: To revise the test procedures for testing live vaccines for purity. •

On November 6, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 51646.

Bacterial or fungicidal contamination of live virus vaccines is detected by using the test procedures prescribed in § 113.27. The authorized retests using only 10 samples creates a doubt as to the accuracy of the results obtained. This doubt is eliminated for all practical purposes when 20 samples are used as provided for in these amendments.

The test for bacterial contamination prescribed in § 113.26 for use in testing for bacteria in products other than live virus vaccines calls for incubation for 14 days. The test in § 113.27 calls for incubation for only 7 days. Experience has shown that some bacterial contamination is not determined until the second week of incubation. These amendments increase the incubation period to 14 days in § 113.27 to conform to the requirements in § 113.26.

These amendments change the requirements of the diluent to be used in the test from "sterile distilled water" to "sterile purified water." This change permits the use of water which has been purified by means other than distillation.

Comments were received from four licensees. Two recommended publication in final form as proposed and the other two recommended relaxation of the test by changing either the conditions for a satisfactory test or for a retest. The recommended changes could not be justified and were rejected.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913, (21 U.S.C. 151-158), the amendments of Part 113 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted.

§ 113.27 is amended by revising paragraphs (a) (3) (ii), (a) (4), (a) (7) (i) and (ii), (c) (1), (d) (2), (d) (2) (i), (ii) and (vii), and adding a new paragraph (d) (2) (viii) to read:

§ 113.27 Detection of viable bacteria and fungi in live vaccines.

(a) * * *

(ii) Desiccated vaccine shall be rehydrated as recommended on the label with the accompanying diluent or with sterile purified water.

(4) To test for bacteria, 0.2 ml of vaccine from each final container sample shall be placed into a corresponding indi-

vidual vessel containing a minimum of 120 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 30° to 35° C for 14 days.

(7) * * *

(i) If growth is found in two or three test vessels of the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no growth is found in 9 or 10 of the test vessels in the initial test or 19 or 20 of the test vessels in the retest, the serial or subserial meets the requirements of the test.

(c) * * *

(1) To test for bacteria, 0.2 ml of the sample of Master Seed Virus shall be placed in 10 individual vessels each containing a minimum of 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 14 days.

(d) * * *

(2) Test procedures in this paragraph shall be followed.

(i) Ten final container samples of completed product from each serial and each subserial shall be tested using the medium prescribed in paragraph (d) (1) of this section.

(ii) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the quantity recommended on the label using the accompanying sterile diluent or sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1000 doses.

(vii) If the average count at either incubation condition for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, one retest to rule out faulty technique may be conducted using 20 unopened final containers.

(viii) If the average count at either incubation condition of the final test for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory.

(37 Stat. 832-833; 21 U.S.C. 151-158)

Effective date: These amendments take effect January 19, 1976.

Done at Washington, DC, this 15th day of December, 1975.

PIERRE A. CHALOUX,
Veterinary Services, Animal and
Plant Health Inspection Service.

[FR Doc.75-34145 Filed 12-17-75; 8:45 am]

CHAPTER III—ANIMAL AND PLANT
HEALTH INSPECTION SERVICE (MEAT
AND POULTRY PRODUCTS INSPEC-
TION), DEPARTMENT OF AGRICULTURE

PART 351—CERTIFICATION OF TECH-
NICAL ANIMAL FATS FOR EXPORT

Voluntary Certification of Certain Rendered
Animal Fats for Export

• Purpose. The purpose of this docu-
ment is to establish a program for certifi-
ing certain rendered animal fat for ex-
port. •

Pursuant to sections 203 and 205 of
the Agricultural Marketing Act of 1946,
as amended (7 U.S.C. 1622, 1624) the
Animal and Plant Health Inspection
Service hereby promulgates new regula-
tions, to appear in 9 CFR Part 351, pro-
viding for certification, upon a voluntary
fee basis, of the class and quality of cer-
tain rendered animal fats for export to
foreign countries.

Statement of considerations. In re-
sponse to changes in some foreign coun-
tries' requirements regarding the source
materials of rendered animal fats they
import, the Department of Agriculture
is establishing, by these regulations, a
new voluntary export certification pro-
gram. This program is designed to facili-
tate this U.S. export trade by providing
certification as to the source materials
of certain rendered animal fats.

Therefore, the Table of Contents for
Title 9, Chapter III, Subchapter B, is
amended to show a new Part 351, and
regulations to appear in Part 351 are
issued to read as follows:

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AUTHORITY: (Sec. 203, 205, 60 Stat. 1087
and 1090, as amended, 7 U.S.C. 1622, 1624)

DEFINITIONS

§ 351.1 Meaning of words.
Words used in this Part in the singular
form shall be deemed to import the
plural, and vice versa, as the case may
demand.

§ 351.2 Terms defined.

When used in this Part, unless the
context otherwise requires:

(a) "Department" means the United
States Department of Agriculture.

(b) "Program" means the Meat and
Poultry Inspection Program of the An-
imal and Plant Health Inspection Service
of the Department.

(c) "Administrator" means the Ad-
ministrator of the Animal and Plant
Health Inspection Service of the Depart-
ment, or any officer or employee of the
Department to whom authority has
heretofore been delegated or may here-
after be delegated to act in his stead.

(d) "Circuit supervisor" means an
employee of the Program assigned to
supervise and perform official work in
a circuit. Such employee is assigned by
and reports directly to the Administra-
tor or person designated by him.

(e) "Inspector" means an employee of
the Program or a cooperating State.

(f) "Circuit" means one or more in-
spected plants assigned to a circuit
supervisor.

(g) "Recognized State" means any
State not designated in § 351.2 of this
chapter.

(h) "Cooperating State" means any
State cooperating under § 351.7 in ad-
ministration of the regulations in this
Part.

(i) "Inspection" means ante-mortem
and post-mortem inspection by Program
inspectors or inspectors of a Meat In-
spection Service of a recognized State.

(j) "Animals" means cattle, sheep,
swine, goats, horses, mules and other
equines.

(k) "Technical animal fat" means
animal fat eligible for exportation, or
storage for exportation, in accordance
with § 325.11 of this chapter.

(l) "Certified technical animal fat"
means technical animal fat certified for
export or storage for export under the
regulations in this Part.

(m) "Tallow" means technical animal
fat with a minimum titre of 40° C.

(n) "Certified plant" means any plant
or storage facility preparing or storing
certified technical animal fat for export,
or for transfer to another certified plant
or storage facility for ultimate export,
and at which certification service is pro-
vided under the regulations in this Part.

(o) "Inspected and Passed" means in-
spected and passed under the Federal
Meat Inspection Act (21 U.S.C. 601 *et
seq.*) or the meat inspection laws of a
recognized State.

SCOPE OF CERTIFICATION SERVICE

§ 351.3 Kind of service.

(a) Certification, in the form set forth
in paragraph (b), is available under the
regulations in this Part for specific lots
of technical animal fat for export, if the
fat was rendered from materials derived
from carcasses, or parts of carcasses,
that had been inspected and passed and
came from animals that did not die
otherwise than by slaughter under in-
spection. The certification will be made
by a Program employee when he deter-
mines, upon the basis of examinations
made by him or other inspectors, as pro-
vided in § 51.14, and information ob-
tained by him or them from the exporter
or other sources, as provided in the reg-
ulations in this Part, that the technical
animal fat is eligible for certification
under this section and therefore the
statements to be certified are correct.
The service will be available upon a vol-
untary fee basis in accordance with said
regulations.

(b) (1) The form of Certificate for Ex-
port of Technical Animal Fats is as
follows:

UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE WASHINGTON, D.C. 20260		1. KIND OF PRODUCT	
CERTIFICATE FOR EXPORT OF TECHNICAL ANIMAL FATS		2. NET WEIGHT OF PRODUCT (From 200 lb limit)	
3. NAME AND ADDRESS OF PLANT MAKING SHIPMENT		4. NAME AND ADDRESS OF TRANSPORTING COMPANY	
5. CERTIFIED PLANT NO.		6. COUNTRY OF DESTINATION	
7. VESSEL NUMBER	8. NAME OF CITY WHERE LOADED	9. DATE LOADED	

The Underigned Certifies in Accordance With 9 CFR 351.3 That:

a. The product described above has been obtained by rendering raw materials, none of which were diseased, suspected of being diseased, or from dead animals.

b. The product covered by this certification has not been rendered under the continuous Federal inspection provided in the Federal Meat Inspection Act. For compliance with this certification, the plant equipment, plant conditions, and processing operations of the rendering plant(s) supplying the product certified by this certification are subject to Federal inspection on a periodic basis as authorized by the Agricultural Marketing Act and regulations thereunder (9 CFR Part 331).



10. ISSUED AT (Name of City)	11. DATE ISSUED
12. SIGNATURE OF USDA INSPECTOR	

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(2) Certified technical animal fat may be described on the certificate as "technical animal fat"; or if it is tallow, it may be described on the certificate as "Tallow" and the description may include the statement "titre not less than 40° C."

PROCEDURE FOR OBTAINING SERVICE: ADMINISTRATION OF PROGRAM

§ 351.4 Application for certification service.

Application for certification service under the regulations in this Part may be made to the Administrator by the operator of any rendering plant or storage facility at which technical animal fat is prepared or stored for export. In case of a change of ownership or change of location, a new application shall be made. Applications shall be made on forms¹ available from the Administrator and provide all information called for thereon relating to the identity of the applicant and the plant, and the nature of the plant operations, and a certification of specified facts and an agreement to comply with specified requirements.

§ 351.5 Conditions of eligibility for certification service; review of applications.

(a) To be eligible for certification service under the regulations in this Part, the operator of a rendering plant must demonstrate that:

(1) He operates a rendering plant which will receive materials derived from inspected and passed carcasses, or parts of carcasses, of animals that did not die otherwise than by slaughter under inspection, (i.e., not "dead animals"); and such source materials will be rendered at the plant into technical animal fat eligible for export, or storage for export, in accordance with the regulations in this Part;

¹ Copy filed as part of the original document.

(2) The source materials and the rendered technical animal fat described in subparagraph (1) will be identified and kept separated at all times from other products; and

(3) He will comply with the applicable regulations in this Part.
(b) To be eligible for certification service under the regulations in this Part, the operator of a storage facility must demonstrate that:

(1) He operates a storage facility that will receive for storage certified technical animal fat shipped directly from a certified rendering plant for storage for export and he will keep each such shipment identified and separated from other such shipments, and from other products that are not certified, and he will receive such fat only if it is accompanied by MP Form 85, as required by § 351.17.

(2) He will comply with the applicable regulations in this Part.

(c) Each applicant for certification service must file with the Administrator, with the application for service, a written description of the procedures to be used for receiving, identifying, processing, storing, and otherwise handling technical animal fat, and materials for use in the preparation thereof, at the plant or storage facility involved, and for shipping technical animal fat from the plant or facility and storing and exporting such technical animal fat, and a written description of the shipping, receiving, and inventory records maintained for technical animal fat.

(d) The Administrator will determine, on the basis of all information available to him, whether the arrangements at the plant or storage facility are such as will assure that certifications of technical animal fat will be correct, and, if so, will grant the application for certification service. An applicant will be given an opportunity to present his views prior to refusal of the service.

§ 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter "C" and be used to identify all certified technical animal fat prepared or stored by the plant.

§ 351.7 Administration of certification service program.

(a) The regulations in this Part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this Part. However, certifications under these regulations may be issued only by Program employees, as provided in § 351.3.

FEES

§ 351.8 Charges for surveys of plants.

Applicants for the certification service shall pay the Department for salary costs at \$12.40 per hour, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

§ 351.9 Charges for examinations.

(a) The hourly fees to be charged and collected by the Administrator shall be \$12.40 per hour for examinations, as provided for in § 351.14, and \$19.20 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.

FACILITIES AND OPERATIONS

§ 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such

articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase "Certified Technical Animal Fat" whenever they contain these fats.

§ 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this Part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of § 351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under § 351.3.

§ 351.12 Circuit supervisor to be informed when plant operates.

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant's work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

§ 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this Part, inspectors shall have access at all times by day or night to every part of a certified plant.

§ 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this Part, except in accordance with such regulations.

(b) Supervision, ranging from full-time coverage of an entire process to one or more reviews per month, to determine a plant's compliance with the regulations in this Part will be maintained. A circuit supervisor may increase the frequency of reviews whenever he deems necessary to assure the validity of certifications under the regulations in this Part. Usual coverage of individual rendering plants will be as follows:

(1) Coverage shall be at least once a month if the plant consistently handles only raw materials acceptable under § 351.3 for the preparation of certified technical animal fat and the plant operator, in writing, certifies that he is maintaining this procedure.

(2) Coverage shall be at least once a week if the plant consistently handles some raw materials that are acceptable, and some that are unacceptable, under § 351.3, for the preparation of certified technical animal fat, uses separate equipment for processing, and uses separate rooms, compartments, and equipment for receiving and storing the respective types of raw materials and technical animal fats, and the plant operator, in writing, certifies that he is maintaining this complete physical separation procedure.

(3) Coverage shall be fulltime during receiving of raw materials and their preparation into certified technical animal fat, if the plant handles some raw materials that are acceptable, and some that are unacceptable, under § 351.3, for the preparation of certified technical animal fat, and uses the same rooms, compartments, and equipment, with only time separation between receiving, processing, and storing the respective types of raw materials and technical animal fats.

§ 351.15 Reports of violations.

Inspectors shall report to the circuit supervisor any apparent violations of the regulations in this Part or the Federal Meat Inspection Act or regulations thereunder (subchapter A of this chapter) which occur at certified plants, or elsewhere, within their knowledge. The circuit supervisor shall report such actions to the Administrator through appropriate channels.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

§ 351.16 Certificate required for shipments of technical animal fat.

No certified plant shall export any certified technical animal fat unless the shipment is accompanied by a certificate issued under § 351.3.

§ 351.17 Identification required.

Certified technical animal fats being exported directly from a certified plant or transferred between certified plants for storage for export are subject to the requirements of § 325.11 of this chapter. In addition, such shipments between certified plants shall be accompanied by MP Form 85 (Declaration to Accompany Technical Animal Fats Between Certified Technical Animal Fat Plants)* prepared by the operator of the certified plant from which shipment is made, certifying that the product has been obtained by rendering raw materials derived from federally or State inspected and passed carcasses, or parts of carcasses. Technical animal fat described on MP Form 85 as tallow must meet the definition of "Tallow" in § 351.2.

PROHIBITIONS

§ 351.18 Official identifications; unauthorized use.

(a) The form of certification set forth in § 351.3 and the term "Certified Technical Animal Fat" are official identifications for purposes of the Agricultural Marketing Act of 1946, as amended, and

* Copy filed as part of the original document.

shall not be falsely made, issued, altered, forged, or counterfeited, or used for purpose of misrepresentation or deception.

(b) No container which bears or is to bear any designation as certified technical animal fat shall be filled in whole or in part, except with technical animal fats which have been certified and identified in compliance with this Part.

REMEDIES: PENALTIES

§ 351.19 Refusal of certification for specific lots.

If an inspector has reason to believe that a lot of technical animal fat is ineligible for certification under § 351.3, or any materials to be used in a lot of technical animal fat would make the technical animal fat ineligible for such certification, certification of the lot shall be withheld pending final determination by the circuit supervisor. The operator of the plant shall be afforded an opportunity to demonstrate the eligibility of the lot for certification before the final determination is made.

§ 351.20 Withdrawal of service from certified plants.

(a) After opportunity for hearing has been accorded the operator of a certified plant, the certification service, provided for in this Part, may be withdrawn from such plant in accordance with the applicable rules of practice, if it is determined that:

(1) The operator, or his employee or agent:

(i) Has made any willful misrepresentation or engaged in any fraudulent or deceptive practice in connection with the service;

(ii) Has interfered with or obstructed any Program employee or other inspector in the performance of his duties, under the regulations in this Part, by intimidation, threats, or other improper means; or

(iii) Has violated section 203(h) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622(h)), or any regulation in this Part; or

(2) Facilities or procedures at the certified plant do not conform to the arrangements approved by the Administrator under § 351.5.

(b) Pending final determination of the matter, the Administrator may summarily suspend the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a).

APPEALS

§ 351.21 Appeals.

Any decision by an employee of the Program may be appealed by any adversely affected person to the immediate supervisor of such employee. Decisions of other inspectors may be appealed to the circuit supervisor.

RECORDS AND REPORTS

§ 351.22 Certified plants to maintain records and make reports; access to records.

(a) Each day a certified plant prepares, receives, or ships certified technical animal fat or receives material for use in such product, the operator of the plant shall prepare records identifying

the kinds and quantities of such materials and technical animal fats received, the number of pounds of certified technical animal fat prepared or shipped, and an up-to-date inventory of certified technical animal fats in storage. The operator of each certified plant shall include in the records required by this section all MP Forms 85 which he receives with shipments of certified technical animal fat from any other certified plant. These records shall be maintained by the operator of each certified plant and made available to an inspector, upon request, for examination and copying, for a period of 1 year after the date of the transaction involved.

(b) The operator of each certified plant shall provide such relevant information as any inspector may request to enable him to determine whether any technical animal fats are eligible for certification and whether the plant is eligible for certification service under the regulations in this Part.

(Sec. 203, 205, 60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622, 1624; 37 FR 28464, 28478; 40 FR 50455)

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

Since the regulations provide for a purely voluntary service which has been requested by certain exporters and the regulations should be made effective as soon as possible to be of maximum benefit to all exporters and domestic processors of the rendered animal fats for export and other affected persons, it is found upon good cause that notice and other public rulemaking proceedings in connection with issuance of the regulations are impracticable and unnecessary, and good cause is found for making the regulations effective less than 30 days after publication in the *FEDERAL REGISTER*.

The foregoing regulations shall become effective on January 5, 1976.

Done at Washington, D.C., on December 12, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal
and Plant Health Inspection
Service.

[FR Doc. 75-34090 Filed 12-17-75; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 543; Docket No. RM75-24]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHANGES; ETHICAL STANDARDS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reporting of Producer Expenditures and Activities

DECEMBER 10, 1975.

Continuing investigation of expenditures, exploration and development ac-

tivities, production, reserve additions, and revenues of natural gas producers and producing affiliates subject to the jurisdiction of the Federal Power Commission.

Order requiring the reporting of producer expenditures, exploration and development activity, production, reserve additions and revenues.

In this proceeding we adopt rules and regulations providing for the systematic collection of data and information concerning producer and producer affiliate expenditures, exploration and development activities, reserve additions, production and revenue. All persons found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act¹ and their jurisdictional affiliates and subsidiaries as defined in 18 C.F.R. § 157.40(a)(2) of the Commission's Regulations, except as exempted herein, shall be required to file and attest to the information solicited in the attached report.

On March 13, 1975, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM75-24² pursuant to the Administrative Procedure Act (APA), 5 U.S.C. § 551 (1970) and Sections 4, 5, 8, 10, 14, 15, and 16 of the Natural Gas Act. In this notice the Commission proposed to amend its Rules by adding a section requiring the annual filing of a report containing data related to the above-mentioned areas by each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act. The data was to be collected through completion of a standardized report form which was appended to the March 13, 1975, Notice of Proposed Rulemaking.

As proposed in the Notice of Rulemaking, FPC Form No. 64 contained three Schedules with attachments. As adopted, all Schedules will apply to the United States, excluding Alaska and Hawaii and will apply to Alaska separately. Schedule No. 1 will summarize total expenditures made by producers for exploration and development and production of oil and gas by type of reservoir. Schedule No. 2 is directed to data on exploration and development activity. Schedule No. 3 details production, revenue, royalty, and non-associated gas reserve data.³

NEED FOR FORM NO. 64

The deepening national energy crisis and shortage of alternate domestic energy sources compels the Commission to undertake continuing broadly-based investigations of all facts and circumstances underlying the Commission's ratemaking functions established in Sections 4 and 5 of the Natural Gas Act. The logical starting point for any producer ratemaking determination made

by the Commission is a consideration of the costs involved.⁴ The importance of this element of a just and reasonable rate and the components thereof is discussed in our most recent determination of the nationwide rate.⁵ Form No. 64 has been designed to provide us with information which will be extremely valuable in our biennial review of the Opinion No. 699-H nationwide rate for new gas and in determining possible adjustments to flowing gas prices.

Most importantly, Form No. 64 will provide a data source of information on producer expenditures, revenues, and leasing and drilling activity which is independently verifiable. Collection of this data and that to be submitted on Form Nos. 40⁶ and 45⁷ will permit us, in our biennial review, to rely primarily on information submitted directly to and auditable by the Commission rather than published data not open to close scrutiny.

Furthermore, no timely information on natural gas producer and producer affiliate expenditures, exploration and developmental activities, reserve additions, and revenues is collected by any Government agency on a comprehensive and correlated basis. The rules and regulations adopted herein will provide us with a continuous flow of current information to be used in evaluating the efficacy and consequences of rates established by the Commission.

FPC Form No. 64 requires submission of certain productivity data for the U.S. excluding Alaska and Hawaii for the past nine years, 1965-1973; and for Alaska for the year 1974 and thereafter. The importance of this type of information to a determination of productivity, a vital component of the costing methodology employed in Opinion No. 699-H, was set forth in Order No. 526 which promulgated Form No. 40. FPC Form No. 40, Annual Report Of Proved Domestic Gas Reserves, will provide productivity data for the initial report year and each subsequent year. The initial report of Form No. 64 will gather productivity data for several years prior to the report year of Form No. 40. Thereafter, Form No. 64 will not require productivity data (except for Alaska) so as not to duplicate Form No. 40.

Certain cost data for the U.S. excluding Alaska and Hawaii will be filed in the

¹ *Texaco Inc. v. F.P.C.*, 417 U.S. 380 (1974).

² Opinion No. 699-H, Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing, Docket No. R-389-B (Issued December 4, 1974) (Hereinafter Opinion No. 699-H).

³ Order No. 526, Natural Gas Companies Annual Report Of Proved Domestic Gas Reserves: FPC Form No. 40 Docket No. RM74-16 (Issued February 25, 1975) (Hereinafter Order No. 526).

⁴ Order No. 521, Investigation of Rates Charged for Non-jurisdictional Sales of Natural Gas by Natural Gas Companies Subject to the Jurisdiction of the Federal Power Commission, Docket No. RM74-12 (Issued January 9, 1975).

⁵ § 12(6); 52 Stat. 823 (1938); 15 U.S.C. § 717b(6) (1970).

⁶ 40 FR 12817.

⁷ Forms and schedules filed as part of the original document.

initial report for the years 1970-1974 and each year thereafter. Cost data for Alaska will be filed in the initial report for 1974 and each year thereafter.

COMMENTS

By our Notice of Proposed Rulemaking issued March 13, 1975, we requested submission of comments by any interested person no later than April 30, 1975. However, subsequent motions for additional time for submission of comments were filed by several parties. On April 23, 1975, we granted these motions and extended the date for filing to May 14, 1975. Fifty-four parties filed extensive comments which we have carefully considered. We have reached our decision weighing our need to know gas producer expenditures and revenue, together with leasing and drilling activity in order to discharge our statutory duty of rate-making, against a full knowledge of the reporting burden placed upon industry.

This reporting burden is one area in which we received numerous comments. Most of the respondents stated that they would need from four to six months to complete and file Form No. 64 based upon the proposed requirement of ten years of prior data and data by the six production areas. Generally, small producers claimed that the financial burden, limited staff and detailed records make Form No. 64 an impossible task for small exploration and production companies.

With respect to the 10-year data requirement, several large producers stated that they did not retain data for more than five years while other producers indicated a shorter retention period. We recognize the problem of record unavailability. In order to secure complete cost and productivity data for eventual pricing, we are adopting the proposed 10-year requirement with respect to productivity data⁴⁴ and are revising the reporting period for cost data to five years. This accommodation, the Commission believes, will still enable us to utilize data contained in the initial report year for immediate and meaningful averaging of costs and productivity.

Regarding the burden of requiring data by the six production areas, several respondents questioned their purpose inasmuch as ceiling rates are now being set on a national basis. We agree. Use of the area data could lead to a multi-price system based upon area new gas costs which are generally less reliable than nationwide costs. Additionally, certain problems of confidentiality would be eliminated by our not requiring area data. However, with respect to the voiced concern over confidentiality, it is appropriate at this point to reaffirm our position in Order No. 526 involving reserve data. As we stated there, we recognize that disclosure of certain information may at times be detrimental to the private interests of producers. Nevertheless, we have determined that the

public right to the information outweighs respondents' proprietary interest.

Small producers requested that the filing requirements be limited to producers selling jurisdictional gas over 1,000,000 Mcf or 10,000,000 Mcf annually. Consistent with the exemption stated in Form No. 40 which gathers productivity data for 1974 and each subsequent year, Form No. 64, as herein adopted, will exempt from filing the initial report all natural gas companies, which, together with their affiliate(s) produced for direct sale and for sale for resale in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the year 1974. This exemption will apply for each subsequent report only so long as the annual volume of 250,000 Mcf is not exceeded.

Several persons requested that well costs and footage be reported by the operator on a gross basis and on a completed well basis. The latter request will be granted in order to avoid dealing with data on wells in progress at the end of the report year which generally have not been determined to be a successful well or dry hole. However, we have retained our original proposal of reporting on a working interest basis for consistency and uniformity in reporting. Productivity data, consisting of reserve additions and gas well footage obtained in Form No. 40, will be reported on a working interest basis. Therefore, the drilling expenditures, related footage and productivity data for past years obtained in Form No. 64 must be reported on a working interest basis in order to correlate with the productivity data reported in Form No. 40.

Furthermore, aside from well drilling and other lease expenditures, there are many other expenditures, such as overheads, which are not recorded by the lease operator but are maintained in each producer's records on a working interest basis. Since several costs are developed by their relationship to well drilling costs it is therefore necessary to obtain all expenditure data on a consistent working interest basis.

Several respondents requested that the annual data be reported on a fiscal year basis rather than a calendar year basis to be consistent with their accounting procedures. In order to afford respondents time to adjust their records, the Commission will permit respondents the option of reporting on a calendar or fiscal year basis in the initial Form No. 64 report with the exception of productivity data. That data must be reported on a calendar year basis for conformity with Form No. 40. Respondents electing to report on a fiscal year basis must identify the annual time period for each of the prior years' data. This optional reporting basis is only to be used in the initial report. Thereafter annual reports are required on a uniform calendar year basis.

Numerous parties were critical of having to report production volumes and revenue on a well rather than a lease

basis because of their record-keeping system. There were also suggestions that volumes be reported on a wet or dry basis, again for record-keeping purposes. In order to alleviate any burden experienced by filing Form No. 64, we have no objection to adopting these modifications.

Numerous additional comments and suggestions on which we will not elaborate in this order were, however, noted. As a result, instructions and definitions associated with Form No. 64 have been revised and clarified in yet another attempt to reduce respondents' burden in filing this report.

By letter of November 17, 1975, GAO approved Form 64 for one year as submitted by this agency on October 1, 1975. While we recognize that this Form is subject to reclearance by the Comptroller General (GAO) pursuant to Section 3512 (b) of Title 44 of the United States Code⁴⁵ and GAO's implementing regulations,⁴⁶ we regard Form No. 64 as adopted by this order to be a permanent ongoing report form in furtherance of our statutory responsibilities under the Natural Gas Act. Accordingly, absent any Commission initiated changes in the form during the upcoming year, we do not propose in any subsequent reclearance procedure to once again justify the necessity for the form and its reporting requirements.

The Commission finds: (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the written submission of comments and suggestions are consistent and in accordance with all procedural requirements as prescribed in Section 553, Title 5 of the United States Code.

(2) The amendment to Part 3 of the Commission's General Rules and Section 3.170, Approved Forms, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) The amendment to Part 260, Statements and Reports, to add a new Section 260.21 is necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the modifications to the amendments prescribed herein which were not included in the notice of this proceeding are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

The Commission orders: The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, 8, 14, 15, and 16 thereof [52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o] hereby orders that its General Rules Part 260, Subchapter G of Chapter I, Title 18 of the Code of Fed-

⁴⁴ This requirement is consistent with past Commission practice in prior area and national rate proceedings in estimating productivity, which is the relationship between reserve additions and gas well footage.

⁴⁵ *F.C.C. v. Schreiber*, 381 U.S. 279 (1964).

⁴⁶ 44 U.S.C. § 3512 (1973), Pub. L. No. 93-153, 1st Sess., 93rd Cong., § 409 (1973).

⁴⁷ See 4 C.F.R. Section 10.11 (General Accounting Office) Renewals or revisions of existing plans and report forms.

eral Regulations, be amended by adding a new Section 260.21 as follows:

§ 260.21 Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues: Including Those of Any Affiliate (Associate) or Subsidiary of Each Person Found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act.

Exempted from filing the initial report of Form 64 are all natural gas companies, which, together with their affiliate(s) produced for direct sale and for sale for resale in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the year 1974. This exemption will continue for each subsequent annual report until the annual volume of 250,000 Mcf is exceeded.

(a) The Form of Natural Gas Companies, Annual Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues as FPC Form No. 64 is adopted.

(b) Each person required to report pursuant to this order shall prepare and file with the Commission an original and four copies of Schedule Nos. 1, 2, and 3, FPC Form No. 64.

(c) For the U.S., excluding Alaska and Hawaii, certain Form No. 64 data shall be reported for the years 1970-1974 and each subsequent year with the exception of productivity data on Schedule No. 3, Items (3) (a) through (3) (f) which shall only be reported for the years 1965-1973.

(d) For Alaska and adjacent offshore areas, complete Form No. 64 data, including productivity data, shall be reported for the year 1974 and each subsequent year.

(e) The initial report and the annual report for 1975 shall be filed within six months after the date of the issuance of this order. Subsequent reports shall be filed no later than March 31 of each year.

(f) Information filed pursuant to this order shall be made available at the Commission's offices for public inspection.

(B) We amend Section 3.170 of Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations by revising paragraph (a) (27) as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

(27) Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues of each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act, and their jurisdictional affiliates and subsidiaries as defined in 18 C.F.R. § 157.40(a) (2) of the Commission's Regulations. (§ 261.21 of this Chapter)

(C) This order is effective as of the date of issuance.

(D) The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-33935 Filed 12-17-75; 8:45 am]

[Docket No. RM74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Companies Annual Report of Proved Domestic Gas

DECEMBER 10, 1975.

On November 10, 1975, Sabine Royalty Corporation and Dalco Oil Company (Sabine) petitioned for rehearing of the order issued October 29, 1975 granting extensions of time to file Form No. 40 until March 1, 1976 but denying, among others, the petition of Sabine for a partial waiver of the filing requirements or, in the alternative, permission to file its report for 1974 on April 1, 1977. In its petition of November 10, 1975 Sabine also requests that, pending the completion of judicial review,¹ the Commission stay its orders of October 10 and 29, 1975 requiring respondents to file Form No. 40 to continue to gather the information requested on that form.

In its petition Sabine asserts that the Commission acted in an arbitrary and capricious manner in denying Sabine relief. In the October 29, 1975 order the Commission noted that only thirteen respondents, including Sabine and Dalco, had requested an extension of time beyond March 1, 1976, and the Commission further stated that these few requests were "not reasonable." Sabine asserts that, for the reasons expressed in its original request for waiver or an extension of time, the Commission could only conclude that petitioner had proven its right to relief and, therefore, the denial of that relief was an abuse of discretion by the Commission.

Sabine's petition, filed on November 10, 1975, fails to note the statement in our order of October 29, 1975 that the Commission had the power to act on the requests for extension of time granted therein only until the record was docketed before the Court in the case on appeal, *Union Oil Company of California v. Federal Power Commission*. Since Sabine is a party to that proceeding, it is aware that the record was filed with the Court prior to the instant Sabine petition. Therefore, the Commission, pursuant to Section 19(b) of the Natural Gas

Act,² does not have the authority to act on the Sabine petition.

The Notice of Proposed Rulemaking setting forth the reporting requirements of Form No. 40 and the justification therefor was issued on April 15, 1974. Order No. 526, issued February 25, 1975, which promulgated Form No. 40, set the date for filing offshore and onshore 1974 reserve data as July 1, 1975. At that time we set forth our urgent need for this information.³ In Order No. 526-A the Commission postponed the filing date for 1974 data pertaining to the onshore and state controlled offshore to October 2, 1975. Subsequent postponements resulted in the March 1, 1976 date that is presently applicable to Sabine. Thus, petitioner has been on notice since April 15, 1974 as to the type of information which might be required in this proceeding. The petition of Sabine and Dalco is no different from that of all of the other respondents to Form No. 40, none of whom petitioned for rehearing of the October 29, 1975 order setting the March 1, 1976 filing date.

We recognized in our original order, and subsequently,⁴ that Form No. 40 imposed a burden on the reporting companies, but we found the public interest in obtaining the requested reserve data far outweighed the imposition Form No. 40 placed on the respondents. Since the original promulgation of the form we have granted several of the requests of certain reporting entities for extensions of time. The March 1, 1976 date set by the October 29, 1975 order provided a more than adequate period in which respondents can reorient their record-keeping so as to comply with Form No. 40. Only Sabine and Dalco protest that the interim until March 1, 1976 is insufficient and, as we stated in our October 29, 1975 order, such a request for an extension past March 1, 1976 is not reasonable.

Sabine also requests that the Commission stay the effect of the October 29, 1975 order pending the completion of judicial review. As we stated in that order, a stay in the compilation of the necessary data by the producers in preparation of filing is not in the public interest.⁵

The Commission orders. The petition of Sabine and Dalco for rehearing and reconsideration is rejected. The motion for stay of Sabine and Dalco is rejected.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

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¹ 15 U.S.C. 717r(b).

² Order Prescribing Procedures and Instituting Uniform Annual Filing of National Proved Domestic Natural Gas Reserves Information, Order No. 526, Docket No. RM74-16, --- F.P.C. ---, mimeo pp. 6-10 (February 25, 1975).

³ Id. at 23.

⁴ Order Making Regulation Effective, Clarifying Order, and Denying Rehearing, Order No. 526-A, Docket No. RM74-16, --- F.P.C. ---, mimeo pp. 7-9 (August 18, 1975).

⁵ Order Granting Extensions of Time, Docket No. RM74-16, --- F.P.C. ---, mimeo p. 2 (October 29, 1975).