(Sec. 408(d)(2), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(d)(2)), transferred to Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623))

[FR Doc.75-7099 Filed 3-18-75;8:45 am]

[OPP-262805; FRL 346-4]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Profluralin

On September 23, 1974, notice was given (39 FR 34097) that CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409, had filed a petition (PP 5F1538) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for negligible residues of the herbicide profluralin (N-(cyclo-propylmethyl)-a,a,a-trifluoro-2,6-dinitro-N-propyl-p-toluidine) in or on the raw agricultural commodities alfalfa forage and hay at 0.1 part per million.

The data submitted in the petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the tolerance is sought. The established tolerance for residues in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep is adequate to cover residues resulting from the proposed and existing uses, and § 180.6(a)(2) applies. The tolerance established by this regulation will protect the public health.

Any person adversely affected by this regulation may on or before April 18, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions for the regulations deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 19, 1975 Part 180, Subpart C, is amended by revising § 180.348 to read as set forth below.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

In § 180.348, the paragraph beginning "0.1 part per million," is amended to read as follows.

§ 180.348 Profluralin; tolerances for residues.

* * * * *

0.1 part per million in or on alfalfa forage, alfalfa hay, cottonseed, soybeans, and soybean forage.

* * * * *

(Sec. 408(d)(2), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(d)(2)), transferred to Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

[FR Doc.75-7098 Filed 3-18-75;8:45 am]

[OPP-262811; FRL 346-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terbuthylazine

On August 25, 1970, notice was given (35 FR 13535) that CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409 had filed a petition (PP 3F1409) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of the herbicide terbuthylazine (2-tert-butylamino-4-chloro-6-ethylamino-s-triazine) in or on the raw agricultural commodities sorghum forage and grain at 0.1 part per million (negligible residue).

The data submitted in the petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance established by this amendment to the regulation as set forth below will protect the public health.

Any person adversely affected by this regulation may on or before April 18, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions for the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 19, 1975, Part 180, Subpart C, is amended by revising § 180.333.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by revising § 180.333 to read as follows:

§ 180.333 Terbuthylazine; tolerances for residues.

Tolerances are established for negligible residues of the herbicide terbuthylazine (2-tert-butylamino-4-chloro-6-ethylamino-s-triazine) in or on the raw agricultural commodities corn fodder and forage, corn grain (including popcorn grain), and sorghum forage and grain at 0.1 part per million.

(Sec. 408(d)(2), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(d)(2)), transferred to Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

[FR Doc.75-7100 Filed 3-18-75;8:45 am]

[OPP-262807; FRL 346-5]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-[[4-Chloro-6-(Ethylamino)-s-Triazin-2-YL]Amino]-2-Methylpropionitrile

On September 3, 1974, notice was given (39 FR 31946) that Shell Chemical Co., 1025 Connecticut Ave., NW, Washington, DC 20036, had filed a petition (PP 5F1532) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of tolerances for negligible residues of the herbicide 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile in or on the raw agricultural commodities sorghum fodder, forage, and grain at 0.05 part per million.

The data submitted in the petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. Tolerances established by this amendment to the regulation will protect the public health.

Any person adversely affected by this regulation may on or before April 18, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 19, 1975 Part 180, Subpart C, is amended by revising § 180.307 to read as follows.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

§ 180.307 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile in or on the raw agricultural commodities fresh corn including sweet corn (kernels plus cob with husk removed), corn grain, corn fodder and forage, and sorghum fodder, forage, and grain at 0.05 part per million.

(Sec. 408(d)(2), Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(d)(2)), transferred to Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623))

[FR Doc.75-7096 Filed 3-18-75;8:45 am]

[FRL 347-6; OPP-262806]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

On January 8, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 1519) a notice of proposed rulemaking to exempt certain inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee have been received and the proposed regulation is hereby adopted without change as set forth below.

Any person adversely affected by this regulation may on or before April 18, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW, East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective March 19, 1975, Part 180, Subpart D, § 180.1001, is amended as follows.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

MARCH 13, 1975.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), transferred to the Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623).)

Section 180.1001 is amended by (1) deleting the item "Wintergreen oil * * *" from paragraph (d), and (2) alphabetically inserting new items in paragraphs (c), (d), and (e) as follows.

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	*	*
Carnauba wax		Coating agent.
* * *	*	*
Diacetyl tartaric acid esters of mono- and diglycerides of edible fatty acids.		Emulsifier.
* * *	*	*
Disodium zinc ethylenediamine tetraacetate dihydride.		Sequestrant.
* * *	*	*
Modified polyester resin derived from ethylene glycol, fumaric acid, and rosin.	For use on citrus only.	Resinous coating.
* * *	*	*
α-(p-Nonylphenyl)-ω-hydroxypoly (oxypropylene) block polymer with poly(oxyethylene); polyoxypropylene content of 20-60 moles; polyoxyethylene content of 30-80 moles; molecular weight 2,100-7,100.		Surfactants, related adjuvants of surfactants.
* * *	*	*
Pine lignin		Adsorbent.
* * *	*	*
Polymers derived from the following monomers: acrylic acid, sodium form; butyl acrylate; ethyl acrylate; methacrylic acid and its ammonium and potassium salts; and methyl methacrylate.		Surfactants, related adjuvants of surfactants.
* * *	*	*
Sodium dodecylphenoxybenzene disulfonate.		Surfactants, related adjuvants of surfactants.
* * *	*	*
Sulfurous acid		Preservative.
* * *	*	*
Wintergreen oil		Attractant.
* * *	*	*

(d) * * *

Inert ingredients	Limits	Uses
* * *	*	*
Glyceryl triacetate		Stabilizer.
* * *	*	*
Sodium caseinate		Suspending agent and binder.
Sodium citrate		Sequestrant.
* * *	*	*

(e) * * *

Inert ingredients	Limits	Uses
* * *	*	*
Diacetyl tartaric acid esters of mono- and diglycerides of edible fatty acids.		Emulsifier.
* * *	*	*
α-(p-Nonylphenyl)-ω-hydroxypoly(oxypropylene) block polymer with poly(oxyethylene); polyoxypropylene content of 20-60 moles; polyoxyethylene content of 30-80 moles; molecular weight 2,100-7,100.		Surfactants, related adjuvants of surfactants.
* * *	*	*
Pine lignin		Adsorbent.
* * *	*	*
Zinc stearate, conforming to Title 21, § 121.101 (d)(5).		Water repellent, desiccant, and coating agent.
* * *	*	*

[FR Doc.75-7223 Filed 3-18-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 412—FEEDLOTS POINT SOURCE CATEGORY

Notice of Interpretation

On February 14, 1974, the Environmental Protection Agency promulgated effluent limitations, guidelines and new source performance standards for the feedlots category of point sources. (40 CFR Part 412; 39 FR 5704 *et seq.*). The regulations were issued pursuant to sections 301, 304(b) and 306 of the Federal Water Pollution Control Act Amendments of 1972. A question has arisen as to whether these regulations also apply to non-producing animal holding operations, such as stockyards and auction yards. The purpose of this notice is to clarify the Agency's interpretation of the regulations.

The regulation defines the term "feedlot" as "a concentrated animal or poultry growing operation for meat, milk or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage production is not sustained in the place of confinement." (See, e.g. 40 CFR 412.11(b); 39 FR 5706).

A statement in the preamble to the regulation, 39 FR 5705, second column, paragraph "(7)" appears to imply that nonproducing facilities, involving only short term holding of feeder cattle, are included within the coverage of the regulation as well. However, the definition in the regulation itself, quoted above, together with the provisions in the regulations prescribing its applicability, 40 CFR 412.10 and 412.20, clearly confine its coverage to producing facilities.

In the absence of effluent limitations and guidelines covering these nonproducing facilities, permits for discharge from them will contain conditions as authorized by section 402(a)(1) of the Act.

Dated: March 13, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-7224 Filed 3-18-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

EVIDENCE; TAKING OF DEPOSITIONS ABROAD

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 242.14(e) of Title 8 of the Code of Federal Regulations, pertaining to the taking of depositions abroad.

The proposed amendment provides for the taking of depositions abroad, preferably before a Service officer in a locality where he is authorized to interview witnesses in expulsion proceedings, elsewhere preferably before a United States consular officer. In its present form the regulation conflicts with the policy of the Service and the State Department, that in Service matters Service personnel, and not consular officers, should take such depositions who are in areas abroad where the Service has such authority.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street, NW, Washington, D.C. 20536, written data, views, arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received before April 11, 1975, will be considered.

In light of the foregoing, it is proposed to amend Part 242 of Chapter 5 of Title 8, Code of Federal Regulations, as follows:

It is proposed to revise § 242.14(e) to read as follows:

§ 242.14 Evidence.

* * * * *

(e) *Depositions.* Either at his own instance or on application of the trial attorney or the respondent, after due notice to all parties, a special inquiry officer may, if satisfied that a witness is not reasonably available at the place of hearing and that his testimony or other evidence is essential, order the taking of a deposition. Such order may prescribe and limit the content, scope, or manner of taking the deposition, may direct the production of documentary evidence, and may authorize the issuance of a subpoena by the officer designated to take the deposition in the event of the refusal or willful failure of a witness within the United States, after due notice, to appear, give testimony, or produce documentary evidence. Testimony shall be given under oath or affirmation and shall be recorded verbatim. The order of the special inquiry officer to take a deposition shall identify the witness and shall specify the title of the officer before whom the deposition is to be taken, shall set forth the immigration district having administrative jurisdiction over the place where the witness is situated but not the time, date, or place for the taking of the deposition, and shall state whether direct and cross-examination shall be by oral examination or written interrogatories or in combination. The Federal Rules of Civil Procedure shall be used as a guide to the extent practicable. In the United States, examination of the witness should take place before a special inquiry officer; abroad, preferably before a Service officer in a locality where he is authorized to interview witnesses in expulsion proceedings, elsewhere preferably before a United States consular officer. The witness shall be notified on Form I–260 to appear for examination. Copies of such notices shall be furnished to the parties to the proceeding. Both the respondent's copy and the record of hearing shall reflect advice as to his privilege to examine the witness and to be represented by counsel at such time. The officer presiding at the taking of the deposition shall note but not rule upon objections and he shall not comment on the admissibility of evidence or on the credibility and demeanor of the witness.

Dated: March 6, 1975.

L. F. CHAPMAN, Jr.,
Commissioner,
Immigration and Naturalization.

[FR Doc.75–7160 Filed 3–18–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 11]

DEVICES AND SUBSTANCES FOR USE ON HORSES AT CERTAIN HORSE SHOWS

Extension of Time To Submit Written Data, Views and Arguments

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that the time for filing data, views, and arguments with respect to the proposed amendments of regulations contained in 9 CFR Part 11, with respect to prohibitions concerning devices and substances for use on horses at certain horse shows, as published in the FEDERAL REGISTER, February 18, 1975 (40 FR 6978–6979), is extended to March 24, 1975.

In cooperation with affected segments of the horse industry, it was originally agreed to limit the period in which comments concerning the proposed regulations could be made to 20 days in order to have the amendments of the regulations take effect before the show season started. However, the horse industry has now requested additional time in which to present the coordinated view of the horse industry concerning such proposed regulations.

Since the Department is interested in receiving meaningful comments, these circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments.

Accordingly, any person may submit written comments, suggestions or objections regarding the proposed amendments to the Deputy Administrator, Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, by March 24, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 14th day of March 1975.

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

[FR Doc.75–7210 Filed 3–18–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Widow's, Widower's, and Mother's Duration of Entitlement, Child's Simultaneous Entitlement on More Than One Earnings Record and Miscellaneous Amendments

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The Proposed amendments reflect provisions of sections 102 and 110 of Public Law 92–603, and a correction in the provisions regarding termination of entitlement of a spouse by a purported mar-

riage. These include the following revisions:

(1) The entitlement of a disabled widow will ordinarily terminate with the third month after cessation of disability if she has not attained age 65. Prior to enactment of Public Law 92-603, such benefits terminated unless the widow had attained age 62 in such third month after cessation of disability.

(2) The entitlement of a disabled widower will ordinarily terminate with the third month after cessation of disability if he has not attained age 65. Prior to enactment of Public Law 92-603 such benefit terminated unless the widower had attained age 62 in such third month after cessation of disability.

(3) A widower's entitlement will not be terminated by remarriage if he has attained age 60 at the time of such remarriage. Before enactment of Public Law 92-603 the specified age was 62. A conforming change is made as to the age at which he will be entitled to a smaller benefit (50 percent of his deceased spouse's primary insurance amount) following the remarriage.

(4) A child entitled on more than one earnings record will receive a benefit based on a lower primary insurance amount if it results in a larger child's benefit and it would not result in a lesser benefit for any other person entitled on the earnings records involved. Prior to enactment of Public Law 92-603 such a child was limited to receipt of benefits based on the earnings record with the highest primary insurance amount.

(5) Sections 404.329 (a)(4) and (c)(4), and 404.336 (a)(9) and (d)(9) of the regulations are being revised to conform to the provisions of section 216(h)(1)(B) of the Social Security Act which specify that a widow whose entitlement was based on a purported marriage would have her benefits terminated if another woman was found to be a legal widow and entitled to either mother's or widow's benefits.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before April 18, 1975. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 202, 205, 1102 of the Social Security Act as amended; 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 1302.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security—Disability Insurance, 13.803, Social Security—Retirement Insurance, 13.805, Social Security—Survivors Insurance.)

Dated: February 7, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 13, 1975.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.329 is amended by revising paragraphs (a)(4), (a)(6), and (c)(4) to read as follows:

§ 404.329 Widow's insurance benefits; duration of entitlement.

(a) * * *

(4) In the case of a woman entitled to widow's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to widow's or mother's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

* * * * *

(6) In the case of a woman entitled to benefits prior to age 60, the third month after her disability ceases provided that in such third month she has not attained:

(i) age 65 if such month is after December 1972, or

(ii) age 62 if such month is before January 1973.

* * * * *

(c) * * *

(4) In the case of a woman entitled to widow's insurance benefits based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to widow's or mother's insurance benefits based on such individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act; or

* * * * *

2. Section 404.332 is amended by revising paragraphs (a)(3), (a)(5), and (b)(2) to read as follows:

§ 404.332 Widower's insurance benefits; duration of entitlement.

(a) * * *

(3) He becomes entitled to an old-age insurance benefit which is equal to or exceeds the amount of the widower's insurance benefit as determined in accordance with § 404.333 (a) or (b); or

* * * * *

(5) In the case of a man entitled to widower's insurance benefits prior to age 60, the third month after his disability had ceased provided that in such third month he has not attained:

(i) age 65, if such month is after December 1972, or

(ii) age 62, if such month is before January 1973.

(b) * * *

(2) A widower's entitlement to widower's insurance benefits is not terminated by reason of his remarriage:

(i) after age 62, for months prior to January 1973, or

(ii) after age 60, for months after December 1972, to a woman not entitled to any of the benefits described in paragraph (b)(1) of this section. However, beginning with the month in which such marriage occurs and each month thereafter prior to termination of such marriage, the amount of the widower's benefit is determined in accordance with § 404.333(c). (This subparagraph is applicable to benefits for months after August 1965, but in the case of an individual who was not entitled to widower's insurance benefit for August 1965, only on the basis of an application filed after June 1965.)

3. Section 404.333 is amended by revising paragraph (c) to read as follows:

§ 404.333 Widower's insurance benefits; rate of benefit.

* * * * *

(c) *Effect of remarriage.* If a widower:

(1) After age 62, for months prior to January 1973, or

(2) After age 60, for months after December 1972, marries a woman not entitled to wife's, widow's, mother's, or parent's insurance benefits or child's (after attainment of age 18) insurance benefits, the amount of the widower's insurance benefit for any month beginning with the month in which such marriage occurs and for each month thereafter through the month prior to the month the marriage is terminated, is equal to one-half of the primary insurance amount of the deceased wife upon whose earnings record the widower's insurance benefit is based. For benefits for months after January 1968 and before January 1970, such benefit is equal to one-half of the primary insurance amount of such deceased individual or $105, whichever is the smaller amount. (This paragraph is applicable to benefits for months after August 1965, but in the case of an individual who was not entitled to a widower's insurance benefit for August 1965 only on the basis of an application filed after June 1965.)

4. Section 404.336 is amended by revising paragraphs (a)(9) and (d)(9) to read as follows:

§ 404.336 Mother's insurance benefits; duration of entitlement.

(a) * * *

(9) In the case of a woman entitled to mother's insurance benefits based on a purported marriage (see § 404.1101(c)

(2)) to the deceased individual, another woman is certified for entitlement to mother's or widow's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

* * * * *

(d) * * *

(9) In the case of a widow entitled to a mother's insurance benefit based on a purported marriage (see § 404.1101(c)(2)) to the deceased individual, another woman is certified for entitlement to mother's or widow's insurance benefits based on such deceased individual's earnings record and such other woman is the widow (or is deemed to be the widow) of the deceased individual under the provisions of section 216(h)(1)(A) of the Act.

* * * * *

5. Section 404.353 is amended by revising paragraph (d) to read as follows:

§ 404.353 Simultaneous entitlement to more than one type of benefit.

* * * * *

(d) *Child's insurance benefits.* A child may, for any month, be entitled to a child's insurance benefit on more than one individual's earnings if all the conditions for entitlement described in § 404.320 are met with respect to each claim. If two or more children could upon application be entitled to child's insurance benefits based on the earnings of more than one individual, all of such children entitled to benefits based on the earnings of one individual will (without the necessity of filing application) be deemed entitled to child's insurance benefits (if otherwise eligible) based on all earnings records with respect to which at least one of such children has filed application. In any case in which a child's entitlement to more than one child's insurance benefit is established for a month, such child shall be entitled only to the child's insurance benefit for such month which is based on the earnings of the individual who has the highest primary insurance amount; except that, for months after December 1972, such child's insurance benefit shall be the highest benefit to which such child could be entitled under § 404.322 (without the application of § 404.403) or § 404.409 if entitlement to such benefit would not result in any other person receiving a lower benefit (after the application of § 404.403) than such other person would have received if such child were entitled based on the earnings of the individual with the highest primary insurance amount.

* * * * *

[FR Doc.75-7151 Filed 3-18-75;8:45 am]

[20 CFR Part 416]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Exclusion From Resources of the Home and Property Essential to Self-Support

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments set forth below amend § 416.1212 relating to the exclusion of the home, and revise §§ 416.1220, 416.1222, and 416.1224 relating to the exclusion of property essential to self-support. A new section, § 416.1225, is proposed also relating to the exclusion of property essential to self-support.

The proposed amendment to § 416.1212 sets forth the policies providing for the inclusion in the definition of the home of income-producing properties used in home-based business and nonbusiness activities.

The proposed revision of § 416.1220 sets forth the policies and limitations for determining when property is so essential to self-support as to warrant its exclusion from resources, as required by section 1613(a)(3) of the Social Security Act (42 U.S.C. 1382(a)(3)). Section 416.1220 provides that income-producing property not associated with the home is excluded from resources as essential to self-support if the total equity of the individual (and spouse, if any) in all such properties does not exceed $6,000 and the net annual income from any single such property is at least 6 percent of the equity in that property. This section further provides that income-producing property associated with the home is considered under the rules applicable to the exclusion of the home. In addition, this section provides that property essential to self-support does not include liquid resources such as stocks, bonds, and cash even though such properties may be income producing.

The proposed revision of § 416.1222 sets forth the policies and limitations for determining when property used in a trade or business is so essential to self-support as to warrant its exclusion. Such property is excluded if the equity of the individual in such property does not exceed $6,000 and the property produces a net annual income of at least 6 percent of the equity.

The proposed revision of § 416.1224 sets forth the policies and limitations for determining when income-producing nonbusiness property is so essential to self-support as to warrant its exclusion. Such property is excluded if the equity of the individual in such property does not exceed $6,000 and the property produces a net annual income of at least 6 percent of the equity.

The new proposed § 416.1225 sets forth the policies for determining when personal property that is not used in a trade or business and is not income producing but nevertheless is so essential to self-support as to warrant its exclusion. Such property includes tools, equipment, uniforms and similar equipment required by an employer as well as a second motor vehicle which is required for necessary transportation because of climate, distance, terrain, or similar factors.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW, Washington, D.C. 20201, on or before April 18, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW, Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1613(a)(3), and 1631(d)(1) of the Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1470 and 1476; 42 U.S.C. 1302, 1382b(a)(3), and 1383(d)(1).

(Catalog of Federal Domestic Assistance Program No. 13,807, Supplemental Security Income Program.)

Dated: February 3, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 13, 1975.

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

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

1. Section 416.1212 is amended by revising paragraphs (b) and (c) to read as follows:

§ 416.1212 Exclusion of the home.

* * * * *

(b) A home, for purposes of this part, is any shelter in which the individual (and spouse, if any) has ownership interest and which is used by the individual (and spouse, if any) as his principal place of residence. The home includes any land that appertains thereto regardless of the use made of such land, any outbuildings on such land, and the property of any trade or business (as defined in § 416.1222(b)) and nonbusiness income-producing property connected with activities conducted within or from such home or on the land appertaining thereto.

(c) Where a State or locality imposes a value-based property tax or levy, the current market value of a home, any land that appertains thereto, and any outbuildings on such land shall be based on the most recent assessed value placed on it by such State or locality, taking into consideration the ratio between such assessed value and the market value. The value of personal property used in any such trade or business and nonbusiness activities associated with the home shall be the current market value as defined in § 416.1201(c).

* * * * *

2. Section 416.1220 is revised to read as follows:

§ 416.1220 Exclusion of property essential to self-support.

(a) *General.* In determining the resources of an individual (and spouse, if any) there shall be excluded, subject to the criteria and limitations in this section and §§ 416.1222, 416.1224; and 416.1225, property so essential to self-support of the individual (and spouse, if any) as to warrant its exclusion. Such property shall include both the property used in a trade or business (as defined in § 404.1070 of this chapter) and property not used in a trade or business but which nevertheless produces income or is otherwise necessary to the self-support of the individual (and spouse, if any). In the case of property not used in a trade or business, however, it shall not include cash, stocks, bonds, or any other liquid resources (as defined in § 416.1201) even though such liquid resources may be producing income. Property essential to self-support that is associated with the home and is income-producing, is considered under the rules for the home exclusion set forth in § 416.1212. Income-producing property essential to self-support that is not associated with the home as defined in § 416.1212 is excludable under this section if the criteria in paragraph (b) of this section are met, subject to the limitations found in this section and §§ 416.1222 and 416.1224. Property that is not income producing but is nevertlieless essential to the individual's self-support is subject to the limitations in § 416.1225. If an individual (and spouse, if any) owns both home and non-home property essential to self-support, he may have each type excluded if each meets the criteria in § 416.1212 and § 416.1220 respectively. For purposes of this exclusion, only property not excludable elsewhere in this subpart may be considered. Property not excludable under the criteria in § 416.1220(b) and not otherwise excludable shall be counted as a resource at its current market value as defined in § 416.1201(c).

(b) *Criteria for exclusion.* Property connected with a trade or business or nonbusinsss activity is excludable under paragraph (a) of this section if it meets both of the following criteria:

(1) The aggregate equity of the individual (and spouse, if any) in property used in all trade or business and nonbusiness activities combined, does not exceed $6,000. For purposes of this paragraph (b), equity means the market value of a property or of an interest in a property in excess of claims or liens against it, and

(2) The net annual income from the property connected with any single trade or business or nonbusiness activity is no less than 6 percent of the equity of the individual (and spouse, if any) in the property connected with that trade or business or that activity.

3. Section 416.1222 is revised to read as follows:

§ 416.1222 Exclusion of property essential to self-support: property used in a trade or business.

(a) In determining the resources of an individual (and spouse, if any) there shall be excluded property used by such individual in his trade or business (as defined in § 404.1070 of this chapter) if such property meets the criteria set forth in § 416.1220(b).

(b) For purposes of § 416.1212(b) and § 416.1220, "property used in a trade or business" means items commonly referred to as tangible business assets, including real property (such as land and buildings) and personal property (such as equipment, vehicles, supplies, inventory, cash on hand, accounts receivable, etc.).

(c) The criteria in § 404.1070 of this chapter are applicable in determining if any activity is a trade or business. The criteria in § 416.1102(b) are applicable in determining what constitutes net earnings from self-employment for purposes of § 416.1220(b)(2).

4. Section 416.1224 is revised to read as follows:

§ 416.1224 Exclusion of property essential to self-support: income-producing property used in a nonbusiness activity.

(a) In determining the resources of an individual (and spouse, if any) there shall be excluded nonliquid property (as defined in § 416.1201) which although not used in a trade or business, is relied upon by such individual as a significant factor in producing income on which he can live, or is used to produce goods essential to his self-support or is used to provide services essential to the individual's self-support or self-care.

(b) Income - producing nonbusiness property shall be excluded if such property meets the criteria set forth in § 416.1220(b).

(c) If nonbusiness property is used in whole or in part to raise produce for home consumption or to produce other goods for home consumption, the market value of such produce or other goods may be included in the determination of net annual income for purposes of the criteria in § 416.1220(b).

5. A new § 416.1225 is added to read as follows:

§ 416.1225 Exclusion of property essential to self-support: nonbusiness personal property that is not income producing.

(a) If an individual owns personal property that is not used in a trade or business and is not income producing, but nevertheless is used to provide services essential to the individual's self-support or self-care, such property shall be excluded subject to paragraph (c) or (d) as applicable. Tools, equipment, uniforms, and similar items required by an individual's employer are included under this paragraph.

(b) Property described in paragraph (a) of this section is considered under paragraph (c) or (d) as applicable even though it may be associated with the home.

(c) A motor vehicle (in addition to that otherwise excludable under § 416.1218) not used in a trade or business may be considered essential for self-support if, because of climate, terrain, distance, or similar factors, additional or specially modified vehicles are required to provide necessary transportation. The determination of, and the limitations upon, the value of a vehicle in § 416.1218 (rather than the criteria in § 416.1220 (b)) are applicable to vehicles in this category to determine to what extent such vehicle is excludable as essential to self-support.

(d) Property described in this section, except a motor vehicle described in paragraph (c) of this section, will be assumed to meet the net annual income criterion in § 416.1220(b)(2). This property will be considered together with any other property considered essential to self-support in order to determine if the criterion in § 416.1220(b)(1) is met.

[FR Doc.75-7149 Filed 3-18-75;8:45 am]

HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-508]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Pompano Beach, Broward County, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Pompano Beach, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of Pompano Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 101 SW. First Avenue, Pompano Beach, Florida 33061.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John T. Cartwright, City Manager, P.O. Box 1300, Pompano Beach, Florida 33061.

The proposed 100-year Flood Elevations are: