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

Issued in Los Angeles, California, on April 17, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-10839 Filed 4-24-75;8:45 am]

[Airspace Docket No. 75-GL-2]

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

Designation of Control Zone

On Pages 5542 and 5543 of the FEDERAL REGISTER dated February 6, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Waukesha, Wisconsin.

Interested persons were given 30 days to submit written comments, objections and arguments concerning the proposed amendment. Two comments were received. The Air Transport Association concurred with the proposal. The other from Mr. G. D. Nichols, Fixed Base Operator at Capitol Drive Airport, requested the airport be eliminated from the zone for ease of VFR operations in and out of Capitol Drive Airport. This can be done without derogation of the controlled airspace required for the Waukesha County Airport. Accordingly, the proposed amendment is hereby adopted subject to the minor change as set forth below.

This amendment shall be effective 0901 G.m.t., June 19, 1975.

In view of the foregoing, the proposed amendment is hereby adopted as follows:

In § 71.171 (40 FR 354), the following control zone is added:

WAUKESHA, WISCONSIN

Within a 5-mile radius of the Waukesha County Airport (Latitude 43°02'25" N., Longitude 88°14'00" W.); excluding a one-mile radius of Capitol Drive Airport (Latitude 43°05'15" N., Longitude 88°10'40" W.); within 2½ miles each side of the 272° bearing from the airport extending from the 5-mile radius area to 5.5 miles west. This control zone shall be effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on April 16, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-10840 Filed 4-24-75;8:45 am]

[Airspace Docket No. 75-SW-12]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Winnfield, La., transition area.

On March 10, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 11003) stating the Federal Aviation Administration proposed to designate the Winnfield, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

WINNFIELD, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winnfield NDB (latitude 31°57'46" N., longitude 92°39'25" W.); within 3 miles each side of a 276° bearing from the Winnfield NDB extending from the 5-mile radius area to 8 miles west of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on April 16, 1975.

ALBERT H. THURBURN,
Director,
Southwest Region.

[FR Doc.75-10841 Filed 4-24-75;8:45 am]

[Docket No. 14555; Amdt. No. 965]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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 3139, 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 FR 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 Document Inspection Facility, HQ-405, 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 7.85. 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 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 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 canceling the following VOR-VOR/DME SIAPs, *effective June 19, 1975.*

Bastrop, La.—Morehouse Memorial Arpt., VOR/DME-A, Amdt. 3.
Delta Junction, Alaska—Allen AAF, VOR Rwy 18 (TAC), Amdt. 5.
Galesburg, Ill.—Galesburg Municipal Arpt., VOR Rwy 2, Amdt. 4.
Galesburg, Ill.—Galesburg Municipal Arpt., VOR Rwy 20, Amdt. 5.
Louisville, Ky.—Bowman Field, VOR Rwy 19, Orig.
Louisville, Ky.—Bowman Field, VOR Rwy 24, Orig.
Monmouth, Ill.—Monmouth Municipal Arpt., VOR-A, Amdt. 1.
Monroe, La.—Monroe Municipal Arpt., VOR Rwy 4, Amdt. 15.
Newport, Oreg.—Newport Municipal Arpt., VOR-A, Orig.
Newport, Oreg.—Newport Municipal Arpt., VOR/DME Rwy 16, Amdt. 3.
Woodward, Okla.—West Woodward Arpt. VOR/DME-A, Orig.

* * * *effective June 5, 1975.*

Gaithersburg, Md.—Montgomery County Airpark, VOR Rwy 14, Orig.
Greenwood/Wonder Lake, Ill.—Galt Field, VOR-A, Amdt. 1.
Keene, N.H.—Dillant-Hopkins Arpt., VOR Rwy 2, Amdt. 4.
Newton, Kans.—Newton City-County, VOR TAC Rwy 35, Amdt. 4.
Orlando, Fla.—Orlando Jetport at McCoy Arpt., VOR Rwy 18L & 18R, Amdt. 3.
Orlando, Fla.—Orlando Jetport at McCoy VOR Rwy 18L & 18R, Amdt. 3.
Waseca, Minn.—Waseca Municipal Arpt., VOR-A, Amdt. 1.

* * * *effective May 8, 1975.*

Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 18, Amdt. 2.
Warsaw, Ind.—Warsaw Municipal Arpt., VOR Rwy 36, Amdt. 2.

* * * *effective May 1, 1975.*

Louisville, Ky.—Bowman Field, VOR Rwy 1, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective June 19, 1975.*

Anchorage, Alaska—Anchorage Int'l. Arpt., LOC Rwy 6L, Amdt. 3.

* * * *effective May 8, 1975.*

Warsaw, Ind.—Warsaw Municipal Arpt., SDF Rwy 18, Orig.

* * * *effective May 1, 1975.*

Syracuse, N.Y.—Syracuse Hancock Int'l Arpt., LOC (BC) Rwy 10, Amdt. 16, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 19, 1975.*

Delta Junction, Alaska—Allen AAF, NDB-A, Amdt. 1.
Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 18, Amdt. 2.
Monroe, La.—Monroe Municipal Arpt., NDB Rwy 4, Amdt. 10.

* * * *effective June 5, 1975.*

Newton, Kans.—Newton City-County Arpt., NDB Rwy 17, Amdt. 3.
Waseca, Minn.—Waseca Municipal Arpt., NDB Rwy 15, Amdt. 2.

* * * *effective May 15, 1975.*

Worcester, Mass.—Worcester Municipal Arpt., NDB Rwy 29, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective June 19, 1975.*

Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., ILS Rwy 18, Amdt. 2.
Monroe, La.—Monroe Municipal Arpt., ILS Rwy 4, Amdt. 13.

* * * *effective June 5, 1975.*

Keene, N.H.—Dillant-Hopkins Arpt., ILS Rwy 2, Amdt. 6.

* * * *effective May 1, 1975.*

San Antonio, Tex.—San Antonio Int'l. Arpt., ILS Rwy 30L, Orig.
Syracuse, N.Y.—Syracuse Hancock Int'l. Arpt., ILS Rwy 10, Orig.

* * * *effective April 15, 1975.*

Orlando, Fla.—Herndon Arpt., ILS Rwy 7, Amdt. 11.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective June 5, 1975.*

Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 13, Amdt. 1.
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 31, Amdt. 1.
Clinton, Iowa—Clinton Municipal Arpt., RNAV Rwy 21, Orig.
Newton, Kans.—Newton City-County Arpt., RNAV Rwy 17, Orig.
Newton, Kans.—Newton City-County Arpt., RNAV Rwy 35, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on April 17, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.75-10842 Filed 4-24-75;8:45 am]

Title 20—Employees' Benefits

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

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965——)

Supplementary Medical Insurance Benefits; Premiums

On April 19, 1974, there was published in the FEDERAL REGISTER (39 FR 13972) a notice of proposed rulemaking with proposed amendments to Subparts B and I, Regulations No. 5. The proposed amendments are required by the following provisions of Pub. L. 92-603: (1) section 201, which extends Medicare coverage to persons under age 65 who have been entitled to a disability benefit for 24 consecutive months; (2) section 202, which permits enrollment for hospital insurance benefits under Part A at a substantial premium by certain uninsured individuals age 65 or older, not otherwise eligible; (3) section 206, which provides for automatic enrollment in the supplementary medical insurance program (SMI) of certain persons who become entitled to hospital insurance; (4) section 260, which requires that any period during which the law previously in effect prevented an individual from enrolling (or reenrolling) should not count against him in determining how much his premium is to be increased for late enrollment (or reenrollment); and (5) section 299I, which extends Medicare coverage to individuals with end-stage renal disease who meet certain eligibility requirements. Interested parties were given the opportunity to submit on or before May 20, 1974, comments, views, or objections in writing with regard to the proposed amendments.

The only comments received were submitted by the Ohio Department of Public Welfare. That Department suggested that the regulations state more clearly which persons can be automatically enrolled in SMI (as referred to in the notice of proposed rulemaking) and which persons can be enrolled for hospital insurance at a substantial premium. The first of these suggested changes has been carried out in § 405.210(b), which deals with "automatic enrollment," by making that term the subsection's heading. The second suggested change which concerns the eligibility requirements for enrolling in premium hospital insurance is being adopted in Regulations No. 5, Subpart A (Hospital Insurance Benefits). These proposed regulations were published in the FEDERAL REGISTER on January 30, 1975 (40 FR 4440) under notice of proposed rulemaking.

Section 405.205 of the regulations contains the requirement that an individual, to be entitled to SMI must be (1) a resident citizen or (2) a resident alien lawfully admitted for permanent residence who has continuously resided in the United States for the 5 years immediately preceding the month he applies for enrollment. These requirements are derived from section 1836 of the Social Security Act. However, the Department of Health, Education, and Welfare has been enjoined from applying section 1836, as written, to certain aliens under the decision of a three-judge Federal Court in *Diaz* v. *Weinberger*, 361 F. Supp. 1 (S.D. Fla., 1973). Under that court's decision, the Department has not been applying the permanent residence and 5-year residency requirements to exclude otherwise eligible aliens. The requirements for aliens were the subject of argument before the United States Supreme Court on January 13, 1975 in *Weinberger* v. *Diaz*. However, the Court did not issue a decision in the case, but rather set it for reargument in the fall term. Accordingly, a footnote has been included in § 405.205 to indicate that that part of the regulation implementing section 1836(2)(B) of the Act will not be applied so long as the Department is subject to the three-judge court's order.

Accordingly, the amendments are adopted with minor editorial changes and the changes noted above.

(Secs. 1102, 1818, 1837, 1838, 1871, 49 Stat. 647, as amended, 86 Stat. 1374, 79 Stat. 304, 305, 331, as amended; 42 U.S.C. 1302, 1395i-2, 1395p, 1395q, 1395hh.)

Effective date: These amendments shall be effective May 27, 1975.

Dated: April 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

J. B. CARDWELL,
Commissioner of Social Security.

Approved: April 21, 1975.

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

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are amended as follows:

1. Section 405.205 is revised to read as follows:

§ 405.205 Eligibility requirements for for enrollment.

An individual is eligible for enrollment in the supplementary medical insurance plan (unless excluded under § 405.206) if he either:

(a) Is entitled to hospital insurance under Part A of title XVIII of the Act (see §§ 405.102–405.106 of this chapter); or

(b) Has attained age 65 and is a resident of the United States *and* is either a citizen, or an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment under the regulations in this part.[1]

2. Section 405.210 is revised to read as follows:

§ 405.210 Individual enrollment; enrollment procedures.

(a) *What constitutes enrollment.* To enroll in the supplementary medical insurance program, an eligible individual (see § 405.205) must:

(1) File with the Administration, during a period of enrollment (see §§ 405.211 through 405.214) open to such individual, a written request for enrollment, signed by him or on his behalf; or

(2) Be deemed to have enrolled in accordance with the provisions of paragraph (b) of this section.

(b) *Automatic enrollment.* Any individual who is eligible to enroll in the supplementary medical insurance plan by reason of entitlement to hospital insurance (see paragraph (a) of § 405.205) and whose initial enrollment period under § 405.212 begins after March 31, 1973, and who is residing in the United States, exclusive of Puerto Rico, shall, unless he timely declines such insurance in accordance with paragraph (c) of this section, be deemed to have enrolled in the supplementary medical insurance plan, pursuant to the following:

(1) He will be deemed to have enrolled for supplementary medical insurance in the third month of his initial enrollment period if:

(i) He was entitled to monthly insurance benefits under sections 202 or 223 of the Act on the first day of his initial enrollment period, or

(ii) He becomes entitled to monthly insurance benefits under section 202, by filing application and meeting all other requirements therefor during the first 3 months of such period, or

(iii) He is entitled to hospital insurance by reason of end-stage renal disease under sections 226 (e) and (f) of the Act.

(2) An individual who is not deemed to have enrolled under paragraph (b)(1) of this section, and who first files application establishing his entitlement to hospital insurance in the last 4 months of his initial enrollment period, will be deemed to have enrolled for supplementary medical insurance in the month in which such application was filed.

(3) An individual who is not deemed to have enrolled under paragraphs (b)(1) or (b)(2) of this section, and who first files application establishing his entitlement to hospital insurance benefits after his initial enrollment period, will be deemed to have enrolled for supplementary medical insurance on the first day of the then current or immediately succeeding general enrollment period, whichever is earlier.

(c) *Opportunity to decline deemed enrollment.* Every person who has not actually requested enrollment but is deemed to have enrolled under paragraph (b) of this section will be given opportunity to decline such deemed enrollment as follows: he will be mailed notice of his deemed enrollment and advised by such notice that he may decline supplementary medical insurance and will be deemed not to have enrolled if he files with the Administration, before his coverage begins or, if later, within a specified period (not less than 2 calendar months) after the month in which such notice is mailed to him, his signed statement that he does not wish such insurance.

3. Section 405.213 is amended by designating the existing material therein as paragraph (a) and adding thereto the following new paragraph:

§ 405.213 Individual enrollment; general enrollment periods.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section and of § 405.214, an individual eligible to enroll for premium hospital insurance under section 1818 of the Act (42 U.S.C. 1395i–2) on or before May 31, 1973, who enrolls for such insurance between December 1, 1972, and August 31, 1973, inclusive, may enroll for supplementary medical insurance at the same time.

4. Section 405.214 is amended by adding thereto a new paragraph (d), as follows:

§ 405.214 Individual enrollment; limitation on enrollment and reenrollment.

* * * * *

(d) *Separate continuous period of eligibility.* Each period throughout which an individual has been entitled to hospital insurance and which terminated before the month he attained age 65 shall be considered to be a separate continuous period of eligibility, and shall be deemed not to have existed for purposes of determining his enrollment rights under this section during a subsequent separate continuous period of eligibility.

5. Section 405.221 is amended by adding thereto a new paragraph (e), as follows:

§ 405.221 Individual enrollment; coverage period beginning date.

* * * * *

(e) *Enrollment between December 1, 1972, and August 31, 1973, inclusive.* An individual who is enrolled for supplementary medical insurance between December 1, 1972, and August 31, 1973, inclusive, pursuant to § 405.213(b) will have supplementary medical insurance coverage beginning on the same date as his premium hospital insurance coverage unless his supplementary medical insurance coverage would begin earlier under paragraph (c) or (d) of this section.

6. Section 405.223 is amended by adding thereto a new paragraph (e), as follows:

§ 405.223 Individual enrollments; State enrollments, manner and time of termination of enrollment and coverage period.

* * * * *

(e) *Termination of hospital insurance before individual attains age 65.* If an enrollee's hospital insurance entitlement terminates before the month in which he attains age 65, his medical insurance coverage period, if it has not previously ended pursuant to paragraph (a) or (b) of this section, will terminate on the same date as his hospital insurance entitlement (see § 405.103(b)).

7. Section 405.902 is amended by revising paragraph (b) to read as follows:

§ 405.902 Amount of premiums.

* * * * *

(b) *Enrollment after initial enrollment period.* In the case of an individual who first enrolls after the close of his initial enrollment period (not including an enrollment under the "good cause" provisions discussed in § 405.224) or reenrolls after termination of his supplementary medical insurance coverage (see § 405.214), the monthly premium, as determined under paragraph (a) of this section will be increased by 10 percent for each full 12 months in the following total (no increase is made for a fractional portion of 12 months):

(1) The number of months which elapsed between the close of his initial enrollment period and the close of the general enrollment period in which he first enrolled plus, in the case of an individual who enrolls for the second time, (2) the number of months which elapsed after the end of his initial period of coverage and the close of the general enrollment period (see § 405.213) in which he thereafter enrolled, but excluding from such total:

(i) The 3 months January through March 1968 for any person who enrolled during the first general enrollment period, October 1967 through March 1968; or

(ii) Any months prior to January 1973 during which he was precluded from enrolling or reenrolling by the 3-year limitation on enrollment or reenrollment which was in effect until the enactment of section 260 of the Social Security Amendments of 1972, Public Law 92–603; or

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[1] Section 1836(2)(B) of the Social Security Act provides that an otherwise eligible alien may enroll for supplementary medical insurance if he has been lawfully admitted for permanent residence in the United States and has continuously resided in the United States for the 5 years immediately preceding the month he applies for enrollment. The Department of Health, Education, and Welfare has been enjoined by a three-judge court in *Diaz* v. *Weinberger*, 361 F. Supp. 1 (S.D. Fla., 1973) from applying these requirements. Pending a decision of the United States Supreme Court on appeal in this case, the Department will continue to follow the order of the three-judge court.

(iii) Any months in or before a period of coverage under a Federal-State agreement (see §§ 405.222(d) and 405.904(d)); or

(iv) In the case of an individual under age 65, any month prior to his current continuous period of entitlement to hospital insurance and in the case of an individual age 65 or older, any month before the month he attained age 65 (see § 405.214(d)).

* * * * *

Example 4: X attained age 65 in August 1966 and enrolled during his initial enrollment period. His coverage was terminated effective June 30, 1968, for nonpayment of premiums. He reenrolls in March 1973. For purposes of computing any applicable premium increase, he will not be charged any months after March 1971 (the end of the last general enrollment period during which he was eligible to reenroll under the law in effect prior to October 30, 1972) through December 1972. Therefore, he will be charged 36 months (July 1968–March 1971 plus January 1973–March 1973) and his premiums for his second period of coverage will be increased 30 percent.

* * * * *

[FR Doc.75-10879 Filed 4-24-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

D&C Green No. 6

The Commissioner of Food and Drugs, having evaluated the data in a petition (2C0104) filed by Davis & Geck Division, American Cyanamid Co., Pearl River, NY 10965, and other relevant material, concludes that D&C Green No. 6 is safe under the conditions prescribed in this order for use as a dyeing agent for polyglycolic acid surgical sutures for use in general and ophthalmic surgery, and that certification is necessary for the protection of the public health. Accordingly, by order below, the Commissioner amends the color additive listing for D&C Green No. 6 in § 8.4070 (21 CFR 8.4070) to provide for such use.

D&C Green No. 6 is currently listed in § 8.4070 for use in coloring polyethylene terephthalate surgical sutures. The Commissioner concludes that, in order to assure the safety of such use, it should be restricted to sutures complying with United States Pharmacopeia (U.S.P.) standards. Accordingly, the listing for use in polyethylene terephthalate surgical sutures is amended by the order below to restrict such use to U.S.P. sutures. This is consistent with the new listing for use of the color in polyglycolic acid surgical sutures, which is likewise restricted to use in U.S.P. sutures, and indeed is consistent with the color additive petition which led to the current version of § 8.4070, which proposed the use of the color in Dacron (polyethylene terephthalate) surgical sutures, U.S.P. The Commissioner is unaware of any polyethylene terephthalate surgical sutures colored with D&C Green No. 6 which do not meet the requirements of the U.S.P.

In considering this matter, it has come to the Commissioner's attention that the Food and Drug Administration regulations governing the use of D&C Green No. 6 are not entirely uniform in stating the identity and specifications for certification of the color. Accordingly, in order to achieve uniformity, by order below the Commissioner is also amending § 9.104 (21 CFR 9.104), which states the identity and specifications for certification of D&C Green No. 6 for use in D&C Lakes (21 CFR 9.280), so as to incorporate by reference the identity and specifications of § 8.4070. The identity terminology formerly employed by § 9.104 has become obsolete, and the specifications incorporated from § 8.4070 are more appropriate to assure safe use of the color. The provisional listing for the color, in § 8.501(b) (21 CFR 8.501(b)), is amended to cross reference § 8.4070 rather than § 9.104; however, the latter regulation, as amended, is continued in effect because of its incorporation in the regulation governing D&C Lakes (21 CFR 9.280).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 as amended; 21 U.S.C. 376 (b), (c), and (d)) and the transitional provisions accompanying the Color Additive Amendments of 1960 (sec. 203, 74 Stat. 404–407, 21 U.S.C. 376 note) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 8 and 9 are amended as follows:

1. Part 8 is amended:

§ 8.501 [Amended]

a. In Subpart—Provisional Regulations by amending the table in § 8.501(b) by revising the parenthetical phrase "(§ 9.-104 of this chapter)" after the entry for D&C Green No. 6 to read "(§ 8.4070(a), (b) of this chapter)".

b. In Subpart E by revising paragraph (c) in § 8.4070 to read as follows:

§ 8.4070 D&C Green No. 6.

* * * * *

(c) *Uses and restrictions.* (1) D&C Green No. 6 may be safely used at a level, (i) not to exceed 0.75 percent by weight of the suture material for coloring polyethylene terephthalate surgical sutures, including sutures for ophthalmic use; and (ii) not to exceed 0.1 percent by weight of the suture material for coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use.

(2) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(3) When the sutures are used for the purposes specified in their labeling, the color additive does not migrate to the surrounding tissue.

(4) If the suture is a new drug, an approved new drug application, pursuant to section 505 of the act, is in effect for it.

* * * * *

2. Part 9 is amended in Subpart C by revising § 9.104 to read as follows:

§ 9.104 D&C Green No. 6.

The color additive D&C Green No. 6 shall conform in identity and specifications to the requirements of § 8.4070 (a) and (b) of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before May 27, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 28, 1975, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), (d), Pub. L. 717, 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), (d)); sec. 203 of Title II, Pub. L. 86-618, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: April 17, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-10827 Filed 4-24-75;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 364-2; FAP5H5077/R6]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Subpart A—Food Additives Permitted in Food for Human Consumption

DIMETHYL PHOSPHATE OF 3-HYDROXY-*N*-METHYL-*CIS*-CROTONAMIDE

On March 28, 1975, notice was given (40 FR 14117) that Shell Chemical Co., 1025 Connecticut Ave., NW, Washington DC 20036, had filed a food additive petition (FAP 5H5077) with the Environmental Protection Agency (EPA). This petition proposed establishment of a food additive tolerance for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in concentrated tomato products at 2 parts per million resulting from the application of the insecticide to the raw agricultural commodity tomatoes. (A related document concerning the establishment of a pesticide tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. It is concluded that the tolerance should be established.

Any person adversely affected by this regulation may, on or before May 27, 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 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 April 25, 1975, Part 123, Subpart A, is amended by adding § 123.151 as set forth below.

(Sec. 409(c) (1) & (4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c) (1) & (4)), transferred to the Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623))

Dated: April 18, 1975.

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

§ 123.151 Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide.

A tolerance of 2 parts per million is established for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in concentrated tomato products when present therein as a result of application of the insecticide to growing tomatoes.

[FR Doc.75-10808 Filed 4-24-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (96-780V) filed by Dean's Specialty Supply Co., Waseca, MN 56093 proposing safe and effective use of an additional tylosin premix in the manufacture of swine feed. The supplemental application is approved.

The Commissioner is amending Part 558 (formerly Part 135e, prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval as set forth below. This amendment shall become effective April 25, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.625 (formerly § 135e.10) by revising paragraph (b)(16) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(16) To 024817: 5 and 10 grams per pound, paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This order shall be effective on April 25, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 18, 1975.

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

[FR Doc.75-10828 Filed 4-24-75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 366-1]

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Corrections

In FR Doc. 75-3819 and FR Doc. 75-3820 appearing at pages 7042 and 7044 in the FEDERAL REGISTER of Tuesday, February 18, 1975, the following changes should be made:

A. The preamble to FR Doc. 75-3819 is corrected as follows:

1. On page 7042, the twentieth line of the second paragraph of the section entitled "Exceptions permitting continued use of existing methods" is corrected to read as follows: "Similar analyzers. Other comments con-".

2. On page 7043, the last sentence of the paragraph entitled "Designation of existing analyzers as reference or equivalent methods" is corrected to read as follows: "State and local agencies using analyzers identical to one designated as a reference or equivalent method under Part 53 may consider them covered by the designation, provided that the analyzers have not been modified".

B. FR Doc. 75-3820 is corrected as follows:

3. On page 7046, the fifteenth and sixteenth lines of the third paragraph of the section entitled "(3) *Public participation in cancellation proceedings and notice of certain action*" are corrected to read as follows: "will enable prospective purchasers to determine with relative ease whether".

4. On page 7050, the first sentence of footnote 1 of § 53.4 should be corrected by adding the designation, "(EPA 450/3-74-038)", immediately following the words, "in the EPA report", and immediately before the words, "Guideline Specifications".

5. On page 7050, the second sentence of footnote 1 of § 53.4 should be corrected by adding the designation, "(EPA 450/3-74-039)", immediately following the words, "report and titled", and immediately before the words, "Fully Proceduralized Instruction".

6. On page 7052, the first line of paragraph (d) of § 53.14 should be corrected by adding the word, "An", immediately before the words, "applicant who has received".

7. On page 7052, the seventh line of paragraph (c) of § 53.20 is corrected by adding the words, "or outside", immediately after the words, "a value higher than", and immediately before the words, "that specified constitutes".

8. On page 7052, the second word of the title of Table B-1 of § 53.20 is corrected to read: "SPECIFICATIONS".

9. On page 7052, the second word of the performance parameter of line 4 of Table B-1 of § 53.20 is corrected to read: "Equivalent".

10. On page 7052, item 6 in Table B-1 of § 53.20 is corrected to read:

6. Span drift, 24 hours					
20 percent of upper range limit	Percent	±20.0	±20.0	±10.0	§ 53.23(e).
80 percent of upper range limit	do	±5.0	±5.0	±2.5	§ 53.23(e).

11. On page 7053, the footnote designation of the entry under the Generation column opposite Hydrogen chloride test gas in Table B-2 of § 53.22 is corrected to read: "Cylinder [1]".

12. On page 7053, the second line of the entry under the Generation column opposite Nitric oxide test gas in Table B-2 of § 53.22 is corrected by deleting the period immediately after the symbols, "100 p/m", and immediately before the symbol, "NO".

13. On page 7053, the second author of Reference 2 of Table B-2 of § 53.22 is corrected to read: "Rosenberg, E.".

14. On page 7054, the fifth line of § 53.22(f) is corrected by adding a comma immediately after the word, "spirometer", and immediately before the words, "bubble meter".

15. On page 7054, the note following § 53.23(a) is corrected to read as follows:

NOTE—The nominal range is specified at the lower and upper range limits in concentration units, for example, 0–0.5 p/m.

16. On page 7054, the units symbol, "(ppm)", in the second line of § 53.23(b)(2)(iv) is corrected to read: "(p/m)".

17. On page 7054, the equation in § 53.23(b)(v) is corrected to read:

$$S=\sqrt{\frac{\sum_{i=1}^{25}(r_i)^2-\frac{1}{25}\left(\sum_{i=1}^{25}r_i\right)^2}{24}}\ (p/m)$$

18. On page 7054, the symbol, "$2\times S_o$", in the sixth line of § 53.23(c)(2)(iv) is corrected to read: "$2S_o$".

19. On page 7054, the designation, "footnote (c)", in the twenty-fifth line of § 53.23(d)(2) is corrected to read: "footnote (3)".

20. On page 7054, the twelfth item under the Analyzer type column opposite the pollutant, "CO", in Table B-3 of