SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines Cheshire, Rockingham, and Hillsborough Counties in New Hampshire because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, a new paragraph (e)(2) relating to the State of New Hampshire is added to read:

(e) * * *

* * * * *

(2) *New Hampshire.*

All of Cheshire, Rockingham, and Hillsborough Counties.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective April 29, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 29th day of April 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76–13110 Filed 5–6–76;8:45 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Camden and Gloucester Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in the State of New Jersey remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, paragraph (e)(1) relating to the State of New Jersey is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective May 4, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 4th day of May 1976.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76–13400 Filed 5–6–76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Further Extension of Interim Price Rule for Retail Sales of Gasoline in Alaska

In its rulemaking proceedings relating to the amount which may be added to the retail price of gasoline to reflect operating cost increases, FEA determined that a special interim rule permitting a maximum markup of 5 cents per gallon to reflect operating cost increases in retail sales of gasoline in Alaska was justified for a period of 90 days, effective November 19, 1975 (40 FR 54561, November 25, 1975), pending further review by FEA of data indicating that substantially higher cost levels currently prevail in Alaska. In all other states, the maximum "markup allowed to reflect operating (nonproduct) cost increases remains 3 cents per gallon.

The interim rule was continued in effect for an additional 60 days, effective February 17, 1976 (41 FR 7495, February 19, 1976) when it was found that collection of relevant cost data in Alaska had proved more time-consuming and difficult than anticipated. At that time the FEA estimated that an additional 60 days would be required to complete that aspect of its rulemaking and found it to be appropriate to continue the interim rule in effect in view of its preliminary findings relating to the high cost levels prevalent in Alaska.

Further progress toward the compilation and analysis of relevant data has been made but the FEA has been unable to complete the analysis because of manpower limitations and the unusually high level of analytical and rulemaking effort associated with the implementation of the Energy Policy and Conservation Act. Progress made to date tends to substantiate the FEA's preliminary conclusions regarding the markup required in Alaska but no final determination can be made until all data are received and examined. FEA believes that, pending the completion of its consideration, it would be appropriate to continue in effect the interim rule applicable to retail sales of gasoline in Alaska for an additional period of two months. Accordingly, the amendments adopted today increase from 150 days to 210 days the period during which the special rule for Alaska is effective.

Since rulemaking proceedings in this matter have been expressly continued with respect to Alaska, and since public hearings in this matter were held in Anchorage as well as in Washington, D.C., no further compliance with the requirements for notice and opportunity for comment under Section 7(i)(1)(B) and (C) of the Federal Energy Administration Act appears necessary.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133 and Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective April 17, 1976.

Issued in Washington, D.C., May 3, 1976.

MICHAEL F. BUTLER,
General Counsel, Federal Energy Administration.

§ 212.83 [Amended]

1. Section 212.83 is amended in paragraph (c) (2) (iii), in the definition of the "F" factor, by deleting "150-day" and substituting therefor "210-day."

§ 212.93 [Amended]

2. Section 212.93 is amended in paragraph (b) (1) (ii) (B) by deleting "150-day" and substituting therefor "210-day."

[FR Doc.76-13256 Filed 5-4-76;9:26 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12352]

PART 200—ORGANIZATION, CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Program for Allocation of Responsibility To Inspect for Compliance With Financial Responsibility Rules

The Securities and Exchange Commission today announced the adoption of Rule 17d-1 [17 CFR § 240.17d-1], effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. § 551 et seq.) and pursuant to Sections 17(d) (1) and 19(g) (2) of the Securities Exchange Act of 1934 ("the Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and Section 9(c) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78 aaa et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)]. Rule 17d-1 [17 CFR § 240.17d-1] provides that, where a member of the Securities Investor Protection Corporation ("SIPC") is a member of more than one self-regulatory organization, the Commission will designate to one of these organizations the responsibility for inspection of that member for compliance with applicable financial responsibility rules.

The Commission also announced the proposal of Rule 17d-2 which permits self-regulatory organizations having members in common to file with the Commission for its consideration plans for allocating among themselves specified regulatory responsibilities for such members. See proposed Rule 17d-2 in this issue.[1]

The Commission also has determined, pursuant to Section 15(b) (2) (C) of the Act, to authorize and direct registered securities associations and national securities exchanges to conduct inspections of newly-registered member brokers and dealers within six months of registration.

Background. In recent years Congress, the Commission, and the securities industry as well as the investing public have become increasingly aware that there may be duplication or overlaps in regulation. Reacting to ths concern, the Securities Acts Amendments of 1975 ("1975 Amendments") [Pub. L. No. 94-29 (June 4, 1975)] interpreted in light of its legislative history mandated that the Commission coordinate the operation of the unique system of self-regulation existing in the securities industry within the framework of Section 17(d) of the Act, as amended, and Section 26 of the 1975 Amendments. These provisions are intended to permit the Commission to respond effectively in adapting regulatory patterns to the requirements of the evolving national market system.

Section 9(c) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78aaa et seq.] was amended by Section 26 of the 1975 Amendments to transfer from SIPC to the Commission the power to assign to a single self-regulatory organization pursuant to Section 17(d) of the Act the responsibility for assuring compliance with applicable financial responsibility rules by members of more than one such organization.

Section 17(d) (1) of the Act, as amended, authorizes the Commission, by rule or order, in a manner consistent with the public interest, to relieve any self-regulatory organization of the responsibility imposed by Section 19(g) (1) of the Act with respect to any person which is a member or participant of more than one self-regulatory organization. Conferring broader authority than Section 26 of the 1975 Amendments, Section 17(d) (1) (A) permits the Commission to relieve any self-regulatory organization of the responsibility to receive regulatory reports and to examine for or enforce compliance not only with financial responsibility rules but also with the Act, its rules and regulations as well as for any other regulatory functions the Commission may specify. Section 17(d) directs the Commission, in granting such relief, to consider the regulatory capabilities of the self-regulator, including its procedures, staffing, and location and any other factors the Commission determines to be relevant.

Delegation of Authority Under Rule 17d-1 [17 CFR § 240.17d-1] to the Director of the Division of Market Regulation. Effective immediately, the Commission amends Article 30-3 of the Commission's Statement of Organization; Conduct and Ethics; and Information and Requests [17 CFR 200.30-3] pursuant to Pub. L. No. 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2] to delegate to the Director of the Division of Market Regulation the authority to review and approve requests for designation made pursuant to Rule 17d-1 [17 CFR § 240.17d-1].

Since the foregoing amendment involves matters of agency organization, procedure or practice, pursuant to Section (b) (3) (B) of the Administrative Procedure Act (5 U.S.C. § 551), notice and public procedure are not required.

Rule 17d-1 [17 CFR § 240.17d-1]. Rule 17d-1 [17 CFR § 240.17d-1] is applicable where a member of SIPC is a member of more than one self-regulatory organization and, by virtue of this membership, more than one self-regulatory organization has the obligation under Section 19 (g) (1) of the Act to enforce the provisions of the Act, its rules and regulations, as well as its own rules, as to the same broker or dealer. Paragraph (a) of this section provides that, in such cases, the Commission will designate which of these self-regulatory organizations will be responsible for inspecting the member in order to assure its compliance with applicable financial responsibility rules.

As a necessary counterpart to this designation, under paragraph (b) of the section, all other self-regulatory organizations of which this broker or dealer is a member would be relieved of the regulatory responsibilities designated under paragraph (a). The section permits, but does not require, a self-regulator relieved of responsibility under paragraph (b) to notify customers of the member broker or dealer of the limited nature of its responsibility.

Inspection of Newly-Registered Brokers and Dealers. Section 15(b) (2) (C) requires the Commission to conduct, or to authorize and direct a registered securities association or national securities exchange to conduct, an examination of a broker or dealer within six months from the date of the granting of its registration to determine compliance with the Act, its rules and regulations.

Where a broker or dealer will be subject to inspection for compliance with the Act, its rules and regulations by the self-regulatory organization of which it is a member, an additional inspection by the Commission would constitute an unnecessary duplication of regulatory effort.

Therefore, pursuant to Section 15(b) (2) (C), the Commission authorizes and directs any registered securities association or national securities exchange of which a newly-registered broker or dealer is a member to conduct an inspection of such member broker or dealer within six months of the effective date of its registration. If such a broker or dealer is a member of more than one such self-regulatory organization, the Commission will authorize and direct, based on a consideration of the factors enumerated in Section 17(d), one of such organizations to conduct the examination.

Impact on Competition. Following the mandate of Section 23(a) of the Act, as amended, the Commission has considered the impact of the allocation program, including Rule 17d-1 [17 CFR § 240.17d-1] and the authorization and direction of inspection responsibility to the self-regulatory organizations. The Commission finds that the adoption of these measures will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Effective Dates. Both Rule 17d-1 [17 CFR § 240.17d-1] and the amendment to Rule 30-3 of the Commission's Rules of General Organization [17 CFR § 200.30-3] are effective immediately.

The Commission finds, pursuant to the Administrative Procedure Act (5 U.S.C. § 551 et seq.), that notice and public procedure are unnecessary and that the section may go into effect immediately

[1] See FR Doc. 76-13279 (17 CFR Part 240) appearing in the Proposed Rules section, *infra.*

by reason of following. The section interprets and clarifies the manner in which the Commission exercises the authority expressly granted by Section 17(d) of the Act and by Section 9(c) of the Securities Investor Protection Act of 1970 and further has the effect of granting a partial exemption from Section 19 (g) (1) of the Act for self-regulatory organizations not designated pursuant to paragraph (a) of the section. Further, the section primarily affects self-regulatory organizations already subject to designations made by the Securities Investor Protection Corporation prior to the amendment of Section 9(c) or made, and to be made, by the Commission thereafter. Moreover, any delay between the announcement of the section and its effective date would not serve the public interest but would merely result in some uncertainty and confusion as to the application of the statutory provisions during the period of any such delay.

Statutory Basis and Competitive Considerations. Rule 17d-1 [17 CFR § 240.-17d-1] and amendments to Rule 30-3 of the Commission Rules of General Organization [17 CFR § 200.30-3] are adopted pursuant to Section 17(d), 19 (g) (2), and 23 of the Securities Exchange Act of 1934 and Sections 78d-1 and 78d-2 of Title 15 of the United States Code, and Section 9(c) of the Securities Investor Protection Act of 1970, as amended by Section 26 of the Securities Acts Amendments of 1975.

Comments. The Commission invites comment on the allocation program, specifically on Rule 17d-1 [17 CFR § 240.17d-1].

All communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File S7-624. These comments will be available for public inspection.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

1. Commission action. Pursuant to sections 17(d) (1) and 23(a) of the Securities Exchange Act of 1934, and sections 78d-1 and 78d-2 of Title 15 of the United States Code, the Securities and Exchange Commission adopts amended § 200.30-3 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.30-3 Delegation of Authority to Director of Division of Market Regulation.

* * * * *

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. § 78a, et seq.): * * *

(19) Pursuant to Rule 17d-1 (§ 240.-17d-1 of this chapter) to designate one self-regulatory organization responsible for the examination of brokers and dealers which are members of more than one such organization to insure compliance with applicable financial responsibility rules.

2. Commission action. Pursuant to sections 17(d), 19(g) (2), and 23 of the Securities Exchange Act of 1934 and section 9(c) of the Securities Investor Protection Act of 1970, as amended by section 26 of the Securities Acts Amendments of 1975, the Securities and Exchange Commision adopts Rule 17d-1 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17d-1 Examination for compliance with applicable financial responsibility rules.

(a) Where a member of SIPC is a member of more than one self-regulatory organization, the Commission shall designate by written notice to one of such organizations responsibility for examining such member for compliance with applicable financial responsibility rules. In making such designations the Commission shall take into consideration the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and such other factors as the Commission may consider germane to the protection of investors, the cooperation and coordination among self-regulatory organizations, and the development of a national market system and a national system for the clearance and settlement of securities transactions.

(b) Upon designation of responsibility pursuant to paragraph (a), all other self-regulatory organizations of which such person is a member shall be relieved of such responsibility to the extent specified.

(c) After the Commission has acted pursuant to paragraphs (a) and (b), any self-regulatory organization relieved of responsibility with respect to a member may notify customers of, and persons doing business with, such member of the limited nature of its responsibility for such member's compliance with applicable financial responsibility rules.

[FR Doc.76-13278 Filed 5-6-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-127]

PART 153—ANTIDUMPING

Primary Lead Metal From Australia

A finding of dumping with respect to primary lead metal from Australia was published as Treasury Decision 74-128 in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Australia and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that, having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the FEDERAL REGISTER of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Australia at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74-128, supra, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the FEDERAL REGISTER.

§ 153.43 [Amended]

Accordingly, § 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Australia", and from the column headed "T.D". reference to T.D. "74-128".

This determination is published pursuant to section 153.41(b), Customs Regulations (19 CFR 153.41(b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Dated: May 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-13165 Filed 5-6-76;8:45 am]

[T.D. 76-128]

PART 153—ANTIDUMPING

Primary Lead Metal From Canada

A finding of dumping with respect to primary lead metal from Canada was published as Treasury Decision 74-127 in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Canada and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that, having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the FEDERAL REGISTER of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Canada at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74-127, supra, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the FEDERAL REGISTER.

§ 153.43 [Amended]

Accordingly, § 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Canada", and from the column headed "T.D.", reference to T.D. "74-127".

This determination is published pursuant to section 153.41(b), Customs Regulations (19 CFR 153.41(b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Dated: May 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-13166 Filed 5-6-76;8:45 am]

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 201—RULES OF GENERAL APPLICATION

Safeguarding Individual Privacy

On February 13, 1976, the United States International Trade Commission proposed amendments to Part 201, Subpart D, § 201.24 of Title 19 of the Code of Federal Regulations. Notice of this proposal was published on February 18, 1976, at 41 FR 7431.

The FEDERAL REGISTER notice invited public comment on the proposal amendments. Such comments were to have been submitted to the United States International Trade Commission on or before April 8, 1976. No comments have been received. Accordingly, the Commission adopts the amendments as proposed and set forth below:

Section 201.24 is revised as follows:

§ 201.24 Procedures for requests pertaining to individual records in a records system.

(a) A request by an individual to gain access to his or her record or to any information pertaining to him or her which is contained in the systems of records maintained by the Commission shall be addressed to the Director of Personnel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and shall indicate clearly both on the envelope and in the letter that it is a Privacy Act request.

(b) In order to facilitate location of requested records, the request of the individual shall name the systems of records maintained by the Commission which he or she believes contain records pertaining to him or her or shall reasonably describe the requested record.

(c) The Director of Personnel shall acknowledge receipt of a request within ten days (excluding Saturdays, Sundays, and legal public holidays), and wherever practicable, indicate whether or not access can be granted. If access is not to be granted, the requestor shall be notified of the reason.

(d) The Director of Personnel shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual. Thereupon the Director of Personnel shall: (1) notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and (2) notify the individual of the procedures as prescribed in §§ 201.25 and 201.26 of these regulations by which the individual may gain access to those records maintained by the Commission which pertain to him or her. Access to the records will be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays).

Effective date: These amendments shall be effective June 7, 1976.

By order of the Commission.

Issued: May 4, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-13396 Filed 5-6-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 76F-0101]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

Antioxidants and/or Stabilizers for Polymers

The Food and Drug Administration (FDA) is amending the food additive regulations in § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) to provide for the safe use of 2-hydroxy-4-isooctoxybenzophenone as a stabilizer for use in olefin polymers complying with § 121.2501 *Olefin polymers* (21 CFR 121.2501) in contact with aqueous foods; effective May 7, 1976; objections by June 7, 1976.

Notice was given by publication in the FEDERAL REGISTER of May 5, 1975 (40 FR 19513) that a petition (FAP 4B2934), had been filed by Cincinnati Milacron Chemicals, Inc., West St., Reading, OH 45215, proposing that § 121.2566 be amended to provide for the safe use of 2-hydroxy-4-isooctoxy-benzophenone, known under Chemical Abstracts nomenclature as methanone, [2-hydroxy-4-(isooctyloxy)phenyl]phenyl, as a stabilizer for use in olefin polymers complying with § 121.2501 intended to contact foods of types identified in § 121.2526(c), Table 1, under categories I, IV-B, VII-B, and VIII.

The Commissioner, having evaluated data in the petition and other relevant material concludes that the food additive regulations should be amended as set forth below to provide for the use of the subject additive as a stabilizer for use in olefin polymer intended to contact foods of types identified in § 121.2526(c), Table 1, under categories I, VII-B, and VIII. Data submitted on the additive were not adequate to establish safe conditions for use in contact with foods in category IV-B, oil in water emulsion of dairy products.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting the following new item:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

	Limitations
* * *	* *
2-Hydroxy-4-isooctoxy-benzophenone. Chemical Abstracts (CA) name: Methanone, [2-hydroxy-4-(isooctyloxy)phenyl]phenyl; CA Registry No.: 33059-05-1.	For use only at levels not to exceed 0.5 percent by weight of olefin copolymers complying with § 121.2501(c): Items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3 or 4; *Provided*, That the finished polymer contacts food only of the types identified in § 121.2526(c), table 1, under categories I, VII-B and VIII under conditions of use E, F, and G described in table 2 of § 121.2526(c).

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 7, 1976, 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 regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections