

(2) *Gummy*. Gummy-bodied-butter does not melt readily and is inclined to stick to the roof of the mouth. The intensity is described as "slight" when the butter tends to become chewy and "definite" when it imparts a gum-like impression in the mouth.

(3) *Leaky*. A "leaky" body is present when on visual examination there are beads of moisture on the surface of the trier plug and on the back of the trier or when slight pressure is applied to the butter on the trier plug. The intensity is described as "slight" when the droplets or beads of moisture are barely visible and about the size of a pinhead; "definite" when the moisture drops are somewhat larger or the droplets are more numerous and tend to run together; and "pronounced" when the leaky condition is so evident that drops of water drip from the trier plug.

(4) *Mealy or grainy*. A "mealy" or "grainy" condition imparts a granular consistency when the butter is melted on the tongue. The intensity is described as "slight" when the mealiness or graininess is barely detectable on the tongue and "definite" when the mealiness or graininess is readily detectable.

(5) *Ragged boring*. A "ragged boring" body, in contrast to solid boring, is when a sticky-crumby condition is present to such a degree that a full trier of butter cannot be drawn. The intensity is described as "slight" when there is a considerable adherence of butter to the back of the trier and "definite" when it is practically impossible to draw a full plug of butter.

(6) *Short*. The texture is short grained, lacks plasticity and tends toward brittleness. The intensity is described as "slight" when the butter lacks pliability and tends to be brittle; and "definite" when sharp and distinct breaks form as pressure is applied against the plug.

(7) *Sticky*. When a "sticky" condition is present, the butter adheres to the trier as a smear and possesses excessive adhesion. The intensity is described as "slight" when the smear is present only on a portion of the back of the trier and "definite" when the trier becomes smeary throughout its length.

(8) *Weak*. A "weak" body lacks firmness and tends to be spongy. The intensity is described as "slight" when the plug of butter, under slight pressure, tends to depress and is not firm and compact; and "definite" when the plug of butter, under slight pressure, tends to depress easily and definitely lacks firmness and compactness.

(c) *With respect to color*—(1) *Mottled*. "Mottles" appear as a dappled condition with spots of lighter and deeper shades of yellow. The intensity is described as "slight" when the small spots of different shades of yellow, irregular in shape, are barely discernible on the plug of butter and "definite" when the mottles are readily discernible on the plug of butter.

(2) *Specks*. Specks usually appear in butter as small white or dark yellow particles; however, they may be of variable size. The intensity is described as "slight"

when the particles are few in number and "definite" when they are noticeable in large numbers.

(3) *Streaked*. "Streaked" color appears as light colored portions surrounded by more highly colored portions. The intensity is described as "slight" when only a few are present and "definite" when they are more numerous on the trier plug.

(4) *Wavy*. "Wavy" color in butter is an unevenness in the color that appears as waves of different shades of yellow. The intensity is described as "slight" when the waves are barely discernible and "definite" when they are readily noticeable on the trier plug.

(d) *With respect to salt*—(1) *Sharp*. "Sharp" salt is characterized by taste sensations suggestive of salt. The intensity is described as "slight" when the salt taste predominates in flavor; and "definite" when the salt taste distinctly predominates in flavor.

(2) *Gritty*. A "gritty" salt condition is detected by the sandlike feel of grains of undissolved salt on the tongue or between the teeth when the butter is chewed. The intensity is described as "slight" when only a few grains of undissolved salt are detected and "definite" when the condition is more readily noticeable.

Effective date. This Subpart P shall become effective April 1, 1977.

Done at Washington, D.C. this 25th day of January 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc. 77-2952 Filed 1-31-77; 8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 2]

PART 701—NATIONAL RURAL ENVIRONMENTAL PROGRAMS FOR 1975 AND SUBSEQUENT YEARS

Miscellaneous Amendments

Part 701 of Chapter VII of Title 7 of the Code of Federal Regulations, governing the National Rural Environmental Programs for 1975 and Subsequent Years, is amended as follows:

1. The table of contents is amended by revising the title of § 701.69 to read "Failure to meet minimum requirements or failure to comply fully with program provisions."

§ 701.2 [Amended]

2. Section 701.2(f) is corrected by changing the reference to § 701.11 to § 701.12.

§ 701.4 [Amended]

3. Section 701.4 is amended by deleting paragraphs (b) and (c) and by removing the designation (a) from the remaining paragraph.

§ 701.5 [Amended]

4. Section 701.5 is amended by deleting the words "and apportion the long-term agreement limitations."

5. Section 701.6 is amended by designating the present paragraph as (a) and by adding paragraph (b) as follows:

§ 701.6 Availability of funds.

(b) Funds available for the agricultural conservation program may be made available as needed for practices to be performed under the Naval Stores Conservation Program which is administered in selected States, in accordance with instructions issued by the Deputy Administrator, Programs.

6. Section 701.13 is amended to add paragraph (d) as follows:

§ 701.13 Rates of cost-sharing.

(d) Where the Secretary determines a special effort is necessary to solve specific conservation or environmental problems, he may authorize levels of cost-sharing in excess of 75 percent of the cost for annual agreements.

7. Section 701.16(h) is amended to read:

§ 701.16 Long-term agreements.

(h) A long-term agreement may be revised in accordance with instructions issued by the Deputy Administrator, Programs, by mutual agreement between the signatories to the agreement and the county committee based on approved changes in the conservation plan of operations for the farm or ranch.

§ 701.21 [Amended]

8. Paragraph (a) of § 701.21 is amended by revising the words "debt record" to read "claim record"; paragraph (b) is amended by revising the words in the second sentence "during the program year" to read "under the program for which approved"; paragraph (c)(2) is amended by deleting the second sentence.

§ 701.29 [Amended]

9. Section 701.29 is amended by inserting the words "or parts of counties" after the word counties in the first sentence.

10. Section 701.32(a) is amended by revising the last sentence to read:

§ 701.32 Eligible practices and cost-share requirements.

(a) * * * Such practices may be approved for inclusion in county programs after consultation with program development groups, the recommendation of the county committee, the service forester, the State committee and the State forester.

§ 701.34 [Amended]

11. Section 701.34(b) is amended by deleting the words "program development group" and substituting "committee and State forester."

12. Section 701.35(b) is revised to read:

§ 701.35 Development of county programs.

(b) The program for the county shall be that recommended by the county committee and service forester and approved by the State committee and State forester.

§ 701.69 Failure to meet minimum requirements or failure to comply fully with program provisions.

13. Section 701.69 is amended to add "or failure to comply fully with program provisions" to the heading, by designating the present paragraph as (a) and by adding paragraph (b) as follows:

(b) Notwithstanding the provisions in paragraph (a), the provisions of the programs included in this Part may be waived, except as otherwise prohibited by statute, by the Deputy Administrator, Programs, to grant relief where a person, acting in good faith, failed to fully comply with the program provisions.

14. Section 701.70 is revised to read as follows:

§ 701.70 Practices carried out with aid from ineligible persons.

(a) Except for the Forestry Incentive Program, the entire cost-share for a practice carried out with aid from an ineligible person, including a State or Federal agency, shall be credited to the eligible persons who contributed to the cost of carrying out the practice: *Provided*, That the cost-share credited to an eligible person shall not exceed his contribution to the cost of carrying out the practice: *And Provided further*, That, where authorized by the State committee, the county committee may reduce the cost-share credited to an eligible person where such cost-share plus the contribution of ineligible persons equals the total cost of the practice, but in no case may the cost-share be reduced to less than 50 percent of the contribution of the eligible person.

(b) For the Forestry Incentives Program, aid from an ineligible person shall be deducted from the total cost of carrying out the practice before determining the cost-share to be credited to the eligible persons who contributed to the cost of the practice.

Effective date. Because the changes in this amendment affect farmers, ranchers and other landowners currently making plans concerning participation in the rural environmental programs, it is essential the foregoing amendment be effective as soon as possible. It is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the amendment to the regulations is effective February 1, 1977.

Signed at Washington, D.C. on January 19, 1977.

KENNETH E. FRICK,
Administrator, Agricultural Sta-
bilitization and Conservation
Service.

[FR Doc.77-2960 Filed 1-31-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKET-
ING SERVICE (MARKETING AGREE-
MENTS AND ORDERS; FRUITS, VEGETABLES,
NUTS), DEPARTMENT OF
AGRICULTURE

[Lemon Reg. 76, Amdt. 1]

PART 910—LEMONS GROWN IN
CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 23-29, 1977. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 76 (42 FR 4111). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

§ 910.376 [Amended]

(b) *Order, as amended.* Paragraph (b) (1) of § 910.376 Lemon Regulation 76 (42 FR 4111) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which

may be handled during the period January 23, 1977 through January 29, 1977, is hereby fixed at 190,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: January 27, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Veg-
etable Division, Agricultural
Marketing Service.

[FR Doc.77-3123 Filed 1-31-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMIN-
ISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS
PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS
AND GRANTS

Subpart A—Section 502 Rural Housing
Loan Policies, Procedures, and Authori-
zations

ADEQUATE SERVICING FOR OUTSTANDING
FmHA RURAL HOUSING ACCOUNTS;
CORRECTION

In FR Doc. 76-35707 appearing on page 53009 in the issue for Friday, December 3, 1976, the paragraph added under § 1822.17 shown as "(e)" should have been "(f)."

Dated: January 25, 1977.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-3065 Filed 1-31-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINIS-
TRATION, DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76C-0464]

PART 8—COLOR ADDITIVES

Guaiazulene; Confirmation of Effective
Date

The Food and Drug Administration is confirming January 3, 1977 as the effective date of an order concerning the use of guaiazulene in externally applied cosmetics.

In an order published in the FEDERAL REGISTER of November 30, 1976 (41 FR 52443), § 8.8010 was added to Subpart H of Part 8 (21 CFR Part 8) to provide for safe use of guaiazulene in externally applied cosmetics, and § 8.501(g) was amended to delete azulene from the provisionally listed colors.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), notice is given that no objections or requests for hearing were filed in response to the order of November 30, 1976. Accordingly, the amend-

ments promulgated thereby became effective on January 3, 1977.

Dated: January 25, 1977.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc.77-3058 Filed 1-31-77;8:45 am]

[Docket No. 76C-0408]

PART 8—COLOR ADDITIVES

Ultramarines; Confirmation of Effective Date

The Food and Drug Administration is confirming December 6, 1976 as the effective date of an order concerning the use of ultramarines in externally applied cosmetics, including those intended for use in the area of the eye.

In an order published in the FEDERAL REGISTER of November 5, 1976 (41 FR 48730), § 8.8007 was added to Subpart H of Part 8 (21 CFR Part 8) to provide for safe use of ultramarines in externally applied cosmetics, including those intended for use in the area of the eye, and § 8.501(g) was amended to delete ultramarines from the provisionally listed colors.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), notice is given that no objections or requests for a hearing were filed in response to the order of November 5, 1976. Accordingly, the amendments promulgated thereby became effective on December 6, 1976.

Dated: January 25, 1977.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc.77-3057 Filed 1-31-77;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

South Carolina; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Car-

olina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. South Carolina was certified as having completed all developmental steps in a notice published in the FEDERAL REGISTER (41 FR 32424) on August 3, 1976. On April 27, 1976, a notice was published in the FEDERAL REGISTER (41 FR 17547) approving, among other supplements, Article IV, Regulations for enforcement of standards and administrative review of contested cases, with the incorporation of a letter dated January 15, 1976, containing supplemental assurances. By letters dated February 12, 1976, and March 17, 1976, the State of South Carolina submitted formal amendments to Article IV incorporating those matters covered by their January 15, 1976, supplemental assurance letter. In addition, the State made some State-initiated changes to Article IV. The amendments implementing the supplemental assurances and State-initiated changes are described below.

2. *Description of the supplements.* Article IV, Regulations for enforcement of standards and administrative review of contested cases. (a) Section 4.01A has been amended to require issuance of a citation to an employer regardless of the employer's immediate abatement of the hazard;

(b) Section 4.04B has been amended to be consistent with section 40-271 of the South Carolina Labor Laws in allowing employees, as well as employers, to protest Notification of Failure to Correct a Violation and of the proposed penalty;

(c) Section 4.05A has been amended to require Petitions for Modification of Abatement to state all steps taken by the employer to achieve compliance and what interim steps are being taken to protect employees from cited hazard(s);

(d) Section 4.09 has been amended to insure that after receipt of a Notice of Protest, any action to withdraw, modify, or amend a citation or penalty will be referred to the State Attorney General for handling including preparation of the necessary formal motion, with such motion to be submitted to the assigned Hearing Examiner (if no Hearing Examiner has been assigned, then to the Commissioner) for granting or denial;

(e) Section 4.10Q(2) has been amended to be consistent with procedures in § 4.05A for forwarding Petitions for Modification of Abatement by the Chief Safety Specialist to the Commissioner within 5 working days after expiration of the 10 day protest period.

(f) In addition, the following changes were initiated by the State. Section 4.10Y(2) has been amended to coincide with the 15 days requirement of the South Carolina Labor Laws (40-267) for service of response to interrogatories; and a new § 4.11 entitled Procedure for Review of Hearing Officer's Recommendation, has been added to make provision for any party to request review by the Commissioner of a Hearing Officer's recommendation. The State of South Carolina promulgated the above changes to Article IV on March 11, 1976.

3. *Public Participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the South Carolina plan supplements described above are consistent with commitments contained in the approved plan and supplements which were previously made available for public comment. Accordingly, it is found that further public comment is unnecessary.

4. *Location of the plan and its supplements for inspection and copying.* A copy of the above supplements with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Director of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29206.

5. *Decision.* After consideration, the South Carolina plan amendments to Article IV, as outlined herein, are approved as fulfillment of the supplemental assurances as well as State-initiated changes described in § 1952.104(j). This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In addition 29 CFR 1952.104 is amended to reflect approval of the above changes. As amended § 1952.104(j) reads as follows:

§ 1952.104 Completed developmental steps.

(j) In accordance with plan commitments, South Carolina regulations for enforcement of standards and review of contested cases, Article IV, were revised and repromulgated on June 5, 1975. Further amendment to Section 4.00K (September 26, 1975) and a January 15, 1976, letter of supplemental assurances from Commissioner Edgar L. McGowan are considered integral parts of the approved South Carolina review procedures. On March 11, 1976, the State of South Carolina promulgated the necessary changes to Article IV to fulfill the commitments contained in their January 15, 1976, letter of supplemental assurances.

Signed this 19th day of January, 1977.
(Sec. 18, Pub. L. 91-506, 84 Stat. 1608 (29 U.S.C. 667).)

MORTON CORN,
Assistant Secretary of Labor.
[FR Doc.77-3098 Filed 1-31-77;8:45 am]