

(iv) The State agency is notified at least 15 days prior to the opening of the bids of the time and place of the bid opening.

(6) These standards do not relieve the sponsor of the contractual responsibilities arising under its contracts. The sponsor is the responsible authority without recourse to the State agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into under the Program. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.

(7) Failure by a sponsor to comply with the provisions of this section shall be sufficient grounds for the State agency to terminate participation by that sponsor in accordance with § 225.17 (b).

§ 225.16 Prohibitions.

(a) As provided by the Act, the value of assistance to children under the Program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(b) As provided by the Act, expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

§ 225.17 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the Program shall be in accordance with Attachment K of Office of Management and Budget Circular A-110 (41 FR 32016, July 30, 1976), or Attachment L of Federal Management Circular 74-7 of September 13, 1974, as amended, whichever is applicable.

(b) *Termination for cause.* FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and reasons for the termination, together with the effective date. A State agency shall terminate a sponsor's participation in the Program by written notice whenever it is determined by FNS or the State agency that the sponsor has failed to comply with the conditions of the Program. When participation in a program has been terminated for cause, any funds paid to the State agency or a sponsor or any recoveries by FNS from the State agency or by the State agency from a sponsor shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may termi-

nate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the non-cancellable obligations, properly incurred by the State agency prior to termination. A State agency may terminate a sponsor's participation in accordance with this paragraph.

§ 225.18 Program information.

Sponsors desiring information concerning the Program should write to the appropriate Regional Office of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Massachusetts 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, Vahlsing Center, Robbinsville, New Jersey 08691.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street, N.W., Atlanta, Georgia 30309.

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 1823 Stout Street, Denver, Colorado 80202.

(f) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Texas 75242.

(g) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.559 National Archives Reference Services.)

NOTE.—The reporting and/or recordkeeping requirements contained herein have been

approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: February 25, 1977.

BOB BERGLAND,
Secretary.

[FR Doc. 77-6203 Filed 2-28-77; 8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 2; Docket No. AO-71-A72]

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

oper. 31-10 j. 90-000 folio 88 mach. 71

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations spe-

cified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act:

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1002.50a, the introductory text and paragraph (a) are revised to read as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives milk during any month from a cooperative association of producers which is also a handler but which does not operate the plant or the unit receiving the milk from producers shall pay the cooperative association on or before the 19th day of the following month for such milk at not less than the class prices pursuant to this section, subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81 and 1002.82(b) applicable at the location where the milk was received from producers. Any handler who purchases or receives milk during any month from a cooperative association of producers which is also a handler and which operates the plant or the unit receiving the milk from producers, shall pay the cooperative association on or before the 19th day of the following month for such milk at not less than the class prices pursuant to this section, subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81, and 1002.82(b) applicable at the plant at which the milk was first received. Such payments to a cooperative association shall be deemed not to have been made until the payments have been received by the cooperative association.

(a) For Class I-A milk the price shall be the basic formula price for the second preceding month plus \$2.40.

2. In § 1002.80, paragraphs (a), (b), (c), and (d) are redesignated as para-

graphs (c), (d), (e), and (f), respectively, the introductory text of the section is designated as paragraph (a) and is revised, and a new paragraph (b) is added to read as follows:

§ 1002.80 Time and rate of payments.

(a) On or before the 25th day of each month, each handler shall make payment pursuant to paragraphs (b), (c), (d), (e), and (f) of this section to each producer for all pool milk delivered by such producer during the preceding month at not less than the uniform price, subject to the following adjustments:

(1) Appropriate differentials set forth in §§ 1002.81 and 1002.82;

(2) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk; and

(3) For milk received in a bulk tank unit, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge of up to 10 cents per hundredweight, which in no event shall exceed in the case of Class II milk on which a transportation credit is applicable pursuant to § 1002.55 the actual transportation costs in excess of 10 cents and otherwise actual transportation costs, and in either circumstance only to the extent transportation was actually provided by the handler or at his expense. Any such deduction with respect to bulk tank milk must be made by the handler not later than the date on which the producer is required to be paid for the milk involved. If authorization for such deduction is canceled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler.

(b) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk, each handler, on or before the date on which the payments are otherwise due individual producers, shall pay the cooperative association for milk received during the month from the producer-members of such association an amount equal to not less than the total amount otherwise due such producer-members as determined pursuant to paragraph (a) of this section.

3. Section 1002.85 is revised to read as follows:

§ 1002.85 Payments to the producer-settlement fund.

On or before the 21st day of each month, each handler shall make full payment to the market administrator of the debit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 1002.84. Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator. If the date by which

such payments must be received by the market administrator falls on a Saturday or Sunday or a national holiday, such payments shall not be due until the next day that the market administrator's office is open for public business.

4. Section 1002.86 is revised to read as follows:

§ 1002.86 Payments out of the producer-settlement fund.

(a) On or before the 22nd day of each month, the market administrator shall make payment to each handler of the credit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 1002.84. If the date by which such payments are to be made falls on a Saturday or Sunday or a national holiday, such payments need not be made until the next day that the market administrator's office is open for public business. If payments to the producer-settlement fund under § 1002.85 were delayed because the due date fell on a Saturday or Sunday or a national holiday, payments under this paragraph may be delayed by the same number of days.

(b) If the balance in the producer-settlement fund is insufficient to make the full payment required under paragraph (a) of this section, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received such payments in full from the market administrator shall be deemed to be in violation of §§ 1002.80 through 1002.82 if he reduces his total payments to producers for milk delivered by such producers during the preceding month by not more than the amount of the reduction in payment from the producer-settlement fund.

5. Section 1002.90 is revised to read as follows:

§ 1002.90 Payment by handlers.

As his pro rata share of the expense of administration of this part, each handler shall, on or before the date specified for making payment to the producer-settlement fund pursuant to § 1002.85, pay to the market administrator a sum not exceeding 4 cents per hundredweight on the total quantity of pool milk received from dairy farmers at plants or from farms in a unit operated by such handler, directly or at the instance of a cooperative association of producers and on the quantity for which payment is made pursuant to § 1002.70(d)(2), the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, or the Director of the Division of Dairy Industry of the New Jersey Department of Agriculture, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by

any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

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

Inflation Impact Statement. The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Effective date: April 1, 1977.

Signed at Washington, D.C., on February 23, 1977.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc. 77-6053 Filed 2-28-77; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

This amendment quarantines portions of Charlotte County in Virginia because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Virginia before the reference to "Puerto Rico" and a new paragraph (a) (1) relating to the State of Virginia is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Virginia.* (i) The premises of Yanik's Rainbow Aviary located on the north side of County Road 645 and east of the County Courthouse City limits in Charlotte County.

(ii) The premises of Yanik's Rainbow Aviary located at the Women's Center Building on the north side of State Road 40 W., Charlotte Court House, in Charlotte County.

(iii) The premises of Yanik's Rainbow Aviary located in the Twin Oaks Building, east of the intersection of State Roads 40 and 47, Charlotte Court House, in Charlotte County.

(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; secs.

3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date: The foregoing amendment shall become effective on February 24, 1977.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, 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 the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of February 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

G. V. PEACOCK,

Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 77-6114 Filed 2-28-77; 8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 112—PACKAGING AND LABELING

Miscellaneous Amendments

• **Purpose:** To provide an alternate statement for certain labels, to provide restrictive language for certain labels, and to clarify requirements for rabies vaccine labels.

On July 9, 1976, a notice of proposed amendments to Part 112 was published in the FEDERAL REGISTER at 41 FR 28311. Comments on this proposal were solicited and seven responses were received.

STATEMENT OF CONSIDERATIONS

Section 112.2(a) (10) (i) of the regulations (9 CFR 112.2(a) (10) (i)) presently requires the statement, "No U.S. Standard of Potency", on labels of products for which a standard requirement for evaluating potency has not been developed. In the case of a product containing more than one fraction, if a standard requirement for potency has been established for one or more such fraction, the statement, "U.S. Standard of Potency for (name of fraction) Fraction(s) Only" is required. In addition to comments received on the proposed amendments, the statement, "No U.S. Standard of Potency for the (name of fraction) Fraction(s)." was submitted as a suggested alternative for the statement presently required. This suggestion has been accepted.

Objections to removal of the reference to the Center for Disease Control (CDC), U.S. Department of Health, Education, and Welfare publication pertaining to accidental human exposure to vaccine virus from § 112.2(d) (5) were also received, although the CDC publication does not contain information necessary to properly handle all cases of human exposure to live rabies vaccine viruses.

Subsequent to publication of the proposed amendments, CDC has transferred their responsibilities for the publication of a rabies vaccine compendium to the Association of State Public Health Veterinarians (ASPHV), P.O. Box 13528, Baltimore, MD 21203. This organization is in the process of developing a rabies vaccine compendium which should contain the information needed to handle human exposure cases to animal rabies vaccine viruses.

Final action on amendments to § 112.2(d) (5) is being withheld until suitable recommendations to appear on the labels are developed.

A suggested change in label policy to permit a claim on one label that a product is limited to veterinarians while the same product would be sold to anyone under another label was received in comments from a licensee. This procedure could create false and misleading labeling and the suggested change in policy has been rejected.

Proposed paragraph 112.2(d) (1) contains prescribed statements to be used on the product license and labels when the nature of the product is such that it should be "used by or under the direction of a veterinarian." Suggestion was received from one licensee that the wording be changed to "used by or on the order of a licensed veterinarian."

This suggestion was rejected on the basis that the term "licensed veterinarian" would be unnecessarily restrictive when unlicensed State, county, municipal, and retired veterinarians could satisfactorily administer a biological product. Desirable restriction of a product to "veterinary supervision" would not be fulfilled if the veterinarian "ordered" it to be used on a farm or ranch many miles away.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice of rulemaking, the suggestions received from the comments, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendments of Part 112, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein subject to the following noted modifications:

An alternate statement regarding U.S. Standard of Potency has been added to § 112.2(a) (10) (i) to save label space and facilitate label preparation.

The proposed amendment to § 112.2(d) (5) has been withheld at this time.

1. Section 112.2 is amended by revising paragraph (a) (10) (i) and paragraph (d) to read:

§ 112.2 Final container label, carton label, and enclosure.

- (a) * * *
- (10) * * *

(1) In the case of a biological product for which a standard requirement for evaluating potency has not been established, a statement, "No U.S. Standard of Potency," shall so appear. In the case of a multiple fraction product for which a standard requirement for potency has been established for one or more fractions of such product, the statement, "U.S. Standard of Potency for (name fraction) Fraction(s) Only" or alternatively, "No U.S. Standard of Potency for the (name fraction) Fraction(s)" shall so appear:

(d) Carton labels and enclosures shall be subject to paragraphs (d) (1), (d) (2), and (d) (3) of this section.

(1) The statement, "Restricted to use by or under the direction of a veterinarian" or "Restricted to use by a veterinarian," shall be used on all carton labels and enclosures when such restriction is prescribed on the product license.

(2) If the licensee states on the carton labels and enclosures of a product that its sales are restricted to veterinarians, then the entire production of that particular product in the licensed establishment shall be so restricted by the licensee.

(3) The statement "For veterinary use only" or an equivalent statement may appear on the carton labels and enclosures for a product if such statement is being used to indicate that the product is recommend specifically for animals, and not for humans.

2. Section 112.7 is amended by revising the introductory portion of paragraph (c); by revising paragraphs (c) (1) and (c) (2); by adding paragraphs (c) (3) and (c) (4); by revising paragraph (d) (1); and by adding two new paragraphs, (d) (6) and (d) (7), to read:

§ 112.7 Special additional requirements.

(c) In the case of a biological product containing inactivated rabies virus, carton labels, enclosures, and all but very small final container labels shall include a warning against freezing and the recommendations provided in this paragraph.

(1) A recommendation that intramuscular injection be made at one site in the thigh.

(2) The minimum recommended dose and the minimum recommended number of such doses to be given for immunization as stated in the filed Outline of Production.

(3) Subsequent revaccination recommendations as determined from the results of the duration of immunity studies conducted as prescribed in § 113.129 (b) or (c) or both.

(4) The statement "In high risk areas, annual revaccination is recommended;"

Provided, That such statement need not appear if the label already contains a recommendation for annual revaccination.

(d) * * *

(1) The statement "In high risk areas, annual revaccination is recommended;" Provided, That such statement need not appear if the label already contains a recommendation for annual revaccination.

(6) The minimum recommended dose and the minimum recommended number of such doses to be given for immunization as stated in the filed Outline of Production.

(7) Subsequent revaccination recommendations as determined from the results of the duration of immunity studies conducted as prescribed in § 113.147 (b) or (c) or both.

(21 U.S.C. 151 and 154; 37 FR 28477; 38 FR 19141)

Effective date: These amendments take effect March 31, 1977, except that label changes brought about by these amendments shall be made by all licensees at the next printing of labels to which these changes apply, but in all cases, not later than August 29, 1977.

Done at Washington, DC, this 23rd day of February, 1977.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.
[FR Doc. 77-6042 Filed 2-28-77; 8:45 am]

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

PART 312—OFFICIAL MARKS, DEVICES, AND CERTIFICATES

PART 322—EXPORTS

Export Inspection Marks and Certificates

• Purpose: The purpose of this document is to replace the paper export stamp (Form MP 412-10) with a rubber stamping device for affixing required export marks to domestic products for exportation.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that, pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), the Animal and Plant Health Inspection Service hereby amends Parts 312 and 322 of the Federal meat inspection regulations (9 CFR 312, 322) to eliminate serially numbered paper export stamps and substitute therefor an official rubber stamping device.

Statement of considerations. On March 19, 1976, there was published in

the FEDERAL REGISTER (55 FR 11531-11532), a notice of proposed rulemaking to amend the Federal meat inspection regulations for the purpose set forth above. The regulations currently require a numbered official paper export stamp to be affixed to each outside container, except cloth wrappings, of any inspected and passed domestic product intended for export. The proposal would allow for the substitution of an official rubber stamping device for such paper export stamps.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. No objections have been received and the proposed regulations are hereby adopted without change as set forth below.

1. In § 312.8 paragraph (a) would be amended to read as follows:

§ 312.8 Official export inspection marks, devices, and certificates.

(a) The official export meat inspection mark required by Part 322 of this subchapter shall be in the following form as hereinafter specified:¹



Any rubber stamp approved by the Administrator, in the manner provided for in Part 317 of this subchapter, and bearing the official mark prescribed in this paragraph shall be an official device for the purposes of the Act.

2. In § 322.1, paragraphs (c) and (d) would be deleted, and paragraphs (a) and (b) would be revised to read as follows:

§ 322.1 Manner of affixing stamps and marking products for export.

(a) The outside container (including cloth wrappings) of any inspected and passed product for export, except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution, shall be marked with an official export stamp, as shown in § 312.8 of this subchapter, bearing the number of the export certificate.

(b) Each tank car of inspected and passed lard or similar edible product, and each door of each railroad car or other closed means of conveyance, containing inspected and passed loose product shipped directly to a foreign country, shall be marked with an official export

¹ The number "529893" is given as an example only. The number of the official export certificate will be shown in lieu thereof.

stamp, as shown in § 312.8 of this subchapter, bearing the number of the export certificate.

3. Section 322.2 would be amended by revising the section heading. This change would be reflected in the Table of Contents for Part 322. Also, paragraphs (b) and (h) would be amended. These revisions would read as follows:

§ 322.2 Export certificates; instructions concerning issuance.

(b) Official export certificates shall be issued with serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the number and types of packages, the shipping marks, the kinds of products, and the weight of the products in accordance with § 317.2 of this subchapter.

(h) Upon request, official export certificates may be issued by inspectors for export consignments of product of official establishments not under their supervision, provided the consignments are first identified as having been "U.S. inspected and passed" and are found to be neither adulterated nor misbranded, and marked as required by § 322.1.

In order to allow time to diminish present inventories of the paper export stamps and to procure and distribute the new rubber stamping devices provided by these amendments, the amendments are being made effective May 31, 1977.

Done in Washington, D.C., on January 19, 1977.

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

[FR Doc. 77-5963 Filed 2-28-77; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 77-WA-1]

PART 73—SPECIAL USE AIRSPACE

Designation of Prohibited Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a prohibited area at Plains, Ga. The U.S. Secret Service has requested that aircraft flight be prohibited in the vicinity of President Carter's residence for the security of the President.

Public interest in the President may attract numerous aircraft over the Presidential residence for sight-seeing and photographic purposes. In order to provide adequate safeguards for the protection of the President and persons or property on ground, it is necessary to designate certain airspace above the Presidential residence at Plains, Ga., as

a prohibited area. Under the provisions of § 73.83 no person may operate an aircraft within that area without permission from the FAA as the using agency. Requests for such permission may be made through Air Traffic Control.

Since there is a requirement for the immediate adoption of this regulation, further notice and the public procedure are impracticable and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended by adding a new § 73.88 effective March 1, 1977 as hereinafter set forth.

In § 73.88 (42 FR 705) the following is added:

P-77 PLAINS, GA.

Boundaries. That airspace within one mile each side of a line extending from latitude 32°02'00" N., longitude 84°23'28" W.; to latitude 32°01'03" N., longitude 84° 25'25" W., and within a one mile radius of each of the above coordinates.

Designated altitudes. Surface to 1500 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D.C.

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

Issued in Washington, D.C., on February 18, 1977.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc. 77-6233 Filed 2-28-77; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-986, Amendment 26;
Doc. 27106]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Payroll, Employment Statistics; Revision of Form 41 Schedule P-10

Effective: May 20, 1977.

Adopted: February 22, 1977.

In a Supplemental Notice of Proposed Rulemaking, dated March 25, 1976 (EDR-280B, March 31, 1977; 41 FR 13616), the Board proposed to amend Part 241 of its Economic Regulations (14 CFR Part 241) to revise Form 41 Schedule P-10 "Payroll" to provide the Board with various employment statistics which would be used by the Board's staff in performing various trend, productivity, and cost analyses.

Initially, EDR-280 was issued to require the submission of substantially more detailed work force data for use by the Board's staff in the execution of its regulatory functions. In addition, EDR-280 was also issued to correct certain inherent deficiencies in the present payroll data collection system. While the proposed rule would have succeeded in achieving these two goals, a substantial number of the comments we received re-

garding the proposal questioned whether the Board itself has an actual need for such extensive work force data, and expressed concern as to whether our regulatory need for the proposed additional data is commensurate with the burden which would be placed on the air carriers required to submit such data.

After reviewing the comments submitted in response to EDR-280, we performed a comprehensive, searching self-appraisal of the Board's regulatory need for expanded work force data. Our analysis disclosed that the regulatory benefits derived from the collection of such data do not outweigh the burden which would be imposed on the air carriers which would be required to file the proposed data. In light of these findings, the Board issued a Supplemental Notice of Proposed Rulemaking, EDR-280B, which would relieve the carriers from the burden of filing additional work force data; however, the Supplemental Notice would still correct the deficiencies inherent in the current payroll data collection system. At the same time, the Supplemental Notice proposed a reduction in the current level of reporting by eliminating the reporting of payroll compensation data and reducing the filing frequency for schedule P-10 from quarterly to annually.

The issuance of the Supplemental Notice was thus reflective of the Board's continual concern over the amount of reporting burden imposed on the air carriers. All proposed reporting requirements are reviewed from the standpoint of regulatory need, with burden being weighed against the resultant benefits. Through this process, we are striving to achieve a uniform system of reports which will provide the data required for the Board's regulatory decisionmaking processes at a minimum of burden to the industry. In seeking this goal, we are doing everything possible to assure that reports which no longer support a regulatory need are eliminated while those that are retained are kept to a minimum level of burden.

Comments in response to the Supplemental Notice were received from the Air Line Pilots Association, International (ALPA), Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), Transport Workers Union of America, AFL-CIO (TWU), and United Air Lines, Inc. (United).

A majority of the responses received supported the proposed rule, either completely or partially. Some comments question the relevance of certain portions of the data to be submitted under the proposed reporting requirements while two of the comments maintain that the proposed rule does not go far enough in obtaining meaningful employment data.

Upon full consideration of the relevant matter contained in the comments, we have decided to adopt the rule substantially as proposed. Therefore, except as modified herein, the tentative findings set forth in the Explanatory Statement