rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule A, 300 intermittent positions of guard in the U.S. Marshals Service because examination is not practicable for these positions.

EFFECTIVE DATE: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, (202-632-4533).

Accordingly, 5 CFR 213.3110(d) is added as follows:

§ 213.3110 Department of Justice.

* * * * *

(d) *U.S. Marshals Service.*

(1) Three hundred intermittent positions of guard for employment not to exceed 1040 hours a year.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-16851 Filed 6-13-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Director, Office of International Development Banks, Office of the Assistant Secretary (International Affairs), Office of the Deputy Assistant Secretary (Developing Nations Finance) Department of the Treasury, because the position is confidential in nature.

EFFECTIVE DATE: June 14, 1977.

FOR FURTHER INFORMATION ON POSITION AUTHORITY CONTACT:

Henry A. Ulrich, Civil Service Commission (202-632-3782).

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Mrs. Doris Smith, Department of the Treasury (202-566-5521).

Accordingly, 5 CFR 213.3305(a)(70) is added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(70) Director, Office of International Development Banks, Office of the Deputy Assistant Secretary (Developing Nations Finance).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-16848 Filed 6-13-77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Mountain Plains Regional Office; New Administrative Boundaries, Address of New Office; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared on page 15053 in the FEDERAL REGISTER of Friday, March 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Peake, Chief, Management Analysis Branch, Management Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-8494).

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7847 appearing on Page 15053 in the FEDERAL REGISTER of March 18, 1977 the designation "(Amdt. 25)" is changed to "(Amdt. 26)".

Dated: June 1, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-16952 Filed 6-13-77;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1977 Crop Rice Marketing Quota and Acreage Allotment

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This action is being taken to determine and proclaim a national rice acreage allotment; apportion the national rice acreage allotment to farms and producers in their respective administrative areas; establish the rice allotment for the farm (or in producer administrative areas, the producer allotments allocated to the farm) which will be used to determine loan eligibility and to compute deficiency and/or disaster payments if necessary. The need for this rule is to satisfy the statutory requirements as provided for in Section 352 of the Agricultural Adjustment Act of 1938 as amended by the Rice Production Act of 1975 (Pub. L. 94-214, 90 Stat. 181).

DATES: This determination shall be effective for the 1977 crop of rice.

FOR FURTHER INFORMATION CONTACT:

George H. Schaefer (ASCS) (202-447-6611), P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The need for this rule is to satisfy the statutory requirement as provided for in Section 352 of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act"). Since planting of the 1977 crop of rice is well underway, it is of the utmost importance that farmers be notified of their 1977 producer and farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the notice, public rulemaking and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

It is hereby determined that the national acreage allotment for the 1977 crop of rice shall be 1,800,000 acres.

RULE

Accordingly, 7 CFR 730.1501 to 730.1505 and the title of the subpart are hereby amended with respect to the 1977 crop of rice to read as follows:

Subpart—1977 Crop Rice Marketing Quota and Acreage Allotment

§ 730.1501 [Removed]

§ 730.1502 National acreage allotment for the 1977 crop of rice.

It is hereby determined and proclaimed that a national acreage allotment of 1,800,000 acres shall be in effect for the 1977 crop of rice.

§ 730.1503 Apportionment of the 1977 national acreage allotment of rice to farms and producers.

The national acreage allotment of 1,800,000 acres for the 1977 crop of rice is apportioned to farms and producers on the basis of the rice allotments established for the 1975 crop of rice. The allotment so apportioned within each of the several rice producing States is as follows:

State:	Acres
Arizona	2.4
Arkansas	434,785.0
California	326,428.7
Florida	990.5
Louisiana:	
Farm administrative area	499,326.7
Producer administrative area	18,476.5
State total	517,803.2
Mississippi	50,843.6
Missouri	5,101.5
North Carolina	41.0
Oklahoma	163.0
South Carolina	3,009.6
Tennessee	563.1
Texas	460,268.4
U.S. total	1,800,000.0

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established by the State committees in accordance with Section 353 of the Act, as amended.

State:	Reserve[1]
Arizona	----
Arkansas	----
California	50
Florida	10
Louisiana:	
Farm administrative area	100
Producer administrative area	----
Mississippi	100
Missouri	----
North Carolina	----
Oklahoma	----
South Carolina	----
Tennessee	----
Texas	50

[1] State reserve for new growers, corrections and adjustments.

§ 730.1505 [Removed]

(Secs. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66 as amended, (7 U.S.C. 1301, 1352, 1353, 1354, 1375).)

NOTE.—The Agricultural Stabilization and Conservation 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.

Signed at Washington, D.C., on June 3, 1977.

BOB BERGLAND,
Secretary.

[FR Doc.77-16774 Filed 6-13-77;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM76-24]

PART 1—RULES OF PRACTICE AND PROCEDURE

Petition of Certain Utilities and Others for Amendment of 18 CFR 1.4(d) to Facilitate Settlement or Disposition of Particular Issues in Proceedings Before the Commission

AGENCY: Federal Power Commission.

ACTION: Order terminating proceeding.

SUMMARY: This order terminates a rulemaking proceeding requested by certain utilities and others in order to amend the Federal Power Commission's then existing ex parte rule. The termination is made due to a March 11, 1977, Commission order, published March 16, 1977 (42 FR 14697), amending the ex parte rule in light of § 4 of the Government in the Sunshine Act, Pub. L. No. 94-409; the ex parte rule, as amended, incorporates the substantive provisions contained in the petition initiating this proceeding.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Romulo L. Diaz, Jr., Office of General Counsel (202—275-4866).

ORDER TERMINATING PROCEEDING

MAY 27, 1977.

The Commission, by notice issued July 19, 1976, 41 FR 30688 (1976), stated that it had been requested by certain utilities and others[1] to initiate a rulemaking proceeding to amend § 1.4(d) of its rules of practice and procedure, 18 CFR 1.4(d) (1976), by adding three exceptions to the ex parte rule then in existence. The three requested exceptions were to allow discussions between staff counsel and counsel to any party or parties to the proceeding, to allow discussion between certain designated persons for the purpose of discussing possible settlement, and to allow discussions which all parties agreed might be made on an ex parte basis. Comments were received from a number of interested parties.[2]

On November 15, 1976, the Commission issued a notice, 41 FR 52303 (1976), that the Commission proposed, among other things, to revise and clarify its ex parte rule in light of section 4 of the Government in the Sunshine Act, Pub. L. No. 94-409. On March 11, 1977, the Commission issued Order No. 562, 42 Fed. Reg. 14,697 (1977), amending, among other things, the then existing ex parte rule. The ex parte rule, as amended, incorporates the substantive provisions contained in the petition initiating this proceeding. The instant proceeding should, accordingly, be terminated.

The Commission finds: (1) The termination of the proceeding in Docket No. RM76-24 is appropriate and necessary under the provisions of the Federal Power Act and the Natural Gas Act.

(2) Compliance with the effective date provisions of section 553 of Title 5 of the United States Code in unnecessary.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly 308 and 309 (49 Stat. 858, 859; 16 U.S.C. 825g, 825h) and the provisions of the Natural Gas Act, as amended, particularly Sections 15 and 16 (52 Stat. 829, 830; 15 U.S.C. 717n, 717o), orders:

(A) Effective upon issuance of this order, the proceeding in Docket No. RM 76-24 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

Petitioners in Docket No. RM76-24: Frederick T. Searls, Howard C. Anderson, Debevoise & Liberman, 700 Shoreham Building, 806 15th Street, N.W., Washington, D.C. 20005; and William G. Porter, Jr., Porter, Stanley, Platt & Arthur, 37 West Broad Street, Columbus, Ohio 43215.

On behalf of: Alabama Power Company; Appalachian Power Company; Baltimore Gas & Electric Company; Columbus & Southern Ohio Electric Company; Commonwealth Edison Company; Connecticut Light & Power Company; Duke Power Company; Hartford Electric Light Company; Holyoke Water Power Company; Indiana & Michigan Electric Company; Jersey Central Power & Light Company; Kansas City Power & Light Company; Kentucky Power Company; Kingsport Power Company; Metropolitan Edison Company; Michigan Power Company; Mississippi Power Company; New England Power Company; Northeast Utilities Service Company; Ohio Power Company; Pacific Gas & Electric Company; Pennsylvania Electric Company; Pennsylvania Power & Light Company; Public Service Company of Indiana; South Carolina Electric & Gas Company; Union Electric Company; Virginia Electric & Power Company; Western Massachusetts Electric Company; Wheeling Electric Company; Wisconsin Electric Power Company; and Wisconsin Power & Light Company.

Raymond N. Shibley, Farmer, Shibley, McGuinn & Flood, Suite 850, 1120 Connecticut Avenue, N.W.

On behalf of: Detroit Edison Company; Panhandle Eastern Pipe Line Company; and Trunkline Gas Company.

James N. Horwood, Spiegel & McDiarmid, 312 Watergate Office Building, 2600 Virginia Avenue, N.W., Washington, D.C. 20037—Law firm which represents Municipal Electric Systems and Rural Electric Systems and Rural Electric Cooperatives in twenty-three states.

ATTACHMENT B

William C. Wise, Suite 200, 1019 19th Street, N.W., Washington, D.C. 20036—Attorney for a large number of Rural Electric Cooperatives and Municipal Electric Systems.

Respondents in Docket No. RM76-24: American Bar Association; Cities of Adrian, Minnesota, Et al.; Columbia Gas of Kentucky, Inc., Et al.; Consumers Power Company; The Dayton Power and Light Company; Delmarva Power and Light Company; Executive Committee of The Federal Power Bar Association; FPC Bureau of Natural Gas; FPC Office of Administrative Law Judges; FPC Office of Economics, Bureau of Power, Office of the General Counsel, and Office of

[1] See Attachment A.
[2] See Attachment B.

Special Assistants; Georgia Power Company; Gulf Power Company; Interstate Natural Gas Association of America; The Montana Power Company; Northern Natural Gas Company; Pacific Power and Light Company; Phillips Petroleum Company; Power Authority of the State of New York; Public Service Commission of the State of New York; Public Service Company of New Mexico; Public Service Electric and Gas Company; Southern California Edison Company; Tucson Gas and Electric Company; and Wisconsin Municipal Electric Utilities.

[FR Doc.77-16800 Filed 6-13-77;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950– ....)

Evidence—Death

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: Section 404.704 of Title 20 of CFR, pertaining to evidence of death, is being amended to reflect the repeal of the Missing Persons Act and its replacement by 37 U.S.C. 555, applying to members of the uniformed services and their dependents and 5 U.S.C. 5565, applying to Federal civilian officers and employees and their dependents. The amendment also clarifies that, when a determination of death is made in respect to a missing person under either of these Federal statutes, in absence of evidence establishing a later date, the Social Security Administration shall use the date the person disappeared as the date of death for benefit payments rather than the date of death determined by the other department or agency.

EFFECTIVE DATE: This amendment shall be effective on June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William J. Ziegler, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7415.

SUPPLEMENTARY INFORMATION: On August 25, 1976, there was published in the FEDERAL REGISTER (41 FR 35861) a notice of proposed rulemaking with proposed amendments to Subpart H, Regulations No. 4. The proposed amendment related to a finding of death for a person in missing status by an agency or department of the United States authorized by law to make such a determination. A finding of presumptive death made under section 5 of the Missing Persons Act (56 Stat. 143, 50 U.S.C. App. 1005), as amended, was acceptable to the Social Security Administration only as evidence of the fact of death but not of the date of death. The Missing Persons Act was repealed by Pub. L. 89-554, section 8(a), 80 Stat. 651. Members of the uniformed services and their dependents in a missing status may now be declared dead under 37 U.S.C. 555 (80 Stat. 628). Federal civilian officers and employees and their dependents in a missing status may now be declared dead under 5 U.S.C. 5565 (80 Stat. 492). The enactment of Pub. L. 89-554 resulted in no substantive change when the source law, i.e. section 5 of the Missing Persons Act, 50 U.S.C. App. 1005, was codified in section 5565 of title 5 and in section 555 of title 37 of the U.S.C. As under section 5 of the Missing Persons Act, when a finding of death is made under either 5 U.S.C. 5565 or 37 U.S.C. 555, the finding must include the date death is presumed to have occurred. Although the Federal agency concerned is legally free, upon review of the case, to continue the missing status if there is a reasonable presumption that the individual is alive, should it make a finding of presumed death the date of that death must be set at a time specified by the respective statutes. The date of presumed death is to be either a year and a day after the disappearance or, if the missing status was continued beyond 12 months from the time of the disappearance, a date determined by the agency concerned. These statutes also specify that the date is "for the purpose of the ending of crediting pay and allowances and settlement of accounts" and, in cases involving a member of a uniformed service, for the payment of death gratuities. Therefore, a determination made under these statutes must be accepted by the Social Security Administration as evidence of the fact of death but not of the date of death. The latter date is controlling only with respect to the agency making the determination of presumed death and only for the purposes indicated in the statutes. In the absence of evidence establishing a later date, the Social Security Administration will use the missing date (usually cited in the finding) as the date of death for purposes of benefit payments.

Interested persons were given the opportunity to submit, within 45 days, data, views, or arguments with regard to the proposed changes. The comment period has expired and no adverse comments were received. The proposed amendment is hereby adopted without change and is set forth below.

(Secs. 205, 1102, Social Security Act as amended; 49 Stat. 624 as amended; 49 Stat. 647, as amended, 53 Stat. 1362, as amended; (42 U.S.C. 405, 1302).)

(Catalog of Federal Domestic Program No. 13.805, Social Security Survivors Insurance)

NOTE.—The Social Security Administration 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.

Dated: May 16, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: June 8, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

20 CFR Part 404 is amended by revising paragraph (b) (3) of § 404.704 to read as follows:

§ 404.704 Evidence as to death.

* * * * *

(b) * * *

(3) A certified copy of an official report or finding of death made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States, or a statement of the contents of such report or finding certified by an individual designated in § 404.701 (g) (2) or (3), as appropriate: *Provided, however,* That a finding of presumptive death made pursuant to the missing persons provisions of 5 U.S.C. 5565 or 37 U.S.C. 555, shall be accepted only as evidence of the fact of death and not of the date of death. In the absence of evidence establishing a later date, the Social Security Administration shall use the missing date as the date of death for purposes of benefit payments.

* * * * *

[FR Doc.77-16907 Filed 6-13-77;8:45 am]

[Regs. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart I—Determination of Disability or Blindness

ADDITIONAL MEDICAL CRITERIA FOR DETERMINATIONS OF DISABILITY FOR CHILDREN UNDER AGE 18; CORRECTION

AGENCY: Social Security Administration, HEW.

ACTION: Correction notice.

SUMMARY: This document corrects FR Doc. 77-7605 that appeared at page 14705 in the FEDERAL REGISTER of March 16, 1977.

FOR FURTHER INFORMATION CONTACT:

John W. Modler, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7337.

SUPPLEMENTARY INFORMATION: The following corrections should be made on page 14711:

1. The references in §§ 109.02B2, 109.04B, and 109.05C corrected by changing "§ 100.02B and C" to "§ 100.02A and B."
2. The references in §§ 109.08C, 109.09B, and 109.11C corrected by changing "§ 100.02B or C" to "§ 100.02A or B."
3. The reference in § 109.10 corrected by changing "§ 100.02C" to "§ 100.02B."

Dated: June 8, 1977.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.77-16906 Filed 6-13-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0092]

PART 155—CANNED VEGETABLES

Standard of Identity for Canned Mushrooms

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document provides for optional use of safe and suitable organic acids in processing canned mushrooms where the inside of the container is fully enamel-lined or in glass containers with fully enamel-lined caps. This amendment of the standard of identity for canned mushrooms is based on a proposal issued pursuant to a petition submitted by the Mushroom Processors Association.

DATES: Effective August 1, 1977, except as to any provision that may be stated by the filing of proper objections; objections by July 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Prince G. Harrill, Bureau of Foods (HFF-411), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202-245-1164).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of May 3, 1976 (41 FR 18315), a proposal based on a petition submitted by the Mushroom Processors Association, Box 147, Kennett Square, PA 19348, to amend § 51.990 (21 CFR 51.990), subsequently recodified as § 155.200 by publication in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the standard of identity for canned vegetables other than those specifically regulated, to provide for the optional use of safe and suitable organic acids where enamel-lined cans are used as an alternative to the conventional plain tinplate cans for the canning of mushrooms.

Nine comments were received in response to the proposal. Four comments supported and three opposed the proposal as published. Two comments requested modification of the proposal. The comments and the Commissioner's conclusions are as follows:

1. One comment suggested that there be a statement on the label that "discoloration is not harmful."

The discoloration—on the inner surface of the can and resulting from the reaction of the product with the thin tin-coated containers—was fully discussed in the proposal. This type of tin-coating surface discoloration is not considered to be a health hazard. The Commissioner concludes, however, that discoloration could result from conditions that may be hazardous to health, such as microbial decomposition. Thus, any label statement similar to that suggested by the comment could result in an adultered and potentially hazardous product being erroneously considered suitable for consumption. Therefore, the Commissioner is not providing for such a label statement.

2. One comment argued that many individuals are allergic to foods such as corn and soybeans and as a result are not able to eat either canned fruits containing corn sweeteners or wide varieties of foods containing lecithin derived from soybeans. Further, the comment was of the opinion that even natural food additives should not be permitted in foods.

The Commissioner is aware that some persons are allergic to unpurified derivatives of corn and soybeans. But he is not aware, nor was any information submitted to substantiate the claim, that the acids that would be used for this technological function contain allergens that would be harmful or undesirable.

3. Two comments opposed the exclusion of vinegar as an acidulant. One comment stated that since the flavor of mushrooms acidified with vinegar is unpleasant, its use would be self-limiting. In addition, a second comment stated that no food processor should be statutorily denied the opportunity to use a well-established acidulant.

The Commissioner recognizes that vinegar is commonly used in the manufacture of pickled and spiced mushrooms. He is of the opinion, however, that such foods, because of their distinct flavor, do not purport to be the standardized food. The Commissioner, therefore, concludes that the standard will not provide for the optional use of vinegar for the acidification of canned mushrooms.

4. One comment recommended that the use of safe and suitable organic acids also be permitted with mushrooms processed in glass containers with fully enamel-lined caps.

The Commissioner concurs with the recommendation and is revising the final regulation to so provide.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to revise the standard of identity for canned vegetables other than those specifically regulated, as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner is revising § 155.200(c)(12) to read as follows:

§ 155.200 Certain other canned vegetables.

* * * * *

(c) * * *

(12) A vinegar or any safe and suitable organic acid for all vegetables (except artichokes, in which the quantity of such optional ingredient is prescribed by the introductory text of paragraph (c) of this section, and except canned mushrooms, in which no vinegar is permitted), in a quantity which, together with the amount of any lemon juice or concentrated lemon juice that may be added, is not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article. Organic acid, other than ascorbic acid as provided for in paragraph (c)(7) of this section, shall be used in canning mushrooms only where the inside metal of the container is fully enamel-lined and in glass containers with fully enamel-lined caps.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 14, 1977, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective July 14, 1977, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(a)).)

Dated: June 6, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-16656 Filed 6-13-77;8:45 am]

[Docket No. 76N-0053]

PART 155—CANNED VEGETABLES

Canned Green Beans and Canned Wax Beans; Amended Standards of Identity and Quality

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: These amendments for canned green beans and canned wax beans, based on a proposal responding to comment from a packer, provide for a maximum liquid content requirement for vacuum-pack beans and a method for determining the quantity of liquid in the container. The confirmation of the effective date of revised canned green and wax bean standards is published elsewhere in this issue of the FEDERAL REGISTER, under FDA Docket No. 76S-0053.

EFFECTIVE DATES: Voluntary compliance, including any labeling changes: August 15, 1977. Mandatory compliance for all products initially introduced into interstate commerce: July 1, 1979. Objections by July 14, 1977.

ADDRESSES: Written objections to the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Prince G. Harrill, Bureau of Foods (HFF-411), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204 (201-245-1164).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of April 19, 1976 (41 FR 16475), a proposal to amend the standards of identity (21 CFR 51.10) and quality (21 CFR 51.11) for canned green beans and canned wax beans to provide for a maximum liquid content requirement for vacuum-pack beans and a method for determining the quantity of liquid in the container. Sections 51.10 and 51.11 were subsequently combined and redesignated as § 155.120 (a) and (b), respectively, by recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302).

No comments were received in response to the proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 155 is amended in § 155.120 by revising paragraphs (a)(4)(ii) and (b)(2)(i) to read as follows:

§ 155.120 Canned green beans and canned wax beans.

* * * * *

(a) * * *

(4) * * *

(ii) The following shall be included as part of the name or in conjunction with the name of the food:

(*a*) A declaration of any flavoring that characterizes the product as specified in § 101.22 of this chapter.

(*b*) A declaration of any spice, seasoning, or garnishing that characterizes the product, e.g., "with added spice" or, in lieu of the word "spice," the common name of the spice, e.g., "seasoned with green peppers."

(*c*) The words "vacuum pack" or "vacuum packed" when the weight of the liquid in the container, as determined by the method prescribed in paragraph (b)(2)(i) of this section is not more than 25 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container.

(*d*) The name of the optional style of bean ingredient as set forth in paragraph (a)(2)(iii) of this section or, if a product consists of a mixture of such styles, the words "mixture of ________" the blank to be filled in with the names of the styles present, arranged in the order of decreasing predominance, if any, by weight of such ingredients. If the product consists of whole beans and the pods are packed parallel to the sides of the container, the word "whole" may be preceded or followed by the words "vertical pack," or if the pods are cut at both ends and are of substantially equal lengths, the words "asparagus style" may be used in lieu of the words "vertical pack." If the product consists of short cuts or diagonal short cuts, a numerical expression indicating the predominant length of cut in the finished food may be used in lieu of the word "short", e.g., "½ inch cut."

* * * * *

(b) * * *

(2) * * *

(i) Determine the gross weight of the container. Open and distribute the contents of the container over the meshes of a U.S. No. 8 circular sieve with openings of 2.36 millimeters (0.0937 inch), which has been previously weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of the contents of the container is less than 1.36 kilograms (3 pounds) and 30.5 centimeters (12 inches) if such quantity is 1.36 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth that complies with the specifications for such cloth set forth in the "Definitions of Terms and Explanatory Notes," p. xviii of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.[1] Without shifting the material on the sieve, incline the sieve 17 to 20 degrees to facilitate drainage. Two minutes after drainage begins, weigh the sieve and the drained material. Record in grams (ounces) the weight so found, less the weight of the sieve, as the drained weight. Dry and weigh the empty container and subtract this weight from the gross weight to obtain the net weight. Calculate the percent of drained liquid in the net weight.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 14, 1977, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: Except as to any provisions that may be stayed by the filing of proper objections, compliance with these regulations, including any required labeling changes, may begin August 15, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979, shall comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: June 8, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director, Office of the Federal Register, March 11, 1976. The referenced materials are on file in the Federal Register library.

[FR Doc.77-16784 Filed 6-13-77;8:45 am]

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

[Docket No. 76S-0053]

PART 155—CANNED VEGETABLES

Canned Green Beans and Canned Wax Beans; Confirmation of Effective Date of Amendments and Further Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of revised standards of identity and quality for canned green beans and canned wax beans, published in the FEDERAL REGISTER of April 19, 1976 (41 FR 16454), to more closely conform the standards to international standards. (Appearing elsewhere in this issue of the FEDERAL REGISTER is a regulation, FDA Docket No. 76N-0053, amending the standards for canned green beans and canned wax beans to provide for "vacuum pack" bean products.)

EFFECTIVE DATES: Voluntary compliance, including labeling changes: June 14, 1977. Mandatory compliance for all products initially introduced into interstate commerce: July 1, 1979.